

HOUSE OF LORDS

Procedure and Privileges Committee

3rd Report of Session 2023–24

Amending stages of public 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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Third Report

AMENDING STAGES OF PUBLIC BILLS

Introduction

1. The freedom of all members to contribute to the House’s scrutiny of legislation, whether by tabling amendments or by speaking in debates, is precious and unique. But that freedom must be accompanied by effective self-regulation, and it is now more than half a century since the House resolved that “speeches in this House should be shorter” (*Companion* 4.40). This report recommends various changes intended to encourage such brevity, making amending stages more efficient, while safeguarding the self-regulating nature of the House and respecting the importance of legislative scrutiny as the House’s primary function.
2. The proposals would apply to all amending stages of public bills—namely Committee stage (including Grand Committee), Report, Third Reading, and Lords Consideration of Commons Amendments (LCCA).

Date of proposals taking effect

3. If the House agrees the proposals contained within this report, they will come into force on the first Monday after the House has agreed them.

Proposals to make amending stages more efficient

4. The Committee proposes changes to existing practice and to the guidance in the *Companion* in six areas:
 - Revised guidance on the length of speeches opening and winding up debates on groups of amendments;
 - Revised guidance on backbench speaking times as they apply to amendments;
 - New guidance on length of speeches when pressing or withdrawing an amendment;
 - New guidance to reduce repetition;
 - New guidance that speeches should reflect the purpose of the stage at which they are made, even where a member was not present at an earlier stage;
 - Changes to how the clock is used during amending stages.

Each of these changes is considered in detail below. The *Companion* amendments to give effect to them are in the Appendix.

A: Opening and winding up speaking times as they apply to groups of amendments

5. The *Companion* says that Members opening or winding up, from either side, are expected to keep within 20 minutes (para 4.41). This currently applies to debate on an amendment or group of amendments.

6. The Committee recommends that during amending stages Members opening or winding up, other than the Minister, should in future keep within 15 minutes. As the House will want the Minister to have time to respond properly to all the points raised, and as experience suggests that the Minister is most likely to be intervened on, we recommend that the Minister should still have 20 minutes. These timings are inclusive of interventions.
7. It is worth remembering that there is a separate caveat in paragraph 4.41 of the *Companion* that “on occasion, a speech of outstanding importance, or a ministerial speech winding up a long debate, may exceed [these limits].” We do not recommend any change to this text, which will continue to apply regardless of the changes proposed in this report.

B: Backbench speaking times as they apply to amendments

8. Backbench speakers are currently expected to keep within 15 minutes (*Companion* paragraph 4.41). The Committee recommends that at amending stages this expectation should be reduced to a maximum of 10 minutes. This would apply to all backbench speeches other than when a backbencher moves a lead amendment in a group.¹ We believe that such a change will maintain the right of individual members to play a full part in the House’s legislative scrutiny, while potentially enhancing the quality of debate and saving substantial time.
9. We note that at Committee stage, members can speak more than once, though this seldom happens in practice. The new limit would apply per speech.

C: Length of speeches when pressing or withdrawing an amendment

10. There is currently no specific guidance about how long a member exercising the right of reply to press or seek leave to withdraw a lead amendment may speak at the end of a group, other than the 20-minute rule in paragraph 4.41 of the *Companion*.
11. We recommend the introduction of guidance that when a member other than the Minister presses or withdraws an amendment they should normally be brief. They do not need to respond to all the points made in the debate as if they were the minister, or revisit points they made when moving the amendment. This would apply to backbench members and to opposition frontbench members.
12. This would be guidance, not a formal time limit, but it would clearly encourage members to be brief and would provide the front benches and other members of the House with clear guidance to remind the House of if they are not.

D: Repetition of points made

13. There is currently no specific guidance to limit the repetition at Committee stage of points that have already been made, though repetition of arguments fully deployed in Committee is prohibited at Report, as set out in paragraph 8.147 of the *Companion*.

¹ Or, at Committee stage, opening debate on Clause Stand Part, if that were how the group began.

14. We propose the introduction of guidance that:
- members exercising their right at Committee stage to speak more than once should avoid repeating points they have made previously; and
 - members should not use speeches simply to summarise or repeat at length points made by others.
15. We believe that this guidance, if adhered to, could save valuable time. While it will sometimes require difficult judgement calls about the content of speeches, it will provide whips and other members of the House with guidance to remind the House of if necessary.

