



House of Commons
Procedure Committee

**Private Members' bills:
Observations on the
Government response
to the Committee's
Third Report of Session
2015–16 HC 684**

Second Report of Session 2016–17

*Report, together with formal minutes
relating to the report*

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Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

Current membership

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Powers

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 147. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/proccom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

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Summary

The Procedure Committee believes that too often the present system for considering legislation promoted by backbenchers operates in a way which manifestly misleads the public. This Committee and previous Committees have suggested many sensible and modest reforms, but nothing of any significance has happened. In this report we return to a limited range of proposals for reform which we believe the House should trial. The result would be a system which looked like this:

- Up to four bills in each session would be given priority for consideration by the House on the recommendation of the Backbench Business Committee, based on an assessment of their preparation, the prior consultation undertaken on them and the support for the proposition across the House;
- The total number of bills to be given priority on Fridays, whether by the new route above or through the ballot, would be reduced from 20 to 14;
- The House would explicitly authorise the Speaker and his deputies to apply the existing provisions for imposing time limits on backbench and frontbench speeches to proceedings on sitting Fridays.

If the response to our recommendations is a further period of Government inaction, we believe the House should simply abandon the pretence that there are meaningful opportunities for non-government legislation to be made when that legislation does not have the active support of the Government of the day, no matter what the merits are of the legislation proposed or the level of cross-party support it has.

The business the House considers on sitting Fridays and the way the House conducts such business is now almost entirely orchestrated by the Government. Rarely are private Members' bills now ever defeated in a vote at Second Reading: bills are either handout bills or talked-out bills.

1 Introduction

1. Our report on *Private Members' bills* was published on 18 April 2016,¹ and launched on the floor of the House with a statement from the Chair.² In that report—which built on the substantial work undertaken by our predecessor Committee in the 2010–15 Parliament³—we recognised the continuing dissatisfaction, both inside and outside the House, with the process for consideration of legislation proposed by backbenchers. We set out a number of measured and realistic reforms, with the primary aims of increasing transparency and restoring public and parliamentary confidence to a process which too often appears to be broken and discredited.

2. Our key proposal was to supplement the ballot system for selecting Members to present bills with a scheme that would encourage better preparation of draft legislation of the type likely to merit serious consideration by the House. Under this scheme, the Backbench Business Committee would have the responsibility of considering bids from backbenchers for bills to be debated at second reading in no more than the first four backbench legislative opportunities in each session. The merits of each draft bill presented to that Committee would be considered, and it would not be obliged to recommend any bill for a priority legislative slot in a session if it considered that no bill merited such treatment.

3. We also recommended that Standing Orders should be amended to provide for a guaranteed vote on Second Reading of any bill which is the first order of the day on the first seven sitting Fridays in a session.

4. We recommended procedural and technical reforms designed to address a further fundamental problem that we identified: namely that present procedures lack transparency and are often used for political campaigning rather than genuine legislative change. Too often the lack of transparency lowers the reputation of the House in the eyes of the public, as campaigns masquerading as legislative proposals are presented in a way which deceives the public as to the chances of achieving the change in legislation which is ostensibly proposed.

5. The present system is constructed in a way which encourages the presentation of loosely-drafted bills, full of measures inviting unintended consequences, which do not necessarily merit further consideration. While the private Member's bill procedure may well be used to advance causes which will prompt the Government to subsequent action, we consider that the process should be used for well-thought-out proposals which are drafted and introduced with the intention of reaching the statute book.

6. The task of preventing unsatisfactory bills from making further progress, on those days when they are set down for debate, falls to backbenchers who make full use of the procedural opportunities available to them to ensure that such bills do not make further progress.⁴ Some bills can be so poorly drafted and thought out that, despite our reluctance to condone the practice of talking at length to halt the progress of a bill, they

1 Third Report of Session 2015–16, [Private Members' bills](#), HC 684

2 HC Deb, 18 April 2016, cols 667–669

3 Second Report of Session 2013–14, [Private Members' bills](#), HC 188 (September 2013) and Fifth Report, Session 2013–14, [Private Members' bills: Government response and revised proposals](#), HC 1171 (March 2014)

4 Bills which do not fall to be debated are prevented from progressing further by a formal objection, usually lodged by a Government Whip, at 2.30 pm on a Friday.

necessitate this kind of intervention. However, it should not fall to backbenchers to ensure that unsatisfactory bills do not advance further. It would, in truth, be a more honest and transparent reflection of the forces at work if the task of ensuring that such bills did not progress further fell to the Government.

7. The system which we have recommended should still allow Members to take their chances in the ballot, but will actually encourage serious legislators on the backbenches to bring forward mature legislative proposals which may have taken a year or more to prepare.

8. We received a response to our April 2016 report on 13 June 2016 from the administration led by the former Prime Minister, Rt Hon David Cameron MP. It is published as an appendix to this report. The response accepted some of our predecessor Committee's second-order recommendations which we endorsed, in particular those aimed at increasing transparency and understanding of the system. It also accepted a number of our subsidiary recommendations relating to the information about private Members' bills published in the House's Future Business paper and on the Parliament website.

2 Observations on the Government response

9. We note with concern that in its response to our April 2016 report the previous administration failed to commit to a substantive debate on a motion to bring our proposals into effect. We note also that the report made by our predecessors in March 2014 received no response before the dissolution of Parliament in March 2015. It is hard to avoid the conclusion that the previous administration had been dodging the serious issues raised by an increasingly discredited legislative process and failing to meet its responsibilities to the House.

