

Procedure Committee

Oral evidence: Procedure under coronavirus restrictions, HC 212

Monday 28 June 2021

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Members present: Karen Bradley (Chair); Aaron Bell; Kirsty Blackman; Jack Brereton; Sir Christopher Chope; Chris Elmore; James Gray; Nigel Mills; James Sunderland; Liz Twist; Mr William Wragg.

Questions 515-590

Witness

I: Rt Hon. Jacob Rees-Mogg MP, Leader of the House of Commons and Lord President of the Council.



Examination of witness

Witness: Rt Hon. Jacob Rees-Mogg MP.

Q515 **Chair:** Thank you very much for being with us today, Lord President. We appreciate you coming to the Committee. The last time you came was in January. Obviously, there are things that have moved since then, and other things that have not changed quite as much as some others would have expected or hoped.

We have a number of questions for you on a number of different topics. We would like to cover written questions. We would like to talk to you about the work we are doing on the territorial inquiry and also our concerns around how fit for purpose Standing Orders are. You will find that there are, inevitably, many questions about procedure under coronavirus and what might happen in the future.

We will kick off with questions about written parliamentary questions. I am sure that you have had complaints from Members—this Committee certainly has—about the performance of Departments in answering written questions and the quality of written questions. Do you have any idea of how many complaints from Members you have received since December, either on the Floor of the House or privately?

Mr Rees-Mogg: No, I haven't added them up, but it has been a regular theme of business questions and I have had an element of what you might call formal correspondence about it and informal commentary to me about it. I have tried, as far as possible, to take up any case that has been brought to my attention, because MPs have an absolute right to receive replies to questions. It is a fundamental part of scrutiny and it is an expectation of Ministers that they will respond efficiently.

Q516 **Chair:** Do you have any examples of the kinds of answers that have just not been satisfactory? What response have you had from Departments?

Mr Rees-Mogg: May I refer to my telephone? In preparation for this session, I looked up one particular example, which is quite instructive. Kate Osamor had a question asked in October. My office chased it in December and I sent a message to the relevant Secretary of State then in March, who said he would deal with it immediately. It never got a proper answer. There are some very difficult examples. That was the Department of Health and Social Care, which I think had particular problems with which one can have some sympathy, and it is now getting it back under control, but there are too many examples.

Other Departments that were not as badly affected by the pandemic also saw their levels tail off or were starting in a less good position. Bear in mind, DHSC had a 97% answer rate within time period, as one of the busiest Departments, before the pandemic struck. That went down to 7%. The scale of the problem is one I am very well aware of. As I say, I have always been keen to do my best to help Members get answers.

Chair: Thank you for that. We have had the Minister in from DHSC and will be having the Minister in again before the summer recess, because



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while there are some signs of improvements, I think the Committee wants to be reassured that this is not simply a short-term improvement and that this is going to be back on a sustainable footing.

The timeliness of answers and responses is of great concern to us, but it is also the quality. James Gray wants to come in on that point.

Q517 James Gray: May I remind you of when you and I used to sit on this Committee together? My career has been a great deal more successful since then—I am still here. Anyhow, we had this very question before us. I seem to remember Liz Truss came in on one occasion and we gave her an absolute grilling.

Is there not an argument that could be advanced that this is not anything to do with covid—that it is endemic and is actually caused by the system of itself? Is there not an argument that we ought to reform the way in which written PQs are placed and answered? I have been here for 25 years and it has been like this for 25 years. Is it not time that we find a way of bringing it up to date?

Mr Rees-Mogg: If we go back to that halcyon age when we were both on this Committee, we had Elizabeth Truss in as the junior Minister at the Department for Education, followed a few weeks later by the then Secretary of State. My brief experience of Government is that everything evolves around the Secretary of State. I defer to the Chairman in this, as she has much greater experience of Government than I do. If you have a Secretary of State who wants questions to be dealt with efficiently, excluding the pandemic, which was exceptional, then they will be. That is why the DHSC had a very good record, because it had a succession of Secretaries of State who ensured that it did. It then got overwhelmed.

I seem to remember, from that discussion with DFE in 2011-ish, that there was a problem in getting the answers past special advisers. History may now relate who that particular special adviser was, who did not hold Parliament in the highest regard. This may be something that the Committee will wish to look at a bit more.

Q518 James Gray: Who was it?

Mr Rees-Mogg: He who shall no longer be named—the Voldemort of Government. I think you can get those sorts of obstacles in the system, but I do not think it is across the whole of Government; I think it is very much departmental. Transport answers well, the Treasury has a high percentage answer rate, and a number of other Departments with high volumes answer efficiently, but some don't, because they have a particular problem in it. That is why I think this Committee is right to call in Secretaries of State and say, "Why isn't your Department doing better?", because then the Secretary of State goes back and says, "Look, we really have to pull our socks up."

Q519 James Gray: Absolutely right, but the Secretary of State changes every year or two. All we are seeing, therefore, is that the Department will want to lapse back to where it was before the Secretary of State moved on. In



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passing, when I was a special adviser, I never once would have written to you. That was way beyond my brief—I would not have done that for a moment. Do you think there is a problem here with the Spads being given that task? I am not sure why.

Mr Rees-Mogg: Not generally, because it is a ministerial responsibility taken very seriously by civil servants, so I do not think it is a general problem. What we thought at the time on the Procedure Committee, if I remember rightly, was that the answers were being held up under a particular circumstance, rather than that being a general problem. The answer I am giving you is that yes, there are sometimes specific problems, but it is not across all Whitehall. Some Departments remain very good. Some have always had a very high volume and have normally coped, the DHSC being a very good example; some have room for improvement. It is trying to get best practice across all Departments.

One of the things I would like to work with this Committee on is the time limit of the information we have to check. I think you are still operating on the basis of getting sessional information and then looking at it and saying, "Well, in the last Session it wasn't very good by this Department." Actually, it is all now electronic—it is all online. We ought to be looking at real-time information and chasing Departments sooner, rather than relying on business questions or people just catching one of us in the Division Lobby and saying, "This Department isn't answering well." We have the ability to get that data and we ought to use it, because then we would stop the problem ever developing to the point where you are just not getting answers and getting a huge backlog. Then we deal with the backlog, which means your new questions are not answered and it is very hard to break that cycle once you get into it.

Chair: I would concur with that, having been a member of the Committee when the Ministers were at that side of the table in 2011 and then being on that side of the table myself, as a Minister, at one point. I absolutely confirm that if the Secretary of State does not take this matter seriously, it tends to fall by the wayside in terms of departmental responsibilities. We are very keen to look in more detail at how we can make the response to written PQs more responsive and effective for Members, because there is a frustration that Members simply do not get the responses they need, in the time they need them, and that doesn't allow them to continue the work that they need to do as constituency MPs. We also have some issues with letters. Chris Elmore has a point that he wants to raise on that.

Q520 **Chris Elmore:** Good afternoon, Lord President. I know you have answered this in business questions very many times—as you are aware, I am a Whip, so I sit and listen intently to all your answers—but there is a concern about Ministers not signing off their own letters, as in physically signing the letters. I know you are frustrated by this and you have said this on the record. For this Committee's record, what is your view of that and how can we try and move away from Ministers not signing letters physically? Also, there is a concern that if Ministers are not signing the letters, are they aware of the content of what goes out to Members of



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Parliament?

Mr Rees-Mogg: It is a routine discourtesy for a Minister not to sign a letter to any Member of Parliament who writes in. I have, as you point out, on the Floor of the House got some MPs who have got in the habit of getting their assistants to write to Ministers, and I am afraid I absolutely refuse to reply in those circumstances. They will then get a reply from officials. The courtesy applies both ways round. I think it is very important for Ministers to do this, because they need to know what the concerns of Members are. It is a very important political testbed. We know as constituency MPs that if we get a cluster of complaints about a particular institution in our constituency, there is a problem, and we then have to try and do what we can about it. When that cluster ceases, we know that things are going better. The same applies to ministerial correspondence. If you are getting a large number of letters about a similar subject, there is a problem that needs tackling, and it is in the Government's interest to deal with that, not just in the interests of the MP and the constituent.

You must assume that if a Minister's name is at the bottom of a letter, that Minister knows what is in the letter, even if it is an electronic signature, and I think that is satisfactory. I tend to send back letters that are signed off by officials. I expect a response from a Minister. I would have done exactly the same as a Back Bencher.

