



Procedure Committee

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

Wednesday 2 March 2016

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Members present: Mr Charles Walker (Chair); Edward Argar; Jenny Chapman; Nic Dakin; Patricia Gibson; Patrick Grady; Simon Hoare; Sir Edward Leigh; Mr Alan Mak and Mr David Nuttall

Questions 164-203

Witness: **Chris Bryant MP**, Shadow Leader of the House of Commons, gave evidence.

Q164 Chair: Shadow Leader, welcome. We have been waiting for your arrival with eager anticipation.

Chris Bryant: Don't lie.

Chair: No, you have an almost full house to greet you.

Chris Bryant: I notice that, but you have all been shouting at each other. We could hear from outside.

Chair: A good-natured exchange of views with Jenny.

Shadow Leader, thank you for coming to see us. You have been a few times to see this Committee but not always in your capacity as Shadow Leader of the House. You gave evidence to this Committee on a couple of occasions in the previous Parliament.

Chris Bryant: I think they were written, weren't they? I do not think I have given oral evidence.

Chair: Have you not? Just the once?

Chris Bryant: I am very old so I might have forgotten.

Chair: Well, it feels like you have been before the Committee on a number of occasions.

Chris Bryant: Well, most of my speeches I think are short, but everybody else thinks they're long.

Q165 Chair: Now, I want to ask you a question, then I am going to bring Alan in. At our previous evidence session, or one of our previous evidence sessions, we had Jacob Rees-Mogg before us, who said this—well, he did not say this, obviously, but this is the essence of what he said: even Jacob Rees-Mogg, who admitted that he rather enjoys talking at length of Bills, agreed that it doesn't make Parliament look great and argued that as the key issue with the process is lack of transparency, there should be a more open process so that people can see what is happening." Would you concur with that view?

Chris Bryant: Yes.

Chair: Right. Alan, I said I was only going to ask one question and I have asked my question.

Q166 Mr Mak: Thank you, Chair, and thank you, Shadow Leader, for appearing before the Committee. My first question is: what do you think are the main issues with the procedures for considering balloted private Members' Bills?

Chris Bryant: It is completely and utterly capricious. Nobody knows before the day happens how much business is going to be taken, what different pieces of legislation are going to be considered. It places far too much power—the ability to filibuster and talk out gives far too much power to one or two Members. It brings Parliament into disrepute because we all get emails like the ones I get saying, "Please, please, please, Mr Bryant, turn up on Friday for such and such a piece of legislation," and you are thinking to yourself, "Well, on the one hand I have a school to visit or an old people's home or whatever or an advice surgery, which is obviously important, but at the same time somebody wants me to turn up and I have no idea whether that piece of legislation will ever be reached or whether it will be talked out" and so on. I think the whole system at the moment brings it into disrepute.

The key bit for me, I think, is that just as a statutory instrument always gets its one and a half hours' debate and then a vote—it has to be disposed of—so once you have moved Second Reading, you should be entitled to a vote and not be allowed to be talked out.

Q167 Chair: You would not have any thresholds on the numbers who need to be present for that vote?

Chris Bryant: I think it is a legitimate point about whether there are enough people here to be able to consider it, but I would move it away from Friday, to be honest. When Stafford Cripps was an MP, the brass

band played every time he arrived in the constituency twice a year. That is not the make-up of what it is to be an MP today. I know there are those—indeed I have heard you yourself, sir, say that we are not just—

Sir Edward Leigh: Don't you have a brass band?

Chris Bryant: I have the best brass band in Europe, Sir Edward, and I know that to be a fact because it has won the award every year for the last seven years—so there.

Chair: Do you want to name check it?

Chris Bryant: The Cory Band, formerly the Ton Temperance Band.

Chair: There we go—fantastic.

Chris Bryant: They are not so temperate anymore, nor is the Member of Parliament. Anyway, you, Mr Walker, said that we are not all just meant to be there to be additional social workers and I agree with that. Nonetheless, I think our constituency focus is a really important part of the modern job of an MP and the Friday sittings element conflicts with that.

Q168 Chair: Right, so you would move private Members' Bills, as I think you put in your original evidence, to Tuesdays and Wednesdays potentially?

Chris Bryant: Yes. Remarkably, I still hold the same views as I did on 15 November 2011, which you kindly sent me, and I would move it to a Tuesday or a Wednesday evening. I dislike the modern tendency of the Government to put lots of extra things in on a Tuesday or a Wednesday evening, keeping us here longer, because the House has decided—it has had lengthy debates and votes about this—that the moment of interruption shall be 7 o'clock on Tuesday and Wednesday and that is when it should be. There are many MPs now who have to get home to their constituency because they do not have any allowance for staying in London—they do not tend to be Labour ones, as it happens— and I think that they should be allowed to do so. So I would change that.

The other thing, of course, that I think should be changed is that now that we have the Backbench Business Committee allocating time, I don't think there is any reason why some of that Back-Bench business time should not be allocated not just to motions that can be busily ignored by the Government, but to legislative moves such as private Members' Bills, which cannot be ignored.

Q169 Chair: Could I put a suggestion to you? This Committee is probably not as revolutionary as you are, and if there is to be a revolution it might come over a longer period of time, perhaps. What about piloting with the Backbench Business Committee the idea of allowing them to award two private Members' Bills, just to see how that goes? We would expect some serious consideration from them—a serious piece of work. They would perhaps receive a number of bids and they would be tasked with weighing up the merits of those bids, looking at the depth of support, to see which they would recommend for perhaps one of the key and most prized slots early on in the process. How about that as an idea?

