

## **GUIDANCE ON HYBRID HOUSE FROM THE PROCEDURE AND PRIVILEGES COMMITTEE: ISSUE 2, 12 JUNE 2020, TO TAKE EFFECT FROM 15 JUNE**

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### **Guidance on hybrid House**

#### *Introduction*

1. On 22 May, the House of Lords Commission agreed that “hybrid House” sittings, with members participating both remotely and from the Chamber, should operate with effect from 8 June. The Procedure and Privileges Committee has drawn up this guidance to inform the operation of the hybrid House. It supports the Order of the House relating to hybrid sittings agreed on 4 June (see Appendix).
2. The 4 June Order made provision for this Committee to support the hybrid House by issuing guidance to vary the provisions of the Companion. This guidance will underpin the hybrid House and have the same authority as the Companion to the Standing Orders. The first edition of this guidance was agreed at a Procedure and Privileges Committee meeting on 5 June. This revised version, agreed at a meeting on 12 June, clarifies the guidance relating to attendance at debate (paragraph 15), includes guidance on remote voting (paragraphs 33-49) and changes the deadline for tabling amendments from 5pm to 4pm with effect from 22 June (paragraphs 57 and 60).

#### *Status of the hybrid House*

3. Sittings of the hybrid House have the same status as normal sittings of the House. The Mace is on the Woolsack and there must be a physical presence in the Chamber of at least three members, the quorum required in the physical House. This means that a hybrid House sitting can take all the decisions that the House as a whole normally takes. However, the quorum of 30 for divisions on bills and subordinate legislation under Standing Order 57 is made up of members participating physically or remotely.

#### *Parity of treatment*

4. Where practicable, there is parity of treatment between remote and physical participants in hybrid House sittings. All members participating need to be included on the published Speakers’ List and members are not able to intervene spontaneously during business: the Chair calls each speaker by name.

#### *Chairing of hybrid House sittings*

5. Each sitting of the hybrid House is chaired from the Woolsack. The Chair may begin proceedings with a short statement setting out how they will work and any announcements, and as in the House the Chair may assist the House by reminding it of applicable procedural rules. Similarly, the front benches, in particular the Government front bench, have a duty to advise the House on procedure and to draw attention to any abuse.

#### *Attendance at hybrid House sittings*

6. Members may participate in hybrid House sittings remotely via video-conferencing technology (currently Zoom), or physically in the Chamber. Members continue to be encouraged to participate remotely and in

deciding whether to participate physically or remotely, members should take into account (1) the Government's guidance relating to work and social distancing; (2) their own personal circumstances; and (3) the constraints on the Chamber outlined below.

### *Participation in the Chamber*

7. In order to adhere to the advice from Public Health England, the capacity for members to participate in proceedings in the Chamber while maintaining two metre social distancing is 30, plus the two seats on the Judges' Woolsack, and the Deputy Speaker. Capacity for wheelchair users seeking to speak is one. Members who wish to participate from the Chamber should indicate this when signing up to the Speakers' List and it will not be possible for members subsequently to change a preference given as to location of participation between physical and remote. The whips' offices will allocate places if more than 30 members are seeking to participate physically for any single item of business.
8. Admission to the floor of the Chamber will be allowed only to members who have been allocated a Chamber-speaking place on the relevant Speakers' List, the Chair or other Deputy Speakers, the Leaders of the three main parties, the Convenor and whips. The Chair may adjourn the sitting if it appears that the capacity in the Chamber of 30 members is likely to be exceeded.

### *Remote participation*

9. The number of members who can take part remotely in the hybrid House is capped at 50, as in the previous Virtual Proceedings, for the reasons explained in our previous guidance.
10. Admission to members participating remotely in hybrid House sittings is 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 is sent to each participant's parliamentary email account only. Members are not 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. If you have not been contacted about training please speak to your Whips office or the Table Office.
11. Members participating remotely are required to join the video-conference call between 30 minutes and 60 minutes before the start of the broadcast.

### *Adjournments between business*

12. It is necessary to have short adjournments between items of hybrid business to enable different groups of members to exit and enter the Chamber while observing social distancing, as well as to onboard members remotely for the next item of business.

