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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.

**Membership**

The members of the Procedure Committee are:

- Lord Brabazon of Tara
- Baroness Evans of Bowes Park
- Lord Foulkes of Cumnock
- Lord Fowler (Lord Speaker)
- Lord Geddes
- Lord Hope of Craighead
- Baroness Humphreys
- Lord McAvoy
- Lord McFall of Alcluith (Chair)
- Lord Morris of Aberavan
- Lord Newby
- Lord Powell of Bayswater
- Lord Rowe-Beddoe
- Baroness Smith of Basildon
- Lord Stoneham of Droxford
- Lord Taylor of Holbeach
- Baroness Thomas of Winchester
- Lord True
- Baroness Warwick of Undercliffe

**Alternate members:**

- Lord Brown of Eaton-under-Heywood (for the Convenor)
- Baroness Browning (for backbench Conservative members)
- Baroness Meacher (for Crossbench members, other than the Convenor)
- Lord Scriven (for backbench Liberal Democrat members)

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A full list of Members’ interests can be found in the Register of Lords’ Interests:


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SIXTH REPORT FROM THE PROCEDURE COMMITTEE

Role of the Lord Speaker and Deputy Speakers

1. At present, certain proceedings in the House can be unclear to those participating and watching, particularly when items of business begin without being announced. Consequently, we have considered whether the Lord Speaker, and the deputy speakers, could take on two sign-posting roles:

- calling on the business on the Order Paper currently called by the clerks at the Table e.g. oral questions, stages of bills, secondary legislation, debates; and

- calling on business which is not on the Order Paper and is not currently called by anybody – i.e. Private Notice Questions (PNQs), statements and Commons Urgent Question (UQ) repeats.

Business on the Order Paper

2. The clerks at the Table currently call on the business that is printed on the Order Paper. Sometimes this can require them to assist the House in bringing one piece of business to a close and calling on the next. For example, during oral questions the Clerk of the Parliaments calls on the member in whose name an oral question has been tabled, and calls on the member who tabled the next question when the time allotted has elapsed or there are no further supplementary questions. This may require the Clerk to call the next question even when members are still trying to ask supplementary questions relating to the previous question. There have been instances when members have overridden the Clerk of the Parliaments when he has attempted to call on the next speaker.

3. The Lord Speaker would need to make the same judgements which the Clerk of the Parliaments currently makes about when to bring one question to a close and call the next. Should the Lord Speaker or one of the deputies perform this duty, we believe that their judgement would be less open to challenge.

4. **We recommend that the Lord Speaker and the deputy speakers should call on the business on the Order Paper and take on the role of the clerks at the Table in calling on the next business within the time limits set out in the Companion. This would apply in the Chamber and in Grand Committee.**

5. The Lord Speaker would need to know how many seconds had elapsed to judge when to call on the next question. We therefore make these recommendations in conjunction with our recommendation below on the use of clocks in the Chamber and Grand Committee.

Business not on the Order Paper

6. The timing of PNQs, UQ repeats and oral statements is advertised on the annunciators and Today’s List but they do not appear on the Order Paper and they are not formally called on by anybody in the Chamber. It is not always clear to the public why a debate is being interrupted by, for example, a Government minister who suddenly stands up to make a statement without anyone signalling that is about to happen. Calling on this business would aid those watching proceedings on television, streaming them online or
observing from the public galleries and would improve public understanding of the procedures and work of the House.

7. **We recommend that the Lord Speaker and the deputy speakers should call on PNQs, UQ repeats and oral statements.**

8. We recommend that these two changes be reviewed after six sitting months to ensure they are operating smoothly. We suggest the changes commence at the start of July.

9. In considering these changes we were mindful that the House continues to be proud of its self-regulating nature. As described in the Companion to the Standing Orders, “the preservation of order and the maintenance of the rules of debate are the responsibility of the House itself, that is, of all the members who are present” (paragraph 4.01). We believe that the proposals we make here respect self-regulation.

**Private notice question deadlines on morning sittings**

10. Currently the deadline for a member to submit a Private Notice Question (PNQ) for consideration by the Lord Speaker is 12 noon on Mondays, Tuesdays and Wednesdays. On Fridays and any day when oral questions are before 1pm, such as Thursdays, the deadline for submission is 10am.

11. The deadline on Mondays, Tuesdays and Wednesdays works well. It allows the Lord Speaker’s Office time to commission briefing from government departments and then to consult the party leaders and the convenor. However, on Thursdays the 10am deadline leaves very little time for these activities. Requests for PNQs on Thursdays may arrive only 90 minutes before the PNQ would be taken on the Floor of the House.

12. **We recommend that the deadline for PNQ submissions be moved from 10am to 9.30am on Thursdays, Fridays and any other day when oral questions are before 1pm.**

**Clocks in the Chamber and Grand Committee**

13. Recently new clocks and display screens were installed in the Chamber and Grand Committee. These new clocks have a range of functions not previously available.

14. At the moment speeches in the House are timed from zero and the clocks count up. Members can only see the number of minutes they have been speaking and not the number of seconds. There is no indication when a speaking time limit has been reached or breached.

