

HOUSE OF LORDS

Procedure and Privileges Committee

2nd Report of Session 2021–22

**Sitting times of Grand
Committees**

**Timetabling of Thursday
debates**

**Legislative Consent
Motions for Lords Private
Members' Bills**

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Procedure and Privileges Committee

The Select Committee on Procedure and Privileges 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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Second Report

Introduction

1. In the larger report we published on 6 July 2021, agreed by the House on 13 July, the Committee proposed a set of changes to the House for the operating model of the Chamber after 6 September. In that report, the Committee undertook to return to the House with proposals on two points:

“The first was the issue of extending the sitting times for Grand Committee from four to five hours. The second was the scope for streamlining the process of time-limiting general debates. We are working with the Administration to achieve both these points and will return to the House with proposals on both points.”¹

2. On 19 July the Leader of the House and the Government Chief Whip wrote to the Senior Deputy Speaker to report that both proposals have been developed, working with the Administration, since 29 June, and asking the Committee to agree to both points being put to the House on its return from the summer recess. The letter is reproduced in Appendix 1. This report contains proposals based on that letter and subsequent discussions in the usual channels. We also considered a technical issue which has arisen on Lords-starting private members bills concerning the general requirements on legislative consent motions, and make a proposal to remove what we consider to be an unintended consequence of an earlier decision. The consequential changes to the Companion should the House agree to the proposals in this report are set out in Appendix 2.

Grand Committee sitting times

3. During the pandemic five hours have been available for business in Grand Committee. Prior to the pandemic Grand Committee sitting times were limited to four hours as set out in the Companion. In addition, there was an informal arrangement allowing flexibility for the Grand Committee to sit slightly beyond the four-hour cut-off point to finish, for example, a group of amendments.
4. The Committee noted at its meeting on 29 June that a permanent extension of the time available for Grand Committee would require further consultation, particularly with external suppliers, as to the resourcing implications. As the Leader and Chief Whip report, those consultations have taken place and the extension of Grand Committee sitting times from four to five hours on occasion would not have significant staff or resource implications. Their letter indicated that the use of time over four hours would be “the exception, not the rule”. The Leader and Chief Whip have also undertaken to give adequate notice of when they expect any Grand Committee to need to sit for the full five hours and stated that extended sittings would need to be agreed in advance. On 13 July the House agreed to recommendations from the Committee to limit question time to 40 rather than the 30 minutes before the pandemic and PNQs to 15 rather than 10 minutes. The Leader and Chief Whip also therefore proposed new start times for Grand Committee, on the basis that for the first hour of the Chamber sitting members and

1 Procedure and Privileges Committee, [1st Report](#) (Session 2021-22, HL Paper 41)

ministers may need to be in the Chamber for oral questions and any Private Notice Question.

5. **We recommend that the maximum length of a Grand Committee sitting be extended from four to five hours, noting the Leader and Chief Whip’s undertaking that the use of the full five hours be only by agreement and be “the exception, not the rule”.**
6. **We recommend that the normal start times of the Grand Committee should be:**

Monday, Tuesday 3.45 p.m.

Wednesday 4.15 p.m.

Thursday 1 p.m.

Streamlining the process of time-limiting general debates

7. If more than one motion is to be taken as a general party debate on a Thursday, a Business of the House motion in the name of the Leader of the House has to be moved to divide the five hours allotted between two motions. The Chief Whip and Leader proposed that this process continue to be streamlined, as it has been under Hybrid House guidance, obviating the need Business motions for general party debates and balloted debates. Where there would only be one motion for debate, it would automatically be limited to five hours. Where there were two, the timings would be divided by agreement between the usual channels and the members sponsoring the debates with the possible divisions of the five hours being two and a half hours each, two hours and three hours or 90 minutes and three and a half hours. The timings would be confirmed to the Table Office no later than the point at which the speakers’ lists close, so that notice could be given on the Order Paper.
8. **We recommend that the times for general party debates and balloted debates be divided either as two and a half hours each, two hours and three hours each or 90 minutes and three and a half hours each, through the agreement of the usual channels and the member in whose name each debate is tabled.**

Legislative Consent motions on Lords Private Members’ Bills

9. One small further issue has arisen since the last meeting of the Committee at the end of June. In October 2020 this Committee recommended, and the House agreed:

“that when legislative consent has been refused, or not yet granted by the time of third reading, a minister should orally draw it to the attention of the House before third reading commences. In doing this the Minister should set out the efforts that were made to secure consent and the reasons for the disagreement.”²
10. It has been pointed out that, for a Lords-starting Private Members’ Bill, the aim is for any necessary legislative consents to be obtained by the time of Commons committee stage. So on any such bills requiring consent a ministerial statement at Lords Third Reading will almost always be required

but add no value. This will become an issue for the first time in October 2021, when the first of this session's Lords-starting private members bills are expected to reach their Third Reading stage.

11. **We recommend that the requirement for a ministerial statement at Third Reading, if necessary legislative consent has not yet been obtained, should not apply to Lords-starting Private Members' Bills.**

APPENDIX 1: LETTER FROM THE LEADER OF THE HOUSE AND GOVERNMENT CHIEF WHIP

Letter from the Leader of the House and the Government Chief Whip to the Senior Deputy Speaker, 19 July 2021

At its last meeting of the Procedure and Privileges Committee discussed and agreed to return to two issues:

Grand Committee sitting times; and

Retaining flexibility in the time limits for general debates.

