



HOUSE OF LORDS

Procedure Committee

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4th Report of Session 2017–19

**Explanatory statements on  
amendments  
Oath taking  
Topical oral questions and  
topical questions for short  
debate**

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### *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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### *Contact details*

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## FOURTH REPORT OF SESSION 2017-19

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### Explanatory statements on amendments

1. At our last meeting we considered a proposal to introduce a procedure to allow members to add explanatory statements to amendments to assist the House in consideration of a bill. A similar procedure was introduced in the House of Commons in session 2013–14 following a successful pilot.
2. In considering this proposal, we agreed that explanatory statements, if adopted:
  - (1) Should be printed immediately following the amendment to which they relate, and should be reproduced in Hansard,
  - (2) Should be voluntary rather than mandatory,
  - (3) Should be allowed at committee stage, report stage and at third reading, but not during consideration of Commons amendments (“ping pong”),
  - (4) Should be drafted within a limit of around 50 words,
  - (5) Should objectively describe the intended effect of the amendment and should not be phrased as an argument for its adoption,
  - (6) May be used to indicate whether a member believes their amendment is linked to or consequential on another. However, such statements would merely express the member’s view on the matter, which will ultimately be a decision for the House. An explicitly stated link between two amendments may affect whether an amendment is subject to the “decided issue” rule for third reading amendments (see paragraph 8.145 of the *Companion*). For amendments at third reading, explanatory statements may be used to indicate how the amendment fulfils one of the three principal purposes of such amendments (see paragraph 8.144 of the *Companion*).

The clerks in the Legislation Office would be available to assist members in drafting explanatory statements, and members should take their advice.

3. **We recommend that the House agrees to introduce a procedure to allow members to add explanatory statements to amendments as a pilot. This should be done on selected bills, to be agreed through the usual channels.** If the House agrees to this recommendation, the pilot would be conducted on the terms set out in paragraph 2 above. We would then evaluate the results of the pilot, including the resource implications, before making a recommendation to the House on whether or not explanatory statements on amendments should be extended to all bills.

### Oath taking

4. The oath of allegiance or solemn affirmation must be made by all members on introduction, in every new Parliament and after a demise of the Crown before they can sit and vote in the House. In response to concerns raised by members early in the current Parliament we considered the timing of oath taking at the beginning of a new Parliament and the arrangements for members with a disability or with restricted mobility.

5. The oath is usually taken after prayers, but may be taken at the end of business before the adjournment. However, on the first day of debate on the Queen's Speech in a new Parliament, the delay to the start of business can be substantial – on 12 June 2017 the oath taking took 15 minutes. We therefore considered whether oath taking would be better taken at the end of business on the first day of debate on the Queen's Speech in a new Parliament given that the time that the House adjourns on that day is predictable. This would prevent the start of business being delayed while continuing to provide certainty for members about the timing of oath taking. We also considered whether oath taking should take place after oral questions or at the end of business on other sitting days but rejected this on the grounds that the logistical difficulties outweighed any inconvenience of delays to the start of business.
6. **We therefore recommend that on the first day of debate on the Queen's Speech in a new Parliament the oath is taken at the end of business, after a brief adjournment.** On subsequent sitting days in a Parliament the current arrangements would continue as usual. If the House agrees to this recommendation, words to that effect will be included in the next edition of the *Companion*.
7. When there are long queues of members waiting to take the oath on swearing in days and the early days of a new Parliament the area between the table and the bar of the House is crowded. Little room is left for members with a disability or restricted mobility and such members can be asked to wait outside the chamber until the queue has subsided. We consider that better arrangements could be introduced.
8. **We recommend that precedence in the queue, after the Lord Speaker, the Archbishops, the Senior Deputy Speaker and the occupants of the front benches have taken the oath, should be given to members with a disability or impaired mobility and that there should be an expectation that other members make way if there is a long queue.** If the House agrees to this recommendation, words to this effect will be inserted into the next edition of the *Companion*.

#### Topical oral questions and topical questions for short debate

9. The fourth space for an oral question each Tuesday, Wednesday and Thursday is reserved for a question which is topical, chosen by ballot. No criteria for assessing topicality have ever been set out. This differs from the procedure for topical questions for short debate (QSD), for which the House has agreed a test of topicality, namely “whether the subject has been covered by at least two mainstream media outlets on either of the two days that the ballot was open or over the preceding weekend” (*Companion* paragraph 6.49).
10. We consider it would be helpful to members if the House agreed guidance on the criteria for assessing topicality for the topical oral questions ballot, and if this guidance was aligned with the criteria for topical QSDs, as far as is practical. **We therefore recommend that guidance on topicality requirements for oral questions and QSDs in the *Companion* is amended as follows:**

(new words **in bold**, deleted words ~~struck through~~)

**Paragraph 6.35** (*Topical (balloted) oral questions*)

“...The Clerks discourage members from tabling questions which are clearly not topical. **In so doing, account will be taken of the level of recent news coverage, including relevant and influential online sites and mainstream regional publications...**”

**Paragraph 6.49** (*Topical (balloted) questions for short debate*)

“...The test of topicality is whether the subject has ~~been covered~~ by **received news coverage in** at least two **different** mainstream media outlets **including relevant and influential online sites and mainstream regional publications** on either of the two days that the ballot was open or over the preceding weekend...”