Chris Bryant: I am actually quite evolutionary in my principles about Parliament, but it is a simple fact now that we have more Government Ministers in this country than Italy, France and Germany put together or, for that matter, than Canada, India and Ireland put together, which are more parliamentary schemes. That means that there is a very significant hold on how we do our business in the Commons, and the Backbench Business Committee is an opportunity to break that open slightly. I think we should be cutting the number of Ministers significantly myself, but that is not within the remit of this debate.

I think that your suggestion is a good one. The only key element to that is that you still have to be guaranteed that you will get a vote at the end on your Second Reading proposal, because otherwise, if it is just "talk it out" that continues to bring Parliament into disrepute. I have engaged in it myself—I gave a 40-minute speech on lemon meringue pie once to talk a Bill out on a Friday morning, and frankly I feel ashamed about it.

Chair: Okay, a sinner repenteth. Right, Ed, do you want to leap in now?

Q170 Edward Argar: I do. For what it's worth, I entirely agree with you, Shadow Leader—don't worry, I do not do it too often, which is probably good for your reputation and mine—in terms of the vote on Second Reading. I think that the procedures are opaque to those outside this place.

I suppose I have two questions, which I think I probably know the answers to but I will ask you anyway. One is: do you believe that we, as Members of Parliament and NGOs and others who advocate for particular Bills, are sufficiently transparent and honest with those outside this place who support the causes about the realistic chances of those Bills actually being promulgated into law? Do you think we are straight with them about what a private Members' Bill on a Friday or a ten-minute rule Bill is realistically likely to achieve?

The second one—and pick the order in which you answer them, Chris—is going back to your point about the nature of constituency Fridays and the changing nature of this job. I do not think it is wrong to have a quorum for the House sitting, because obviously you want enough Members to be present for it to be a realistic representation. What would your view be on the closure motion rules? I recollect—I look at the Clerk—that the number, 100, was set in the 1880s, at a time when most Members of Parliament probably would spend their time in this House when it was sitting and did not go off to do surgeries or open village fêtes or anything else. Do you think that that number and that process has not sufficiently kept pace with the changing nature of our role?

Chris Bryant: We sit many more days now than they would have done in the 19th century and there would have been less legislation anyway in the 19th century, so fewer votes as well in any one year. You had different systems. The Government were not in control of all five days of the week for most of the 19th century and steadily took control of them, and I think that has been one of the problems that we have.

I think there is a fundamental dishonesty about Fridays now. It is just dishonest to the public—to the charities who are sponsoring the campaigns and all the rest of it and to the members of the public who think either that change is possible or that it has been a proper debate when, frankly, all too often it is not. We have several forms of this dishonesty now. For instance, I think I am right in saying that on circus animals we have now had two Back-Bench motions unanimously agreed or with big majorities supporting abolition. On both occasions, the Government have said they are going to do something about it and subsequently have done nothing, and then we have had a private Members' Bill that was talked out. With all of that, I think I know what the view of the House of Commons is on this matter, and I think I know what the view of the country is, and at the moment the system is making sure that that cannot happen. Now, if the Government want to be honest about it and say, "Look, we are opposed to this legislation," they should come along, they should whip people through the lobbies, vote on it and be done with it. That in the end I think is the dishonesty at the heart that we need to deal with.

One other thing: when I was Deputy Leader of the House I set as a target to try to double the number of private Members' Bills that got all the way through the process. I think it is wrong that it took the Government a very long time to table the money motion to allow a second Committee to start. I think it should be guaranteed. If the House has decided we are having a Second Reading, then I think that the Government should obey the will of the House and you should then be guaranteed that you will get your money motion within a fortnight and the Committee set up. It does not matter whether there are two

Committees or five Committees or 10 Committees happening at the same time.

One other thing: if it is a Government-sponsored Bill it should just say so on the cover, frankly. There was a time when there was great legislation that an individual Member could drive through the Commons because the Government believed that it was right to give time to things that society was seriously considering. Abortion, homosexuality and the death penalty—all of those three were private Members' legislation that was given time by the Government, and I think we should have a system that makes that more readily available. Personally, I would have preferred if same-sex marriage had gone through as a private Members' Bill without a Government Whip and led by an individual Member, because I think it was a matter of conscience. Everybody treated it as a matter of conscience and we should have written that into the system. Sorry, long answer.

Chair: Very long answer there.

Q171 Sir Edward Leigh: Can I give an alternative point of view just to test your arguments? I have spoken on many Fridays. If you want a cure for insomnia, you could read my hour-long speech last Friday.

Chris Bryant: I cast my eye over it in preparation for today.

Sir Edward Leigh: Can I just put to you that Fridays in many ways is Parliament working better than it works on any other day because these little private Members' Bills do get a tremendous amount of scrutiny? You described them as filibustering speeches, but there are serious speeches, people seriously test these things, while on other days everybody just gets six minutes, seven minutes, the Whips pile several hundred people in at the end who have not listened to a word of the debate, everybody votes according to the party line. Can I just put an alternative point of view that on Friday we do have real debates?

Chris Bryant: Sir Edward, I have listened to a lot of your speeches in my time because often we have been on different sides, and I would say that all your worst speeches you give on a Friday; your best speeches you have given in other debates. I am sorry, I just disagree. I think 52 minutes on the Compulsory Emergency First Aid Education Bill from Philip Davies, which so far as I could see was almost entirely designed to waste time, is not line by line consideration of a Bill.

Q172 Sir Edward Leigh: Okay. Can I put it this way: don't you think that if you have a serious piece of legislation that it is not too much to ask, if it is a private Members' Bill, that you get a serious number of people here?