10. The behaviour above has been going on for far too long. Efforts to increase the transparency and reputation of the process must no longer be subject to continued procrastination: the House must have an opportunity to come to a decision on our proposals. We are concerned that the Government may fail yet again to engage with the main recommendations of our 2016 report and with our sensible and constructive proposals. If that is the case we may have no option but to advocate abandoning balloted private Members' bills altogether and dispensing with the deception that this House offers backbenchers any serious legislative opportunities.

11. The Government suggested that “the Backbench Business Committee may wish to allocate time for a General Debate in the House” to consider our proposals. This is not satisfactory. Implementation of our proposals would require the House to agree upon changes to Standing Orders. Such changes should be put formally to the House for a decision on a motion moved by a Minister of the Crown. A general debate in backbench time does not provide the means to make the necessary changes. We also note that the House has already had the opportunity to discuss reforms to the private Members' bill system in a general debate in Westminster Hall.⁵

Prioritising certain bills on merit

12. We noted in our report that the ballot system “tends to discourage the measured preparation of legislation for introduction” because it encourages legislation to be considered for introduction only once a Member has secured a ballot slot to introduce a bill.⁶ We recommended the introduction of a system where the Backbench Business Committee would consider bids from backbenchers for the introduction of bills. The Backbench Business Committee could choose up to four bills which would have their second readings debated in the first four backbench legislative opportunities in each session. Should the Committee consider that no bills merited such priority treatment, it would be under no obligation to recommend any.

13. The Government was “not convinced that the majority of Members would endorse a supplementary ballot system” and “remained concerned that the proposed change might be seen [as] limiting opportunities for backbench Members”.⁷ We find this argument against our proposals wholly unconvincing. We are confident that our proposed system is robust enough to at least be piloted. The most effective way to find out whether Members

5 HC Deb, 13 April 2016, col. 85WH

6 Third Report of Session 2015–16, [Private Members' bills](#), HC 684, para 39

7 Appendix, p.22.

will endorse our proposals is to have them debated in the House and put to a vote. Our proposals were designed to encourage substantial and well-prepared legislative proposals to be brought forward for priority consideration. It is in the interest of all Members, and of the Government, for proposed legislation to be better prepared. This proposal of given effect should ensure that some high quality legislation originating from backbenchers reaches the floor of the House for debate.

14. Accordingly, *we repeat our recommendation that Standing Orders be amended to provide that the Backbench Business Committee shall determine up to four bills, to be set down as first order of business on the earliest sitting Fridays adopted by the House; and that a ballot then be held to determine Members to bring forward additional private Members' bills, up to the total number of such bills to be allocated priority in each session.*

Consequences for the Backbench Business Committee

15. In order for the system outlined above to work as smoothly as possible, we proposed that the Chair of the Backbench Business Committee elected for the 2016–17 Session should continue to serve as Chair of that Committee for the 2017–18 Committee. The Government did not believe that it would be “possible to implement such a change in a timely way given the proposal to debate these matters further”.⁸

16. We disagree—there is plenty of time to implement this proposal. We fully accept the unique position of the Backbench Business Committee and the necessity to hold both the Chair and the Members to account regularly, and sessional elections are an obvious way of achieving this. However the length of time between the Queen’s Speech at the start of a session and the election of the Chair and appointment of members of the Committee would make the mechanics of our proposal difficult to achieve.⁹ It is also, we would add, the cause of an unfortunate hiatus in the rest of the Committee’s work in performing the duties the House has set it.

17. *We recommend that the Standing Orders should be amended to provide for the Chair and the Members of the Backbench Business Committee to continue in post after a prorogation until the date of election and appointment of the next Chair and Members in the new session.* This proposal would not only facilitate the smooth running of our key recommendation but would also provide continuity in the work of the Backbench Business Committee, so that there is no hiatus in their standard work, while at the same time maintaining that Committee’s full accountability to the House.

Guaranteed vote on second reading

18. We recommended that the House should have the chance to decide on whether bills which are the first order of business on the first seven sitting Fridays should progress to examination in committee. This would reduce the number of bills which fail to receive a Second Reading because a Member has “talked a bill out” (that is, spoken on a bill

8 Appendix, p.22.

9 The Queen’s Speech at the start of the 2016–17 session was on 18 May 2016. The Chair was elected on 24 May. Committee Members were not appointed by the House until 13 June.

up to and beyond the time at which, under the House's Standing Orders, substantive proceedings must lapse). We recommended that the guaranteed vote on second reading should be achieved by amendment of the Standing Orders (rather than by convention).

19. We agree with the Government that "it is an important principle for the House to have time to duly consider bills"¹⁰ and we acknowledge the option of claiming the closure to ensure that the Question is put. Our proposals would not have reduced the time available for the House's consideration of a bill at Second Reading on any Friday in the 2015–16 Session. They may well have reduced the scope available to a Minister to dilate at the Despatch Box as the last speaker in a Second Reading debate, requiring instead that a Minister must argue persuasively against a Bill within the time available on the day rather than relying on remarks prepared just to extend the debate beyond 2.30 pm.

