



HOUSE OF LORDS

Procedure Committee

8th Report of Session 2010–12

Proposals arising from the Report
of the Leader's Group on Working
Practices

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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.

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EIGHTH REPORT FROM THE PROCEDURE COMMITTEE

Proposals arising from the Report of the Leader's Group on Working Practices

Introduction

1. The report of the Leader's Group on Working Practices was published on 26 April 2011.¹ The House debated the report on 27 June 2011.²
2. The Leader of the House and, at his request, the Clerk of the Parliaments, have put forward a number of initial proposals drawing on the Group's recommendations to this Committee, inviting us to put them to the House for decision. In this report we present these proposals to the House. In so doing, we do not express a view on the merits of the proposals themselves—they have been the subject of detailed consideration by the Leader's Group, and have already been debated fully. We should make clear that not all members of the Committee, including the Leader of the House, support all of the proposals in this report. But we do agree that it is time for the House itself to decide whether or not to adopt some or all of them.
3. We have, at the suggestion of the Leader of the House or the Clerk of the Parliaments, agreed to propose variations of the Group's proposals in certain respects. In so doing, we have sought to put forward clear, workable proposals, while achieving the objectives underlying the original recommendations.
4. Members of the House may wish to table amendments to the proposals or seek to reject them outright. In order to facilitate the tabling of amendments, we have put forward the proposals neutrally, and in a numbered sequence. The proposals will be tabled as separate motions on the order paper, allowing Members of the House to table amendments, and allowing the House itself to decide on each proposal in turn.
5. We understand that discussions about other recommendations of the Leader's group are ongoing in the Usual Channels.

The role of the Lord Speaker at question time and during oral statements

6. Recommendations 1 and 12 of the Leader's Group were as follows:
 1. We recommend that consideration be given to conferring upon the Lord Speaker the role currently performed during question time by the Leader of the House, for a one-year trial period in the first instance, beginning no sooner than 5 September 2011. In the event of the Lord Speaker's unavoidable absence from the House, we recommend that the same task be performed by the Chairman of Committees.
 12. We recommend that consideration be given to conferring upon the Lord Speaker the role currently performed during oral statements by the Leader of the House or the Government front bench, for a one-year trial period in the first instance, beginning no sooner than 5 September 2011. In the event of the Lord Speaker's unavoidable absence from the House,

¹ Report of the Leader's Group on Working Practices (HL Paper 136).

² HL Deb., 27 June 2011, cols. 1550–1628.

this task would be performed by the Chairman of Committees or by another Deputy Speaker.

7. The Leader of the House has invited the Committee to put these recommendations to the House. We have agreed to do so, with certain modifications. We therefore put the following proposal before the House for decision.

Proposal 1

That the role currently performed by the Leader of the House or Government front bench during oral questions and oral statements be transferred for a trial period to the Lord Speaker, or, in her absence, the Chairman of Committees or another Deputy Speaker;

That the role thus transferred includes the responsibility to arbitrate between groups within the House, but not any responsibility to arbitrate between individual members by name;

That the trial begin at the start of the 2012–13 session of Parliament, and continue until the start of the summer recess 2012;

That following the completion of the trial, the procedure at question time and during oral statements should revert to its current form, pending a review by the Procedure Committee.

Question time for Secretaries of State

8. Recommendation 2 of the Leader’s Group was as follows:
 2. We recommend that the procedure adopted in early 2010, whereby Secretaries of State sitting in the Lords should answer three oral questions, on one Thursday each month, directed to them in their ministerial capacity, should be made permanent, with a view to its revival as appropriate.
9. We put this proposal before the House with only one proviso, namely that the ballot for such questions would, in accordance with the practice agreed in April 2011,³ take place at 1 pm, rather than 2 pm, as stated in paragraph 6.33 of the *Companion*.

Proposal 2

That the procedure adopted in early 2010, whereby Secretaries of State sitting in the Lords should answer three oral questions, on one Thursday each month, directed to them in their ministerial capacity, should be made permanent, with a view to its revival as appropriate.

Reading out oral questions

10. Recommendation 5 of the Leader’s Group was as follows:

We recommend that instead of Members seeking leave to ask the questions “standing in their name on the Order Paper”, Members should read out the text of the question, using the formula “My Lords, I beg leave to ask Her Majesty’s Government” To ensure that this

³ Procedure Committee, 4th Report, 2010–12 (HL Paper 127), agreed 28 April 2011.

does not take up too much time, we further recommend a mandatory limit of 40 words for oral questions (excluding the introductory formula given above).

