



HOUSE OF LORDS

Procedure Committee

4th Report of Session 2010-11

Election of the Lord Speaker
Tabling of oral questions
Criticism of individuals in House of Lords
Select Committee reports

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The Procedure Committee

The Select Committee on Procedure of the House is appointed each session to consider any proposals for alterations in the procedure of the House that may arise from time to time, and whether the standing orders require to be amended.

Current Membership

The members of the Procedure Committee are:

Baroness Anelay of St Johns
Lord Bassam of Brighton
Lord Brabazon of Tara (*Chairman*)
Baroness D'Souza
Lord Goldsmith
Baroness Gould of Potternewton
Lord Harries of Pentregarth
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Lord Hunt of Wirral
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General Information

General information about the House of Lords and its Committees is on the Internet at <http://www.parliament.uk/lords/index.cfm>.

Contacts for the Procedure Committee

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FOURTH REPORT OF SESSION 2010-11 FROM THE PROCEDURE COMMITTEE

Election of the Lord Speaker

1. We have considered the arrangements for the forthcoming election of the Lord Speaker. In particular, we have considered the timing of the election, and the date at which a new Lord Speaker, were one to be elected, should take office.
2. The timing of the election is provided for in Standing Order 19(1), which states that:

19.(1)—The first election of the Lord Speaker shall be held no later than 30th June 2006. Thereafter elections shall be held (a) no more than five years after the previous election, or (b) within three months of the death of the Lord Speaker, or his giving notice of resignation, if sooner. If, after a date has been set in accordance with (a) or (b), a Dissolution of Parliament is announced, the applicable deadline shall be extended to one month after the opening of the next Parliament.
3. We consider that the wording of the Standing Order is defective. The date of the election is fixed by reference to the preceding election. The last election took place on Wednesday 28 June 2006; if the next election is to be held on a Wednesday (the day on which attendance at the House is normally highest) the latest possible date would be Wednesday 22 June 2011. Over time, the date would be brought further forward. Moreover, if a Lord Speaker were either to die in office or resign, the timetable for all future elections would be re-set by reference to a one-off, unpredictable event, which might not be convenient for the House as a whole.
4. We have therefore come to the conclusion, first, that the Standing Order should specify a fixed date, by which an election should be conducted every five years; and, secondly, that in the event of a Lord Speaker dying in office or resigning, subsequent elections after the one required to fill the vacancy should revert to the normal pattern. We suggest that the fixed date by which elections would be held should be 15 July. This would allow the election to be conducted and the result announced before the House rose for the summer recess.
5. We have also considered the date at which a new Lord Speaker should take office. Some time should be given to allow a new Lord Speaker to rearrange his or her affairs, for instance in order to comply with the rules on the Lord Speaker's financial interests. There would also be benefit in allowing a "handover" period, so that a new Lord Speaker could be fully prepared before taking on the role. We therefore suggest that a new Lord Speaker should take office on 1 September following his or her election. In practice this would mean the new Lord Speaker taking office in time for the first scheduled sitting (whether in September or October) following the summer recess.
6. We consider that in all other respects the forthcoming election should follow the same procedure as applied in 2006.
7. **To give effect to these conclusions, we recommend that the House amend Standing Order 19 in the terms set out in Appendix 1.**

8. If the House agrees these changes, and on the assumption that there will be a contested election, the timetable and conduct of the election will be as follows:

| | |
|-------------------------|--|
| By 5pm Thursday 23 June | Candidatures to be registered. In accordance with SO 19(2), each candidate would require a proposer and a seconder. |
| Monday 27 June | List of candidates published and sent to all Members of the House, together with a statement of each candidate's Parliamentary service, their entry in the Register of Lords' Interests, and election addresses of up to 75 words. |
| Wednesday 29 June | Ballot papers sent to those requesting a postal vote, to be returned by 5pm on Wednesday 13 July. |
| Wednesday 13 July | Voting will take place from 10am to 8pm. |
| Monday 18 July | The Clerk of the Parliaments will report the result of the election to the House at the start of business. Her Majesty The Queen's approval of the House's choice of Speaker will be notified. |
| Thursday 1 September | Any new Lord Speaker will formally take office. |
| Monday 5 September | Any new Lord Speaker will sit on the Woolsack for the first time at the start of business. |

Tabling of oral questions

9. We have considered proposals made by the Clerk Assistant regarding the tabling of oral questions. At present four questions are taken on Mondays, Tuesdays, Wednesdays and Thursdays. There are no oral questions on Fridays. The fourth question on Tuesdays, Wednesdays and Thursdays is a topical question, drawn in a ballot two working days earlier.
10. Standing Order 43 states that "No notice of a Question or Motion, other than a Motion relating to a Public Bill or Order, shall be put upon the Order Paper for a date more than one month ahead". The result is that oral questions (four for each Monday, three each for Tuesdays, Wednesdays and Thursdays) may be tabled up to one calendar month ahead of the day when the question will be asked. Questions are accepted when the Table Office opens at 10.00am.
11. These rules mean, for instance, that in any month with 31 days, four oral questions become available at 10 am on a Friday, and the other nine oral questions become available at 10 am on a Monday. Priority is given to those Members who can attend the Table Office in person at these times. These arrangements are inconvenient for many Members, particularly for those who live at some distance from London (and who may be travelling to London on Monday mornings), or who for any other reason are unable to come to the Palace in person at these times.
12. We consider that these difficulties are best addressed, first, by amending Standing Order 43 so that the notice period for questions is reduced from

one month to four weeks. This will mean that three or four questions become available each working day from Monday to Thursday.

