



## Procedure Committee

Oral evidence: [Private Members' bills](#), HC 684

Wednesday 24 February 2016

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Members present: Mr Charles Walker (Chair); Edward Argar; Bob Blackman; Jenny Chapman; Helen Goodman; Patrick Grady; Simon Hoare; Sir Edward Leigh; Holly Lynch; Mr Alan Mak and Mr David Nuttall

Questions 123-163

Witnesses: **David Natzler**, Clerk of the House of Commons, and **Fergus Reid**, Clerk of Private Members' Bills, gave evidence.

**Q123 Chair:** We have never had so many people turn up for the Procedure Committee; you are a great draw. We are still going over the vexed and stony ground of private Members' Bills. As you will recall, in the previous Parliament we put together what I thought was a cracking report, supported by many leading lights of this Committee—all the leading lights on this Committee; in fact, everyone on this Committee—but it is gathering dust somewhere in the Cabinet Office, so we once again revisit this skirmish.

I would like to ask you a question: do you believe that the current system can be improved?

**David Natzler:** Yes.

**Q124 Chair:** You have given us a very good paper in which you make some recommendations about how it could be improved. Would you just sketch out where you see the problems and then we will ask you specifically about some of the solutions?

**David Natzler:** Can I start by saying, Chair, that we do not want to go over all the old ground?

**Chair:** No, we do not.

**David Natzler:** Presumably your Committee is not resiling from quite a lot of your previous reports.

Certainly what we tried to do in the paper, for which Fergus is also responsible, was to respond to the questions that you posed—I am being hesitant and saying these are propositions, but these are issues you raised—and possible ways around them and I would urge you not to try to go for all of them. Although the system, I am sure, can be improved, I think that if we can concentrate on two or three big things, it is more likely to go through to everyone's satisfaction.

**Q125 Chair:** If you want the big things, I will give you my two for 10, or am I cutting across you now?

**David Natzler:** No.

**Chair:** The two big things, first of all, although I am going to give you three things. I would like to see a guaranteed vote on Second Reading. I do not think that private Members' Bills are worthy of additional protections at Committee or Report stage, but if you allow them through on Second Reading, it does give the Member of Parliament longer to reflect on the advice given by his or her own Front Bench—or the Government Front Bench, if they are an Opposition Member of Parliament—to go and have the necessary discussions and to make the necessary amendments. If a Member is incapable of making their Bill palatable to the Government, it deserves to fail, but I think that wiping something out on Second Reading is gratuitous and violent.

The other thing I would like to see, although there are differing voices on the Committee, is about a Member who draws a Bill in the ballot. There are questions of whether 20 is too many and 13 would be better, but we can debate those finer points later. Would it be unreasonable to expect that Member to go and get 20 sponsors from his or her own side of the House—the Opposition side, let's say—and 20 sponsors from the Government side? The reason why I say that is that if you were a Labour Member of Parliament introducing a private Member's Bill, and in addition to having some distinguished and respected parliamentarians on your own side supporting it, and some new parliamentarians and some experts, you also had a number of distinguished parliamentarians on the Government side—perhaps people who were respected Back Benchers, experts in their field, or former Secretaries of States or Ministers—it would increase the cost a little to the Government for being difficult and petulant in approaching that proposition. There might have been three ideas there, but possibly two bigger ideas.

**David Natzler:** I got two, I think.

On the first one, which I understand, yes, the guaranteed vote, which I take to be for the first one on each of the Second Reading days, if we keep vaguely that pattern—I am not saying whether I agree or not—if that is what you want to do, you might think of several ways of doing it, but I do not think that speech limits are one. I think speech limits are a consequence and a means to an end, and should not be used. I think it is unfair on the Chair to use them as the principal means of bringing debate to a close. On a Government Bill on Second Reading, it is a reasonable question: why is it that that always ends very neatly at 9.59 pm on a Monday? The answer is indeed the use of time limits on speeches. If they were not there, would the Bill be talked out? No, because we know the Government, for their own legislative programme, has numbers for the closure, which of course we do not know for a private Member's Bill. So, the convention is now strong enough so that unlike, say, Canada, where Second Readings take day after day because there is no such convention, a single day is enough for a Second Reading of a programmed Bill, so we can organise business sensibly, and if the Opposition wish to have it put out for two days, that is for discussion.

I think there are two ways for private Members' Bills. You either do it by a convention, which the Speaker is fortified in then being able to ensure, by organisation of debate, together with the other managers in the House, that it does in fact come to an orderly end at around 2.28 pm and the Question can be put, or—you might think this is fairer to the Chair and to everyone else—with a simple rule by Standing Order of when the Question is put on a Bill that is the first order of the day. If you ask me my preference between those two, it is to have it absolutely clear on the face of the Standing Orders that that is how it will be done. Once that is done, that does enable the Speaker to say, "I have 20 people applying and I will apply a 10 or 12-minute speech limit," without him being seen to force the pace, as it were, or to bring something to what might otherwise be an unnatural conclusion, particularly because there is a risk of gaming, as on anything else. But there is a risk of gaming with a lot of Members putting in to speak, so we get 10-minute limits, and 18 of them do not actually wish to speak or speak extremely briefly. Of course, the Speaker could then remove the time limit, but I think that would look very bad to the public who watch these things and the people who are supporting the Bill.

On the first thing, there is no difficulty in the mechanism of doing it, if you can persuade the majority of the House to support your proposition. On the second one, I am not quite sure if what is being proposed is that without this cross-party support at a minimum level, you are suggesting the Bill should not be able to proceed in some way, or whether this is simply a bit of extremely sensible advice to a Member

wanting to get a private Member's Bill through that they try to get support from as wide and as deep a cross-section of the House as possible.

**Q126 Chair:** I think you raise an interesting point there because, as David said in the private session, if it was a Bill to privatise the BBC, for example, it might be difficult to get 20 signatures from the other side of the House.

**David Natzler:** Or, if I may interrupt, to have a referendum of EU membership, which did dominate two of our past five sessions.

**Q127 Chair:** Yes, although I think I said to David that we could have probably found 20 Labour MPs to support that here. It might have been hard, but we would have found them in the end.

So there are two ways of doing it. By the way, the protections on Fridays would apply only to the first seven Bills in the ballot, which was in our report. You could say, "After First Reading, you have two weeks to go and get the 40 signatures and if you do not get the 40 signatures, you are on your way out—yes, that's is it, you are out; we are not going to entertain this." Alternatively, you could say, "You have to go and get your 40 signatures. If you do not, you are going to be on the eighth day or the second Bill on the Order Paper," or whatever on a particular day. Or, you could, which might give David some reassurance, say, "Go away and get 40 signatures and that will show that you have cross-party support. It will not carry a great deal of weight, but perhaps in debate it would make it more difficult for the Government to be belligerent and difficult in opposing." There is no harm in placing more onus on Back-Bench Members of Parliament to do some groundwork on this as well.