11. Analysis of recent oral questions shows that the average length of such questions, excluding the introductory formula, is between 21 and 23 words. The Leader of the House has accordingly invited us to put this proposal before the House, with the modification that he suggests a shorter word limit, closer to the current average, of 25 words. We have agreed his suggestion, and accordingly put the following proposal to the House. If adopted, the proposal would take effect with respect to all questions tabled for a date four weeks or more after the House's decision.

Proposal 3

That Members should read out the text of oral questions, using the formula “My Lords, I beg leave to ask Her Majesty’s Government” followed by the text of the question; and that there should be a mandatory word limit of 25 words (excluding the introductory formula) for all oral questions.

Saving time: oral questions

12. Recommendations 6 and 7 of the Leader's Group were as follows:

To ensure best use of question time, we re-affirm the existing guidance in the *Companion* on the conduct of question time, while recommending that it be supplemented by the following guidance, based on that already found in the Guide to the Code of Conduct:

- Members should not take up the time of the House making trivial declarations of non-financial and non-registrable interests.

Finally, we recommend the addition of the following new guidance in the *Companion*:

- Questioners should not thank the Government for its answers, nor ministers thank questioners for their questions.

13. If agreed by the House, this new guidance would be added as a new paragraph, following paragraph 6.28 of the *Companion*.

Proposal 4

That the following new guidance be added to the *Companion to Standing Orders*: “Members should not take up the time of the House during question time by making trivial declarations of non-financial and non-registrable interests. Questioners should not thank the Government for its answers, nor ministers thank questioners for their questions.”

Oral statements

14. Recommendations 8 and 10 of the Leader's Group were as follows:

We recommend that the usual channels should, in deciding whether to repeat a statement in the Lords, also consider whether it would be a good use of the House's time for the statement to be read out. In exceptional cases (for instance a long statement, which has been publicly

available for some hours) it may be appropriate for the text of the statement to be reproduced in the Official Report without being read out; the remaining oral exchanges would take place in the Chamber as at present.

We recommend that the guidance on backbench contributions on oral statements be clarified, by removing the reference to ‘brief comments’. To avoid speech-making, and with a view to increasing the number of Members who can intervene on statements, we recommend that backbench contributions should be limited to questions to the minister.

15. The Leader of the House has made a proposal which broadly reflects this recommendation, and which we accordingly put before the House for decision.

Proposal 5

That where a statement of exceptional length has been made in full to the House of Commons and made available in the Printed Paper Office before it is due to be repeated in the House of Lords, the Minister in the Lords may (with the agreement of the usual channels) draw the attention of the House to the statement made earlier without repeating it; and proceed immediately to the period for exchanges with the Opposition front benches. The text of the statement would be reproduced in the Official Report.

That the guidance in the *Companion* on backbench contributions on oral statements should be amended, to indicate that “ministerial statements are made for the information of the House, and although brief questions from all quarters of the House are allowed, statements should not be made the occasion for an immediate debate.”

Questions for Short Debate

16. Recommendations 33 and 38 of the Leader’s Group were as follows:

We recommend that Members be limited to one Question for Short Debate in House of Lords Business at any one time. We further recommend that each Question for Short Debate should indicate the date on which it was tabled; after six months it should be removed from the list.

We recommend that the guidance in the *Companion* on the wording of Questions for Short Debate should be clarified as follows: “Questions for short debate last for a maximum of 1½ hours and should therefore be limited in scope.”

17. These recommendations, if agreed to, would have a significant impact not only upon the tabling of Questions for Short Debate but the arrangements for their tabling. We therefore consider that any changes should come into effect only at the start of the 2012–13 session of Parliament.

Proposal 6

That, with effect from the start of the 2012–13 session of Parliament:

- **Members be limited to one Question for Short Debate in House of Lords Business at any one time;**
- **Each Question for Short Debate should indicate the date on which it was tabled;**
- **After six months it should be removed from the list.**
- **The guidance in the *Companion* on the wording of Questions for Short Debate should be as follows: “Questions for short debate last for a maximum of 1½ hours and should therefore be limited in scope.”**

Simpler language

18. Recommendations 39, 40 and 41 of the Leader’s Group’s were as follows:

We recommend that the next edition of the *Companion* incorporate guidance confirming that the House of Commons may be referred to by name rather than as “the other place”.

We recommend that the current convention on appellations be discontinued. Instead, we recommend that Members should refer to other Members by title (“Baroness xxx”, “Lord xxx”, “the Bishop of xxx”); where Members do not know or choose not to use the title, they should refer simply to “the noble Lord”, “the noble Baroness”, “the right reverend Bishop” or “the minister”. Members of the same party or group could still be referred to as “my noble friend”.

