

GUIDANCE ON VIRTUAL PROCEEDINGS FROM THE PROCEDURE COMMITTEE: ISSUE 3, 11 MAY 2020

Guidance on Virtual Proceedings

Introduction

1. The Procedure Committee has drawn up this third edition of guidance to guide Virtual Proceedings. It supports the Business of the House motions moved by the Leader of the House on 6 May, 28 April and 21 April. [See Appendix A] It has been agreed by the Committee after a virtual meeting held on 11 May where we considered a letter from the Chief Whip dated 7 May and noted that the House would sit virtually on Monday 18 May and would return to a four day sitting pattern from then. [see Appendix B]
2. Paragraph 5 of the 21 April Business of the House motion makes provision for this Committee to support Virtual Proceedings by issuing guidance to vary the provisions of the Companion. This Guidance provides the guide to Virtual Proceedings and has the same authority as the Companion to the Standing Orders.

Status of virtual proceedings

3. A Virtual Proceeding is not a sitting of the House. When a decision is needed that must be taken by the House, the House must sit physically. It is intended that such sittings of the House will be infrequent and will not involve many members.

Chairing Virtual Proceedings

4. Each Virtual Proceeding will be Chaired by the Lord Speaker or one of his Deputies. The Chair will begin each proceeding with a short statement explaining how proceedings will work and any announcements. The Chair will be able to intervene in proceedings at any time to ensure the procedures of the House and the guidance in this note are being adhered to. Most Virtual Proceedings will be governed by a Speakers' List and the chair will call each speaker by name.

Attendance at Virtual Proceedings

5. Members may only participate in Virtual Proceedings remotely via Zoom. Members may not participate in Virtual Proceedings from the Chamber. Members are strongly encouraged to participate from home and adhere to the advice from Public Health England.

Capacity constraints in Virtual Proceedings

6. The number of members who can take part in Virtual Proceedings is capped at 50. This is not a technological limit but a practical one.
7. The process of physically onboarding members to take part in Virtual Proceedings takes time. This is because members are onboarded individually by specially trained members of staff who have to be on site in a broadcasting hub.
8. Members are currently required to join proceedings between 30 minutes and 60 minutes before the start of the broadcast. Even with that time, members have found themselves waiting in a queue to be onboarded, with some being

onboarded just minutes before the start of the proceeding. It is worth noting, though, that once onboarded members can get on with their own work or other activities while they wait for the business to start.

Admitting members to Virtual Proceedings

9. Admission to Virtual Proceedings will be via a link to a meeting sent direct to those members who have signed up to speak via the Speakers' List for that Proceeding. Once that List has been agreed a link to the Proceeding will be sent to each participant's parliamentary email account only. Members will not be able to participate without a parliamentary account. Any members without access to their parliamentary email account are strongly encouraged to contact the Parliamentary Digital Service as soon as possible. Training will be available for those who wish to take part in Virtual Proceedings.
10. The Government Whips' Office will organise Speakers' Lists and will issue specific guidance about the deadlines for individual items of business to be taken in Virtual Proceedings. In general the following timings will apply from Monday 18 May:

Type of business	Deadline
Questions, debates, statutory instruments – deadline for signing-up to speak	6pm two working days before (so Mon for Wed, Tues for Thurs, Thurs for Mon, Fri for Tues)
PNQs and statements – deadline for signing-up	4pm the working day before (Friday for a Monday)
Submission of PNQs to the Lord Speaker	12 noon the working day before (Friday for a Monday)

11. Members who are not on the Speakers' List but want to watch may do so on parliamentlive.tv. This is not attendance at the Virtual Proceeding.

Quorum

12. The quorum for a Virtual Proceeding is 3 members. To count towards the quorum a member must be on the Speakers' List, in the Chair or acting as a Whip.