Chris Bryant: Yes, I think that is a legitimate point, but I return to the point about Fridays. The nature of our work has changed. My constituency is a considerable distance from Westminster. If we sit until 2.30 on a Friday, I cannot get to my constituency to do any serious business before 8 o'clock in the evening. I would say as a modern MP that Friday is a key part of your constituency duties. When I was a Minister, those Fridays became even more important than they now are.

Q173 Sir Edward Leigh: But it is not too much to ask. The House does not sit every Friday by any manner or means. Is it too much to ask just to come on four or five Fridays a year? It is not impossible.

Chris Bryant: We do 13.

Sir Edward Leigh: We are talking now about the first six or seven, say, being guaranteed. It is not an impossible demand, is it?

Chris Bryant: My take is just that I think it inevitably leads to clashes on a Friday and you would be better off saying we are going to do this properly on a Tuesday or a Wednesday evening. I am perfectly happy with having some kind of higher quorum if that is what you want. I think we should have a less cumbersome means of establishing the quorum rather than taking 15 minutes out of the debate. Incidentally, I would say that I have noticed a growing trend to taking longer for each vote. Often they are stretching into 16 and 17 minutes and there is no reason why we could not complete votes in 13 minutes—no reason whatsoever.

Q174 Sir Edward Leigh: Can I put a last point of view? I do not want to return to the hoary old thing of what the Labour Government do, but it is a serious point behind what I am asking. I was there on many Fridays during the Labour Government and what worries me is that if we produce a proposal, a perfectly sensible proposal, to say that, say, the first six Bills are guaranteed a vote, which I think is perfectly logical—I do not mind that because you could still have serious speeches and all the rest of it—why would it be in the interests of any Government to accept it? All those Fridays that I sat through, and the Labour Government made no effort to reform this. Why? Because they did not want to have the burden of dragging in 100 PPSs, junior Ministers, keen young Back-Benchers, to vote down things. It was much easier to rely on, in those days, Eric Forth or Michael Brown or now Philip Davies. Do you see my point?

Chris Bryant: Yes, I do.

Sir Edward Leigh: We can make this suggestion, which may indeed be logical, but I am struggling to find a reason why any Government would

accept it because it is so much easier to rely on three or four people to talk something out than to drag 100 people in.

Chris Bryant: Because we want to help the Government to be honest and we want to help our parliamentary system to be honest. In the end, it is just a deceit that Fridays are a proper legislative process, let alone then the Committee stage and so on. I have been on Committee stage for private Members' Bills several times and they have tended to be small pieces of legislation that were, nonetheless, important and significant.

Incidentally, I suspect that if the Government had to be straightforward and honest that it was voting something down, it would be more hesitant about doing so because it would find itself up against public opinion more frequently. There are things that are perfectly decent, sensible pieces of legislation that have been opposed by Governments of Labour and of Conservative and of coalition, which, frankly, the Minister was probably half wanting to put through themselves. I remember on the same-sex marriage Bill in the Commons, we only had one amendment, which was to change the word "may" to "shall". The Government fiercely opposed us and told us we were doing something terrible to the Church and undermining religion and all the rest of it—and what was the only amendment they tabled in the House of Lords? To change "may" to "shall". There is a fib sometimes about the way that we do our business in the Commons.

Chair: Right, Patricia, Patrick and then Nic. We have 10 minutes so punchy questions, punchy answers.

Q175 Patricia Gibson: I was just going to say that I completely endorse everything you say about Fridays in the constituency.

You have already pointed out that perfectly sensible and desirable legislation in many cases has been lost because of the labyrinthine way in which we do private Members' Bills and quite often they are lost. There is a deceit being perpetrated on the public—a public, I have to say, that is increasingly cynical and disengaged from Westminster, so that is not a road we want to continue going down. I want to hear your own personal views on the idea, which I know has been discussed previously, about a very strict limit being imposed on speeches in private Members' Bills so that all votes are taken on the items on the Order Paper. That is not uncommon in other legislative proposals.

Chris Bryant: No, we do it at lots of other stages in Bills and I do not think there is any reason why we should not have exactly the same for private Members' Bills. I think it should be for the Speaker or whoever is in the chair to decide whether it is necessary and, apart from

anything else, that is normally a means of the Speaker establishing whether there are lots of people who are interested in the debate beforehand. I have known Government Ministers talk things out as well without answering a single one of the questions that have been asked by the person presenting the legislation in the first place. Bizarrely, often because the person who has brought the legislation forward is desperate to see the thing get to a vote, they will make the shortest speech of the lot. It is a nonsense.

Q176 Patrick Grady: I think this whole issue is going to erupt again, if not in mainstream media then in social media, a week on Friday, when Caroline Lucas's National Health Service Bill comes back. I do not know if that is the same legislation Jenny spoke about in a previous session, where there were all-night vigils and it was going to restore the NHS. I wonder if there is a single person sitting at this table, including yourself, Chris, that actually thinks there will even be a vote on that given that it is No. 2 on the Order Paper, let alone a serious debate.

Chris Bryant: Well, more importantly, we still do not know—although the Government have briefed the press today that the Queen's Speech is going to be delayed until after the EU referendum, it has not told the House of Commons yet. In the normal expectation, the Queen's Speech would be in May, in which case there is absolutely no prospect of this becoming law at all. At all. That is another layer of deceit and I have made this point. I have opposed a couple of private Members' Bills in the past or ten-minute rule Bills late on in the year because they have no chance of becoming law so there is no point, frankly, in wasting the Commons' time in starting the process. I personally would change ten-minute rule Bills to a simple debate on a motion, a 10-minute speech on either side on a simple motion, and then if you want to have a vote you can have a vote. I think that that would be far more sensible rather than starting more people into the process. No, you make a very good point.