Chris Elmore: I don't doubt that.

Mr Rees-Mogg: It is not that I think as a Minister I am entitled to special treatment. The treatment for MPs must be the same. There is a further courtesy that Privy Counsellors expect a reply from a Privy Counsellor, but I don't think that we stand on ceremony too much—I am looking at you, Chair.

Chair: I have certainly received letters from Ministers who are not Privy Counsellors. I would not get upset about it.

Mr Rees-Mogg: I think that is right, if the letter answers the question. That is a nice if now relatively antique courtesy.

Chair: Thank you. I am now going to hand over to Sir Christopher Chope.

Q521 **Sir Christopher Chope:** Lord President, good afternoon. Can I raise with you first of all the issue of the opportunity that Members have to ask questions arising from oral statements? That is a very important part of parliamentary scrutiny and in a sense addresses your point about dealing with questions in real time. In that context, could you help us on the negotiations between the Prime Minister and the Speaker of the House on the issues arising from what happened on 14 June?

The Speaker—I think the House was absolutely behind him 100%—was indignant and felt that he had been humiliated by the Government's decision to speak to the nation in a press conference rather than by presenting the changes to the covid regulations to the House first. The Speaker referred to the ministerial code, which says: "When Parliament is



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in session, the most important announcements...should be made in the first instance, in Parliament." The Speaker then told us he was going to discuss this with the Prime Minister, and some of us have had the chance of raising it with the Prime Minister directly.

The reason I ask this question is because I was very disappointed to learn from the Prime Minister that he felt totally justified in a pandemic in bypassing this process, and effectively enabling unelected officials and himself to give an uninterrupted propaganda announcement without any parliamentary scrutiny. He also made the point that of course if he had done that and parliamentary scrutiny was taking place at the same time or immediately before that with statements, there might be inconsistency in the message that was being sent or put across.

Surely the message to the public should be that the Government are making an announcement and that elected Members of Parliament are able to ask questions about it and get proper answers there and then. I regard this as really serious, and obviously the Speaker does too, and I wonder what you are doing to try to persuade the Prime Minister that he has got it all wrong.

Mr Rees-Mogg: I don't think that it is for me to persuade the Prime Minister that he has got it all wrong—I am not sure that I would phrase things in that way. But the ministerial code, which is the Prime Minister's code, is absolutely clear that announcements must be made to Parliament first. The Speaker and the Prime Minister had a conversation. I was not present at it, but I hear that it was a very successful conversation. And the constitutional norms ought to apply. I think that, in the course of the pandemic, the DHSC or the Government as a whole has made over 80 statements in relation to the pandemic, so Parliament has been kept up to date, and that is quite right.

I absolutely agree with your point that it is Members of Parliament who should be scrutinising, rather than people who are not elected. We do so with the backing, support, and knowledge that our constituents bring to us in the correspondence they send to us and in the conversations they have with us. So that level of parliamentary scrutiny is constitutionally very important, the Speaker has made his views clear and, dare I note, if the Government does not come forward with statements, it will have to come forward with responses to urgent questions. So the Speaker has a method for ensuring that things are brought properly to the attention of the House, but we do volunteer statements and have done reasonably well in the course of the pandemic to uphold the constitutional norms.

Q522 **Sir Christopher Chope:** That is not what happened on 14 June. The Government abused the process. There was a prime ministerial statement and there was no opportunity during that statement, other than for stooges in the press, to ask questions. There was no opportunity for Members of Parliament to ask the Prime Minister questions on that statement. And it seems to me that, since being berated by the Speaker, the Prime Minister has refused to apologise and to say, "Sorry, I won't do that again." We had a less important issue last Thursday, because



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immediately after the House had risen we had a statement from the Government on the new areas that were going to be on the so-called green list for travel. What I am hoping to get from the Lord President this afternoon is a commitment that the Prime Minister does understand his own ministerial code and he has taken vows to comply with it fully in the future.

Mr Rees-Mogg: First of all, I am very surprised to hear from my hon. Friend the reference to “stooges in the press”. I am not entirely sure that *The Guardian* would feel themselves in that category, and some Conservatives may doubt that the BBC is in that category. However, glossing over that point—look, it is important that statements are made to Parliament. The issue does arise when decisions are made late in the day, when Parliament is not sitting on that day, and need to be communicated. I am not entirely sure at what point in the day the transport decision was made, but obviously the Speaker has made it clear that if a decision is made while the House is still sitting, he will facilitate a statement even if it interrupts business. That is allowed for, according to “Erskine May”, business can be interrupted for the purpose of an urgent statement. And that is quite right, because the House ought to be kept informed.

The 14th of June was a complicated day, because the Prime Minister was away at the NATO summit and then came back and a statement was then made in the House by the then Secretary of State. Sometimes things will not work as smoothly as one would hope, but the ministerial code is clear and the Prime Minister has had a good conversation with the Speaker. My views are that the constitutional proprieties must be observed—that is what they are there for—and if something is in the ministerial code, it should be stuck to, or the ministerial code should be rewritten. There is no point in having something in a code if you don’t intend to do it. I am confident that the Prime Minister intends to follow the code that bears his name.

Q523 **Sir Christopher Chope:** I am grateful for that assurance. Can I quickly give just one example of a question that has not been answered properly? This one actually was answered about an hour ago by the Department for Transport, so it is highly topical. I asked whether the Secretary of State for Transport could give the assessment that he has made of the risk to public health caused by fully vaccinated people travelling together in aircraft with high efficiency particulate air filters. The emphasis of that question was on the risk to public health.

The answer makes no reference whatsoever to public health. It tells me about high efficiency particulate air filters, which I knew about, which is what caused me to ask the question in the first place. It tells me about the virtues of people having two vaccines, which I knew about as well, but fails to answer the question, which was prompted by concerns from one of my constituents who is an out-of-work pilot and is absolutely incensed that aircraft are being grounded on the basis of it being essential for public health that they are so grounded and cannot have passengers on them. Why can’t a question like that receive a proper answer?



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Mr Rees-Mogg: I do not know. I have not seen the specific question, but I wonder whether it should be re-tabled to the Department of Health, because it relates to public health. That is a Department of Health issue rather than a Department for Transport issue, and therefore the Department for Transport has answered on the bits that it is responsible for—although it is obviously not responsible for vaccines—rather than the bit it is not responsible for.

I would try re-tabling the question, but everyone around this table knows that if you want an answer and you do not get it the first time, there are other ways of doing it. You ask the question again; it is harder to do in the pandemic, but you can get in at orals; or you can get an Adjournment debate on the subject. You just keep going, and all those mechanisms are available if answers are unsatisfactory, or you raise it with somebody in my position and I try to get you a better answer. These are all perfectly proper and legitimate ways of seeking to enhance scrutiny of the Executive.

Q524 **Sir Christopher Chope:** Lord President, I hope that you will be able to use your good offices to try and get me a better answer to that question. If you could, I would be most grateful.

Mr Rees-Mogg: Can I ask you to re-table it to the Department of Health first, and then I will? If they do not answer on public health, I will take it up with both Departments and see what I can do.

Sir Christopher Chope: Okay, I will do that. Thank you.

Chair: It is an interesting point. The DFT usually scores very well in terms of timeliness of response, but it is interesting that perhaps in that case, they have not been able to answer the question as fully as Sir Christopher would like. Kirsty Blackman wants to come in.

Q525 **Kirsty Blackman:** To be fair, we should not have to go through asking the question numerous times if it is an easy question to answer and the Government have the answer lying around somewhere. We should just have to ask it once, because it is a waste of everybody's time if we have to ask it multiple times.

The question I was going to ask is to bring the Leader of the House back to the statements about the ministerial code. What is the point in having that ministerial code if people are happy to break it—if people do break it? The only person who seems to be very keen on ensuring that people stick to the ministerial code is the Speaker, but it is not him bidding for ministerial statements. He is allowing them the time for ministerial statements if they ask for it, but what is the point in having that ministerial code if people feel that they can just break it whenever they feel like it?

Mr Rees-Mogg: I would reiterate the point that there have been, I think, 80 statements during the course of the pandemic volunteered by the Government to keep the House up to date. Yes, on 14 June things did not



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run as smoothly as they should have done for a variety of reasons, as I already alluded to.