**David Natzler:** If I may, you are in a better place than I am to judge that. I entirely agree with that. I am a little nervous at the suggestion that you are undermining this very cherished right of legislative initiative, even on ballot Bills, which does apply to the single Member who may have an unpopular proposition that he wants to put forward and he will not find 40 Members—even 20 Members—and certainly not from around the House, but he is lucky enough to have got the ballot. Does he or she not have the right to put forward that proposition to be decided by the House, even if it is defeated? Let's take something like euthanasia—I am not talking about assisted dying—and let's talk about same-sex marriage 20 years ago. Remember, there might have been Members who would have been a small minority who would have had real difficulty saying, "I want the House—it is my chance to face up to this legislative proposal." Making it mandatory does seem to me to

undermine that right of legislative initiative, or moderates it so severely.

To say it is prudent to do that—it is slightly different for us to provide a means through the Public Bill Office to demonstrate that depth of support—which is a very different issue, I think is a very good idea, if I may say. There are various ways you could do it. At the moment we limit the number of supporters printed on the back of a Bill to the Member plus 11—we try to. There was a ten-minute rule Bill presented recently when I think the Member carried on a little bit, because Members naturally say, “I have lots of other supporters,” and they want to tell the House who the other supporters are. To have a means by which a Member could show support for a Bill before it has got to Second Reading is an interesting proposition and I think we would be very open to think of ways of doing that.

**Chair:** That is very wise and sage advice.

**Q128 Mr Nuttall:** Can I ask a question to do with Bills that are selected through the ballot procedure? Am I right in thinking that the number of 20 has been fixed upon just through time and custom, rather than because of any particular evidential or Standing Order requirement or any other reason?

**Fergus Reid:** Chairman, may I? We have not been able to find the rationale. The arrangements for the ballot are fixed by the Speaker, so in time gone past a Speaker said 20 and that has been fixed. I was trying to come up with a post-hoc rationalisation and I came up with something like along the lines of seven lucky winners for the seven Second Reading days, seven optimists who go behind them and take their chances, and the six gamblers who perhaps go out for the other days and wait around and see what comes back on Report. It does make 20, so there is a logic to offering those 13 days to 20 Members, but that was as far as I could get and it is a bit of a stab in the dark.

**David Natzler:** Let us be honest, we do not know, and if you wanted to mention a different number, as long as it was not too small, if you see what I mean, that would be fine. It is like the number of questions that are taken out of a ballot for oral questions every day and how many are actually printed. You take a number and you see what works.

**Mr Nuttall:** But procedurally there would be nothing to prevent this Committee recommending, and the House accepting, a different number.

**Q129 Sir Edward Leigh:** I have been in the Lobby for quite a few Divisions when there have been pitifully few of us on various rebellions and they have been most enjoyable, sitting there with so few people,

even though we are only a tiny minority of the House. Presumably when they started the anti-slavery Bill, Wilberforce and the rest were probably in a pitifully small minority. That is just a statement.

My question for you—because you are the guardian of our history; you know the history—is presumably, ever since we started hundreds of years ago, you have been able to bring in a Bill just for yourself, have you?

**David Natzler:** No. I think the answer historically is because you were meant to be seconded.

**Sir Edward Leigh:** There was a seconder.

**David Natzler:** Until the 19th century, there was a rule of seconding, which some other Parliaments have and we have kept only for the Address. But two is enough, just to correct you.

**Sir Edward Leigh:** Only one or two, then.

**David Natzler:** That's right; you have not needed dozens. Just to correct you—as you have raised it, I cannot help it.

**Sir Edward Leigh:** I may be wrong about slavery, so if I am wrong, correct me.

**Chair:** Do correct, because I think it might be worth hearing.

**David Natzler:** I am not just the guardian of history; I am proud to be his great-great-great-grandson, and I could tell you the numbers. I will not, but I will send you the necessary literature. He had a lot of support all the way through and finally got there. But he was not one of those cases, and there are cases of equally or perhaps more remarkable people who were fighting single battles. Atheists, you know; that is what I am thinking of.

**Q130 Sir Edward Leigh:** Fair enough, yes. If we go along with the idea that you get this vote at 2.28 pm, if you are the first six, seven or whatever it is, does that change the dynamic at all? Presumably, at the moment, if you are in the next seven, you have a reasonable chance. Perhaps it does not, I don't know, but basically we are saying, "You are in the super league, the premier league—you are the first seven and you are guaranteed a vote," but does that make it even more difficult for the people behind? Perhaps it does not; I am just asking for the sake of interest.

**David Natzler:** I am not sure that it makes it more difficult. The second seven—Nos. 8 to 14 or whatever—have always had this difficult choice. They try to come in behind a Bill that they think will end early. I

assume that there would still be a chance with Bills that are not going to be opposed—they would not have to dribble on until 2.28. If it is a handout Bill that no one is that interested in and there is an agreement with the Member in charge of the second Bill on that day, I assume they could still end, as they do sometimes now, at noon, say—two hours for decency, with a longish ministerial speech and everyone welcoming it, and then there is nothing more to be said, really. I do not see that that would change it, but of course you do not know behaviourally how things happen. If people want to stop the second Bill coming on, it will be no more difficult—if anything, possibly slightly easier—to stop a debate on the second Bill on the day.

**Q131 Sir Edward Leigh:** Another point on the question of history: have we always had this system that we have now, going back? I do not have a memory of more than about 30 years, so can you tell us how would it would have worked 50 years ago? Have we always roughly had this system that you could talk everything out, you had to get 100 people turning up and all the rest of it?

**David Natzler:** When we say “always”, our institutional memory does not go much back into the 19th century, although obviously the research is there.

**Sir Edward Leigh:** Tell us about the 20th century.

**David Natzler:** But I think in living memory it has been similar. It has been different because of private Members’ motions, so there was a different balance between Bills and motions. The 100 required for the closure is a late 19th century invention and the closure obviously was not possible before then. That dynamic, imported into Back-Bench legislation, is indeed antique, so that has always been there. I do not believe there has ever been a time when it has been easier, except of course it is only in the mid-19th century that the Government took over the legislative programme. Before then, the majority of Bills were just Members’ Bills, and every now and then the Government brought in a Bill.

**Chair:** Those halcyon days when the Government had to beg time off us. Well, separation of powers, but I do not think we are going to get to that in the next 20 years.

**Q132 Patrick Grady:** It leads on from this thing about the closure, because even if you have 100 Members—we have heard this from a few witnesses—you do not necessarily get a vote on the closure. The example that particularly frustrated a few of us from the SNP who came down for it was the Off-patent Drugs Bill. I could not understand—the Speaker does

not have to give reasons, and that is quite right and all the rest of it—but the Minister was on his feet, a debate had been had and everyone who wanted to speak had spoken. The Minister was on his feet and he still was able to talk out the Bill, and the Deputy Speaker refused twice to grant the closure. I would be interested in what the reasoning is—not necessarily in that individual case, but in principle. If a full debate is had and the final speaker is speaking, why is that not the end of the debate and why can a vote not happen?