15. We believe that it would help members stick to time limits if the new clocks displayed seconds and if the time display changed colour and flashed when speaking time limits, both formal and advisory, were reached. The display of seconds will also help the Lord Speaker and the deputy speakers decide when to call on the next business if the recommendations at paragraph 4 are agreed to.

16. **We recommend that from mid-June the clocks in the Chamber and Grand Committee should display seconds, that they should continue to count up from zero and that when a time limit on a speech has been reached the display should change colour and flash.**
Explanatory statements to amendments

17. On 7 June 2018, following the recommendation of the Procedure Committee’s 4th Report of 2017–19, the House agreed to conduct a trial of allowing members to add explanatory statements to amendments. Pilots took place on two bills: the Ivory Bill and the Offensive Weapons Bill.

18. In our 4th report we undertook to evaluate the results of the pilot before making a recommendation to the House on whether or not explanatory statements to amendments should be extended to all bills. Accordingly we have examined the use that was made of explanatory statements to amendments and the experience of those that tabled such statements, those that processed them and those that made use of them.

19. It is clear that members welcomed the development. Officials familiar with the bills saw particular value in statements on opposition to clause stand part, where the new procedure made it clearer why a member objected to a clause. Other users, less familiar with the intricacies of the bills, saw real value in the statements, which allowed them to understand the amendments at a glance without needing to cross-refer.

20. The following issues presented some difficulties, or were not clearly covered by the initial guidance agreed by the House:

- Gaining approval of multiple signatories for the addition or amendment of a statement;
- Re-printing amendments on daily sheets to include new statements;
- Responsibility for whether an amendment does what the statement says it does;
- Whether it is in order for a statement to express the purpose of an amendment rather than its intended effect (e.g. “This is a probing amendment…”);
- Starring.

21. We believe that the trial of explanatory statements to amendments has been a success. We recommend that explanatory statements to amendments should be rolled out to all bills from the start of the next session.

22. In the light of the issues listed in paragraph 20 we recommend new text to be added to the Companion. This is set out in appendix 1. It is based on the original guidance, supplemented (in italics) with proposed changes to address the issues above. The changes are suggested either to streamline the process (responsibility rests with lead member; not reprinting until the marshalled list), to reflect an interpretation of the guidance which members have found helpful (using statements to advertise purpose rather than effect) or to clarify certain matters (clause stand part; starring).

Dinner and lunch break business

23. We have considered a specific issue which has arisen in relation to business intended to be scheduled for dinner and lunch break. The main business of the day is often interrupted for dinner or lunch break business, usually
a Question for Short Debate (QSD). How this works is very familiar to the House on days when the main business is a committee or report stage on a bill which is likely to last all day. In these circumstances the business is interrupted close to 7.30pm or 1.30pm for the dinner or lunch break business. Such dinner or lunch break business will appear at the end of the Order Paper with an italic notice to show it is anticipated to be taken at lunch or dinner.

24. There are days when the main business consists of several different items and it is not known how long each item will take but dinner or lunch break business is scheduled with the intention that it is taken around the usual time, though not necessarily interrupting business as the current procedures provide for. However, where the other business does not run to the expected time the existing Standing Orders and Companion provisions do not formally provide the flexibility to allow the dinner or lunch break business to be taken at the time intended.

25. **We recommend that Standing Order 40 be amended as proposed in appendix 2. This will allow dinner and lunch break business to be taken at the expected time notwithstanding the progress of other business. Dinner and lunch break business should continue to be entered at the end of the Order Paper.**

**Oral question tabling time on Thursdays**

26. Since April 2011 the tabling time for oral questions has been 2pm each day for slots four weeks ahead of that day. Priority is given to members who attend in person and a queue can sometimes form some hours before the tabling time. The current system of tabling at 2pm each day has the advantage of being consistent and predictable. However, tabling at 2pm on Thursdays may disadvantage those who live far from London.

27. **We recommend that the time for tabling oral questions on Thursdays should move to 10.30am, with priority given to those who attend in person (as per other days). Any remaining available slots should be allocated at 10.45am to those who have contacted the Table Office by email or phone, or whose questions have been brought in by others.**

**Procedural changes resulting from the extended parliamentary session**

28. In November 2017, the House agreed our first report of the Session which set out how to adapt its approach to a number of procedural matters in the light of the extended session (Procedure Committee, 1st Report, Session 2017-19, HL Paper 33). We have now considered similar adaptations to the House’s procedures arising from the session extending beyond two years. The proposals contained within this paper will apply only to the end of the session.

**Limit on oral questions**

29. The number of oral questions each member is allowed to table this session is set at seven from June 2018 to the end of the current session.

30. **We recommend that, for the duration of the remainder of the current session, the limit on the number of oral questions per member should be reset on 1 June 2019. It should be noted that the limit of seven**
oral questions in the second half of the session relates to when the question is asked and not when it is tabled. Therefore, a member who has reached their limit for the second half of the session may table a further oral question before 1 June 2019, provided that the question will be asked after the reset date.