I think the ministerial code is stuck to, and that Ministers do recognise the importance of keeping Parliament up to date. Inevitably, sometimes things happen when Parliament is not sitting, and it is important that the public are informed as soon as possible. If a decision is made at 6 o'clock on a Thursday evening, you cannot wait until 3.30 on a Monday to announce that to the public in a pandemic—or even out of a pandemic. There are circumstances, even during the normal business week, when statements will not be made first to Parliament because they cannot be. That is perfectly reasonable, but I think that if you spoke to a wide variety of Ministers, they would all not only accept but welcome the importance of parliamentary scrutiny.

I think parliamentary scrutiny leads to better government, and therefore coming to the House and giving a statement is not just helpful to the Opposition; it is helpful to the Government, too. Questions asked by Members of Parliament help the Government explain their case, and I think this has been particularly true during the course of the pandemic.

When you look at the press conferences, the broadcasters all ask the same question because they want to broadcast their reporter asking the question, not a competitor. That is not what happens on the Floor of the House. You get a succession of questions, many of which are different—sadly not all, but many. That helps the Government get a broader message out and get a better explanation across, so it is in the interest of not only the House that it is here first but of the Government. I think most Ministers understand that.

Chair: Thank you. We will move on from that topic. I think it is worth making the point, however, that on 14 June there was a statement to the press and to the public from Downing Street before the statement on the Floor of the House. It was very reassuring to hear what you said on this matter, Lord President, but I think we all agree that making a statement to the press while Parliament is sitting is not appropriate. It should be Parliament first. I am sure that will not be repeated.

We will obviously come back later, as a Committee, to looking at PQs, and I am sure we will talk to you again about that. However, we will move on to questions around the territorial constitution. You will know that we have an inquiry on that. We are particularly concerned about the position of English votes for English laws, and Nigel Mills has some questions on that.

Q526 **Nigel Mills:** Speaking of things being trailed in the media first, Jacob, could you update the House on the Government's plans for the English Votes for English Laws Standing Orders? Will they be reinstated in a few weeks' time, or will they just disappear and not be seen again?

Mr Rees-Mogg: First of all, I think it is worth saying what I understand happened in relation to a story in *The Times* a week or so ago. I understand that a write-round was leaked and then quoted at the



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Chancellor of the Duchy, and he responded. That is how that information came out in a non-timely way, and therefore without Parliament being informed first or it being brought to Parliament.

Standing Orders are obviously a matter for the House itself; they cannot be changed without the House deciding that that is what it wants to do. However, EVEL has been suspended for a year without any loss of effectiveness to the way the House operates, any loss to the constitution or any loss to MPs' ability to represent their constituents. Actually, when you look back on it, it is very hard to see that EVEL has served any useful purpose in the whole time that it has been in the Standing Orders, and at a level of complexity and non-understanding that is, I think, quite high.

I think the EVEL Standing Orders take up more than 10% of all our Standing Orders, for a procedure that has not had an effect on our business once in the time in which it has been available. The Government are of the view that EVEL is no longer a necessary process within the House of Commons, irrespective of the pandemic. It is not a pandemic-related change but simply a recognition that it has not contributed to constitutional development in the way that may have been hoped.

Q527 Nigel Mills: What is the plan for 19 July? Will the EVEL Standing Orders be turned back on and then at some point the Government will bring forward a vote to repeal them, or will you try to somehow merge those two processes?

Mr Rees-Mogg: I think the two processes will be separated, although I would not want to give any guarantee as to the timings.

Q528 Nigel Mills: So we are not expecting a vote on repealing them on 19 July? Are you saying that it will be some time later than that, or are you not ruling out that it might be on the same day?

Mr Rees-Mogg: I am not giving a specific commitment on timing, but it is not correlated with the return to normal in the House. It is a separate decision in relation to the difficulties with EVEL.

It is of fundamental importance, constitutionally, that every Member of Parliament in this House is absolutely equal: Minister, non-Minister, spokesman for Opposition party, Front Bencher, Back Bencher, Privy Counsellor, well established, newly elected—there is absolute equality of the regions of the country they represent. That has been the most ancient constitutional principle, which EVEL contradicted to some extent. It did not even have any effect, however, so it was a blot on the constitution in many ways, and I think using a bit of ink eradicator to get rid of that blot is not a bad idea.

Q529 Nigel Mills: The Government are not minded to look for a better option. You recognise that those rules came about because there was substantial and real concern for many, many people that Scottish MPs had no say in health policy in Scotland but had a say on health legislation in England, and that was seen to be fundamentally unfair.

Over the years, we have had different tax rates in Scotland and other



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parts of the UK. The problem that EVEL was the response to is still out there and, in many ways, it has been increased since EVEL was introduced. Are you saying that the Government view is that there is no role for any process in the House of Commons to ensure consent from English Members to changes on areas that are devolved and handled by different Parliaments and Assemblies?

Mr Rees-Mogg: Certainly, in your territorial review, it will be interesting to see if there are any ideas that you come up with that you think should be considered. Since EVEL came in, and since the departure from the European Union, we have legislated without legislative consent motions.

You may view EVEL as being, to some extent, the equivalent of legislative consent motions, and that as this is one House in one Parliament for one nation, we can legislate for trade matters without legislative consent motions, for example. We legislated on a number of occasions in relation to our departure from the European Union without LCMs, and it seems to me that that is equivalent of EVEL and is therefore a restoration of balance.

Q530 **Kirsty Blackman:** I am trying very hard not to say, "I told you so." Have these five years just been a waste of our time, then? Hours and hours of our time.

Mr Rees-Mogg: Well, it has not changed a single piece of legislation. I was on the Back Benches when it came in, so when you say that you told me so, I was saying much the same thing at the time. I think we may both have taken a similar view at that point.

Q531 **Mr Wragg:** Good afternoon, Leader. In fairness, I think that was entirely true about your time on the Back Benches and this particular issue. If English Votes for English Laws was the sticking plaster, I suppose, how might we heal that wound? I speak as somebody who does not believe in amputation as the solution.

Mr Rees-Mogg: I speak as a Unionist and somebody who believes that this is the Union Parliament, and every Member of this Parliament ought to have entirely equal rights within it. I do not think that should be undermined. The powers of this Parliament come from the electorate and are then devolved from this Parliament to other parts of the United Kingdom in different ways, but it is the way we represent the overall power of the whole citizenship of the United Kingdom or, if you prefer—depending on whether you prefer a more traditional or more modern phraseology—of all the United Kingdom subjects of Her Majesty.

Mr Wragg: Traditional is fine with me.

Q532 **James Gray:** We are not all equal. English MPs cannot vote on health and education in Scotland, but Scottish MPs can vote on health and education in England, so we are not all equal right now. The West Lothian question has been a glaring gap in the British constitution ever since devolution was invented in 1997. I do not believe that we can simply ignore it and hope it goes away. It is simply unfair that I have no say over those



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matters in Scotland, but Scottish MPs come here and have a say over those matters in North Wiltshire. That is unfair, and the West Lothian question phrased it very neatly and that is the answer.

Mr Rees-Mogg: If you look at the devolution settlement and the issue of legislative consent motions, the UK Parliament can legislate in the absence of a legislative consent motion. You could bring forward a private Member's Bill if you wanted to—

James Gray: That is not the point.

Mr Rees-Mogg: It is very important—

James Gray: No it's not; it's very unimportant.

Mr Rees-Mogg: —that the rights of the Parliament of the whole country are intact. It is still one country. Some powers are delegated.

Q533 **Aaron Bell:** EVEL has not made a difference so far, but that is surely because since it was introduced the Government have always had a majority in England. As a Unionist—and you are, too—I fear for the situation when the Government of the United Kingdom do not have that majority in England and the consequences of that. Is there nothing we should replace EVEL with if the Government are determined to remove it?

Mr Rees-Mogg: I think sometimes things have to be left to the political judgment of the party in government at the time. The 2005 Labour Government did not have a majority of votes in England, but they did have a majority of seats. Say they had not had a majority of seats in England as well, what would have been the electoral consequences to them of passing laws with the support of the SNP, for example? They would have had to have thought that through. It would have become a political reality and a political judgment. I do not think that is unreasonable in a single country.