**David Natzler:** Obviously I am not going to discuss the individual case. There is a widespread practice that it is assumed that for a Second Reading of a Bill to be closed, it normally would be expected to take between three and four hours of debate. That has been the practice for a long time. That is a fact; we do not have to interpret it. It is, of course, up to the Chair to decide whether or not the closure being claimed is an abuse of the rules of the House. It is a foolish phrase, but in other words it is claimed and they do not have to give it, and they certainly do not have to give reasons. If your Committee, endorsed by the House, proposed a new set of ground rules or conventions, obviously the Chair would observe them, and that is your course of action in that respect. I believe that was the second Bill on, wasn't it?

**Patrick Grady:** It was a second Bill, yes.

**David Natzler:** I am sure he will have taken advice before remaining here about what was the likelihood of it coming to a conclusion and a vote. I am sure he would have been warned that if it is the second Bill, it is quite unlikely, if it requires a closure. Although you say that nobody else wished to speak, the Minister was speaking, and he or she is a Member and therefore they wished to continue debating the Bill. I appreciate that is not an explanation, but it is worth remembering.

**Q133 Chair:** David, I hope what you are sensing from the Committee is that we are not here, at this stage, to recast and reshape the world.

**David Natzler:** No, no.

**Chair:** There is a huge amount of optimism in this room that we now have a progressive Leader of the House and that we have a fantastically progressive and open-minded Whips' Office that is keen to do the right thing. What we are looking to do here is come up with almost a set of proposals in which we say to the Government, "Here we are, a reasonable group of men and women; this is your last chance to get it right," because if they do not get it right on this, there are all sorts of possibilities that have crossed the Committee's mind and they have mulled over: getting rid of Fridays altogether and moving these on to



Monday mornings or Tuesday or Wednesday evenings. There is a whole raft of things we could do, ending up with just getting rid of the whole private Members' Bill process, potentially. Of course that would be for the House to decide, but where do you feel we are at the moment on the whole situation? Do you think there is space and scope now for a sort of middle way?

**David Natzler:** I am not a good judge of what the Government are going to do—you must ask Mr Grayling next week. Bernard Levin once said that you should be able to print things in something called ironics, and I am not sure how *Hansard* will pick up some of your remarks. Whether it is on Fridays or not is obviously a matter of huge significance to me, simply in terms of the staff, but we will do whatever you decide, as long as you are aware that if you move it to Tuesday or Wednesday evenings, I am afraid they do not end at 7.30 pm. That is not an average ending time on a Tuesday or Wednesday. It is a regularly used time for an extra 90 minutes to be put on for other things, and you will be flying in the face of some advice about diversity and inclusion, family-friendly hours and so on if you have another late night. But I just mention that if you are talking about moving the days.

**Q134 Chair:** It is something that we have considered and we considered it in the last Parliament.

**David Natzler:** Yes, I know.

**Chair:** Again, as I say, it will be for each and every Member of Parliament to decide as to whether or not they thought that was a good idea. It will be for the House to decide.

**David Natzler:** Yes, absolutely; I understand that. I did notice a little doctrine of despair in some of the earlier evidence, where you were saying, "Maybe just get rid of the whole thing." I understand the frustration that some people must feel and Mr Grayling expressed that. I know that that was one Bill—there have been others—where they were very frustrated and thought, "What's the point?" I would say one thing: this is not the only means by which Back-Benchers introduce legislation and I think you all know that, because you do it, but every Government Bill—every Christmas tree Government Bill that comes in— attracts a great hanging of Back Bench new clauses, quite a few of which we have seen before as private Members' Bills. It is not the only game in town, and therefore you should not judge the success or failure of legislative initiative from the Back Benches simply on the basis of private Members' Bills, because the world is full of examples of measures that, third or fourth time around, have been hung on to a criminal justice Bill or been picked up by the Government at one stage or another in a Bill.

The second thing to say is that there has been a fantastic debate in this private Members' Bills session on assisted dying, which is worth thinking about, and that would not have happened on the basis of a Back-Bench motion. I think 500 Members turned out to vote on a Friday, without a need for speech limits and with a closure that was unopposed—it was just technical to bring things to an end. That was a fantastic day of private Members' legislation on a subject that Members wanted to, or felt driven to, express themselves on.

Thirdly, on medical innovation, that has gone through—I never thought it would get through; I think it has gone to the Lords—because of a willingness to compromise, talk, negotiate and so on. Regarding the doctrine of despair of saying, "We might give the whole thing up," I hope you will not on the basis simply of the regular frustrations every Session with some.

**Q135 Chair:** That negotiation is admirable, which is why providing some protection on Second Reading creates a bit more of a space—not for all private Members' Bills, just a little more than a handful. It provides some of that space where people can go away and build the alliances they need to build, and to talk to the permanent secretaries and Ministers they need to talk to.

**David Natzler:** I think in your last report you suggested that the Government might be under some obligation to announce in advance in some way what their view on a Bill was, which does not seem unreasonable.

**Chair:** Yes, so again, give the Member a steer.

**David Natzler:** Yes, and if they are against some bit of it or if they are simply immovably against it for good reasons, it does not come as a surprise, and also—you are very conscious of this, as are we—it does not deceive the public, which I do think is the strongest point coming out: this endless disappointment for hundreds of thousands of people who do not understand why Bill 14, which they really are in favour of, is just not going anywhere. We should try to do something more—everyone, including the Administration—to make it clearer and more honest what the chances are.

If I may, Chairman, Mr Docherty, who you took as a witness, was kind enough to name check both me and Fergus in his evidence, saying that we could easily do lots of things to make things better ourselves and we did not need to wait. We will consider if there is anything, particularly if you recommend it, that we do not need to wait for the authority of the House agreeing to the report that we can usefully do. For example, we can easily, by administrative action, show the Bills

that are not printed, if that helps. What we cannot do without the House agreeing is just to bump them off the Order Paper and say, "Until you are printed, you are not going on the Order Paper." You see, there is a difference between quite small and helpful things and actually affecting the process, which requires the House to agree.

**Chair:** I have spoken for too long, but we should avoid at all costs playing cruel hoaxes on our constituents. Too often I think Friday has the potential to be a cruel hoax and that is not why I am in politics and Parliament. Colleagues, are there any more questions?

**Q136 Helen Goodman:** I would just like to ask you about prelegislative scrutiny. It has been suggested that we have prelegislative scrutiny on private Members' Bills. I wonder whether any assessment has been made of the prelegislative scrutiny of Public Bills so far, since we introduced this process.