Incidentally, if they are going to delay the Queen's Speech until July, we will have run out of Fridays because you are only allowed so many Fridays in a parliamentary session, which is normally 13, I think. We have the last one coming next week and if we are keeping going until the end of June it would be bizarre for the Government not to give us more.

Q177 Chair: You make the point of the National Health Service Bill, Caroline Lucas's. We debate the National Health Service almost weekly in Parliament. There has to be an incumbency on colleagues to treat private Members' Bills, the Friday, seriously as well if they want to maximise their chance of changing the law of this country as opposed to having a lively

debate. Again, one could have had that lively debate through the Backbench Business Committee, I suspect.

Chris Bryant: You see, I think there are things that are perfectly suitable for private Members' legislation. One that I think is sitting around waiting to happen, for instance, is on women's names being on marriage certificates. Everybody agrees we should do it. The Government never find time to do it. The Government are committed to doing it. This is mother's names when you get married because it only has the father. That is a perfect example of something that should be a private Members' Bill and we should enable a process for that to come to pass.

Q178 Mr Nuttall: A few things arise from what you have said. First, you said that when you were in Opposition you had the ambition to double the number of private Members' Bills, if I heard correctly. Was that a desire to get through more genuine private Members' Bills or more Government handout Bills?

Chris Bryant: We had two Government handout Bills that year, neither of which got done, as it happens. No, my ambition was to try to get more through the process. You are somewhat reliant, of course, on what happens in the House of Lords as well because of the two Houses.

Q179 Mr Nuttall: Do you think that there would be good grounds to stop the sort of thing that is happening now with Second Readings taking place at the end of the process when they have no chance whatsoever, even if they were to be given Second Reading, because there is no more parliamentary time available for them to go into Committee and come out of Committee and get to the Lords and get through the Lords? Again, that is a charade, isn't it?

Chris Bryant: It is a charade, you are absolutely right. I never thought, Mr Nuttall, that you and I would agree on a procedural point in relation to Parliament. We are going to form an alliance with Mr Argar.

Q180 Nic Dakin: The number of private Members' Bills from the ballot that go forward is currently 20. Do you think there is any argument for reducing that number, which some people have suggested to us, if we are going to guarantee Second Reading votes? The other thing some people have suggested, which has had some support and some objection to it, probably in about equal measure, is the idea that rather than it being done by ballot Members should have to seek a level of support across the House in order to progress things forward.

Chris Bryant: I have always been in favour of being able to prove that you have a degree of support because the present system is, again, capricious in that other degree, which is that it is down to a ballot.

There are plenty of elements here that are capricious in that way as it is and, frankly, I think if you were able to show that you had 200 MPs that wanted something and you were only able to tick the box for one private Members' Bill in a year, then a Government would find it more difficult to say, "Bog off." I am not sure whether that is parliamentary.

Chair: I am not sure either.

Chris Bryant: Anyway, I've got away with it.

Q181 Simon Hoare: What role, if any, might you see Westminster Hall playing in dealing with private Members' legislation? At the moment, in essence, a Westminster Hall debate is very often akin to the proposer's speech of a ten-minute rule Bill or a private Members' Bill on a Friday or after questions. It just seems a resource that maybe we are underexploiting to at least give—

Chris Bryant: I remember that when Westminster Hall was introduced, lots of people were very angry about it and opposed to it—the more traditionally minded Members—because they said there is one Chamber of the House of Commons and that is the end of it. What Westminster Hall does not have is any means of voting and I think there is a strong argument to keep it that way because otherwise you would have to have all 650 MPs being able to go into Westminster Hall to be able to vote. I think that that would be problematic. I say there is no means of voting; there is in theory a means of voting because, of course, we formally vote by acclamation, not by Division. There has been, I think, one vote in Westminster Hall by acclamation—I do not know whether that was the Clerk's quizzical look when I was saying that, but maybe it was—but that sets up problems of its own.

Q182 Simon Hoare: One could do a deferred Division.

Chris Bryant: You could do a deferred Division, yes, that is true. You cannot at the moment, but you could change the rules so as to allow for a deferred Division if you wanted to. I think that that would be more suitable for straightforward motions, resolutions, like we have had on Back-Bench business days. You could argue that in many Back-Bench business debates, what is the difference other than the venue between having them there and Westminster Hall? It is simply that there is a vote on them.

Q183 Chair: In the last Parliament, I have been reminded by Martin, the Committee's clerk, it was floated that they might want to do something around allocating private Members' Bills to the Backbench Business Committee. There was hostility to this idea, but I think it is worth revisiting, would you not say, in this new Parliament to see if we could

run a pilot with the Backbench Business Committee, perhaps identifying two Fridays that they would decide on which Bill went forward on merit?

Chris Bryant: Yes. I think in the end—because you sort of asked this question about pilots earlier and I have been thinking in the meantime—my anxiety about doing a pilot is that you will not know the full effect of a change on what it does on the Government until you do it quite a bit, is the truth. I would be inclined to be a bit more ambitious and to say that we are going to change the system for a year. I do not have a fixed mind about whether it should be Tuesday evening, Wednesday evening, or it should be in Back-Bench business time. My bigger anxiety is that I think the Backbench Business Committee is beginning to run out of applications sometimes. I think it needs a bit of a refresh.

Q184 Chair: So this could be another arrow in its quiver?

Chris Bryant: Yes.

Q185 Chair: Okay, this is good. Well, Shadow Leader, thank you. You have been perfection in your management of time, so thank you very much.

Chris Bryant: Well, I think that is down to the chairing, sir, if I might say.