The SNP want to break our country up; they want to separate Scotland away and divide. We want to unite the country and bring it together as one single United Kingdom. Yes, of course within that England, Scotland, Wales and Northern Ireland all contribute in different ways to different levels of their sovereignty. England, making up 85% of the population of the United Kingdom, absolutely has accepted that Scotland, Wales and Northern Ireland have control of a wide range of powers that we will not vote on in this Parliament, except with a legislative consent motion or in exceptional circumstances. That does not seem to me to be an unreasonable constitutional balance.

Q534 **Chair:** To conclude this section, the issue is that the temporary orders that suspend the EVEL procedure will lapse at the end of the session. Therefore, the standing orders that EVEL is based on will be back in effect. What is the Government's plan around that?

Mr Rees-Mogg: Nothing can happen without the House being willing to accept what is proposed. The timing of any proposal is not yet determined, so it depends on when it were to come.



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Q535 **Chair:** But is the intention that there will be a motion to remove those Standing Orders?

Mr Rees-Mogg: The intention is that this will be the first Government since Adam and Eve left the garden of Eden to abolish EVEL.

Q536 **Chris Elmore:** Can you expand slightly on the Sewel Convention, which quite literally says that the Westminster Government would “not normally” legislate in the devolved institutions. I wanted to pitch in as the only Welsh MP in the room; there is a bit on the side of England, called Wales.

I want to understand about what you say are exceptional circumstances. Obviously, we have seen what has happened in Northern Ireland over the abortion laws—indeed, the Chair was Secretary of State for Northern Ireland when that was taken through. Can you expand on what you mean by that? What are the exceptional circumstances? What is the “not normally”?

You know I am a Unionist. I speak frequently on this issue and I am very pro-the Union of the UK, but, as an example, we have seen the United Kingdom Internal Market Act 2020 and trade agreements that the House did not get to vote on, or indeed require any consultation with the devolved institutions. Therefore, legislation has been done to those devolved institutions. Can you expand on what you mean by “not normally” or any of the language that would suggest that this is not normal?

Mr Rees-Mogg: The departure from the European Union obviously has an effect on this, because competences that were EU competences and that naturally belong at the nation state level have aspects of them that may be devolved, and because of the objection to leaving the European Union in the devolved Assemblies, or at least two or the three devolved Assemblies—one of them was not sitting for most of the time—there was a reluctance to give legislative consent motions that, had it not been the European issue, might well have been given. It is difficult to say for certain, but they were not being given as much for political reasons and hostility to the departure from the European Union as for whether they were sensible things to be doing; yet, if the competences that had come from the EU back to the UK were to be used effectively, the legislation needed to pass. That was clearly exceptional.

The Government are committed to working more closely with the devolved authorities, to having a better relationship with them, and to seeking legislative consent motions in normal circumstances, but there have been discussions recently about the Irish language Bill. There will sometimes be occasions when the United Kingdom Parliament needs to do things, or at least to be able to propose that it should do things, to unlock issues that need unlocking. That is what any responsible Government would do, but the commitment to seeking legislative consent motions remains and, as I said, to having a better working relationship with the devolved authorities.

Q537 **Chair:** Of course, it is worth saying that the Northern Ireland devolution



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settlement predates any membership of the European Union, and those powers have never sat in Westminster. They have always been powers that have sat in Stormont, having different constitutional arrangements than Scotland and Wales.

Mr Rees-Mogg: It depends on how long a historic perspective you wish to take. You could go back prior to 1921, when they voted in different contexts.

Q538 **Chair:** Yes, exactly. Those devolved powers have never been in Westminster anyway. The Scottish and Welsh ones were devolved in the '98 settlements.

Mr Rees-Mogg: They were devolved in 1921.

Q539 **Chair:** They always sat on the island of Ireland in some part.

Mr Rees-Mogg: Between the Act of Union 1801 and 1921? We must look into this.

Chair: We must look into it, but certainly since 1921 it is absolutely clear that Stormont has been responsible for those points. Obviously, our territorial constitution inquiry is going to have some interesting things to look at. You will also know that we are interested in the whole operation of Standing Orders, and how fit for purpose our Standing Orders are, having, as you will know, as a former member of the Committee, not been properly reviewed or looked at for many years. Kirsty Blackman has some questions on that.

Q540 **Kirsty Blackman:** Chair, if you don't mind, I will just ask one last one on the territorial extent. Proceeding without legislative consent motions is a relatively novel thing. It has not happened very much in the past. In relation to that, two of the people who have given evidence to us have suggested that it would be better if Westminster was more transparent and Ministers were more transparent about why they were proceeding without LCMs, raising that case with us. Could you please let us know what you think of that, and whether you would be keen on that happening?

Mr Rees-Mogg: The Government are inevitably transparent about not using LCMs on the rare occasions that it happens because, dare I say, the SNP Benches will ensure that in any debate on the legislation the Government Minister has to make it clear from the Dispatch Box why that is happening. I think that is the proper role of parliamentary debate, which as you know I am a great enthusiast for.

Q541 **Kirsty Blackman:** Okay—thank you very much. In relation to Standing Orders, do you think that what is happening around coronavirus and the changes that we have had in procedure over this period mean that we should now reset the Standing Orders? Do you think that we should have a look at them as a whole? I have previously been on record that I think we should burn the whole lot of them and start again, because I think a lot of them are not fit for purpose and not written for a modern Parliament, if you like. Do you think that there is time now, because of



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the introspection that we have been able to have over Standing Orders, to look at the whole lot and consider revamping them all, or do you think that we should continue to change them bit by bit, as we have in the past?

Mr Rees-Mogg: I spent quite a lot of time when I was on the Procedure Committee looking at the Standing Orders and the revised Standing Orders to make sure that they were genuinely just a revision and were doing what they said they would do. That is, Standing Orders that were no longer reflective of current practice; minor revisions to bring things into current practice, removing unused provisions; and drafting changes to make the language clearer.

Perhaps the burnt fool's bandaged finger goes wabbling back to the fire. I would be nervous about repeating that exercise because it involved a great deal of work and then it did not command consent across the House, it ran into the sand. I would probably be slightly less ambitious at this point and more inclined to look at issues that obviously need amendment, are out of date or don't apply, or language that is unclear, where the precedent and the intention do not meet. I may be thinking of Standing Order No. 24, which became a particular problem in the last Parliament.

A more limited exercise may be better able to command consent. I think the reason it didn't work last time was that there is a natural suspicion, however carefully it was looked through by Thomas Docherty and me to see that it was genuinely a neutral reform. Lots of people thought we were trying to sneak through all sorts of changes to practice, which people did not want or were suspicious of.

I try to avoid spending a lot of time on something that then gets stymied by what turned out last time—in my view—to be needless suspicion, but it will probably still be there.

Q542 **Kirsty Blackman:** In the past there have been groups of parliamentarians who worked together on modernising the Standing Orders, for example. From what I understand, you are suggesting that to do that in a wholesale way, looking at the entire Standing Orders, would probably not work, but that it would be a good idea for this Committee—or other people—to look particularly at individual ones that need specific changing, tweaking. I would also suggest that there may be sections of the Standing Orders that could do with undergoing a deep dive, rather than the entire thing, that we could take evidence on and look at the possibility of changing; to look at the sections that most need updating rather than looking at them all in one go.

Mr Rees-Mogg: I think looking at a limited exercise and seeing if that then commands consent, then perhaps building on that, may be a better way to go than doing the whole thing and finding in two years' time that the House does not want to do it; trying to build up support for it, rather than presenting the House with a huge new tome.



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Chair: Thank you for that. We would now like to move on to the “procedure under coronavirus” questions, of which we have a number. Could we open with William Wragg?

Q543 **Mr Wragg:** It is a surprise to be getting these questions from me, I am sure—I hope we can contain ourselves with anticipation. We will eventually get back to normal though, won’t we?

Mr Rees-Mogg: I hope so. Isn’t it nice that we are actually in a room together? I know some people are still Zooming in, the modern ones like Sir Christopher are Zooming in, whereas some of us are here in person. It is great. Although I thought my remote evidence sessions were perfectly respectable, I think there is a better back-and-forth when we are in a Committee Room together, one picks up nuances more.