**David Natzler:** I do not think that there has been any formal assessment by the Administration—by the House of Commons service. There has been quite a lot of academic study of it—perhaps this is for your next witness—which has been fairly realistic in some cases, although I think it is fair to say it is very difficult to prove one way or another. There have been remarkable effects of prelegislative scrutiny, such as killing completely. The Bribery Bill, I seem to remember some years ago, they just withdrew. To some, where it must seem deeply discouraging, the same Bill is re-presented by the Government, despite comments, but then you have to track through carefully what happens. On prelegislative scrutiny, I think the document does mention a neglected procedure—although some procedures are neglected because they are pointless and have just lingered on the Standing Orders—which is the idea of a reference to Second Reading Committee for a private Members' Bill. I do not know what prelegislative scrutiny means sometimes.

**Q137 Helen Goodman:** Let me inform you. I am surprised, since you are the Clerk of the House and I am a mere—

**David Natzler:** Well, Helen, you tell me.

**Helen Goodman:** I take it to mean those sessions in Bill Committees before the debate begins when you are evidence-taking.

**David Natzler:** No, sorry, that is not what anyone else takes it to mean.

**Helen Goodman:** Oh, I see. Good.

**David Natzler:** Prelegislative scrutiny generally means that before you formally present a text to the House, you expose a draft text to the public. Incidentally, you often set up a Select Committee or invite someone to look at it, as opposed to Public Bill Committee evidence sessions, so I am very glad I made that distinction.

What I was saying is that there are lots of stages at which propositions are expressed in draft statute form and they can be examined for their content without necessarily the power to amend them by a group of Members, or indeed by the public, who are also interested in this. The most open is to say, "Here is an idea. What do we all think of it?" and there can be a Committee on it, and then it is down to saying, "Here is a very detailed draft Bill," and you have a few weeks in which to look at it and if you have any comments, to make them. But, frankly, Ministers are not going to expose them until they are pretty sure that they are stuck on most of the details. Then there is what happens after you have Second Reading—in other words, when the Bill has been approved in principle and you then have evidence from people about it in Public Bill Committee. There has been research on all those.

On Public Bill Committee evidence, Louise Thompson of the University of Surrey published an admirable book pointing out these evidence sessions were not quite as pointless as they seemed, or indeed the examination in Public Bill Committee. But, coming to the Second Reading Committee point, if you have a private Member's Bill and there is a feeling that if there was more chance to debate it without necessarily having approved the principle, because you were curious about it, you might think a Second Reading Committee, which is simply a debating Committee of Members, might be a way to do it. In other words, instead of killing it off by objecting, you say, "Okay, we will give it a run in Second Reading Committee." It then comes back to the House for a decision, yes or no, but it means that sometimes some misunderstandings can have been ironed out. Currently, there is very little time for the Members supporting the Bill to iron it out—I am not pointing to any Members in particular—with intelligent critics on the Floor who maybe then can engage at an earlier stage, but still in public, in a Second Reading Committee.

Prelegislative scrutiny in the traditional sense on private Members' Bills is a little hard to contemplate because of time and the ability to produce the Bill. Whether a Public Bill Committee examining a private Member's Bill could be empowered to take evidence is a moot point. I personally cannot see a lot of point in it.

**Q138 Helen Goodman:** Presumably because if it is not a Government Bill, the Government will subject it to minute scrutiny and bring whatever arguments it has into the open at some point.

**David Natzler:** I would have thought so. If there are people opposed to it, that is what will happen, including the Government. It is always a good thing; it engages civil society in the Bill, the Public Bill Committee evidence process. It means lots of associations and people in civil society can be involved in the process, but it does take time, and that is one thing that private Members' Bills do not always have.

**Helen Goodman:** Thank you.

**Q139 Patrick Grady:** Could you say a little bit about the ten-minute rule motion? There has been a couple of suggestions in this inquiry that Bills would not necessarily have to be formally moved after leave was given to bring them in and that that would keep them from bumping along at the bottom of the Order Paper. We end up getting constituents e-mailing us demanding, first of all, that we vote for a ten-minute rule Bill, as if that is actually going to become law, and then, secondly, when they do come to Second Reading, that we turn up for a Bill that is 15th on the Order Paper on a Friday. I would be interested in your views. One of the main purposes of that slot is to give people 10 minutes' notice that the next item of business is coming up in the Chamber, if they want to nip out or make sure they get over in time, although I am sure it is a very serious legislative procedure as well.

**David Natzler:** I think the idea we originally put to you maybe three or four years ago—sorry, not to you, to the Committee three or four years ago—was that the Member would not be called to present the Bill, because there isn't a Bill. It is a speech and a legislative idea, but drawing up a Bill is complex, so why pretend? I think it was felt, understandably, that Members quite relish even the walk of shame. They still quite relish going up there and presenting the Bill, and the Bill has a title and it is a reasonable thing to do, but what I think we are suggesting is you would not say, "Second Reading what day?" You would say that you can only name that later, and you might say—this is something you might also apply to other Bills—that you can only name a Bill for Second Reading when you have one and actually have a text that you have handed in to Fergus. For those who have a Bill, that is not a big ask. They go up and they can, virtually the next day, go down and, just by book entry, name a day for Second Reading.

But what about those who have done what they wanted to do, like your colleague today on personal charges from internet shopping and so on to the Highlands? He has made his point. He has had a 10-minute

speech. Obviously the Bill is not likely to succeed and he may not want to waste a lot of time trying to draw up a complicated consumer Bill on this subject. He has named 11 March where he will be something like 50 or 78 on the slaughter on the last day—that does seem pointless. So that was the idea on ten-minute rule Bills, while still keeping the appearance and sometimes the reality—we have had ten-minute rule Bills that are now on the statute book—of the possibility of bringing in a Bill and also getting a vote sometimes on something that really suddenly matters.

**Q140 Mr Nuttall:** One aspect of the private Members' Bill procedure that is perhaps not widely understood outside the House—indeed, perhaps by some within the House—is the availability of some finance to help in the preparation and drafting of a Bill. This has been fixed at £200 for very many years—indeed, some decades. Your very helpful note has indicated that today that is worth just £17, which is probably just a few seconds of time from some learned counsel in the country. Do our witnesses feel that it is worthwhile holding on to this support, particularly if we are going to go down the road of having fewer but perhaps higher quality Bills presented to the House? In saying all that, I do take note of the very great assistance that is given by yourself and your colleagues in the various House departments, including Mr Reid's department, to Members who wish to draft their own Bills.

**David Natzler:** Thank you. Maybe again I will ask Fergus to comment and thank you for what you said. A lot of the Bills are drafted by the Public Bill Office, who do not pretend to be drafters, and it is on the basis that, first, they will not become law but, secondly, that if they get anywhere near it, parliamentary counsel will be deployed to rewrite them, which is what happens in the Public Bill Committee. That may seem a rather ramshackle system, but it seems to work as long as people accept the faith of parliamentary counsel in the Public Bill Committee bringing forward everything in their own unmatched language.