Topical oral questions

31. The limit is currently set at four topical questions per member from June 2018 until the end of the current session.

32. We recommend that, for the remainder of the current session, the limit on the number of balloted topical oral questions per member should be reset on 1 June 2019. As with oral questions, the limit will relate to when the question is asked, rather than when it is tabled.

Thursday debates

33. Since the 2012-13 session, every Thursday from the beginning of a normal session until the end of January is set aside for general debates (Companion, paragraph 6.53). Within this period, one Thursday each month until the end of December is set aside for two balloted debates, and members may initiate only one balloted debate per session (Companion, paragraph 6.62).

34. In November 2017, the House agreed with the Procedure Committee’s report that:

• general debates should run from the start of the session (June 2017) to the end of January 2018, and from the first sitting Thursday in June 2018 until the end of January 2019;

• balloted debates should run from the start of the session (June 2017) to the end of December 2017, and from the first sitting Thursday in June 2018 until the end of December 2018;

• the current limit on the number of balloted debates per member should be reset at the point of any Whitsun recess or on 1 June 2018, whichever comes first, allowing each member to initiate two balloted debates during the current session, with the limit applying to when the debate takes place, and not when it is tabled (as with oral and topical questions above).

35. We therefore recommend that for the remainder of the current session:

• general debates should run from the first sitting Thursday in June 2019 until the end of the current session;

• balloted debates should run from the first sitting Thursday in June 2019 until the end of the current session, with the date for each balloted debate to be determined through the usual channels as is currently the case;

• the current limit on the number of balloted debates per member should be reset on 1 June 2019, with the limit applying to when the debate takes place, and not when it is tabled (as with oral and topical questions above).
Topical questions for short debate

36. In a normal session on every Thursday from the beginning of the session until the end of January there is a topical question for short debate, and members may initiate only one topical question for short debate per session (Companion, paragraphs 6.48–6.49).

37. **We recommend that in the current session:**

- there should be a topical question for short debate on every Thursday from the first sitting Thursday in June 2019 until the end of the session;

- the current limit on the number of topical questions for short debate per member should be reset on 1 June 2019.
APPENDIX 1: PROPOSED COMPANION TEXT ON EXPLANATORY STATEMENTS TO AMENDMENTS

Proposed new text is **bold**.

**Explanatory statements**

At committee and report stages and third reading, members may add an explanatory statement of up to around 50 words to each of their amendments or **notices of intention to oppose clause stand part**. The practice is voluntary and quite often may be otiose. Such statements should neutrally describe the intended effect of the amendment or the **purpose for which it has been tabled**. They should not be phrased as an argument for its adoption. **Where more than one member has signed an amendment, any explanatory statement is attributable to the lead member, who is solely responsible for authorising its content and any subsequent changes.** The Legislation Office will assist with drafting explanatory statements but the accuracy of the content is ultimately the **responsibility of the lead member**.

Explanatory statements may be used to indicate whether a member believes their amendment is linked to or consequential on another. However, such statements 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). 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).

Explanatory statements are printed immediately after the amendment to which they relate on any daily sheet of amendments and on each relevant marshalled list. **Statements added after the amendment has been published, or subsequently amended, are not normally printed until the publication of the next marshalled list. Explanatory statements are not starred.**
APPENDIX 2: CHANGES TO STANDING ORDER 40 RELATING TO DINNER AND LUNCH BREAK BUSINESS.

Proposed new text is **bold**.

40 Arrangement of the Order Paper
Notices shall be entered in the Order Paper in the order in which they are received at the Table, provided that:

1. Oral Questions shall be entered before other business
2. Notices relating to Private Business may be entered before Public Business. At the discretion of the Chairman of Committees they may also be entered later in the Order Paper.
3. Subject to paragraph (1), notices relating to the Business of the House and to the Chairman of Committees’ Business, if he so desires, shall have priority over other Public Business.
4. On all sitting days except Thursdays, notices and orders relating to Public Bills, Measures, Affirmative Instruments and reports from Select Committees of the House shall have precedence over other notices and orders save the foregoing.
5. On Thursdays, notices of Motions shall have precedence over notices and orders relating to Public Bills, Measures and delegated legislation.
6. Any motion relating to a report from the Delegated Powers and Regulatory Reform Committee on a draft order laid under the Legislative and Regulatory Reform Act 2006, or a subordinate provisions order made or proposed to be made under the Regulatory Reform Act 2001, shall be entered before a motion to approve that order.
7. Any motion relating to a report from the Joint Committee on Human Rights on a remedial order or draft remedial order laid under Schedule 2 to the Human Rights Act 1998 shall be entered before a motion to approve that order or draft order.
8. Subject to paragraphs (4) to (7) the precedence of notices and orders relating to Public Bills, Measures, Affirmative Instruments, Negative Instruments and reports from Select Committees of the House may be varied on any day, if the convenience of the House so requires.
9. Questions for Short Debate shall be entered last, except for balloted topical Questions for Short Debate on Thursdays, which shall be entered after the first motion for general debate.
10. **Business that is expected to be taken during a dinner or lunch break shall be taken at the time so intended notwithstanding the provisions of paragraphs (4) and (5).**