General rules of debate

13. Notwithstanding the usual rules of procedure, in Virtual Proceedings:
 - No members may intervene on other speakers (*Companion 4.29*)
 - No backbench members should seek to draw attention to breaches of order or customs (*Companion 4.01*)
 - No members may speak in the gap (*Companion 4.26*)
14. For the sake of completeness it is also worth noting that:
 - Members have the permission of the House to speak from a seated position (SO 26, *Companion 4.14*)
 - Lords Spiritual may participate without wearing robes (*Companion 4.15*)

15. Members should avoid taking up time in Virtual Proceedings thanking other members for their contributions.
16. Speakers should still:
 - Address the Virtual Proceeding in general rather than a particular individual member, referring to others in the third person rather than as “you” (*Companion* 4.18).
 - Observe the same courtesies as when speaking in the House, including using the normal appellations and not using props or exhibits.
 - Observe speaking times (*Companion* 4.36, 6.51 and 6.67).
 - Observe the rules on attendance at debate (*Companion* 4.32-4.34) and listen to the start, end and greater part of the debate, including the opening speeches, the speeches before and after their own, and the winding up speeches.
 - Declare their interests as in the Chamber, recalling that declarations may be briefer when time is tight (*Guide to the Code of Conduct*, paragraph 90ff).

Prayers

17. Prayers will take place at the start of each day’s Virtual Proceeding. These will not be broadcast publicly.

Oral Questions

18. Oral Questions will take place after Prayers. The time for Oral Questions will be extended to 40 minutes to allow 10 minutes for each Question and supplementaries. Backbench or frontbench members who want to ask a supplementary question must sign up to do so in advance (via the Government Whips’ Office). Each member can sign up for only one supplementary question each day to allow maximum participation. The final Speakers’ List issued by the Government Whips’ Office for each Oral Question will be limited to a maximum of 10 members and will be drawn up by the Usual Channels.
19. Oral question slots will continue to be allocated by the Table Office by a ballot. One ballot for normal oral questions is open at a time, with the ballots being conducted at 1pm on the day four weeks in advance of the day the question will be asked. Once the ballot is drawn, the ballot for the next set of oral questions opens. Oral questions may only be changed up to 48 hours in advance of the question being asked; the 48 hours does not include weekends and bank holidays. Topical oral questions will be allocated by ballot as usual.¹

Private Notice Questions

20. Private Notice Questions (PNQs) may be taken in Virtual Proceedings at the discretion of the Lord Speaker.

¹ Topical oral question ballots open at 3pm on Wednesdays and are drawn at 1pm on Fridays for the question the next Tuesday, at 3pm on Thursdays and drawn at 1pm on Mondays for the question the next Wednesday, and at 3pm on Fridays and drawn at 1pm on Tuesdays for the question on the next Thursday.

21. The time for Private Notice Questions will be extended to allow 15 minutes for each Question and supplementaries.
22. The final Speakers' List issued by the Government Whips' Office for each Private Notice Question will be limited to a maximum of 10 members and will be drawn up by the Usual Channels.
23. Members can continue to submit PNQs to the Lord Speaker with the following revised timings:
 - (a) The deadline for PNQ submissions is 12 noon the working day before a PNQ is taken;
 - (b) A decision taken by 2pm on whether the PNQ should be taken the following day: all members will be emailed about the decision and a Speakers' List is opened;
 - (c) No PNQs can be submitted on Thursdays because the next sitting is not until Monday;
 - (d) The Speakers' List is closed at 4pm the day before the PNQ is taken.
24. Members may submit the same question to the Lord Speaker as a PNQ on a Monday or Tuesday as they have submitted to the topical oral question ballot. But, if they are successful in the topical oral question ballot, they must withdraw their PNQ request. This prevents members from asking the same Question twice.