Q544 **Mr Wragg:** I take you entirely at your word that we shall be. I wonder, in terms of the terminus date, 19 July, why it is not proposed that our procedures should revert to normal? To give us a week’s refresher course before the recess at a time when we might all otherwise be engaged attending concert halls, theatres and nightclubs, we could also be re-immersing ourselves in Commons procedure. Why is there a discrepancy between the way that the nation will be moving, and what this House will be doing?

Mr Rees-Mogg: Quite a lot of the decisions are at the discretion of the Speaker. The Chamber can go back to full operation on 19 July, if Mr Speaker thinks that is a reasonable thing to do.

What will be kept? Proxy voting will remain until the recess, and the structure of the rules will remain. I think that is reasonable because it is such a short time—it is just two or three days. You never know how much pressing business there is at the end, just before a recess. The practicalities of it seem to make it sensible to allow it to continue for those extra few days.

Do I think this is the most important decision that we have made during the course of the pandemic? No. Am I as keen as you to get back to normal? Yes. Can I live with a few days? Just about. You can guess what I think Mr Speaker will do in terms of the Chamber.

Q545 **Mr Wragg:** Yes, of course. So, no ifs and no buts—to coin a phrase—in September, upon our return, it will be entirely usual.

Mr Rees-Mogg: Unless the House rules otherwise. The Standing Orders are temporary, so they will fall. I am desperate to get back to normal. I think the Chamber works better, I think the Government get better scrutiny, and good scrutiny is good for the Government.

Q546 **Mr Wragg:** I agree. I have always found it quite interesting that, in the course of this, that you as representative of the Government—and of the House, of course, in that double-hatted approach—have advocated that; it has been surprising to me that others have not. Do you sense any obstacles to returning to the halcyon days? Might it be PHE advice, or the responsibilities and personal liability of the Clerk as corporate officer?



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Mr Rees-Mogg: If the country at large is back to normal, we will be back to normal. You could argue that we should have led by example and carried on regardless, but I think that was where the issues relating to the staff and the corporate officer became important. You may feel that MPs ought to lead by example; it is harder, perhaps, to say that the Doorkeepers, the Vote Office and everybody else involved in helping a Parliament to operate are under a similar obligation.

Q547 **James Sunderland:** A pragmatist like me will admit to being utterly bewildered by the risk aversion that extends to every corner of this estate. What, please, is driving this ongoing risk aversion beyond 19 July? Does the Leader of the House agree that, actually, we need things to get back to normal and to set the example for the rest of the country to follow?

Mr Rees-Mogg: Any MP has an absolute constitutional right to come back. I have made this point again and again. It is one of our most important rights. It dates back to 1340. We have the right of unhindered access to Parliament—take back your proxy, come into the House, use those rights. I will not discourage you from doing that for a moment.

In the last stage of easing, that was a completely reasonable thing for individual Members to decide to do, and I would strongly encourage them to do that. Go in the Division Lobbies, say hello, get back to normal—why not? We are not children; we do not have to be told what to do. We can decide things for ourselves.

Why do we have those ancient rights? We do not have those ancient rights because we are important. We have those ancient rights to represent our constituents and to seek redress of grievance against, historically, a Government that may not have wanted to respond to those complaints. We have that protection and that right, but the responsibility is on us to exercise those rights, not for us to be told, “Now you can do it, if you feel like it.” Come on in. I assume you have got rid of your proxy.

James Sunderland: Well. If I may come back—

Mr Rees-Mogg: I am sorry about that. I was not meaning to put you on the spot, but please do that.

Q548 **James Sunderland:** I am very happy to be put on the spot. I have retained my proxy for the simple reason that it is pragmatic, but I have been here physically throughout the entire pandemic. My point is this, Leader of the House: we are all leaders. As Members of Parliament, we are elected leaders. We should be leading the country out of this, and at the moment we are not. My clear view is that we should be abolishing all restrictions here, at the first opportunity, and getting back on with the business of running this country.

Mr Rees-Mogg: I urge you to get rid of your proxy, to encourage other MPs to get rid of their proxy, to be here physically and to get involved.

Q549 **James Gray:** It is not just about proxies, is it? Actually, the fact that 70



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people only are allowed in the Chamber, that we have a call list, that we cannot take part if we want to take part, as I could not. It is all that stuff that is constraining our ability to represent our constituents and it is all that stuff that we want to see the back of as soon as possible.

Mr Rees-Mogg: You could take part in the debate this evening, you could intervene.

Q550 **James Gray:** You cannot take part in the Chamber.

Mr Rees-Mogg: You can intervene.

Q551 **James Gray:** By what means?

Mr Rees-Mogg: In the debate. You cannot get called in a question, because that is done by call list, but in the debate this evening on the Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill, I think it is, you can intervene on anybody. Whether you are on the call list or not, it does not matter.

Q552 **James Gray:** On Zoom?

Mr Rees-Mogg: You cannot intervene by Zoom, but if you go down to the Chamber—where have we got to in terms of business?

Chair: We are still on a statement.

Q553 **James Gray:** The Chamber allows only 70 people in and that is including Ministers and all the rest of it, so most of us therefore cannot get in, by definition.

Mr Rees-Mogg: On an ordinary Second Reading debate, you would not normally have many more than 70 people in except for the very people affected by it.

Q554 **James Gray:** It does not matter how many people. The fact of the matter is that if the House was full of people seeking to intervene, 500 of us would not be able to get in.

Mr Rees-Mogg: I am keen to get back to normal, but I am afraid that what I am saying, and I am saying it quite bluntly, is that instead of complaining, go and involve yourself in the debate this afternoon and intervene within the Chamber and remind people that the Chamber is still going.

Q555 **James Gray:** And if it is full?

Mr Rees-Mogg: It will not be. There is no way it is going to be full. There are only nine people on the speaking list for today's Second Reading debate. What are we doing? We are here to scrutinise the Government. I cannot force people to scrutinise the Government. I want you to scrutinise the Government. Please come and scrutinise us.

Q556 **James Gray:** Statements. You cannot take part in the statements without being on the call list. It is crazy.

Mr Rees-Mogg: You can take part in Second Reading debates.



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Q557 **James Gray:** Only just.

Mr Rees-Mogg: Easily. Absolutely easily. Come on, James, we need to see you down there.

Q558 **James Gray:** If we all chose to do so, we would not be able to. It feels a bit facile to say: "Of course you can." The fact of the matter is only 70 people are allowed in the Chamber and therefore, by definition, 580 are not allowed in the Chamber.

Mr Rees-Mogg: I am going to call it that you are a very experienced Member because it is true and you are.

James Gray: Good grief.

Mr Rees-Mogg: You have been here since 1997, and you know that on a Second Reading debate, on the type of legislation that is going through later on today, there would normally not be 70 people in the Chamber.

Q559 **James Gray:** Yes, but that is happenstance. That is not a principle, that's happenstance. It happens that there may not be. The principle is that there might be.

Mr Rees-Mogg: What I am saying is that 70— The Chamber never takes all Members, and it never has done. Seventy is much lower than I would like, and I am desperate to get back to normal, but I think sometimes what it stops is being exaggerated and that there are more opportunities to do things and I would encourage people to do them. However, to do them, they need to be here, and people have found it too easy, too pragmatic, not to be here and to have a proxy.

Q560 **James Gray:** You might be right with Second Reading, but Question Time—normally at Question Time it has been full.

Mr Rees-Mogg: I accept that Question Time is imperfect. I want to get back to normal, but I want people to use the facilities that are already there.

Q561 **Chair:** I am going to bring in Chris Elmore, but I think there is an important point to make, which is that we lead by example by following the rules that the Government set down as well as leading by example of leading us out of the pandemic. We cannot have a, "Do as I say, not as I do," approach to this. If we are saying to our constituents that they have to abide by certain protocols by law, we must abide by them as well.

Mr Rees-Mogg: That is right, but I think democratic accountability is essential work. Indeed, I think it is at the highest level of essential work.

Q562 **Chair:** And that is why we have been keen that Parliament should continue to operate and sit and has always had a physical presence throughout the whole of the pandemic.

Mr Rees-Mogg: It has, but it is much better done when being physically here, much better done. Therefore, Members of Parliament should have no qualms about coming in. It is not, "Do as I say, not as I do"; it is



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recognising that democratic accountability is as important as any other action of the state. It is what all the other actions of the state derive from and so, of course you are right, we should do exactly the same as we are saying to our constituents. That is why it is right that the bars have been closed and all those sorts of things, but being here is essential work, as essential as a police officer going to his work or the hospital porter going to his work.