20. The Government points out that the closure is available to Members in order to ensure that a bill receives a vote at Second Reading. In this assertion the Government ignores several current realities of parliamentary life. Members are increasingly unwilling to give up time in their constituencies to be in the Chamber for a debate in which they often find themselves unable to make a speech, or, in order not to hamper the bill's chances of progressing, able to make only a very short speech: those Members who do wish to speak in support are loath to do so at length if there is a likelihood that those in opposition will speak with the express purpose of talking out the bill. Claims for a closure motion are accepted at the strict discretion of the Chair, and there is no guarantee that a closure will be granted on a bill which is not the first order of business on any given Friday. To achieve a closure when it is granted and opposed there must be at least 102 supporters of a bill in the House: there is of course no possibility of 102 Members being called to speak in a debate on a Friday. So there is a decreasing likelihood that Members will turn up to vote on a closure motion, and then a Second Reading, on any bill when in reality the odds are stacked against its progress.

21. While we acknowledge that the House must have time for adequate consideration of bills, we also recognise that the rights of all Members who wish to participate in such consideration should be able to do so. We therefore consider that the Chair should be free to apply time limits on days where private Members' bills have precedence. We recognise that while the Chair already has the power to do so (under Standing Order No. 47), its occupants have not been prepared to invoke this power on sitting Fridays since this would change the rules of engagement without the clear endorsement of the House.¹¹

22. We anticipate that, with the endorsement of the House, the Chair would use the power in Standing Order No. 47 to enable all backbench speakers wishing to be called in a debate to participate, and to allow sufficient time for a Minister to make concluding remarks. Since the provisions of paragraph 3 of Standing Order No. 47, which allows the Speaker to announce time limits of 20 minutes for the Minister, the Opposition frontbencher and the spokesperson for the second largest Opposition party, are rarely used by the Chair, the Opposition or Government frontbenchers could still attempt to talk out a bill: in these circumstances it would be for the bill's sponsor to claim the closure. It would of course be open to the Chair to impose the 20-minute time limit in exceptional

10 Appendix, p.21.

11 For example, the Deputy Speaker declined to impose time limits on speeches on Second Reading of the Assisted Dying (No. 2) Bill in Session 2015–16, despite the fact that the debate was clearly oversubscribed: HC Deb, 11 September 2015, col. 656.

circumstances—for instance, if a Minister were to speak at great length to seek to avoid a vote on a bill where overwhelming support for the measure had previously been expressed in debate.

23. *We recommend that the House should explicitly approve the use of Standing Order No. 47 by the Chair on days where private Members' bills have precedence in line with current practice in other debates, including backbench debates.*¹²

24. Should the House wish to consider the option of a guaranteed vote on Second Reading on the bill which is the first to be debated on each of the first seven Fridays, we propose a draft Standing Order change which would achieve this objective.¹³

Number of ballot bills

25. We are not persuaded by the Government's argument that the number of bills selected for priority consideration (that is, ballot bills) should not be reduced because it "would reduce opportunities for Members to develop policy and engage with departments and Ministers".¹⁴

26. Our recommendation was based on the rationale that, currently, of the twenty Members whose names are drawn in the ballot, the first seven have the best chance of their bill progressing. While the following seven have longer odds, they still have the chance to progress provided that their bills are not themselves controversial and they choose a Friday where the first bill is similarly uncontroversial. (They may also have the chance to progress even if they choose one of the later six Fridays when second readings do not take precedence.) This reckoning has underpinned tactical calculations on private Members' bills for decades—indeed, when a previous Procedure Committee considered the matter three decades ago, it was assumed that only the bills set down first on the days when Second Readings had precedence would have any chance whatsoever of progress.¹⁵ As we noted in our recent report, the final six bills have very little chance of progressing to a Public Bill Committee without explicit Government support.¹⁶ If a bill did so progress, it would be unlikely to have enough time before the end of a session to go through Committee, Report stage and Third Reading, not to mention all stages in the House of Lords, unless its passage were cleared in advance.

27. The fact that six Members will be drawn from the ballot whose bills are almost guaranteed to make no progress without active Government assistance is a contributing factor to the lack of transparency and comprehensibility in the system. As we noted in our previous report, Members drawn at low positions in the ballot face an unappealing and potentially fruitless session seeking to make progress with their bills.¹⁷ Therefore reducing the number of bills drawn from the ballot (or otherwise given priority) would mean that the percentage, though not the total, of bills which had a chance of making progress would increase. We consider that this would result in greater transparency and a better understanding of the likely outcomes for ballot bills.

12 A draft motion to this effect can be found in Annex 1.

13 A draft motion to this effect can be found in Annex 1.

14 Appendix, p.22.

15 Select Committee on Procedure, Second Report of Session 1986–87, *The Use of Time on the Floor of the House*, HC 350, para 66

16 Third Report of Session 2015–16, [Private Members' bills](#), HC 684, para 52

17 Third Report of Session 2015–16, [Private Members' bills](#), HC 684, para 53

28. The Clerk of the House told us that the limit of 20 names “has never been a Standing Order limit and is to some extent arbitrary”.¹⁸ We note that the Speaker has discretion to decide how many bills are given priority consideration in the ballot. Therefore, *we invite the House to agree a resolution that the Speaker may exercise his discretion over the number of Members to be drawn in the ballot.*¹⁹