Oral Statements

25. Repetition of Oral Statements will continue to be a matter for agreement on a case by case basis within the Usual Channels. The Usual Channels may decide that the Oral Statement itself does not need to be repeated by the Minister but instead can be taken as read especially if the statement is being repeated some time after it was made in the House of Commons. If the Usual Channels agree a statement should be repeated, it will be taken the following sitting day. As soon as a decision on a statement is made by the Usual Channels all members will receive an email with the timing of the statement and a deadline for signing up to ask a question on the statement. It is expected that the deadline for signing-up to speak will be 4pm the day before the proceeding on the statement.
26. Once the deadline has passed each party/group will order their speakers following the normal pattern or rotating interventions. Non-affiliated peers and Bishops will be allocated 1 question across each Oral Statement session. The Government Whips' Office will publish as part of Today's List the order in which members will participate. The allocation of time for the Oral Statement remains as if it were taking place in the Chamber and it will be for the Chair to call the next member on the list.
27. Urgent Questions from the House of Commons may be repeated the following day. The process for signing-up to ask a supplementary question will be as above. The final Speakers' List issued by the Government Whips' Office for each Urgent Question will be limited to a maximum of 10 members and will be drawn up by the Usual Channels.

Debates

28. For Thursday debates and Questions for Short Debate, members will need to sign up by 6pm two working days before the debate in the usual way. Members will not be able to speak in the gap.

Privilege

29. Although Virtual Proceedings will not be sittings of the House itself, they will be proceedings in Parliament operating under a resolution of the House, just like a Grand Committee or select committee. This is reflected in the wording of the Business of the House motion agreed on 21 April. It means that Virtual Proceedings, and the members taking part, will attract all the usual protections of parliamentary privilege.
30. Members should be aware that if they join the Virtual Proceedings from outside the United Kingdom, while they will still be deemed to be covered by the protections of parliamentary privilege in the UK, there is no guarantee that the legal system of the country from which they are speaking would take this view.

Broadcasting

31. Virtual Proceedings will be broadcast in and reported by Hansard. Formal Chamber proceedings will be broadcast and reported as usual.

Topical QWAs

32. In addition to the standard allocation of Questions for Written Answer (up to a maximum of 6 per day and 12 per sitting week), members may ask one Topical Question for Written Answer per week, and it is expected that it will be answered within five working days. Topical QWAs will be subject to the same topicality test as topical oral questions:

“The Clerks discourage members from tabling questions which are clearly not topical. In so doing, account will be taken of the level of recent news coverage, including relevant and influential online sites and mainstream regional publications” (*Companion* 6.35, as amended by the Procedure Committee’s 4th Report of 2017–19).

The Table Office can advise.

Time limits

33. Virtual Proceedings have the power to vary time limits for several categories of business if there is unanimous agreement within the Virtual Proceeding. This agreement should be sought at the start of a Virtual Proceeding if there is good reason to do so. It is expected that the Usual Channels would propose the extension before the proceeding began and the Chair would then put the question at the start of the proceeding. One dissenting voice would mean that the question to vary the time limit would be withdrawn.

Committee stages of Bills in Virtual Committee

34. Bills are committed to Virtual Committee on a motion in physical proceedings. Virtual Committee constitutes the Committee stage of a public bill, in the same way as a Grand Committee does, with no need for subsequent ratification in the Chamber.

Speaking in Virtual Committee

35. Any member of the House may take part in a committee stage of a bill in Virtual Committee, providing they have signed up to the Participants List in advance, and subject to practical limits on the number of members who can be set up to participate in a single remote sitting. Once the Participants List has been published, on the working day before the stage, it will not be possible for further members to add their names, and thus to seek to take part in that day's debate on the bill.
36. Members may sign up to speak on a particular group either by tabling or adding their name to an amendment or by making an expression of interest to the Government Whips' Office by 6pm on the working day before the stage.
37. The Chair of a Virtual Committee is empowered to call speakers and determine the order in which they are to be called in accordance with the usual sequence of speeches.
38. Members wishing to speak twice or more should indicate a desire to speak to the Chair and Clerk. This is to ensure that the debate can be conducted predictably while retaining a degree of the normal freedom and spontaneity associated with debates in Committee.
39. Speakers should observe the rules on attendance at debate (Companion 4.32–4.34) and declare their interests (Guide to the Code of Conduct, paragraph 93) as in the Chamber.