E: Speeches to reflect the purpose of the stage at which they are made

16. It is sometimes thought that members who have not taken part in earlier stages of a bill should not speak at later stages. This is incorrect: attendance at earlier stages is not a prerequisite for participation in later stages of a public bill.
17. But each of the stages of consideration of a public bill has a specific character and purpose, and it follows from this that, as a matter of courtesy to the House and in the interests of making reasonable progress through the business on any given day, speeches should reflect the purpose of the stage at which they are being made. Making a ‘second reading’ speech on an amendment delays progress and impedes focused debate.
18. This is not specified at present. The *Short Guide to Procedure* contains the following: “Do not make second reading-content and -length speeches during committee or report stages and/or make discursive interventions which are not relevant to the amendment(s) under discussion.” But this is an informal guide for members rather than an authoritative text. The *Companion* simply states that “Debate must be relevant to the Question before the House” (paragraph 4.23).
19. The Committee therefore recommends the addition of text to the *Companion* setting out:
- That attendance at earlier stages is not a prerequisite for participation in later stages of a public bill; and
 - That speeches should reflect the purpose of the stage at which they are being made.

F: Change how the clocks are used during amending stages

20. At present the Chamber clocks are used during amending stages to record the time taken on each group of amendments rather than each speech. They do not flash during amending stages, as there are no group time limits. The timings on the bottom left of the annunciator reflect the start of individual speeches, so the approximate length of the current speech can be worked out by comparing with the current time, shown bottom right.
21. To support the changes proposed in this report, and more broadly to support the House’s ability to self-regulate during amending stages, we propose that the clock in the Chamber (and Grand Committee) should be used during amending stages to time speeches rather than groups, flashing after the

allocated time for an individual speech. The clock would not be paused for interventions.

22. This proposed change to the use of clocks will make it more obvious to the House when speeches exceed guidance and therefore easier for all members, including the front benches, to intervene to move things on.
23. We know that it is also helpful for the House to know how long the debate on a group of amendments is taking. We therefore recommend that the annunciator should in future record (on the bottom left of the screen) the time that the debate on the current group of amendments started. We understand that this information would be unavailable in Grand Committee, as the timings on the annunciators follow Chamber proceedings.

Conclusion

24. **We recommend the changes proposed in this report, and the suggested amendments to the *Companion* set out in Appendix 1, to the House.**

APPENDIX 1: PROPOSED AMENDMENTS TO THE COMPANION TO THE STANDING ORDERS

Deleted text is ~~struck through~~; inserted text is in **bold text**.

Proposals A and B

A: Revised guidance on the length of speeches opening and winding up debates on groups of amendments

B: Revised guidance on backbench speaking times as they apply to amendments

Insert the following new paragraph before paragraph 4.41, with consequential amendments to paragraphs 4.41 and 4.41A:

4.40A In debates at all stages on public bills other than second reading, all members opening or winding are expected to keep within 15 minutes, with the exception of ministers winding up who are expected to keep within 20 minutes. Other speakers are expected to keep within 10 minutes.

4.41 In **other** debates where there are no formal time limits, members opening or winding up, from either side, are expected to keep within 20 minutes ...

4.41A The limits described in the preceding **paragraphs** are guidelines. The House expects them to be observed, but on occasion a speech of outstanding importance, or a ministerial speech winding up a long debate, may exceed them.

Proposals C, D and E

C: New guidance on length of speeches when pressing or withdrawing an amendment

D: New guidance to reduce repetition

E: New guidance that speeches should reflect the purpose of the stage at which they are made, even where a member was not present at an earlier stage

After paragraph 8.79, insert the following new heading and paragraphs:

Guidance on speaking at amending stages

8.79A Members taking part in debate at an amending stage should not use their speech simply to summarise or repeat at length points made by others. They should not make “second reading” speeches or make discursive interventions which are not relevant to the amendment(s) under discussion. A member need not be present at earlier stages of consideration of a bill to contribute to debate. Whether or not a member was present for earlier stages of consideration of a bill, their contribution should reflect the purpose of the current stage.

8.79B A member speaking more than once at Committee stage should not repeat points they have already made. Members (other than the Minister) pressing or withdrawing an amendment should normally be brief and need not respond to all the points made during the debate, nor revisit points made when moving the amendment.

8.79C For length of speeches on amendments, see paragraphs 4.41 and 4.41A.

Proposal F

F: Changes to how the clock is used during amending stages

Amend paragraph 4.42 as follows:

4.42 Clocks are installed under the galleries to time the length of speeches. The clocks are used principally to record:

- the length of speeches in all debates except ~~debates on amendments,~~ debates on delegated legislation where there is no speakers list ~~and in Committee of the whole House;~~
- ~~the time taken on amendments at all stages and, in Committee of the whole House, on debates on the Question that a clause or schedule stand part of the bill;~~
- the total time taken for oral questions and debates on delegated legislation where there is no speakers' list; and
- for ministerial statements, the length of the statement itself, the frontbench exchanges and the backbench exchanges.