Other proposals

29. We repeated in our report the recommendation of our predecessor Committee that “the possibility of a monopoly of the limited opportunities for debate of private Members’ bills by a single Member be reduced by amending Standing Orders to permit that a private Member may present only a single bill on any one day”.²⁰ The Government did not agree with our proposal, stating that it “does not wish to restrict the opportunity for Backbenchers to present legislation”²¹. This argument misses the point of our proposal: we wish to ensure that all backbench Members have the opportunity to present legislation. We do not consider that this objective is best achieved by the present system. Presently, on the first day when notice of presentation bills may be given, a Member who is first in the queue at the Public Bill Office may give notice of multiple bills, and claim slots for the second reading of each bill which immediately follow the slots assigned to ballot bills on each sitting Friday, thereby monopolising any debating time on Fridays which may remain after proceedings on ballot bills are disposed of. This “winner takes all” practice can itself contribute to the gaming of procedures on sitting Fridays.

30. Therefore, *we repeat our recommendation that the Standing Orders be amended to permit that a private Member may present only a single bill on any one day.*²²

31. *In response to the evidence our predecessors received relating to the incomprehensibility to the general public of the process, we recommended that the term ‘Private Members’ Bills’ be replaced with “backbench bills”. We believe that the term ‘backbencher’ is more easily understood than ‘private Member’ and will therefore go some way in helping the public to understand the purpose of the process. This is not a matter for the Government, it is a matter for the House. Accordingly, we repeat our recommendation that, in the Standing Orders and elsewhere where reference is made to them, the term “Private Members’ Bills” be replaced with “backbench bills”.*²³

32. Apart from the proposals above—which appear to remain controversial in certain quarters—we made a number of recommendations in our previous report which the administration under Rt Hon David Cameron MP accepted. Some of our proposals require changes to the Standing Orders, some require the House to agree a resolution and others are simple administrative changes to increase transparency.

33. *We recommended that the deadline for printing a bill—that is, producing a fully drafted piece of legislation, in place of a “long title”—be brought forward to the Wednesday of the week prior to the day of its Second Reading. We maintain this recommendation.* A draft Standing Order change is annexed to this report.

18 Written evidence to the Committee’s inquiry from the Clerk of the House of Commons [PMB 15] para 8

19 A draft motion to achieve this recommendation can be found in Annex 1.

20 Third Report of Session 2015–16, [Private Members’ bills](#), HC 684, para 62

21 Appendix, p.23.

22 A draft Standing Order change to achieve this recommendation can be found in Annex 1.

23 Draft Standing Order changes to achieve this recommendation can be found in Annex 1.

34. Our previous report also set out the following recommendations, which have been agreed to by the Government:

- a) that the expectation be removed that a bill will be immediately brought in if leave is granted after a motion is passed under the ten minute rule;
- b) after the last sitting Friday of a session, any ten minute rule bill introduced should be ordered to lie upon the Table, and should not be printed; and
- c) that the Future Business paper should list private Members' bills only when they have been set down for a day on which private Members' bills have precedence.

We recommend that the House has an opportunity to agree to our proposals on the formal introduction of ten minute rule bills and the listing of bills set down for a future day by endorsing motions to enable them. Draft motions to achieve this are set out in Annex 1.

35. Other recommendations which were agreed to by the Government were:

- a) following the last sitting Friday of each session, the Future Business paper should no longer carry notices concerning any private Member's bill, and a list of bills not disposed of should be separately published on the Bills before Parliament website; and
- b) all unprinted private Members' bills should be clearly indicated as such on the Future Business paper and on the Bills before Parliament website.

We have taken advice from the Clerks and consider that these changes are merely administrative and can be made by the House service without further debate. We have therefore written to the Clerk of the House and the Principal Clerk of the Table Office to ask them to make these changes. A copy of our correspondence is printed in Annex 2.

A decision by the House on the Committee's proposals

36. We have made clear on several occasions that the private Members' bill process cannot continue in its current form. We see no point in continuing with a system that is so enormously damaging to the reputation of the House and to the legislative process. In the teeth of the obduracy of successive Governments on this matter, we and our predecessors have come forward with a series of incremental, rational and modest proposals for reform. We invite the House to experiment with them, to be prepared to evaluate and re-evaluate their effectiveness, and to be prepared to look again if the consequences are not what was intended or if the experiments suggest further beneficial options for reform.

37. In the last twenty years or so the House has seen something of a revolution in its procedures, including the creation of sittings in Westminster Hall, programming of virtually all government legislation, the re-invention of backbench business, and most recently the introduction of the elaborate machinery of English votes for English laws. Meanwhile, procedures for backbench legislation have remained in their current state, resting on procedural practices and assumptions which would be familiar to Members of

a century, if not two centuries, ago. There are arguments to be made for tradition, but they are unconvincing when adherence to past rituals makes the House look ridiculous, puny and ineffectual.

38. The House must have the opportunity to decide on our proposals, which will go some way to provide a solution to the deep concerns that many Members and the public have with the private Members' bill process. We look forward to this administration providing time for a debate and decision on our proposals at the earliest opportunity. The outcome for which we aim is a system of backbench bills which encourages the bringing forward of seriously intended and achievable proposals for legislation; which makes sense to outside observers; and which gives a chance for rational and persuasive debate to triumph over shadowy gamesmanship.

39. Without meaningful change to the present process, we find it difficult to see how there can be any viable future for the consideration of private Members' bills on Fridays: unless action is taken in short order, it is quite possible that support for the House sitting on any Friday may further diminish.