My personal advice is that we would get rid of the £200. It seems to me foolish to have something you know you are not going to use and is hardly ever used. It does not destroy the principle that if you wanted to suggest some other system and felt there should be public funding of some sort for the drafting of Back-Bench legislation, you could propose another system. You do not have to piggyback on the principle that we have acknowledged in that that there is an important need for that sort of support. The obvious sources for it are either in the public sector, from parliamentary counsel in the first place, or in the private sector, as you rightly said, a very large sum of money to go to parliamentary agents or amateur barristers, if I can put it that way, who would be

very happy to put something together for you, although not indeed for £17 or indeed £200—you won't get much out of it.

Finally, an awful lot of the Bills are charitable—they are backed by quite large NGOs of one sort or another outside the House and are sponsored by them in practice. I think it is they who might also think whether it is a proper use of their funds to be drafting Bills, or if they should be leaving it to Fergus and his team?

**Fergus Reid:** In answer to your question, I think the £200 is derisory, unless it was to be allocated to the Clerk of private Members' Bills for each of the 80 Bills I have drafted this Session already, but that is probably not appropriate. [*Laughter.*]

To shade David's comments there, to be honest, some of the most difficult Bills to get into shape have come from barristers rather than parliamentary counsel. It is a different language. I think the system we have now is a very sensible one because a Member's Bill—it is a bit like an amendment—has to have a bit of a narrative. It has to be understandable by the public or other Members at large, so it may not be in technical legislative language.

The technical way of doing it might be to remove some obscure paragraph from a bit of legislation inserted by another Act into a third Act, which means nothing to anybody. So, I could just draft a little more of a narrative—this is a nice scheme that we want this to happen, and regulations should do this, this and this, and while they are doing that they should take account of all these lovely other factors—but that will be turned into something completely different were this Bill to get a Second Reading and go to Committee. I think that parliamentary counsel then will be employed efficiently to turning something that is on the cusp of legislation into something technical, but before that point it is more understandable as a narrative to Members that pavements should be clear of all vehicles or other obstacles.

**Simon Hoare:** Yes. Absolutely right.

**Fergus Reid:** It is helpful to the debate for this to be drafted in more of a narrative form and then later turned into technical language, should it get that far.

**Q141 Sir Edward Leigh:** Going back to your previous answer to me, I think you said that there were examples of causes that had very little support. If there is some dusty tome resting in the Public Bill Office and you could write to us with any examples, we would be very grateful. I give you another one, although you may correct me again: Catholic

emancipation was passed in 1830, preceded by a long campaign and the first Relief Act in 1791. I hazard a guess that in the early 18th century there were tiny numbers of Members who were proposing Catholic emancipation, which presumably the Chairman does not oppose now.

**Chair:** All part of one Catholic Church.

**Sir Edward Leigh:** I am just giving that as an example of a very unpopular cause. Just because you are in a minority of one on any issue does not necessarily mean that you will not become a majority 20, 30 or 40 years later, so any examples you can give us that would be most—

**David Natzler:** We will look. There are no dusty tomes in the Public Bill Office, just—

**Chair:** No dusty tomes. Are there dusty people?

**David Natzler:** There is dust and there are tomes.

**Q142 Chair:** Just on that point, we must not get too caught up in the right of the single individual, although that right is extremely important. There is a wealth of opportunity for individuals—obsessives; crashing bores; passionate people—to raise minority issues in Westminster Hall debates, Adjournment debates and on ten-minute rule Bills. There is a plethora of opportunity for this to happen. The idea that the Government were going to bring forward legislation where they thought it would only get one vote is nonsensical. While I am attracted to the idea of protecting the right of individual Members of Parliament, I am not sure I am wholly attracted to the idea of that individual Member of Parliament wasting my time on a Friday when he or she has absolutely no support for their proposition. That is more of a statement than a question, but there might be a nugget of a question there.

**David Natzler:** You are right. I am presenting a romantic view and that is a very fair counter-view. I notice in the Scottish Parliament, which is the cynosure of every eye, that you need to get a given number of Members from a given number of parties in order to progress a private Member's Bill. We all have some sneaking sympathy with that, but that makes sense. Whether it has to be cross-party or not is an interesting issue, but you could perhaps say you have to have six Members, which is a number that happens to coincide with reprinting an early-day motion—you have six supporters. I think it was only talking about 20 or 40 that—

**Q143 Chair:** But actually where we seem to have headed, thanks to your careful guidance, is the idea that it would be a "nice to have" if you could demonstrate up to 20 supporters from each side. It would not



disbar you if you could not, potentially, but if you could, we would not put roadblocks in the way for someone doing that. You could facilitate the opportunity for Members to demonstrate a cross-party support for a proposition.

**David Natzler:** That is the point. The facilitation of showing that is an interesting thought, yes.

**Chair:** Colleagues, this has been enlightening. I love seeing our Clerk.

**David Natzler:** Thank you.

**Chair:** Does anybody else want to ask a final question before we let him go and do clerkly things?

**David Natzler:** Dusty tomes.

**Chair:** Thank you very much, David, and, Fergus, thank you as well. That was fantastic.

### **Examination of Witness**

*Witness:* **Dr Ruth Fox**, Director and Head of Research, Hansard Society, gave evidence.

**Q144 Chair:** Ruth, is this your first visit to us in this Parliament or your second?

**Ruth Fox:** Second; first officially.

**Chair:** Yes, first official when your evidence is being recorded. Welcome. I can assure you it will not be your last.

**Ruth Fox:** I try.

**Chair:** I am not sure that in the last Parliament we had a huge track record of success of taking our discussions forward, but we will try extra-specially hard in this Parliament.

Ruth, you would have listened to that discussion. It was good natured and good humoured, and some important ground was covered. I think it was confined within the realms of reality. We did not go off-piste too much. Let us have your thoughts before I immediately ask colleagues to ask you questions and quiz you on that.

**Ruth Fox:** I think that, compared with Mr Natzler, I probably conform more to the practical rather than the romantic vision of these things.

I take the view along the lines that you similarly articulated. There is a range now of opportunities for Members to take forward ideas and campaigns, to raise minority views and to take forward proposals in a way that there was not perhaps in the past. Private Members' Bills were always seen as playing a multiple number of roles, but now in the House there are other avenues where the fire alarm, the minority view, the safety valve and the raising the issue-type campaign can come forward and get a hearing, and can develop an argument—an idea—over time that can then, perhaps, find form at a later date in a legislative proposition. But I do not think that necessarily, when inviting any Member to participate in a ballot—I think it is important to say, going back also to what David was saying about protecting the rights of Members to initiate legislation, that they only have that right in respect of ballot Bills if they succeed in the ballot, so there is an infringement on the process already—it is necessary to have 400 Members to put themselves forward to the ballot for the right to initiate legislation when some, although not all, have no idea what it is that they want to do with it. What I would like to see is a series, almost like a pyramid, where you have a range of opportunities for Members to have these ideas, and the opportunity to campaign and take them forward through these mechanisms over time, but once they get to the top of the pyramid—the legislative opportunity—there has been more thought and preparation, and you have a better process in place to consider that seriously.