13. Secondly, we believe that the time for tabling questions should be changed from 10 am until 2 pm, allowing more Members, including those travelling to London or with outside commitments in the mornings, to attend the Table Office in person. A necessary consequence of this change will be that the ballot for the topical oral question, which currently takes place at 2 pm¹ on Friday, Monday and Tuesday, will be drawn instead at 1 pm.
14. **We accordingly recommend:**
 - **That Standing Order 43 be amended in the terms set out in Appendix 1, to reduce the notice period for questions and motions, other than those relating to legislation, from one month to four weeks;**
 - **That the time at which oral questions will be accepted by the Table Office (or, in recesses, by the Duty Clerk) on the day on which they become available should change from 10 am to 2 pm;**
 - **That the ballot for topical oral questions (and therefore the deadline for entering the ballot) should be brought forward by one hour, from 2 pm to 1 pm.**

Criticism of individuals in House of Lords select committee reports

15. On 5 July 2010 the Committee for Privileges and Conduct published its First Report of 2010-11, *Mr Trevor Phillips: Allegation of Contempt*.² The Committee, in dismissing the allegation of contempt against Mr Phillips, concluded that “in the interests of fairness, persons who are subject to criticism of a damaging and personal nature in select committee reports should have similar rights to those afforded to persons who are criticised in inquiries”. Accordingly, the Committee recommended that “the Procedure Committee be invited to consider the procedure to be followed in a case where a committee intends to make a personal criticism of a named individual (other than a Minister)”.
16. The recommendation of the Committee for Privileges and Conduct was agreed by the House on 27 July 2010. We have accordingly considered the options for introducing additional safeguards for individuals criticised in House of Lords select committee reports.
17. We have sought to balance the requirements of procedural fairness with the necessary freedom of committees to judge how to handle their own business. We are also conscious that there are very few cases of such criticism in House of Lords select committee reports. We are therefore not persuaded that a formal rule requiring committees to afford similar rights to those afforded to persons criticised in inquiries is necessary or proportionate.
18. **We therefore recommend that the issue be dealt with by means of new guidance to select committees, which would be issued by the Committee Office to clerks and chairmen.** This guidance will draw

¹ See *Companion to Standing Orders* (2010), paragraph 6.32.

² Committee for Privileges and Conduct, *Mr Trevor Phillips: Allegation of Contempt*, First Report, session 2010-11, HL Paper 15.

attention to the principles of procedural fairness, and will encourage committees actively to consider on a case-by-case basis whether it would be desirable to give notice to an individual if a committee were minded to make criticisms of them of a personal nature. The guidance will also indicate when such notice might best be given; whether the individual concerned should be invited to respond to the criticism; and whether that response should be published along with the other evidence received by the Committee.

APPENDIX 1: CHANGES TO STANDING ORDERS

New text is given in **bold**; text to be deleted is ~~struck through~~.

*Standing Order 19: Election **and term of office** of Lord Speaker. 3 May 2006*

19—(1) ~~The first election of the Lord Speaker shall be held no later than 30th June 2006. Thereafter elections shall be held (a) no more than five years after the previous election, or (b) within three months of the death of the Lord Speaker, or his giving notice of resignation, if sooner. If, after a date has been set in accordance with (a) or (b), a Dissolution of Parliament is announced, the applicable deadline shall be extended to one month after the opening of the next Parliament.~~

19—(1) **An election of a Lord Speaker shall be held on 13th July 2011. Subsequently, elections shall, subject to paragraphs (1A) and (1B), be held in the fifth calendar year following that in which the previous election was held, on a day no later than 15th July in that year. If the result of the election is approved under paragraph (5), a Lord Speaker elected under this paragraph shall take office on 1st September in the year of election.**

(1A) Where a Lord Speaker (including a person elected as Lord Speaker who has not yet taken office) dies, resigns or is deemed to have resigned pursuant to paragraph (8), an election of a Lord Speaker shall, subject to paragraph (1B), be held within three months of the death, the giving notice of resignation or the deemed resignation. For the purposes of paragraph (1), this election is then “the previous election”.

(1B) Where a Dissolution of Parliament is announced after a date has been set for an election, the election shall take place either on the date originally set, or on a day no later than one month after the opening of the next Parliament, whichever is later.

...

(8) If the House passes a motion for an Address to Her Majesty seeking the Lord Speaker’s removal from office, the Lord Speaker shall be deemed to have resigned with effect from the date on which the motion is passed.

*Standing Order 43: Notices not to be placed on the Order Paper more than ~~one month~~ **four weeks** ahead. 23 July 1934.*

43.—(1) No notice of a Question or Motion, other than a Motion relating to a Public Bill or Order, shall be put upon the Order Paper for a date more than ~~one month~~ **four weeks** ahead, but a Lord may give notice of a Motion or Question without fixing a date for the same.

(2) Except in the case of Oral Questions, the period of ~~one month~~ **four weeks** shall not include any time during which the House is in Recess.

APPENDIX 2: DECLARATIONS OF INTEREST

No relevant interests were declared.

The Lord Speaker withdrew from the meeting for the duration of the Committee's discussion of the election of the Lord Speaker.