Chair: Well, it is down to an excellent witness. Thank you very much.

Examination of Witness

Witness: **Rt Hon Chris Grayling MP**, Leader of the House of Commons, gave evidence.

Q186 Chair: Thank you very much, Leader, for coming to see us. You are going to be our final witness in this review of private Members' Bills and we have covered a lot of ground. It has been hard going at times, good to firm to very soft, but we are nearly there. Our nose is about to go across the finishing line.

Now, Leader, in the last Parliament I felt that there was not a great appetite within Government for change. This disappointed me because I think it is important that Parliament, if not admired by our constituents, is at least respected. I think they do not respect Parliament as much as they should do when they see our conduct in relation to private Members' Bills. I am hoping that when we bring forward our recommendations in the next few weeks, the Government will be open-minded in receiving those

recommendations on this basis. I do think when it comes to private Members' Bills the Government are now in the last-chance saloon. I cannot speak for the Committee, but I do not believe the Committee is going to be as radical as it otherwise would be and I do not believe it is going to be as radical as it could be because I think it has confidence and trust in you that we are going to get some real progress in trying to improve the current situation.

Chris Grayling: There are clearly shortcomings that have been identified. We have to start with what our objectives are in this. We need to ensure that private Members' Bills do from time to time become law, not that they are guaranteed to become law. All too often they are really engendered as part of external campaigns rather than as serious bids for legislation. Whatever this Committee recommends and whatever the Government and Parliament choose to do, we must be very careful to ensure that we do not deliver unintended consequences and in doing so make it less easy rather than more easy for an individual Member to pursue a matter of great principle. We should be most concerned about those Bills, I think, and perhaps less about those that are simply vehicles for external campaigns. I would not want us to be in a position where it is no longer possible for an individual Member to drive a Bill through this House and to get it on to the statute book.

Q187 Chair: With the Committee's indulgence—again, I am not signing the Committee up to the Charles Walker vision—can I just give the Leader a hint of where we might be going on some of the areas we are looking at and then I will bring Jenny in? For example, in common with our previous report, we could give a golden ticket on the first seven Fridays. The first Bill on each of those Fridays would get a Second Reading; just the first seven. For example, say three or four were Government hand-out Bills on any given year, you would get, if you were in Opposition, three golden tickets. Do not squander these because you will get your Bill into Committee. Now, of course, you can kill it in Committee, you can kill it on Report, but at least you will have that space, that time, to negotiate with Government and try to make progress. I think that is good.

The other thing we might be interested in doing is saying, "Tell you what, let's take a couple of Fridays, say, a couple of Bills, and allow the Backbench Business Committee to decide on the merits of a Bill." You might get seven or eight Members of Parliament to come in with their supporters and entourage to make a bid, and we would hope that the Backbench Business Committee, if we could persuade them to the merits of this, would exercise their great brains and good judgment to come up with two that they felt captured the essence of what a private Members' Bill should be.

Finally—just an idea, and it would not be a requirement—maybe there could be a voluntary arrangement that the Clerks would handle. It would be on the Order Paper that when you draw in the ballot and you get your private Members' Bills, you could go and get 20 Opposition names and 20 names from the Government Benches—real heavyweights potentially, people who have an interest in the field or the area that you are covering—so you could demonstrate to that Conservative Minister, as it is the case now, that your Bill is taken seriously by great people on each side of the House.

That is just my little canter through. I will leave you to reflect on those without having to respond immediately because it might not be in my interests for you to respond immediately. Jenny, over to you.

Q188 Jenny Chapman: I am quite astounded that you said that you thought there might be a danger that we make the process less likely to enable a Back-Bencher to get a Bill through because I do not see how it could be any less likely, given the evidence we have had on what has happened in the last few decades from the Clerks; they were very, very clear that all and only Government Bills get through. I do not have a problem with that if that is honestly articulated via the process, but obviously at the moment it is not. Many witnesses have said that what is missing is transparency and honesty and that the only way to achieve transparency and honesty is via a vote. Should we wish to propose that votes are taken at some stage, how do you think and when do you think and by what means do you think a vote could be applied?

Chris Grayling: The first thing to say is I think that any private Members' Bill that passes through the House should command very substantial support. That is the one bit I would debate about in terms of the golden ticket proposal. The hedgehog culling Bill with the support of very small numbers of people that arrived in the House on a Friday morning and got through to Committee might not necessarily command the majority view of the House, whereas the hedgehog national protection Bill might indeed do so. It is a topic of Business Questions regularly at the moment, as you will be aware, Mr Walker.

I do think that the expectation of the public would be that if a private Members' Bill is to become law it should command substantial support. I am not arguing for all aspects of the current system. I would simply observe that in order to be certain to get a Bill to the next stage on a Friday, you have to have substantial support of people who are willing to turn up and back it. The caveat I would give around a system, for example, that debated and then subjected to a deferred Division later, for example, is that it might well be much easier for the Government of the day to block something it was not keen on. It might be less easy to get a Bill through because of that. You simply have to be careful. There

are times when the private Members' Bill system allows a Bill to pass through to Committee because a substantial number of people had turned up to back it on a Friday, whereas a straightforward deferred Division vote on a Wednesday lunchtime might lead to a vote against it.

Sir Edward Leigh: I am not sure anybody suggested that.

Q189 Jenny Chapman: How could it be less—

Chris Grayling: You asked me to illustrate a point about—

Jenny Chapman: It does not make sense because you are not—

Chris Grayling: You asked me to illustrate a point.

Jenny Chapman: Excuse me, you are not confronting the fact that most of them do not get a vote, which at least would be honest about what the Government think. The Government are talking out Bills at the moment, which has the same effect as a vote but is dishonest. That is what we are trying to get around here.