I do not want to see more legislation going on the statute book as a result of that process automatically, but I do want to see a better approach to that, if you can put in place something that facilitates that, whether it is prelegislative scrutiny or requiring Members to have supporters prior to going into the ballot, whatever it may be. I think there are different avenues to that, but I would like to see PMBs becoming a genuine legislative focus, rather than simply a campaign raising an issue or—

**Chair:** A gold standard.

**Ruth Fox:** Yes, or the handout Bill necessarily.

**Q145 Helen Goodman:** I entirely share your concern about handout Bills. However, why shouldn't a Member who has not been campaigning on something for a considerable length of time not be one of the 400 people who put their name into the ballot?

**Ruth Fox:** If you are going to bring forward a piece of legislation or going to go forward for legislation, I like the idea that you might have some idea what it is that you want to do, rather than coming out in the

ballot at one end and then deciding within a matter of weeks. If you think about the timing of the ballot and then the presentation of the Bill and the first sitting Friday, it is only a matter of weeks. I don't think that is a particularly satisfactory process for bringing forward a well thought-out idea, if it is not a handout Bill—if it is your own you are thinking up after succeeding in the ballot.

**Q146 Helen Goodman:** Supposing I came up in the private Members' ballot, I could think of a range of issues where I would love to see changes in the law. I may have campaigned on some of them and I may not have campaigned on others, and having come up, it is worth my while investing some time and thought into finding out which of my four or five possible ideas is practically implementable. I am not going to spend my time working that out. I am an extremely busy Member of Parliament with lots of things to do and a very needy constituency. I am not going to spend my time working something up in order to satisfy a bureaucratic filter before I put my name in. That is an absurd suggestion, surely.

**Ruth Fox:** No, I do not think it is. If you are bringing forward a legislative idea, I find it conversely quite odd that you are going to the ballot and you might have a number of ideas that you then have a matter of just a few weeks in which you decide which one it is that you are going to do. It may be true in terms of your circumstances, but there is evidence from other Members that they do not have an idea of what it is they want. They are deluged by NGO and constituency correspondence and contacts, and then decide what they are doing to do. I find that slightly bizarre, I have to say.

**Q147 Helen Goodman:** Why should we not be influenced by constituents and civil society when it comes to drafting private Members' Bills when we are influenced by them when it comes to putting down parliamentary questions, making speeches in the House and tabling amendments to Bills? What is the difference?

**Ruth Fox:** That was not what I was implying. I would expect that you would be influenced by that, but further on the process in terms of thinking about what the issues are that you might want to bring forward.

**Q148 Helen Goodman:** But how is your pre-filter going to operate? How are you going to be in a position to judge whether I have thought sufficiently before I write my name in the private Members' ballot book? Who is going to do that?

**Ruth Fox:** You could have a situation where one of the options was that you bring forward an idea and sign up Members for support for it

beforehand. You might have a situation where in order to enter the ballot, you had to have demonstrated that you perhaps have that level of support. Perhaps you had pursued it as an issue previously through a Backbench Business Committee or ten-minute rule debate. There is a range of ways that you could demonstrate that you had shown and expressed an interest on this previously.

**Q149 Helen Goodman:** Do you think it is reasonable for me, if I do not know that I am going to come up in the private Members' ballot, to go round to colleagues across the House and say, "Please sign this"? Wouldn't the implication of that be that rather than 20 or 13 colleagues looking for 40 signatures, we then had 400 colleagues doing precisely that?

**Ruth Fox:** Not necessarily, because I think the point is that you reduce the number of people putting in because they have to think about it more seriously at the outset before they go in. Some do, but I do not think that is universal.

**Q150 Helen Goodman:** I just want to challenge your notion that a bureaucratic process is the route to judging whether Members have thought things through and whether these changes to the law would be better because somebody had been obsessing about it for 10 months rather than alighting on it.

**Ruth Fox:** I do.

**Q151 Helen Goodman:** What is your evidence?

**Ruth Fox:** I challenge the argument that it is necessarily a bureaucratic process. I am talking about private Members' Bills as a way to bring forward campaign ideas, to raise issues, to address minority issues and so on. I am saying that there is a range of opportunities for how that can be done, but that once you get to the private Members' Bill stage—if you see it as a genuine legislative opportunity where what you try to focus on is that opportunity for Members genuinely to get with all the other procedural changes that would be needed to get the legislation on the statute book, and to have a reasonable chance at it—I think it is not unreasonable to hope that a Member would have done a little bit more preparation and thinking and to have engaged with the issues before going into the ballot, rather than getting to the ballot, putting their name in and then deciding what issue it is that they are going to pick up. It is perfectly legitimate to take a different view. That is just my view looking at it from outside.

**Q152 Helen Goodman:** Speaking for myself, as a Member of Parliament, I probably do a lot of work on half a dozen issues. I do not work on everything, but there are probably half a dozen things where I do lots of work and some of the things I do work on have money implications, and that is ruled out, and some of them do not. I simply cannot understand why you think that one should have done a lot of work for a possibility where you have a one-in-20 chance of it coming up. That simply does not seem to me to be a good use of time or a pragmatic approach at all.

**Ruth Fox:** I disagree, and I do not think it necessarily implies an awful lot of work because what I am talking about is that you decide what issue it is you want to pursue. Okay, we take a different view.

**Q153 Mr Nuttall:** Am I right in thinking that really what you are suggesting is that before Members enter the ballot they have to demonstrate some support for their Bill?

**Ruth Fox:** Yes, and to have demonstrated some interest and—

**Mr Nuttall:** Your thought would be that this will improve the quality of the Bills that come forward. Is it not likely that what possibly—just conceivably—might happen is that some Members may be helpfully guided towards adopting, at an early stage, an orphan Bill waiting in the maternity unit of the Government's legislation unit and be asked to adopt that Bill and make reference of it in their application to the ballot? So, in fact, the idea that your suggestion will change what is happening at the moment is very far from the reality of what will happen.

**Ruth Fox:** Quite possibly.

**Chair:** But there is no harm in dreaming the dream. I am with Ruth here. I do not think, by the way, that what Ruth is suggesting is going to work, but that is perfectly reasonable. Of course we can discuss it, but the principle is not wrong and the principle is—I see some colleagues getting a nod in—that a private Member's Bill should be the gold standard that a Back Bencher tries to attain. It is not a Westminster Hall debate; it is not a ten-minute rule Bill; it is not an urgent question; it is not an end-of-evening Adjournment debate—it is the gold standard.