We are grateful for the work that the Administration have undertaken on these issues and, following discussions in the Usual Channels we are now in a position to ask the Committee to take final decisions on these points. There is one matter on which the Usual Channels are not agreed and we have highlighted that below.

Grand Committee sitting times

Since September 2020 the Grand Committee has had the ability to sit for up to five hours. We understand that the Administration have spoken to the teams that support sittings of Grand Committee, including the broadcasting team, doorkeepers and Hansard, in the Moses Room and a permanent extension of time from four to five hours is manageable.

In proposing these times, we stress that it is anticipated that, subject to the progress of business, the extra time would only be used to ensure that business scheduled in the Grand Committee could finish at the most convenient point for all participants and that the extended hours will very much be the exception rather than the rule. We would endeavour, as now, to give all concerned notice of sittings that were anticipated to run for more than four hours. We understand that not all the Usual Channels agree to making the temporary extension.

In addition, the decisions of the Committee on 29 June, then approved by the House, will affect the start times for Grand Committee. The Grand Committee previously only started proceedings after oral questions and any private notice question were completed. The PPC's decision to extend the time for oral questions to forty minutes and PNQs to 15 minutes means that retaining the existing start times means there is a risk that ministers, frontbench spokespeople and backbench members who wished to participate in Grand Committee are unable to get to the Moses Room in a timely manner for the start of proceedings. This change has been agreed within the Usual Channels.

Taking these two things together, we would therefore wish to propose that the Grand Committee could sit for the following times:

Weekday	Current times	New times
Monday	3.30pm - 7.30pm	3.45pm - 8.45pm
Tuesday	3.30pm - 7.30pm	3.45pm - 8.45pm
Wednesday	3.45pm - 7.45pm	4.15pm - 9.15pm
Thursday	2pm - 6pm	1pm - 6pm

Time Limited debates

During the hybrid House there was some flexibility to adapt the time limits for debates. We have found this to be a useful streamlining of the process and consider it is a small improvement that the Committee should retain for party and balloted Thursday debates.

With the agreement of the Usual Channels, we therefore propose that if, on party debate days, only one motion has been tabled for debate, the time-limit should automatically be set at 5 hours. On party debate days where two motions have been tabled and on balloted debate days, the overall five hour envelope should be divided by agreement between the Usual Channels and the members sponsoring the debates. So depending on the number of speakers, debates could both be 2.5 hours each, or 90 minutes and 3.5 hours or 2 and 3 hours. The final time limits would be notified to the Table Office by Government Chief Whip no later than the time at which the speakers' lists close.

This proposal would make the process for agreeing times for debate more efficient and retain some flexibility to set different times depending on the number of speakers in any debate to ensure that speaking times can be maximised. As now, this would only be done by agreement between the Usual Channels and the mover of the debate.

We understand that, given the time that has elapsed, it is now not possible for motions to be moved in the House before the summer recess. However, we hope that it is possible for the Committee to take decisions on these matters by correspondence before the summer and will ensure that time is available on the first day of the September sitting for any report to be agreed by the House.

APPENDIX 2: CONSEQUENTIAL CHANGES TO COMPANION TEXT

Grand Committee sitting times

Paragraphs 3.17 and 3.18 are amended as follows (new text in bold and deleted text struck through):

“Grand Committees sit for times agreed in advance, irrespective of the rising of the House. **The Grand Committee will normally sit for four hours, but can be extended to a maximum of five hours, with agreement.** Notice of the proceedings is given in House of Lords Business. The normal sitting **start** times of Grand Committee are:

Monday, Tuesday ~~3.30–7.30 p.m.~~ 3.45 p.m.

Wednesday ~~3.45–7.45 p.m.~~ 4.15 p.m.

Thursday ~~2–6 p.m.~~ 1 p.m.

~~“On days when a Grand Committee sits to consider five backbench questions for short debate its normal sitting times are:~~

~~Monday, Tuesday 3.30–8.30 p.m.~~

~~Wednesday 3.45–8.45 p.m.~~

~~Thursday 1–6 p.m.”~~

Streamlining the timetabling of Thursday debates

Paragraph 6.62 is amended as follows (new text in bold and deleted text struck through)

“Balloted debates

6.62 One Thursday in each month from the start of the session to the end of December is set aside for two balloted debates. ~~These balloted debates are limited to 2½ hours each, and t~~ **The timings for these balloted debates are set in the same way as for general debates (see paragraph 6.66).** Their subjects should be narrow enough to be debated within the time limit. These debates may be initiated only by backbench and Crossbench members and a member may initiate only one balloted debate per session.”

Paragraph 6.66 is amended as follows (new text in bold and deleted text struck through):

“The House may limit debates, either in the House itself or in Grand Committee, to a specific number of hours. **The general debates on a Thursday are time limited to five hours. If there are two debates, these may be divided up into 90 minutes and three and a half hours each, two hours and three hours each, or two and a half hours each, by agreement between the usual channels and the member in whose name the motion is tabled.** ~~A business of the House motion in the name of the Leader of the House (of which notice is required) must be moved before the start of the debate if a time limit is to be applied.~~ Within the overall limit, the amount of time allotted to particular speakers is calculated in advance and stated on the speakers’ list.”