Chris Grayling: But you asked me the question about votes at different times and I have said there are situations in which that might make a Bill less likely to make progress than more. There have been examples where Opposition MPs have succeeded in getting Bills through to the statute book simply by marshalling enough support on a Friday to take them through. I am not passing judgment one way or the other, but you asked me to illustrate a situation in which that could be an issue and I have given you one.

Q190 Jenny Chapman: You are wrong. When has a Back-Bench Opposition MP got something on the statute book?

Chris Grayling: Well, Cheryl Gillan did in the 2005-2009 Parliament.

Jenny Chapman: No, she is not Opposition. An Opposition MP?

Chris Grayling: She was in the 2005-2010 Parliament when she succeeded in getting the Autism Bill on to the statute book.

Jenny Chapman: Once.

Chris Grayling: You asked for an example and I have given you one.

Jenny Chapman: Well, forgive me if I do not put too much store by that process.

Chris Grayling: Okay, but you asked me the question and to give you an example. I am simply saying that if you have votes on private Members' Bills when all Members of Parliament are present, it creates a

very different dynamic to the one that exists on a Friday. You asked me for an illustration about what happens if you move votes to different times of the week and I have simply given you one.

Q191 Mr Mak: As you will know, Leader, at the moment per session 20 private Members' Bills are chosen from the ballot. I wonder if you have any thoughts on whether that number should be reduced so as to give the small number of winners, if you like, of the ballot more time, more space and more support to work on their Bill.

Chris Grayling: I think there is a case for that to be done and, indeed, the Committee in the past has made some quite thoughtful recommendations about the appearance of Bills on the Order Paper. I personally think that we should seek to try to reduce the sense in the eyes of the public that something is going to happen as a result of something being on the Order Paper. You and I have talked, Mr Walker, about my concern about Early Day Motions with half a dozen signatures and the case of a ten-minute rule Bill that sits on the Order Paper as something in the pipeline around which a campaign can be and often is built. We do have to ask ourselves the question: are we raising the expectations of our constituents that something is going to happen?

I will listen very carefully to the report of this Committee. It is a new Committee. You will undoubtedly have some different views to the ones you came up with in the last Parliament, but I do think this is one of the areas where there is some logic in looking at change.

Q192 Nic Dakin: Thank you for that, Leader. Our concern primarily is this thing around transparency, particularly at a time when Parliament's standing has been under particular scrutiny. If we take something like the Daylight Saving Bill in the last Parliament, everybody outside Parliament thought that there was a genuine chance of this becoming law, but because of the way it was on a Friday it was talked out and so on, even though there was significant support from across the House. Would it be better if, as the Chair said at the beginning, there was a small number of Bills that could go perhaps through the Backbench Business Committee and be guaranteed a vote at Second Reading so there was clear transparency about what was happening?

Chris Grayling: The idea of the involvement of the Backbench Business Committee is an interesting one. It is not one that has been put to me before today. I would like to take a look at what form your recommendations come, but I certainly do not rule out some involvement of the Backbench Business Committee in the process.

Q193 Nic Dakin: What about this sense that at least if there is a vote at Second Reading that gives a clarity; it is clear that the Government cannot be pretending, for example, to be supporting a Bill when in reality it is getting a couple of Back-Benchers to talk it out, which is confusing and a bit dishonest to the public and does not really do any of us any credit? This other thing that keeps consistently coming up is this idea that there should be a vote at Second Reading. What is your view on that?

Chris Grayling: Again, going back to what I said about unintended consequences, I have said we will look at that proposal very carefully. I would simply offer back the concern I would have. In order to do that, you clearly have to set a time limit on the debate of a private Members' Bill. If you look at the debate over the Assisted Dying Bill, for example, where there was a very, very substantial day's debate followed by a vote, I would not wish to be in a position where one curtailed that kind of debate. I think the Committee would need to think through quite carefully before it makes any recommendation about precisely how that would be managed.

Q194 Nic Dakin: Presumably, again, if the Backbench Business Committee, for example, had some purchase—you get a sense of how much time, and you will be much better at this than most of us around the table because you are allocating time for various things. Some things need more time and some things need less time, and that is very much the same with private Members' Bills as it is with anything else. It is about the principle of a vote at the end of a process, and allocation of time could be different for different Bills.

Chris Grayling: I think it would be interesting to see how you think through how that might work, because to pick times for a particular measure—that is a two-hour measure, that is a four-hour measure, that is a six-hour measure—is a difficult step as well. I think we need to look very carefully at the way we are doing it. I certainly would not want to endanger the process. If I look back and say what has been the best Friday debate that we have had in this Parliament, indeed for a good many years, it has been how that particular measure was handled. It was a very passionate debate. It was an extended debate. It was not in any way time limited beyond the time available in its entirety for the day. It was subject to a proper vote and I think that showed the House in a good light. Had the vote gone the other way, clearly that Bill would have gone into Committee and I think would have had a very good chance of going through and becoming law. To my mind, it is that kind of measure that should be used for private Members' Bills. If I have a slight frustration now with the private Members' Bill system, it is that not enough Members who secure slots in the ballot use it to deliver their own personal change, the vision they

have, and I think that was a very good example of how the system works well.

Q195 Sir Edward Leigh: I am anxious to protect the rights of individual Back-Benchers whose views might be eccentric today but may be consensus tomorrow. Therefore, I am not in favour of having some sort of hurdle you have to overcome and to get 40, 50, 80 supporters signing up to your Bill. The other point I am worried about is that I do not want to make life even easier for the Government to kill Bills. Can I ask you this question? Is it easier for the Government to bring in its supporters to vote down a private Members' Bill on a Tuesday or Wednesday evening or on a Friday at 2.30?