Can I just put this proposition very quickly? If we gave a guaranteed Second Reading to the first seven Bills, the Government would probably get four of them—when I say the Government, I mean Government Back Benchers—and three would go to Opposition Back Benchers, and they would have an incentive to say, "I have a chance here, so I am not going to do something really stupid. I am going to do something really worthwhile". Over to you, Simon.

**Q154 Simon Hoare:** I fear, Dr Fox, that if you were running Camelot, you would want me to tell you what I would spend the money on before I had bought the lottery ticket. I think there is a danger in that if you take what Harriet Harman said when we came to the re-election of the Speaker. I think what is proposed by having to propose or demonstrate a paper trail of a history of campaigning—I rather agree with what Mrs Goodman was saying—is that it is, by definition, discriminatory against new Members. I drew 10 and Mike Wood drew No. 2 or 3—I cannot quite remember why, but he was relatively higher. We had no track record in this House, although I could claim that I had an interest with the guide dogs because I collected milk bottle tops for them for the Blue Peter appeal. I had an interest in local government because I had been a district councillor for 11 years, but I had had no ability in this place to demonstrate a track record of campaigning interest on the issue that I then promoted because I had not been a Member of this place beforehand. I think that is one disincentive because it is then discriminatory, and why I referenced Harriet Harman was that the point that she had made was, “From the day of the election we are all equal and we all have an equal right to speak and do things in this House.” Sir Edward, I am still naive enough to believe in that.

I think the other issue as well is that there could very well be a pressing issue. Let us take, for example, the wild animals in circuses idea. It may be that there are 22 people who would wish to promote that and they have campaigned upon it and so on. If they all put that up as an idea and if they all then demonstrate that they have an interest, it then looks as if it is just too populist and jumping on a bandwagon and so on. You should win the prize. I agree with the Chairman that there should be an additional weight here, because a private Member’s Bill is proposed legislation, not just a flag-waving exercise. It has to be a sensible job, but you should then have the luxury to decide what you are going to spend your prize money on and not demonstrate it to the lottery organiser beforehand.

**Ruth Fox:** With regard to new Members, I can see that that is an issue, but you could make accommodations for that. I am not saying that you have this sort of tick-box exercise where you are putting this in. What I am saying is that in terms of the culture and approach to Bills, I find it odd that Members decide the issue after they have put in for the ballot and have not given as much thought as ideally a citizen looking from outside would like to think was given to them at the point when they are so successful.

**Q155 Simon Hoare:** Nobody thinks what they are going to spend their £32 million from the lottery on. You buy the ticket, you see if you win, and then you cogitate, reflect, discuss and take soundings from colleagues.

**Ruth Fox:** I think it just goes to sort of the game playing that, frankly, the public sees in this process.

**Q156 Bob Blackman:** With respect to Simon, I do not think we should have legislation by lottery—we should not be deciding legislation by that. I am strongly with you on demonstrating interest and support for legislation before it comes forward. Could you talk us through how you would envisage the process working? Obviously you put your name in the hat, the ballot comes and then you have a very short space of time to determine what you are going to spend your prize money on and seek support and so on. If we had a position whereby a Member wishing to bring forward legislation had to demonstrate, for example, support from 20 or 40 Members—whatever the number is—when do you see that happening and how would you see the process for allocating time for Second Reading and so on?

**Ruth Fox:** I think there is a starting point that is: do you want prelegislative scrutiny? That is not public evidence, that is prelegislative scrutiny, and what form does that take? In principle, we would say that that is a good thing for all legislation but, of course, we know that the amount that comes through is pretty modest in terms of Government Bills. But do you want prelegislative scrutiny for private Members' Bills in principle, because that affects the timetable that you would apply? One very radical option would be to say you do want that prelegislative scrutiny, whether that is via a Committee—a Select Committee looking at it or an ad hoc Committee set up just for that Bill—or whatever it may be. That would have implications timewise in terms of how long a gap there is between what emerges after the ballot and the point when you go to Second Reading. So there are big implications there as to whether you want that and what form that takes.

In terms of going into the ballot, I see it as you demonstrate some support and that could be whatever number it is—I think it is 18 in the Scottish Parliament, drawn from half the parties represented in the parliamentary business bureau. That demonstrates a level of reasonable cross-party engagement and you could get some Members into the debate. There are dangers with that and relying solely on that, a bit like with early-day motions or all-party groups. People sign up to things, but are you signing up to the Bill or are you signing up to the policy proposition? We have to be clear about that. You are not necessarily signing up to the Bill because you may not have seen the

Bill, and that particularly goes to the issue about the point at which it is properly drafted. Then it is just about indicating whether you have brought up this up previously and tried to raise it in questions or through a debate—whatever it may be—and then it goes forward.

It would not need to prevent you going forward, and that could be taken into account. All I am suggesting is that it would be ideal—perhaps not ideal in the first year of a Parliament, but certainly later on, and if you had prelegislative scrutiny in the first year and Bills coming through in the second year, you could deal with that. It would be better to have given some evidence of engagement with it.

**Q157 Bob Blackman:** What you are saying is that Members newly elected in the year after an election would potentially be at a disadvantage, but thereafter they catch up.

**Ruth Fox:** Yes, but that could be taken into account.

**Q158 Bob Blackman:** Taking your ideal scenario, you would have prelegislative scrutiny in year 1 and then in year 2 you would get to a process of legislation, if it was applicable, which would then presumably feed from one Parliament to another if need be. Having done prelegislative scrutiny on Bills in the year 5 of a Parliament, year 1 of the new Parliament could consider those and take those forward.

**Ruth Fox:** Yes. There is the issue not just of prelegislative scrutiny but also carry-over, so that you would not necessarily need to have a whole year taken up with prelegislative scrutiny on a relatively small Bill. But there is the option of carry-over from Sessions and, likely, across Parliaments, I would say.

**Q159 Bob Blackman:** Moving on from that, one of the proposals at the moment is that we have 20 that succeed in the ballot and potentially could get discussed, but that once you go beyond a reasonable number, you have no chance really of getting through. Would you envisage a smaller number of Bills being blessed in this sort of way, or could it be any number going through prelegislative scrutiny and then concertinaed down if it was considered they were not applicable?

**Ruth Fox:** No, I think if you are going with a ballot and you want to stick with, say, 20, you prioritise the top seven in terms of the order. Whether you then go forward with the next seven and six, I think the top ones certainly should receive that priority going through the process.