We recommend that the practice of debating “motions for papers” be discontinued, and that in future all general debates not inviting the House to reach a positive decision take place on “take note” motions.

19. The first and third of these recommendations are straightforward, and present no procedural difficulty. The same principles already apply to the wording of “take note” motions as to “motions for papers” (namely that they should be “short and neutrally phrased”), as does the custom that “no amendments are tabled to such motions”. The only difference in practice is that at the end of the debate a “take note” motion is agreed to rather than being withdrawn.
20. The Clerk of the Parliaments has proposed certain changes to the second recommendation, on appellations, with a view to bringing forward simplified system of appellations which would cover all cases. He suggests that, if the House decides to adopt this recommendation, the following appellations would cover all cases where a Member of the House was being referred to by rank, rather than by name:
- The noble Lord
 - The noble Lady
 - The noble Duke
 - The right reverend Bishop
 - The most reverend Archbishop

Where a Member wishes to refer to another Member by name, the following simplified forms could be used:

- Lord V
 - Lady W
 - The Duke of X
 - The Bishop of Y
 - The Archbishop of Z
21. Adoption of these simplified appellations would be voluntary. It would thus not preclude Members from referring to individual Members by their specific title or name—for example, referring to the “noble Earl”, or “the Marquess of X”. In addition, those referring to other Members by name would still be expected to use the correct title in those circumstances where the form “Lord X” would be incorrect—for instance, “the Duke of X”, not “Lord X”.
22. If these changes are agreed by the House, we propose that the following new guidance on appellations would replace paragraph 4.48 of the *Companion to Standing Orders*:

“Members should address the House as a whole, and they should never use the second person when addressing other Members in debate. A Member may refer to any other Member, without specifying his or her title, as “the noble Lord”, “the noble Lady”, “the noble Duke”, “the right reverend Bishop” or “the most reverend Archbishop”. Members may also, if they so wish, use the appropriate rank—for example “the noble Earl” or “the noble Baroness”—but there is no obligation to do so. When referring to another Member by name, the correct form is “Lord W”, “Lady X”, “the Duke of Y”, “the Bishop/Archbishop of Z”. Members may also use the term “my noble friend” to refer to fellow members of a political party. When referring to a Minister of the Crown, Members may refer to “the Leader of the House”, “the Minister” or “the Secretary of State”, as appropriate.”

Proposal 7

That the following text be inserted prior to paragraph 4.42 of the *Companion to Standing Orders*: “The House of Commons may be referred to by name, rather than as ‘the other place’ or ‘another place’.”

Proposal 8

That the practice of debating “motions for papers” be discontinued, and that in future all general debates not inviting the House to reach a positive decision take place on “take note” motions, which should be short, neutrally phrased and not subject to amendment.

Proposal 9

That the House adopt the following practice in respect of appellations:

Members should address the House as a whole, and they should never use the second person when addressing other Members in debate. A Member may refer to any other Member, without

specifying his or her title, as “the noble Lord”, “the noble Lady”, “the noble Duke”, “the right reverend Bishop” or “the most reverend Archbishop”. Members may also, if they so wish, use the appropriate rank—for example “the noble Earl” or “the noble Baroness”—but there is no obligation to do so. When referring to another Member by name, the correct form is “Lord W”, “Lady X”, “the Duke of Y”, “the Bishop/Archbishop of Z”. Members may also use the term “my noble friend” to refer to fellow members of a political party. When referring to a Minister of the Crown, Members may refer to “the Leader of the House”, “the Minister” or “the Secretary of State”, as appropriate.

Public petitions

23. Recommendation 43 of the Leader’s Group was as follows:

We recommend the abolition of the procedure for public petitions to the House of Lords, which is archaic and has fallen into disuse. We consider that in the longer term it may be desirable to introduce a more effective procedure for public initiation of business in the House of Lords, but, in view of recent developments in the Commons, we make no recommendation in that regard.

24. The Group’s recommendation was made in April, and has to some extent been overtaken by more recent events. On 13 September 2011 a public petition on welfare reform was presented by Lord Touhig, on behalf of Community Housing Cymru—the first public petition to be presented to the House of Lords since December 2000. Moreover, in the House of Commons the Backbench Business Committee has scheduled three debates on topics raised the Government’s e-petitions website;⁴ these debates have been widely reported in the media.
25. **In light of these developments, we do not consider that the Group’s recommendation should be taken forward at this time, and we therefore make no proposal to the House.**

⁴ See <http://epetitions.direct.gov.uk/>.