Chris Grayling: Definitely, and that is the point I was making earlier. The unintended consequence of a Division at a different time of the week is clearly if you are holding that Division on a day when there are large numbers of people around, it is much easier for the Government to block something it does not like. I am not seeking to pass judgment, I am simply saying that this is one of the factors that you as the Committee need to take into account. I am not suggesting either that you should have to have a certain number of signatures before you can bring forward a Bill, but it is the case that in order to have a chance of bringing a private Members' Bill through a process, you need to be able to have a substantial block of people with you. That I think is good for the system, but there is no doubt a vote that takes place on a day when most Members of Parliament are here the Government is much more likely to be able to block it than one on a day when they are not.

Q196 Sir Edward Leigh: I think there is merit in having, not on Tuesday or Thursday but at 2.30 on Friday, a convention by which on the first six Bills—you have had a whole day's debate possibly and the debate has carried on until 2.15—a vote is guaranteed. If you do not want to answer this now you do not have to because we can produce our own report and you can consider it, but what worries me is—and we just had the Shadow Leader of the House—is it in the interests of the Government to have 100 people here at 2.15 on a Friday to vote something down when they can just have five people here to filibuster it? You do not have to answer that if you do not want to; I just make that comment.

Chris Grayling: Either way it is a challenge because it should be the case that the person promoting that private Members' Bill should be able to demonstrate substantial support for it before it makes progress. But I take the point you are making.

Q197 Patricia Gibson: I was just going to say, Mr Grayling, that we know that perfectly sensible and decent legislation has been lost, proposals have been lost, because of the way that private Members' Bills

work, despite the fact that there might be a lot of support for them out in the public. The fact that they fall and come to nothing can only further estrange people from what goes on in this place and make them more cynical and disengaged from what we do. I just wondered if you had a view, if you think there should be formal time limits on speeches in private Members' Bills so that all items on the Order Paper are able to be voted upon. That is not uncommon in other legislative proposals, as you know. Or would that not be in any particular Government's interests to go down that road?

Chris Grayling: I think that it is certainly something that if the Committee recommends it we would take a look at seriously. There are advantages and disadvantages in doing that. What I would be encouraging the Committee to do is—I accept, we accept, that this is an area that is attracting extensive interest. There are some frustrations about the way the current system works. I do not want to necessarily set out for you today a detailed Government response because I would like to look at what you are suggesting and how it might work, what the impact would be. Yes, it is certainly the case that there will be Bills that come forward that Government do not want to pass through for a variety of different reasons, sometimes because they are technically flawed, sometimes because Government disagrees with them, but at the same time I want the private Members' Bill system to be one where it is possible for a Bill to make good progress and to become law.

The hurdle that we have at the moment is that in order for an individual Member to legislate, they ultimately need to be able to fall back on 100 Members of Parliament, which is not an unduly high bar to cross for something that is going to become the law of the land. Of course, if you have that threshold, the speaking limit becomes almost immaterial because if you have that level of support you can move a closure if you need to. If we are going to replace that system and do it differently, which is perfectly feasible and we are perfectly able to consider, what I would like to see is the Committee's view about how that should happen.

Q198 Patrick Grady: But even if you had 100 Members turn up a week on Friday—on 11 March—for Caroline Lucas's National Health Service Bill, because it is second on the Order Paper if that debate starts any time after about 10.30 or 11.00, even if there are 100 Members there, there is no guarantee the Speaker would allow the closure. I suspect you can tell me whether or not a Minister is likely to sit down at 15.28 or 14.28 to allow a vote on it. I suspect not. Even then the system is a charade, as the Shadow Leader said, because there is no time for that Bill to go through a Committee and come back in the remaining parliamentary session.

Chris Grayling: Any Bill coming through at this stage is unlikely to make progress and typically it has been the Bills at the top of the ballot that make progress. With the best will in the world, I think it is highly unlikely that the Bill you described would command a majority view in the House. It is also a Bill that has a particular political purpose to it. I think that the use of private Members' Bills is all about the debate we had on assisted dying. That is the use of the private Members' Bill system at its best: a very serious issue brought before the House; a debate involving very large numbers of Members on all sides; a very busy House; and a conclusion reached that is of significant importance constitutionally and legally in our nation. That to my mind is where the private Members' Bill is at its strongest and that was an example of how it can work and work well.

Q199 Simon Hoare: Leader, I just wondered what assessment, if any, has been made as to is there any capacity in terms of house staff to resource and clerk and chair private Members' legislation on days other than Fridays. One thinks particularly of Tuesdays and Wednesdays.

Chris Grayling: Clearly, there are implications for staff if the House sits later than it does at the moment. What I would observe simply in my role as Leader is how many pressures there are on the time we have available. There are on a day by day basis now significant numbers of requests for urgent questions, some of which are granted, some of which are not, and there are statements from Ministers. There is demand from the Backbench Business Committee to protect the time they have available. There are demands from the Opposition parties to have more time available for debate at Report stage, for example. One of the challenges we have at the moment is fitting everything in that needs to be fitted in and give to Opposition parties and the Backbench Business Committee the time they have had allocated. If we were to do this, it would extend the hours of the staff extensively. Of course, you have the unforeseen—tonight, for example, we have Lords amendments to do. We have the designated days for the estimates and, of course, we also have two urgent questions. Today is a classic example of a day when there is a lot of work to get through.