Amendments

40. Amendments may be tabled with the Public Bill Office in the normal way (but note that the PBO is operating remotely and members should contact it only by telephone 020 7219 3153 or email hpublicbills@parliament.uk).
41. Members who add their name to an amendment will be assumed to want to speak in support of the amendment and will be added to the Participants List automatically.
42. Members are encouraged to add Explanatory Statements to their amendments, to reduce the need for explanation in debate.
43. In order to allow time for preparation and to ensure the orderly conduct of proceedings, the deadline for tabling amendments for inclusion in the Marshalled List for Virtual Committee is a day earlier than normal: 5pm (4pm on Fridays and in recess) on the day three working days before consideration. No amendments, including manuscript amendments, will be accepted for that day's debate once this deadline has passed.
44. During Virtual Proceedings, debate will take place on the lead amendment in each group only. It will not be possible to de-group an amendment once the groupings have been published.

Sequence of events

45. The following table sets out the sequence of events relating to Virtual Committee (VC).

3 working days before VC	Deadline for tabling amendments, 5pm (4pm on Friday or in recess). Marshalled List produced.
2 working days before VC	Government Whips' Office (GWO) opens Participants List at 10am and agrees groupings
1 working day before VC	GWO publishes groupings by 10am Participants List closes at 11am, GWO publishes it. GWO contacts participants for expressions of interest (EoIs) in specific groups – deadline 6pm. GWO passes on EoIs (unordered) to Clerks
<i>Day of VC</i>	
Morning	Clerks produce briefs and brief Chair
Afternoon, not before 2.30pm	Virtual Committee takes place

Decisions

46. Virtual Committee will for the time being decide Questions on the same basis as Grand Committee. Divisions will not be permitted and decisions to alter the bill may only be made by unanimity. A single voice against an amendment causes it to be negatived; a single voice in favour of a Clause or Schedule causes it to be stood part. The Chair may use any practical means to ensure that dissenting voices are heard before declaring a Question decided. Leave to withdraw an amendment in Virtual Committee should not be withheld.
47. The standard rule against repeat amendments at report stage (Companion, para 8.131) will not apply to addressing an error in Virtual Proceedings, i.e. where the Chair may have mistaken the degree of unanimity among participants.

Quorum

48. The quorum for a Virtual Committee is 3 members (including the Chair) participating remotely. To count towards the quorum a member must be on the Participants List, in the Chair or acting as a Whip.

Sitting time and adjournment

49. Virtual Committees start no earlier than 2.30pm. The Chair may adjourn Virtual Committee at any point, either temporarily or for the day.

Messages and first readings

50. Because physical proceedings, and the opportunity they provide to send or receive messages between the Houses, are likely to be curtailed, messages may be sent and received when the House is not sitting physically. Such messages are conveyed electronically and recorded by minute entry.
51. If a message includes a bill sent from the Commons, the bill may be read a First Time on receipt, under the Business of the House motion. First Reading will be recorded by minute entry.

Review of the Guidance for Virtual Proceedings

52. We will keep this Guidance under review in light of Virtual Proceedings and wider developments, and will publish further Guidance when necessary.

APPENDIX A: TEXT OF BUSINESS OF THE HOUSE MOTIONS AGREED

1. Text of the Business of the House Motion agreed on 21 April:

† **Business of the House** The Lord Privy Seal (Baroness Evans of Bowes Park) to move that until 21 May 2020:

- (1) debates on statutory instruments taken in a Virtual Proceeding shall be time-limited to 1½ hours; and
- (2) this time limit may be varied by the unanimous agreement of the members taking part in any such Virtual Proceeding at the commencement of proceedings.