Q563 Chair: But abiding by the social distancing rules and so on that we expect the police officers and others to do.

Mr Rees-Mogg: Of course, as we are.

Chair: Chris Elmore wants to ask about call lists.

Q564 Chris Elmore: I think you have answered it with James. It is just to understand your view in more detail about the call lists. I am a traditionalist in terms of the Chamber working. I have been here throughout the pandemic. I am, indeed, the proxy Whip for 172 Labour MPs. I am wondering if the Government Whips are watching you encouraging Members to give away their proxy votes. But the call list is not a great system, is it? It allows for what is becoming a very clunky Question Time session. In years past, I am sure you remember as fondly as I do, there would be some debate across the Chamber. The Speaker—not the current one, it is nothing to do with him as we changed Speaker very close to the last general election and we had the pandemic—was able to bring in colleagues who had particular interests on those questions.

I agree with James that we now have a very stymied debate, particularly in statements and UQs. It almost gets the point where we run out of speakers, so that is the end of that and move on, but that is not how it used to be. I think I know what you are going to say, but I want to gain your view of those particular three: Question Time, statements and UQs.

Mr Rees-Mogg: People used to ask for call lists because they thought it would provide certainty.

Chris Elmore: Not me.

Mr Rees-Mogg: Everyone who has seen how they work will not want them to be a permanent feature of Parliament. I think they are absolutely stifling the debate. They make life a lot easier for Government Ministers. As a Government Minister, knowing what all the questions are going to be, you have a reasonable idea of what your own side will say, because they are quite sympathetic. You have a not entirely bad idea of what you might get from the Opposition, because you know what the Opposition Members' great interests are, particularly if you have a brilliant PPS, as I have, who is very helpful in finding out what Opposition Members are interested in. All that makes it easier.

You do not get that immediate follow through, because everyone is there zooming in with the question that they thought of a week ago, rather than responding to what you have just been asked. Difficult Question Times are



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spontaneous questions that follow one from another and flow because usually the Opposition feels that they have got the Minister on the run and they are trying to keep the pressure up.

When you jump from one Zoom call to another, with completely disconnected questions, that is not good scrutiny at all. People also have a much greater tendency—sometimes this happens when physically present, but is even worse on Zoom—to ask exactly the same question because they have not been listening to anything until they are connected. In debates, the loss of courtesy is problematic. Somebody makes a speech, you reply to it as a Minister and the person is not there to listen to your reply. That is not debate at all, it is just pre-prepared statements. I am very keen that call lists should go.

Q565 James Sunderland: Leader of the House, please forgive me, I admit to being a bit confused by your evidence this afternoon. If the Government wanted Parliament to return to normal, they would submit a motion to that effect. What is stopping you?

Mr Rees-Mogg: It is that we are following what is being done in the rest of the country. It all relates, really, to social distancing and the numbers that you can have in the Chamber. If you limit the Chamber to 70, you are bound to have call lists to keep the rotational flow going, inevitably for questions and statements.

Q566 Aaron Bell: Social distancing is obviously the problem, and potentially a problem even after the 19th, because the social distancing review may conclude that there is an ongoing need for measures in society. You have mentioned call lists; is there a number that we need to get to into the Chamber where you think we would not need the call lists? Particularly for questions, where I must say the inability to participate in a particular Department Question Times has been very frustrating for me as a Member who wants to raise constituency cases.

Mr Rees-Mogg: I completely sympathise with that. The old ability to get in at oral questions when you had a really pressing constituency case was one of the most important ways in which one represented constituents and sought redress of grievance for a pressing and immediate problem. All Speakers have been very good at facilitating that.

It depends on whether it is law or guidance. I think that we can make our own judgment on guidance and the needs of a Parliament, whereas if it is law for everybody else then we will have to—although we don't have to, because potentially we have an exemption from it. But in reality I think we ought to follow law, and guidance would be a matter to consider—whether the guidance is serious enough to interrupt the best flow of democratic accountability.

Q567 Aaron Bell: Extending that into voting, if the social distancing review means that the Lobbies are still out of bounds basically with the full numbers, what would you personally favour—maintaining the pandemic proxies or another system of Divisions—if we are having a fully physical Parliament?



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Mr Rees-Mogg: I think the card readers work pretty well and lead to a faster flow through the Division Lobbies, so I would hope that even if you needed to maintain social distancing, it will no longer be at six and a half feet; it will be at three feet or something. You can do that within the Division Lobby and get the flow-through pretty quickly and you wouldn't need those marvellous queues that we had through Westminster Hall.

Q568 **Aaron Bell:** There were some undertakings made at the beginning of the pandemic that we would go back to how things were. Am I to understand that the Government's opinion is that card readers and voting should be an exception to that?

Mr Rees-Mogg: I will take advice from the Committee and from Members, but I have had nobody say to me that they want Clerks to be back there and they are unhappy with using the card readers.

I think there is one important thing to note—it is that one's membership of Parliament is not dependent upon having a parliamentary pass. Occasionally, I have left my pass in my constituency house and therefore been without it for the week, and I can reassure Members that you can still vote in a Lobby and you still go through—you just send an email through, recording your name.

So, as long as it is still possible to vote without a pass—a pass is a facilitator; it is not a right of membership and it is not something on which our membership of this House is contingent—I don't find there are any objections. And it doesn't require any Standing Order change. All the Standing Orders say on Divisions is that they should take eight minutes when the decision of the Speaker is challenged, so it is up to the Speaker really how Division Lobbies are carried out.

If everyone said they wanted Clerks back, we would have Clerks back, but if there is an overwhelming sentiment that the cards are fine, then we will keep cards.

Q569 **Aaron Bell:** I appreciate all that, and you have anticipated my question about not having your pass with you, but if the conclusions from the social distancing review are that we cannot use the Lobbies, even with a pass, yet we are committing to having a physical Parliament, what would be your favoured solution for voting? Would it be pandemic proxies or the methods we used before for voting?

Mr Rees-Mogg: I think it is really important we get back to physical voting, and it is hard to see that we can be back fully in the Chamber and have 450 people cheek to jowl during Prime Minister's questions and not have people passing through pretty well ventilated Lobbies.

Q570 **Aaron Bell:** But we could go back to a physical Parliament still with social distancing restrictions in the Chamber and the Lobbies, and still say that the hybrid part of it is over, but there might still be social distancing requirements on the estate.

Mr Rees-Mogg: I think that type of—I am hoping, from what we are told, that the 18th is a terminus, at an end. As I have said before, it's



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Paddington; it's not Crewe. And I think you are trying to run us into the buffers, which I don't want to do.

Aaron Bell: I will leave it there, I think. There are some more questions on proxies.

Q571 **Chris Elmore:** I was very cynical about the pass readers, but they do work, in the main. However, they have also occasionally failed. And the Doorkeepers do many, many good things for us as Members; they are also apparently electrical engineers, who can fix pass readers when they fail.

I just wondered whether there had been any conversations, either with your office or the Speaker's Office or indeed with the Commission, about what happens if there is a failure in the middle of a Division and whether or not, therefore, Clerks will be on call to come in and do the old system, if you will, and what work for that has been done in this area?

Mr Rees-Mogg: If you remember, when we moved to iPads from paper, every so often the iPads didn't work and they dug the paper out of the desks and went straight back to the paper. So, yes, we would only use the system of filing past the Speaker and announcing our vote if we also required the strict social distancing that we do currently. Having some ability to have a fallback system is sensible, at least in the early stages. I do not think the card readers have failed recently.

Chris Elmore: No.

Mr Rees-Mogg: They will be rewired. Currently it is very much a Heath Robinson affair with wires all over the place. That will all be done tidily and properly.

Q572 **Chris Elmore:** And more readers?

Mr Rees-Mogg: And more readers.

Q573 **Mr Wragg:** I might suggest that the reason the card readers have not failed recently is that only about 20 people tap their cards on them. No disrespect to our Deputy Chief Whip and Mr Elmore, but they carry between them upwards of 600 or so people, and they do not tap the card readers.