Q200 Chair: That does not seem to concern the Government, and I say this with the greatest of respect, Leader. The Government routinely varies the hours the House rises. It is happening at an unprecedented level at the moment. We sit later than the usual time of rising. The Government do not get themselves into a lather, do they, about the cost and the implications on House staff?

Chris Grayling: No, but the point I am making, though, is our time is already under pressure. If you take tonight when we have to debate the Lords amendments on the Welfare Bill, we are not seeking to take

time away from the Backbench Business Committee to do that. We are not seeking to take time away from Opposition parties to do that. Of course, on a day by day basis, we have to deal with the decisions that the Speaker makes and the implications they have on time as well. The one thing I would describe is that allocation of time in this place is immensely difficult.

Q201 Chair: The problem I have is I recognise that there are many talented and skilled colleagues here. Some of those skills are on display on Fridays, but it is a fairly rancid exhibition, it really is. It is an in-joke. Those of us who know what is going on think there is a bit of political machismo to be able to speak for 55, 58 minutes, an hour. Yes, there is a skill but it is not a constructive skill. It is not a building skill. It is not a skill that most people out there look in on Parliament and say, "That is admirable. That is Parliament at its best". I do not feel that Government have yet grasped—I think you have a better idea than your predecessor—just how awful Fridays are. That is not to diminish any of those experts who manage Fridays as their own personal day of jollity and frivolity. It is just a statement. It is an observation and it is just awful. It is awful.

Chris Grayling: I think as you described earlier, the issue of the number of Bills—in fact, no, it was Mr Mak who talked about the number of Bills that appear. It may be a question that what we have is quantity of debate rather than quality of subject. However and wherever we do private Members' Bills, it may be that there are just too many things and a higher quality system that was debating issues that are typically a matter for a free vote or very frequently a matter for a free vote, where there are fewer subjects of more significant importance, where they are brought forward by Members who have a particular view they want to get across—one of the things that you have raised before is the question of changing the ballot system, for example. Maybe there are different ways of bringing forward private Members' Bills that will attract a broader range of interest and debate rather than simply a topic that enables you to pick up something an external campaign is trying to run and create some headlines. Private Members' Bills are at least across the piece now, whether they are standard Friday ballot Bills, whether they are Bills simply tabled before the House on a day by day basis, whether they are ten-minute rule Bills—an awful lot of them are about campaigns. Maybe one of the things this Committee should be looking at is how we get private Members' Bills back to the great moments in history that they have always been. If you look at some of the great changes in this country, they have come through private Members' Bills. They have come through the kind of debate that we experienced over assisted dying where we chose not to make a change but often in the past we have chosen to make a change.

Chair: I understand that you cannot have too many great moments in history, that is the problem. Then they will cease to be great moments.

Chris Grayling: That is true.

Q202 Chair: The issue we have is that yes of course we have—I think you are absolutely right, Leader—some very frivolous Bills brought forward that are simply campaigning Bills and have no chance of getting on the statute, but likewise we have Government hand-out Bills that do not have much impact on the sum total and happiness of mankind either. I do appreciate the pressures here. Perhaps I would just prefer it—and maybe other Committee members would prefer it—if when there was something the Government did not like, instead of saying, “We approve this and we appreciate it coming forward,” it says, “We will allow a full debate to happen, but as the Minister I am telling you now I am not going to allow this to get through and I am going to tell you now upfront it is not going to happen.”

Chris Grayling: I am all in favour of honesty, so I do not have a particular issue with that. I think, though, that there is an issue of quantity as well. One of the things that you have rightly identified in the past is the number of Bills that appear on the Order Paper that are either not Bills in their own right or Bills that are so far down the list that they have absolutely no chance of being debated, let alone becoming law. That may be one of the things that this Committee wants to think about.

Q203 Sir Edward Leigh: I put to you that when we have these great moments in history, we have wonderful debates and we always have a vote because nobody even tries to stop the closure—for example, on the Hunting Bill and on assisted dying. As the Chairman said, there are only so many great issues every year. I think the system works quite well for the great issues and it does not work so bad if they are little issues either, the present system. Many years ago I had a little Bill on footpaths and I was, I think, sixth in the thing. I know it is of minor interest, but I got the Government lined up, the Opposition lined up, the CLA, even the ramblers and the NFU, and it got through and it became law. I do not think, with respect, Chairman, that the present system is absolutely dire. If you have a serious Bill, if it is a very modest Bill, does not cost a lot of money, if you get agreement, if you are only a private Member and not the Government, you can get it through. I just put that to you, but beware of unintended consequences.

Chris Grayling: That is the point I made at the start. Your footpath Bill is clearly not a great moment in the same way as assisted dying or whatever is, but that kind of measure has a valid place. An individual Member identifies an issue that has not been resolved in legislation

previously, where everyone says, "That is plain common sense." It is a vehicle for that kind of change to be delivered. What you have described proves the point that it can be done.

What I am talking about is change with a purpose. All too often the Bills that come before us have a campaigning purpose rather than a legislative purpose. I do think that a way of ensuring that the kind of scenario you have just painted, Sir Edward, is what lies at the heart of the private Members' Bill process, either on a grand scale or on a smaller scale, is the best way of doing it.

Chair: I would just say all vested interests defend their position by saying beware of unintended consequences. Even the Government in relation to the EU referendum seem to be using that very phrase at the moment. Anyway, Leader, thank you very much.

Chris Grayling: You are welcome.

Chair: You have to get down the corridor for your next engagement and I shall be following hot on your heels.

Chris Grayling: As do you as well, yes.

Chair: Thank you very much. As ever, I think you were very open and straightforward and honest with the Committee and I do appreciate that. Thank you very much.

Chris Grayling: You are welcome. Thank you.