2. Text of the Business of the House Motion agreed on 28 April:

Business of the House (Virtual Proceedings and Topical Questions for Written Answer) The Lord Privy Seal (Baroness Evans of Bowes Park) to move that, until further Order—

1. The following proceedings of the House may take place as Virtual Proceedings: Oral Questions, Private Notice Questions, Ministerial Statements, debates (but not decisions) on Statutory Instruments, Questions for Short Debate and motions for debate;
2. The procedure in Virtual Proceedings shall follow, so far as practical, procedure in the House save that—
 - (a) no member may participate unless admitted to the Virtual Proceedings,
 - (b) the order of speaking in Virtual Proceedings shall be determined by the Chair,
 - (c) the time allotted for Oral Questions shall be extended to 40 minutes to allow 10 minutes for each Oral Question;
 - (d) the time allotted to business in Virtual Proceedings may be varied by unanimous agreement of members taking part in the Virtual Proceedings, and
 - (e) Virtual Proceedings may be adjourned between items or classes of business at the discretion of the Chair.
3. A Virtual Proceeding may take place irrespective of whether the House is sitting that day;
4. A member may table one Topical Question for Written Answer in each week during which the House sits, and it is expected that it will be answered within five working days;
5. The provisions of this Order shall be applied in accordance with guidance issued under the authority of the Procedure Committee from time to time, which may vary the provisions of the Companion to the Standing Orders insofar as they apply to Virtual Proceedings.

3. Text of the Business of the House Motion agreed on 6 May:

Business of the House (Virtual Proceedings relating to the Committee stage of public bills and to Messages and First Readings) The Lord Privy Seal (Baroness Evans of Bowes Park) to move, further to the resolution of the House of 21 April, that, until further Order –

1. Committee stages of public bills may take place in Virtual Committee.
2. Such Proceedings shall follow, so far as practical, procedure in Grand Committee as modified by any guidance issued by the Procedure Committee.
3. A Virtual Committee is empowered to amend a bill, stand part its Clauses and Schedules, agree its Title and report it to the House.
4. No amendments may be tabled after the deadline prescribed by the Procedure Committee for consideration in Virtual Committee.
5. For the purposes of Standing Order 47(2) (Commitment of Bills) any motion to discharge an order of commitment is to be moved at a convenient point in physical proceedings, and Virtual Committee may be cancelled without motion if no amendments have been set down before the deadline for production of the Marshalled List.
6. Notwithstanding Standing Order 41(2) and (3), messages between the Houses may be sent and received, and a bill sent from the Commons may be read a first time, irrespective of the sitting of the House.
7. The provisions of this Order shall be applied in accordance with guidance issued under the authority of the Procedure Committee from time to time, which may vary the provisions of the Companion to the Standing Orders insofar as they apply to Virtual Proceedings.

**APPENDIX B: LETTER FROM THE CHIEF WHIP TO THE
CHAIRMAN OF THE PROCEDURE COMMITTEE**

***RT HON THE LORD ASHTON OF HYDE
GOVERNMENT CHIEF WHIP AND CAPTAIN OF THE GENTLEMEN AT ARMS***

7 May 2020

Dear Lord McFall

At the Procedure Committee meeting on 30 April there was a discussion on providing even more time to hold the Government to account and allowing Peers to get on with their 'normal' work such as legislation and debates. Therefore following further Usual Channels discussions the House will sit virtually on Monday 18 May and we will return to a four day sitting pattern (except for the previously announced Whitsun recess from 22 May-1 June).

In addition to the four Oral Questions Members would be able to submit Private Notice Questions (subject to the change of guidance) for the Lord Speaker to consider. There will also be the possibility of statements and Urgent Questions. On Monday 18 May we will table a debate in Government time on the coronavirus pandemic and its effect on businesses.

For this to take full effect the Members guidance must be adapted to include a Monday sitting.

LORD ASHTON OF HYDE