**Q160 Jenny Chapman:** I agree with what you are saying about the ballot. I do find it odd—I did it myself once and I thought this was a very strange thing to do—to put your name in a book with absolutely no idea of what you would do and to hope that you are not going to come out in the top few because you do not really want to do it. But, for whatever reason, we obediently do this thing and I think it is a strange way to carry on. Accepting what colleagues are chuntering about on the other side there about having to prove that you have a track record of campaigning or raising an issue, I do see the point that that does seem to be disadvantaging certain Members who for whatever reason may not have used the formal processes internally to raise an issue, but may come in. Kate Green, for example, came in with a very strong track record on campaigning on child poverty and on day one could probably have put forward a very strong Bill but, under your suggestion, would not be able to. Is there not a way that you could keep a ballot but have a requirement where you do not have to show that you are a lifelong parliamentary campaigner or something, but you have to have perhaps a title for the Bill and show some support from both sides of the House to show that you have at least woken up to the idea that at the end of this you may have to have a Bill?

**Ruth Fox:** Yes. That is the point—to prevent the situation where you are going into the room and putting your name in the book, but not having an idea what it is that you are going to pursue. I am not suggesting that you have to have these tick-boxes where you have to demonstrate all these levels of support, but that you have to make a case for the Bill, of which these elements of support and campaigning would be part, and the title, knowing what it is that you are going in for, would be key to that. I find it very odd that you would go into it without a view as to what it is you want to pursue, and that itself might culturally stop the situation where you go into the room and put your name in the book without knowing what it is you want to do and, therefore, you have fewer people in the ballot and you have a better chance of getting through.

**Q161 Sir Edward Leigh:** I do not agree with that. If you are saying that when you sign up for the ballot you should put down a title of a Bill, I do not agree with that. For instance, there is a perfectly good negotiation that goes on. I might want to do a repeal of the Hunting Act or limit the time for abortion, but I might think once I am successful in the ballot, there is no point doing that, because I happen to believe in those things but there is absolutely no chance of getting through. I take soundings, and then I do some little handout Bill, and why shouldn't I because I want to get a Bill through? Also I am not sure it would, in practice, make much difference because we all—every one of us—have our own little hobbyhorses and within five minutes we could ring up the Society for the

Protection of Unborn Children or the Middle Way Group, or whatever our little hobbyhorse organisation is, and we could get enough backup to do it. We have already had this debate about getting a significant number of Members from both sides of the House to support a Bill, and you probably heard the earlier questions—there is no point repeating all that. I am sorry; I just do not agree with you. I think one person should be allowed to put their name in the ballot and once they are successful they decide, on the balance of probabilities, whether they want to go for a campaigning Bill that has no chance of being passed, or a very uncontroversial Bill that can get their name on the statute book. That is a perfectly fair and good system.

**Chair:** It is perfectly reasonable for you to disagree with Ruth.

**Ruth Fox:** Yes, I just disagree.

**Q162 Edward Argar:** I do see the point that both you and Jenny made, although from slightly different directions, in terms of the need to show support and also an engagement with an issue. But I have to say I am convinced by what Simon and Edward have said. There are a number of concerns I would have with that, which is why I am afraid I am not convinced by what you are suggesting. Simon is absolutely right that for those of us who were elected last May, it would essentially say, "For a year keep quiet and do not do anything." There will be people who have come in with a track record of campaigning outside this place and they care passionately, but there will be people who have not, yet still believe passionately in something that they put forward. In terms of saying upfront, "Here is my title," or, "Here is my topic and here is why," again I would agree with Edward. I do not have any problem with people putting their names into the ballot. I think that when a lot of people in this House do that, even if it is not fully formed, they probably have a rough idea of the sort of thing they might like to do. But part of the democratic process in this country and in this House is that you will come up with that and then you will have discussions with people. You are often willing to be convinced that maybe there is something that has a better chance of success or that you could argue passionately for and you do genuinely believe in, but that you had not thought about in this context and where you could add real value.

I sat on a Friday afternoon listening to the passionate exposition put forward as to why changes to the rules on pavement parking were the right thing to do. I dare say before entering the ballot Simon probably had not decided that as his topic, but a more passionate and eloquent exposition of why it was the right thing to do you would go a long way to find. It is part of that process that once you come out of the ballot, you will engage with a range of organisations, colleagues and others. I would

be very hesitant to see us start putting preconditions on what you do or do not want to put in a private Member's Bill before you know whether you have a chance to put it forward or explore it.

**Ruth Fox:** I do not think it has to be a precondition. All I am suggesting is that some of that discussion and consideration takes place before you go into the ballot and that you have an idea when you put it down.

**Edward Argar:** I think it probably does in many cases. Every day in this place we are talking to each other about what bothers us, be it Government business, Opposition business or particular issues. It is the case that the first year of a new Parliament is almost an odd exception because the ballot comes so swiftly and there are a lot of new Members who may not know each other or have really engaged with it. But, in subsequent years, when we come to do this—in the next Session—I would be very surprised if any Member who had put their name forward did not have some idea of what might interest them or what they might find interesting.

**Jenny Chapman:** You are going to be surprised.

**Edward Argar:** No, I disagree. I have a higher opinion of my fellow Members than perhaps—

**Chair:** The clock is running down. Helen, a last go, and in a very nice, gentle way.

**Q163 Helen Goodman:** I can imagine that there are two things that I would like to do if I came up in the private Members' ballot. One thing I would like to do is to incorporate the UN convention on the rights of the child, signed by Virginia Bottomley, into English law, I am sure I could get 40 people across the House to support it. Another thing I would like to do is to see the ratification of the Hague treaty on the treatment of archaeological sites in the time of war, and I think I could get lots of people for that. I think the Government would far prefer me to do the second than the first. Don't you think that having a pre-ballot process or discussion with the Executive, far from strengthening the private Member, would actually strengthen the power of the Executive because they too are in a negotiation? There could be somebody in the Department for Education who thought, "Actually, following through with what Virginia Bottomley did in 1989 is a perfectly sensible thing," but they will also be trying to make it as difficult as possible for anything radical to come up. Can you not see that if we go down the path that you are suggesting, we will strengthen the Executive at the expense of the ordinary Member?

**Ruth Fox:** In a situation where, as I understand it, nine out of 10 Bills are effectively handout Bills that are getting through, I am not sure that it makes much difference. The discussion either takes place beforehand or after—the Government will have their position as to what they want to bring forward or what they is prepared to support or not. It seems to me that it is your opportunity to bring forward a piece of legislation—what is it that you want?

**Chair:** Helen, can I say, because I am the Chairman, what a brilliant intervention you make and what two very laudable things, and I hope that the Committee adopts much of the previous report. There is protection for the first seven Bills—you are one of the first seven because you have a clear idea of what it is you want to do, and you will know you have that degree of protection that will allow you to do it, and also you are a skilled parliamentarian who will secure lots of support.

I think we will call it a day. Ruth, that was fairly searching, but you are used to that in front of this Committee, aren't you? Thank you for retaining your good humour throughout it, and for being equally resilient and bullish in your responses. Thank you very much, and we will no doubt see you at some stage in the near future.