We went on this adventure with the undertaking that things would be returned to how they were before we embarked on it. As this Committee's report suggested, or stated, one thing was the return to conventional voting and the removal of the passes. Although perhaps not from an overwhelming majority in the House—but I do not know—I pass on to you my firm view that we should go back to exactly as it was. The last Division done properly was on the Huawei amendment. Going back to that would be helpful for all kinds of different reasons—not just to honour the word given at the outset but for the variety of technical issues one can envisage going wrong.

Mr Rees-Mogg: This is not an area where the Government has a particular view; it is merely a facilitator of what the House wants. The



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Speaker is in charge of what goes on in the Division Lobbies and will be taking the temperature of the House on this. The voice crying in the wilderness is sometimes right—but I think you are such a voice on this issue, slightly—*[Interruption.]* With James.

James Gray: I would have them recorded on vellum, wearing wigs.

Q574 **Kirsty Blackman:** I was fully intending on being present today. If you ask the Speaker's Office, you will see I was down to physically speak in Parliament this afternoon, but had to change it back to virtual because I have been identified as a close contact, so am not allowed to leave my house. I have to stay in it and self-isolate. If self-isolation requirements continue, how does that square with my ability to have unhindered access as a parliamentarian? There is simply no way that I can be in Parliament today.

Mr Rees-Mogg: This is an issue of the final stage of the pandemic. In a way, it is really a question of proportionality and numbers. Over centuries, when Members have been unwell and infectious, they have stayed away from the House of their own volition, and sensibly so. If that is back to a normal number of people who for whatever reason cannot come in on a particular day, that does not seem unreasonable. If we are still in the situation where dozens of Members are not able to come in, then the Procedure Committee will have something to say.

I am avoiding being too black and white about this because we do not know what is going to happen. Assuming we are getting back to normal because of wide-spread vaccination, and infection rates—and therefore isolation and tracking rates—decline again, then in normal times there is always a Member or two who cannot come in for whatever reason. That is perfectly acceptable and reasonable. If a very large number of Members could not come in, we would have to revisit this, of course.

Q575 **Kirsty Blackman:** Would you accept that, today, I do not have unhindered access?

Mr Rees-Mogg: You are, under law, not allowed to leave your house—is that correct?

Kirsty Blackman: Yes, I am self-isolating.

Mr Rees-Mogg: Then you are caught. You could not be stopped coming to the House, but you are bound by the normal law. The normal law says that you and other people who have been told to self-isolate have to do so, and if you were to come here, it would be a breach of that law. You have to decide for yourself whether breaching that law to come to Parliament is proportionate, and you have wisely come to the conclusion that it isn't.

Q576 **Kirsty Blackman:** So I couldn't be stopped, but I could be arrested afterwards.

Mr Rees-Mogg: You couldn't be stopped, but you could be punished for breaking a different law. I know I am slightly talking about the number of



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angels dancing on a pinhead. The law cannot be used to stop you attending Parliament, but you cannot drive to Parliament at 120 mph, because that is breaching a different law, even if your aim is to get here for a parliamentary purpose. We MPs rightly have no exemption from the normal law, but we do have a right of unhindered access to Parliament in normal circumstances.

Q577 Kirsty Blackman: On moving forward, you mentioned numbers, and said that if dozens of parliamentarians were unable to come in, you would consider some way of allowing them to participate, or reconsider the matter. How will the Government call that? How will you manage those numbers, and keep an eye on the evolving situation, if there continues to be a requirement for some sort of restrictions in how we live our lives?

Mr Rees-Mogg: I think it will be very much a bottom-up process, led by MPs making representations to the Procedure Committee and so on, but it will also be going where the nation as a whole is going. We are, I suppose, a mirror to the nation, and if the nation is going in one direction, we will end up going along with it, to an extent. We cannot stand in complete isolation from what is going on outside.

Q578 Kirsty Blackman: If restrictions continue—things like social distancing and requirements to self-isolate—and impinge on the ability of a significant number of Members to participate, would you consider looking at ways in which they could participate? Would they be similar to the ways that we have had, or would you consider coming up with something new?

Mr Rees-Mogg: I think I said 18 July; it is 19 July, isn't it? Could I correct that? That date is meant to be a terminus. There are all sorts of hypotheticals if the 19th turns out not to be a terminus, but we will have to look at that when we get to it, as we did with 21 June. There is no reason to suppose that the 19th will not be a terminus; the figures of new daily admissions to hospitals are looking much improved, and the number of deaths seems very steady, so I think we are on track for 19th July, and I think people will want that, and are very keen to get back to normal. That will be everything. But as I say, if the country goes in a completely different direction, we cannot just ignore that.

Q579 Kirsty Blackman: Thank you. That is very helpful. I have a question on proxy voting. During the pandemic, proxies have been extended; previously, we had them for, say, maternity leave. Will Wragg mentioned things totally going back to normal. We have been looking at the case for extending proxies on a fairly regular basis for other categories—ill health has been raised with us, for example. Would you be comfortable with us looking at that, and perhaps making recommendations? Is that something we could consider extending beyond maternity and paternity leave?

Mr Rees-Mogg: Maternity and paternity leave is now on a permanent basis, and that has proved very successful; it works well. Ill health is more difficult, because it requires people to say that they are unwell, which they may not want to do, and it makes it harder to be paired. It may not



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surprise you to know that I did not want to have a proxy last September, when I had to self-isolate for a few days, but when I said to the Whips, "I should like to be paired," they said, "No, we want your vote." As a Government Minister, I could not exactly say no, could I? I therefore had to have a proxy, and my vote got used in that way.

You can see exactly the same thing happening to people who are unwell—their feeling under pressure to admit to their ill health, which they might view as a very private matter, rather than simply having a pair, which nobody notices. You are absolutely right to look into it—it is the job of the Procedure Committee to look into things like this—but I think that is the real reason why nobody has ever yet wanted to go down that line. It is maintaining privacy about health.

Q580 Kirsty Blackman: If we came to the conclusion that this was desirable, and a majority of the House was in favour of extending it for ill health—we have taken evidence to that effect—how would we go about making that change to Standing Orders if the Government were not willing to do it?

Mr Rees-Mogg: Let us see what your report says, and what the review says. I think we are slightly jumping the gun. You may come up with arguments that are greater than the one in relation to privacy; you may find that most Members are not concerned about health privacy. I think it will be one of those things where some people do not mind it—they are very open about their health. Other people think that health matters are deeply private. I am probably in the latter category, as it happens, but some people do a great public service by being open about their health. I think you are right to look at it, and I will be interested in the conclusions that you come to, the evidence you hear, and the opinions of other people. I would not claim to have a monopoly of knowledge in this area.

Q581 Chair: If I can just touch again on the points around self-isolation, I am slightly concerned by the idea that the Procedure Committee could step in if we found that a large number of colleagues were self-isolating, and would suddenly need to come up with some way of dealing with this.

I appreciate that we do not want to deal in hypotheticals, but might you give some consideration to a Member with a private Member's Bill that they wish to bring to the Floor of the House? Let us say that the time allotted for their 10-minute rule Bill is on a day on which they are told they cannot come in by law. Would there be an opportunity for another Member to present that Bill for them, for example?

Mr Rees-Mogg: What I meant was that if lots of Members were affected, I think you would be banging on my door quite quickly to say, "Look, this is an issue, and we need to have a conversation about it." The point is that your Committee would need to discuss it, rather than that I was expecting a report to be done within 48 hours.

Chair: That is reassuring.



Mr Rees-Mogg: That is obviously a proper role for the Procedure Committee. It is why it helps when we are all here, because it gives Members the opportunity to talk to you collectively and express their views. It is slightly the case that we will have to cross bridges when we come to them. We do not know precisely what will happen after 19 July; we are just going to have to see how things develop for the nation at large, and we will have to be part of that. We have a role as leaders in that, but we also have a role in reflecting society.

Q582 Chair: Of course, after 19 July, there will only be a few days on which Parliament is sitting, and Select Committees will lose their ability to meet virtually, which might make it harder for Committees like this to give consideration to points like that after 19 July, depending on what comes out. I know of one Select Committee that is very concerned about the change of the recess dates in the autumn, and the fact that the week that includes 13 October is now a recess date. That has impacted on a session that they were planning to hold, in which they were to take evidence from third parties who are unable to come on another date. This has had to be scheduled many, many months in advance, and now finding that it is not a sitting date creates great problems. Do you have any views as to whether some form of virtual participation could be maintained for Select Committees, so that the recess issues could be addressed?