Recommendations

Prioritising certain bills on merit

1. *We repeat our recommendation that Standing Orders be amended to provide that the Backbench Business Committee shall determine up to four bills, to be set down as first order of business on the earliest sitting Fridays adopted by the House; and that a ballot then be held to determine Members to bring forward additional private Members' bills, up to the total number of such bills to be allocated priority in each session. (Paragraph 14)*

Consequences for the Backbench Business Committee

2. *We recommend that the Standing Orders should be amended to provide for the Chair and the Members of the Backbench Business Committee to continue in post after a prorogation until the date of election and appointment of the next Chair and Members in the new session. (Paragraph 17)*

Guaranteed vote on second reading

3. *We recommend that the House should explicitly approve the use of Standing Order No. 47 by the Chair on days where private Members' bills have precedence in line with current practice in other debates, including backbench debates. (Paragraph 23)*

Number of ballot bills

4. *We invite the House to agree a resolution that the Speaker may exercise his discretion over the number of Members to be drawn in the ballot. (Paragraph 28)*

Other proposals

5. *We repeat our recommendation that the Standing Orders be amended to permit that a private Member may present only a single bill on any one day. (Paragraph 30)*
6. *In response to the evidence we received relating to the incomprehensibility to the general public of the process, we recommended that the term 'Private Members' Bills' be replaced with "backbench bills". We believe that the term 'backbencher' is more easily understood than 'private Member' and will therefore go some way in helping the public to understand the purpose of the process. This is not a matter for the Government, it is a matter for the House. Accordingly, we repeat our recommendation that, in the Standing Orders and elsewhere where reference is made to them, the term "Private Members' Bills" be replaced with "backbench bills". (Paragraph 31)*

7. *We recommended that the deadline for printing a bill—that is, producing a fully drafted piece of legislation, in place of a “long title”—be brought forward to the Wednesday of the week prior to the day of its Second Reading. We maintain this recommendation. (Paragraph 33)*
8. *We recommend that the House has an opportunity to agree to our proposals on the formal introduction of ten minute rule bills and the listing of bills set down for a future day by endorsing motions to enable them. (Paragraph 34)*

Annex 1: Proposed motions for Standing Orders and resolutions to give effect to the Committee's recommendations

The following motions will be required to give effect to the Committee's recommendations:

A. The Backbench Business Committee to determine up to four Bills to have priority on the first four sitting Fridays of each session, and a ballot be held to determine Members to bring forward additional bills, up to the total number of bills to be allocated priority in that session. (Paragraph 14)

That the following change to Standing Orders be made:

In Standing Order No. 152J (Backbench Business Committee), in line 43, add:

“(9) The Committee shall, not later than the second Wednesday on which the House shall sit in each session, report its determination of no more than four bills sponsored by Members who are not Ministers of the Crown which shall receive priority consideration by the House should they be presented on the fifth Wednesday on which the House shall sit in that session pursuant to Standing Order No. 14(10);”

In Standing Order No. 14 (Arrangement of public business):

(a) in line 89, at end insert–

“(9A) The Backbench Business Committee shall publish its determination of bills for priority consideration under Standing Order No. 152J(9) not later than the second Wednesday on which the House shall sit in each session, or may report that it has made no determination; publication of the determination shall be taken as notice of presentation of each bill listed in the determination by the sponsoring Member; each such bill shall be presented by the Member named in the determination, or by another Member named by that Member in writing to the Clerks at the Table, on the fifth Wednesday on which the House shall sit during the session; and the bills shall be presented in the order specified by the Committee, and before those bills specified in paragraph 10 of this Order.”

B. That the Chair and Members of the Backbench Business Committee should continue in post following prorogation until the date of the election and appointment of the Chair and Members in the new session. (Paragraph 17)

That the following changes to Standing Orders be made:

Standing Order No. 152J (Backbench Business Committee) shall be amended as follows:

After paragraph (2) insert the following new paragraph:

“(2A) Unless the House otherwise orders, each Member nominated to the Backbench Business Committee shall continue to be a member of the Committee until the date of election of a chair of the Committee in the subsequent session.”

In paragraph (3), leave out ‘for the remainder of the session in which that person is elected as chair’ and insert ‘except when a dissolution intervenes until the date of election of a chair in the subsequent session,’

C. The House should explicitly approve the use of Standing Order No. 47 (Time limits on speeches) by the Chair on days where private Members’ bills have precedence. (Paragraph 23)

That in the opinion of this House the Speaker should be free to apply the provisions of Standing Order No. 47 (Time limits on speeches) in debates on days on which backbench bills have precedence.

D. A guaranteed vote on Second Reading on the bill which is first to be debated on each of the first seven Fridays on which private Members’ bills have precedence. (Paragraph 25)

That the following change to Standing Orders be made:

In Standing Order No. 11 (Friday sittings), in line 31, at end insert—

“(5A) Where the second reading of a bill stands as the first order of the day on a Friday, the Speaker shall put the question that the bill be now read a second time (and on any amendment to that question that has been selected) at the moment of interruption if it has not previously been disposed of.”