Mr Rees-Mogg: I think that we set the recess in the hope of facilitating the SNP conference, which is now taking place earlier because of rules relating to the SNP's need for conferences rather than anything else, so I am not sure it is facilitating the SNP in the way we had hoped.

Select Committees can and always could take evidence remotely. That is really useful, because saving witnesses travel will make getting witnesses much easier and potentially much quicker, and it will be less costly. I think that for deliberations, it is really important that Committees meet together. Committees are at their strongest when they get unanimous reports. These are easiest to get when everyone is together and you do the negotiation that is needed to get things agreed. I was on the Treasury Committee doing a report on Brexit under Andrew Tyrie's chairmanship, and he basically told us we were staying there in the room until we had agreed it. There was a lot of give and take, as you would expect.

Q583 Chair: I appreciate that, but the point is not that the witnesses in this particular instance can or cannot meet virtually. It is the fact that on a non-sitting week, although the Select Committee could of course meet, it would have to be a physical meeting, and to reach quorum and to find Members to come is not easy. Likewise, I can see a scenario with this Committee where we are asked to look at things relating to the procedures of the House, depending on what the decision is on 19 July, and we simply might not have time to do that before we go into recess. The ability for a Committee to meet in private virtually during a recess has been very valuable for us, and certainly was essential in those early days of the pandemic. I wonder whether we could perhaps have some flexibility on that for a period of time, until we are all back to complete normality.



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Mr Rees-Mogg: I think getting back to normal is important, and I think Select Committees are stronger when they meet in person. I am not convinced it is impossible, with this length of notice, for people to meet during the week of 13 October physically in Westminster. The place will not be completely closed down. Some of the carpets might be up, but it will not be completely closed down. Part of our job as MPs is to come together. It is a part of the requirement of being a Member of Parliament.

Q584 **Mr Wragg:** On the question of recesses, you might have heard my point of order last week. The reason I objected to, and called for a Division on, the recess was because it is not yet possible to book for the Conservative party conference. It is a great tragedy for us all that we cannot book for our party's conference. In light of the recess dates and the Government's policy of terminus day on 19 July, why is it still impossible for the party of Government to give reassurance to hospitality, hotels and the events sector that its own party conference will be going ahead? Why do we need that as a week of recess?

Mr Rees-Mogg: Well, because currently it looks likely that it will take place, but you don't want to say absolutely certainly and have things set in motion until you are certain, and we will not be certain until 19 July.

Mr Wragg: The Labour party has got its conference physically open for booking.

Mr Rees-Mogg: They are more gamblers than we are. They are a racy lot, you know.

Q585 **Kirsty Blackman:** Leader of the House, are you aware that one of the sitting dates, 4 January, is a Scottish bank holiday, and are you looking into that matter?

Mr Rees-Mogg: Yes, 4 January is a Scottish bank holiday because of course you get two days, and 1 January is on a weekend. That is a very important point. I was aware that Scotland had two days for the new year bank holiday, yes.

Kirsty Blackman: I would appreciate it if you could look into that matter, please.

Chair: Maybe we will return on 5 January.

Mr Rees-Mogg: I am not going to announce recess dates in the Procedure Committee. I think the Chief Whip would have something to say to me if I did.

Q586 **Chair:** It was worth a try. We have a few more questions. This Committee will look at the issue of proxy votes, and will review how pandemic proxies have worked, and also options around extending proxy votes. Could we have a commitment that there will be time for a debate on the Floor of the House on whatever the Committee's findings are, and the option to vote on those?

Mr Rees-Mogg: I cannot set business in this Committee, as you know.



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Chair: I will perhaps ask in business questions as well.

Mr Rees-Mogg: It is a good try, but I am not going to set business in Committee. I cannot.

Q587 **Jack Brereton:** We have obviously had to operate under a huge and unprecedented procedural change over the last year, and newer colleagues particularly will not have had the experience of procedures prior to many of the pandemic measures. Do you see the autumn as a real opportunity for a wider reset moment, restoring the procedures and practices of the House?

Mr Rees-Mogg: Yes, I do, and I would strongly advise people who got in in 2019, who are not now particularly new Members, to spend time in the Chamber to see how it operates normally, and to get into the swing of it, because I think that will benefit their parliamentary careers. The ability to understand the mood and nuances of the House is very important. It is very important for Ministers at the Dispatch Box, let alone Back Benchers making speeches early in their career. Getting back to normal is not just standing up and saying, "We're back to normal." It is about reminding people what normal is.

All sorts of things need to change. The style of speech made from your home, down the wire, and the style of speech you make when somebody can intervene on you are completely different. Reading a speech that was prepared earlier does not work when somebody can intervene on you and throw you completely off your line of thought. You either have to get back to it or develop your theme.

We will probably not have such short time limits when we are back to normal, because by and large not as many people put in. The thing about call lists is that people have not been getting in on what they want to get in on, so they have been putting in on everything, so you end up with some debates being massively oversubscribed, when I think they would not have been in ordinary times. There are therefore these very tight time limits, and not real speeches—just points read into the record. We will be going back to proper parliamentary debate, but that will be quite a change for lots of Members.

Q588 **Jack Brereton:** Do you think some training should be put in place—we have discussed this—to assist newer colleagues? Do you think it is important that we have that firmness of standards, and call people out when they make errors? It is really important that we have those high standards. Do you think we need a carrot and stick approach, in which we make sure that we help people understand procedures, but also make sure that people maintain those high standards?

Mr Rees-Mogg: I would have much more carrot than stick. We all make procedural mistakes in the Chamber. Even I have made the terrible error of calling somebody "you".

Chair: I don't believe it.



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Mr Rees-Mogg: I have, I'm afraid. It sometimes happens. You just make those mistakes and think, "Oh, I'm such an idiot to have done that". I therefore think we should be gentle with our fellow Members when they make a little error and not embarrass them in public—but yes to encouraging people. The Whips will have a role in giving people training. The Speaker will obviously be encouraging people to get back to normal. I am afraid that the people who have to be told off when they make mistakes are, by and large, the old hands who have been here a long time, not the people who got in in 2019 and are seeing the Chamber operating fully for the first time. I think that would be a bit mean. No sticks for people recently elected; perhaps a few sticks for those of us elected in 2010 and before.

Q589 **Jack Brereton:** Quite. As Leader of the House, how do you see, and intend to play your role in, the House getting back to normal?

Mr Rees-Mogg: There will be a session in the Chamber for all the MPs elected in 2019, as was done immediately after they were elected, just to run through the forms of the Chamber, and I will be part of that. As Leader of the House, I am always available to anybody who wants to talk to me about procedures of the House. Any Member can come to see me. I enjoy talking about procedures of the House, so it is no imposition, but I do not want to force things on people, because we are Members of Parliament and we must decide how to do things for ourselves.

Q590 **James Sunderland:** I point out for the record that I am grateful for the good will of senior Members in looking out for us junior Members, but—

Mr Rees-Mogg: We are all equal Members.

James Sunderland: For the record, I think it is less of a priority for the new intake to be given remedial training than it might be elsewhere. Also, any learning curve that we embraced in December 2019 will probably be less of a learning curve when we come back to normality, possibly in September this year. I am grateful to my hon. Friend the Member for Stoke-on-Trent South, but come on—let's get real.

Mr Rees-Mogg: I am not going to force training on anybody. The House of Lords tried that; enough said.

Chair: It will be interesting for all of us to relearn how the House operates in normal times, and I look forward to that happening as soon as possible.

Thank you for your time. I suspect we have slightly exhausted your courtesy, given the length of time we have kept you here, but we very much appreciate your coming and answering our questions. As a Committee, we are keen to return to normal, but we are also keen to look at what we have done over the last 18 months, as it will have been by the time we come back in September.

Not everything will be utterly horrendous, but all Members need some time to readjust to the old ways. For example, being in for the opening and closing of a debate will be a shock to the system for many, as will



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staying in the Chamber for the speeches before and after yours. Responding to the speaker before them will be interesting for many Members who, as you say, have got used to delivering a monologue down a Zoom line, rather than being in a debate. I look forward to getting back to that cut and thrust, and to Parliament being able to properly scrutinise Ministers, because that is a very important role of Parliament.

Thank you again. I am sure we will see you again before the year is out.