E. The Speaker to exercise discretion over the number of Members to be drawn in the ballot. (Paragraph 28)

That in the opinion of this House the Speaker has discretion to vary the number of Members to be drawn in the ballot specified in paragraph 10 of Standing Order No. 14 (Arrangement of public business), having regard to the relevant recommendations of the Procedure Committee in its Second Report of Session 2016–17, HC 701.

F. Standing Orders to be amended so that a private Member may present only a single bill on any one day. (Paragraph 30)

That the following change to Standing Orders be made:

In Standing Order No. 57 (Presentation and first reading), in line 2, at end insert:–

“(1A) Such notice shall be given in the Public Bill Office by the Member in person or by another Member on his or her behalf, but on any one day not more than one notice shall be accepted from any one Member.

(1B) Paragraph (1A) of this order shall not apply to notices given by a Minister of the Crown.”

G. The term 'private Members' bills' to be replaced with 'backbench bills'. (Paragraph 31)

That the following changes to Standing Orders be made:

In the following places, leave out "private Member's" or, as the case may be, "private Members" and insert "backbench":

Standing Order No. 12 (House not to sit on certain Fridays), lines 2–3

Standing Order No. 14 (Arrangement of public business), lines 68–9, 79, 82–83, 90, 108, 113, 118

Standing Order No. 19 (New writs), line 4

Standing Order No. 59 (Law Commission bills), line 3

Standing Order No. 84A (Public bill committees), lines 26 and 27–8

Standing Order No. 90 (Second reading committees), lines 13, 14 and 22

Standing Order No. 97 (Scottish Grand Committee (bills in relation to their principle)), lines 16, 41, 2 and 53

Standing Order No. 113 (Northern Ireland Grand Committee (bills in relation to their principle)), lines 3 and 35;

In Standing Order No. 14 (Arrangement of public business), leave out "private Member" and insert "Member, other than a Minister of the Crown";

In Standing Order No. 84A (Public bill committees), line 31, leave out "private Member in charge of a" and insert "Member in charge of a backbench".

H. That the deadline for publishing a bill be brought forward to the Wednesday of the week prior to the day of second reading. (Paragraph 34)

That the following change to Standing Orders be made:

In Standing Order No. 14 (Arrangement of public business), leave out paragraph 13 and add the following paragraphs:

"(13) An order appointing a day for the second reading of a private Member's bill shall lapse at the rising of the House on the Wednesday of the week prior to the day so appointed if at that time the bill has not been published and delivered to the Vote Office, and the House shall make no further order appointing a day for the second reading of the bill until it has been published;

Provided that if the House is not sitting on that Wednesday, the order appointing a day for second reading of the bill shall lapse as soon as the House meets again if the bill had not been published and delivered to the Vote Office on the preceding Friday."

I. That the expectation be removed that a bill will be immediately brought in if leave is granted after a motion is passed under the ten minute rule. (Paragraph 34)

That any Member who has received the leave of the House to bring in a bill under Standing Order No. 23 (Motions for leave to bring in bills and nomination of select committees at commencement of public business) shall resume his or her seat after leave has been granted, and may present the bill on a future day.

J. After the last sitting Friday of a session, any ten minute rule bill introduced should be ordered to lie upon the Table, and should not be printed. (Paragraph 34)

That any bill given leave to be introduced under Standing Order No. 23 (Motions for leave to bring in bills and nomination of select committees at commencement of public business) shall, if presented on a day after the last Friday on which backbench bills have precedence, be ordered to lie upon the Table, and shall not be printed.

K. Future Business should list private Members' bills only when they have been set down for a day on which private Members' bills have precedence. (Paragraph 34)

That notice of further proceedings on any backbench bill should be published only if the day in respect of which notice has been given is a day on which the House has ordered that backbench bills should have precedence.

Annex 2: Letter from the Chair of the Committee, Mr Charles Walker MP, to the Clerk of the House

As you will know, the Procedure Committees in the previous Parliament and this Parliament have been considering procedures on private Members' bills, including measures to make the process more comprehensible and transparent.

The proposals in our April 2016 report (Third Report of Session 2015–16, HC 684) in respect of the printing of private Members' bills and the notice to be given of such bills have been endorsed by the Government in its response to our report, to be published as an appendix to our Second Report of Session 2016–17, HC 701.

We consider that some of the changes required should be endorsed by resolution of the House, and draft resolutions to achieve these changes are set out in Annex 1 to that report.

There are two recommended changes in administrative practice relating to the House's business papers and website which in our view are of a technical nature and do not require specific endorsement. These are:

- Following the last sitting Friday of each session, Future Business should no longer carry notices concerning any private Member's bill, and a list of bills not disposed of should be separately published on the Bills before Parliament website.
- All unprinted private Members' bills should be clearly indicated as such on Future Business and on the Bills before Parliament website

I should be grateful if you would take steps to give effect to these recommendations.

A copy of this letter goes to the Principal Clerk, Table Office.

12 October 2016

Appendix: Government response to the Procedure Committee's Third Report of Session 2015–16, *Private Members' bills*

Introduction

The Government welcomes the Committee's inquiry into Private Members' Bills (PMBs) and notes the recommendations contained in its Report for amending the House's procedures in this area. Robust legislation is clearly the priority of both the Government and the Committee therefore, it is of great credit to this inquiry that members have explored a number of adjustments which could be made to improve procedures.

The Government believes that Private Members' Bills serve an important function in our Parliamentary process by enabling backbench Members of Parliament – rather than the Government of the day - to initiate legislation. The Government agrees that the procedures governing Private Members' Bills are complex and that there is scope for greater clarity. The Committee's Report makes a number of suggestions that will improve understanding of PMBs. To that end, the Government believes that a number of changes should be made to improve the process in line with the recommendations of the Committee.

The Government continues to believe that it is an important principle that PMBs, like all other legislation introduced before the House, should command sufficient support amongst Members if it is to become law. The Government is of the view that many of the problems identified by the Committee in its Report emanate from a lack of explicit Parliamentary support for individual Private Members' Bills. Consequently, the Government believes there is insubstantial evidence that the majority of Members would endorse a supplementary ballot system with prioritisation given to (up to) four slots to the Backbench Business Committee. However, the Government suggests that the Backbench Business Committee may wish to allocate time for a General Debate in the House to further consider this recommendation.

The responses to the Committee's recommendations set out below are based upon the above considerations.

Recommendations

Recommendation: We endorse the general principles which underlie our predecessor Committee's two reports on Private Members' Bills. We too find it regrettable that successive administrations have not responded effectively to concerns about the process, even when workable solutions have been proposed. The proposals in this report provide an opportunity for a new beginning to the PMBs process which, as it presently operates, brings increasing discredit on the House because of the way it is now largely reduced to an exercise in futility. (Paragraph 9)

The Government believes that the existing Private Members' Bill process continues to serve an important Parliamentary function, whereby legislation can be introduced by backbench Members and enacted, providing that it achieves sufficient support. Private Members' Bills have been successful in every session and other Bills have prompted

governments to action, even when they have not made it into law via this route. Any changes to the current procedure must result in the delivery of both a good process and enable robust legislation. There remains little evidence that PMBs, that have support across the House, would benefit from having time limitations on their debate. Furthermore, those that command significant backing on the day, are able to deliver a decision. The Government therefore does not support this recommendation.

Recommendation: We recommend that Standing Orders should be amended to provide that the Question on second reading of a bill which is the first order of the day on the first seven sitting Fridays in a session should be put from the Chair at the moment of interruption, if that business has not already been disposed of. (Paragraph 36)

The Government believes that it is an important principle for the House to have time to duly consider Bills. Where Bills have gained enough interest, Members have been able to ensure that the Question be put as it is possible to gain a closure motion with as little as just 15 per cent of all Members. The Government therefore does not support this recommendation.

Recommendation: We consider that the time has come for the ballot system to be supplemented with a scheme which encourages better preparation of legislation, on the basis of a sound case which can command widespread support across the House. Under our scheme, the Backbench Business Committee would have the responsibility to consider bids from backbenchers for bills to have their second readings debated in no more than the first four backbench legislative opportunities in each session. (Paragraph 41)

The Government does not currently agree to implement this recommendation. The Government remains concerned that the proposed change might be seen as taking opportunities away from backbench Members. The Government suggests that the Backbench Business Committee may wish to allocate time for a General Debate in the House to consider the Committee's recommendation.

Recommendation: We consider that a legislative proposition which has support on all sides of the House, backed by support from the public, will be more likely to result in engaged debates on sitting Fridays; and the criteria for the selection of such bills should be drafted to encourage Members to bring forward substantial and well thought-out measures for the House to decide upon. Realistically, the first opportunity for this system to be introduced is in the 2017–18 Session, but should the House approve the principle of the system early in the 2016–17 Session, then it would in practice allow parliamentarians, or groups of parliamentarians, to use the remainder of that session to lay the ground for well-founded legislative proposals to compete for the attention of the Backbench Business Committee at the beginning of the subsequent session.

The Government welcomes the Committee's suggestion and recognises the principle of gaining support from all sides of the House as being an essential element of the PMB process. However it believes that such a reform could only be considered if it commanded widespread support, and therefore we recommend that this is given due consideration as part of the debate recommended above.

We recommend that Standing Orders be amended, initially for the 2017–18 Session, to provide that the Backbench Business Committee shall determine up to four bills, to be set down as first order of business on the earliest sitting Fridays adopted by the House; and that a ballot then be held to determine Members to bring forward additional Private Members' Bills, up to the total number of such bills to be allocated priority in each session. (Paragraph 47)

The Government is not convinced that the majority of Members would endorse a supplementary ballot system with priority given to (up to) four slots to the Backbench Business Committee. The Government remains concerned that the proposed change might be seen limiting opportunities for backbench Members and therefore believes that the recommendation should be considered in debate as outlined above.

We recommend that, in the event that the House adopts the proposal on the role of the Backbench Business Committee outlined above, the Chair of the Backbench Business Committee elected for the 2016–17 Session should continue to serve on that Committee for the 2017–18 Session, and that the relevant Standing Order be suspended accordingly. (Paragraph 49)

The Government does not believe it will be possible to implement such a change in a timely way given the proposal to debate these matters further.

We recommend that Standing Orders should be amended to provide for a maximum number of priority legislative opportunities allocated to Members on sitting Fridays. We further recommend that the total number of bills selected for priority consideration be reduced from 20 to 14. Of those 14 slots, up to four are to be filled by bills to be chosen on their merits by the Backbench Business Committee, and such bills shall have priority over ballot bills. (Paragraph 55)

The Government believes in giving Members the maximum opportunity to take forward PMBs and is concerned that this proposal would reduce opportunities for Members to develop policy and engage with departments and Ministers. PMBs may not always make progress, but Members have used them to either gain support for measures in legislation and/or gain other commitments from Ministers. The Government therefore does not agree with this recommendation.

We recommend the introduction of a system by which Members in charge of ballot bills and bills chosen by the Backbench Business Committee may, if they wish, demonstrate cross-party support for their bill by having the names of additional supporters published on the Order Paper on the day that the Bill's second reading is set down as an order of the day. This would require no change in Standing Orders. (Paragraph 58)

The Government agrees that the best way for Members to support a Bill is to attend debates and help PMBs make progress through the House. However, the Government does not agree with this recommendation as it could have the unintended consequence of undermining PMBs further, not least if members signalled support for a bill on the Order Paper, yet failed to participate in the debate.

We endorse the recommendations of our predecessors set out below:

- a) **We recommend that Future Business list Private Members' Bills only when they have been set down for a day on which Private Member's Bills have precedence.**
- b) **We consider that what appears on the Order Paper should be only actual bills which a private Member desires that the House should debate.**
- c) **We recommend that the expectation be removed that a bill will be immediately brought in if leave is granted after a motion is passed under the ten minute rule.**

The Government accepts these recommendations.

- d) **We recommend that the possibility of a monopoly of the limited opportunities for debate of Private Members' Bills by a single Member be reduced by amending Standing Orders to permit that a private Member may present only a single bill on any one day.**

The Government does not wish to restrict the opportunity for Backbenchers to present legislation and so does not agree with this recommendation. However, the Government suggests that the Backbench Business Committee may wish to allocate time for a General Debate in the House to consider the Committee's recommendation.

- e) **We recommend that the deadline for printing a bill—that is, producing a fully drafted piece of legislation, in place of a “long title”—be brought forward to the Wednesday of the week prior to the day of second reading.**

The Government accepts this recommendation.

- f) **We recommend that the Government engage constructively and at the earliest opportunity in discussions on money resolutions with Members actively seeking to get bills through the House, and demonstrate accountability for its undertaking to table such resolutions by responding fully to Parliamentary questions on such matters.**

The Government notes this recommendation. The Government always endeavours to engage constructively in discussions on money resolutions with Members whose Bills have been granted a Second Reading.

- g) **We recommend that the Government give a clear commitment that, where requested by a bill's sponsor, it will normally expect to table a motion to allow a public bill committee on a Private Member's Bill to be nominated while public bill committee proceedings on another Private Member's Bill are still active.**

The Government accepts this recommendation.

- h) **We recommend that, in the Standing Orders and elsewhere where reference is made to them, the term “Private Members' Bills” be replaced with “backbench bills”. (Paragraph 62)**

The Government does not accept this recommendation.

Recommendation: In addition, we recommend that the following changes to the practice of the House on giving notice of bills should be made:

- a) Following the last sitting Friday of each session, Future Business should no longer carry notices concerning any Private Member's Bill, and a list of bills not disposed of should be separately published on the Bills before Parliament Website.
- b) After the last sitting Friday of a session, any ten minute rule bill introduced should be ordered to lie upon the Table, and should not be printed.
- c) All unprinted Private Members' Bills should be clearly indicated as such on Future Business and on the Bills before Parliament website. (Paragraph 63)

The Government accepts these recommendations.

In the longer term, we consider that the House should reassess its tolerance for Members introducing bills in dummy form—that is, presenting bills with a short and long title and list of supporters only. With the exception of the Finance Bill—the drafting of which is dictated by the timetable for preparation of the Budget—the presentation of legislation in dummy is a practice long denied to the Government in respect of primary and secondary legislation. (Paragraph 64)

In cases where the outcomes recommended above may be achieved by administration alone, we recommend that the necessary measures be taken with effect from the start of the 2016–17 Session. In all other cases we recommend that the House be given an early opportunity to express its view on the proposed changes. (Paragraph 65)

We make no recommendation here about alternative times for PMBs to be taken. Instead, we plan to address the sitting hours of the House in a separate exercise, taking the views of Members on existing sitting patterns and, like our predecessor Committee in 2012, proposing a series of neutral motions which will allow the House to come to a decision on its sitting patterns for the remainder of the Parliament. (Paragraph 70)

The Government notes these recommendations.

Formal Minutes

Wednesday 12 October 2016

Members present:

Mr Charles Walker, in the Chair

Edward Argar	Holly Lynch
Nic Dakin	Mr Alan Mak
Patrick Grady	Mr David Nuttall

Draft Report (*Private Members' bills: observations on the Government response to the Committee's Third Report of Session 2015–16, HC 684*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 39 read and agreed to.

Annexes 1 and 2 agreed to.

Summary agreed to.

The Government response to the Committee's Third Report of Session 2015–16 was appended to the Report.

Resolved, That the Report be the Second Report of the Committee to the House.

Resolved, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 19 October at 2.30 pm.]

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Government proposals for English votes for English laws Standing Orders: Interim Report	HC 410 (HCWS (2015–16) 251)
Second Report	Notification of the arrest of Members	HC 649
Third Report	Private Members' bills	HC 684 (HC 383)
Fourth Report	Programming: evaluation of the trial of new arrangements for tabling amendments	HC 823

Session 2016–17

First Report	Monitoring of written Parliamentary questions: progress report for Session 2015–16	HC 191
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