### *Speakers' Lists and deadlines*

13. The Government Whips' Office organise Speakers' Lists and issue specific guidance about the deadlines for individual items of business. In general the following timings apply:

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)

### *General rules of debate*

14. Notwithstanding the usual rules of procedure, in hybrid House sittings:
  - 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).
15. For the sake of completeness it is also worth noting that:
  - Members have the permission of the House to speak from a seated position when participating remotely (SO 26, *Companion* 4.14).
  - Lords Spiritual may participate without wearing robes (*Companion* 4.15).
16. Speakers should still:
  - Address the hybrid House in general rather than a particular individual member, referring to others in the third person rather than as “you” (*Companion* 4.18).
  - Observe the customary courtesies, including using the normal appellations, avoiding taking up time by thanking other speakers for their contributions 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 if possible attend 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, recalling that declarations may be briefer when time is tight (*Guide to the Code of Conduct*, paragraph 90ff).

### *Oral Questions*

17. Oral Questions take place after Prayers. The time for Oral Questions is 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 is limited to a maximum of 10 members and is drawn up by the Usual Channels.

18. Oral question slots are allocated by the Table Office by a ballot. 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 are allocated by ballot as usual.

#### *Private Notice Questions*

19. The time for Private Notice Questions (PNQs) is 15 minutes for each Question and supplementaries.
20. The final Speakers' List issued by the Government Whips' Office for each PNQ is limited to a maximum of 12 members and is drawn up by the Usual Channels.
21. The following revised timings apply:
  - (a) The deadline for PNQ submissions is 12 noon the working day before a PNQ is taken;
  - (b) A decision on submissions is made by 2pm: all members will be emailed about the decision and any Speakers' List is opened;
  - (c) No PNQs can be submitted on Thursdays if the next sitting is not until Monday;
  - (d) The Speakers' List is closed at 4pm the day before the PNQ is taken.
22. 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*

23. Repetition of Oral Statements is 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 that a statement should be taken, this will be on the following sitting day. As soon as a decision on a statement is made by the Usual Channels, all members receive an email with the timing of the statement and a deadline for signing up to ask a question on the statement. The deadline for signing up to speak is 4pm the day before the proceeding on the statement.
24. Once the deadline has passed each party/group orders their speakers following the normal pattern of rotating interventions. Non-affiliated peers and Bishops are allocated 1 question between them across each Oral Statement session. The Government Whips' Office publish as part of Today's List the order in which members will participate, subject to a maximum of 16 members for backbench questions limited to 20 minutes, and 24 members for backbench questions limited to 30 minutes.

25. Questions on Urgent Questions from the House of Commons may be asked the following day. The process for signing-up to ask a supplementary question is as above. The final Speakers' List issued by the Government Whips' Office for each Urgent Question is limited to a maximum of 10 members and is drawn up by the Usual Channels.

#### *Statutory instruments*

26. Debates on statutory instruments are time limited to either 60 minutes or 90 minutes depending on how many members sign up to speak. Ministers have 8 minutes to open a debate and 10 minutes to wind-up. Opposition Frontbenchers have 6 minutes to wind-up.

#### *Brief business after oral questions*

27. The House often considers a series of brief motions after oral questions. These include Business of the House motions, business of the Senior Deputy Speaker and Conduct Committee motions. These motions are treated as physical business only. There are no Speakers' Lists but interventions from members attending physically are possible. Members intending to do so should give notice to the Table and the Chair. No virtual participation is possible except by the mover of the motion if they cannot attend the House.

#### *Business on Thursdays and Fridays*

28. Until further notice, Thursday and Friday sittings of the hybrid House will be used for legislation which shall have precedence over other business.

#### *Privilege*

29. As sittings of the House, hybrid House proceedings attract all the usual protections of parliamentary privilege.
30. Members should be aware that if they participate in the hybrid House sitting remotely from outside the United Kingdom, while their contributions will still 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. Hybrid House sittings are broadcast. Members participating remotely may be visible to participants in the Chamber (but not shown on the broadcast) when the Minister is responding to their question at question time, or during statements and PNQs. Occasional wide-angle views of the Chamber participants will be broadcast.

#### *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. Such questions may only be submitted for a tabling on a sitting day. 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.

*Remote voting*

33. The Business of the House motion agreed by the House on 4 June made provision for the hybrid House to vote using a remote voting system.
34. The Chair will put the Question in the usual way and collect the voices as described in the following paragraph.
35. When putting the Question in the hybrid House, the Chair will collect voices in the Chamber only. If a member taking part remotely intends to trigger a Division, they should make this clear when speaking on the motion or amendment. A member intending to press to a division an amendment or motion already debated should give notice to the Chair in the substantive debate. The Chair will acknowledge any such statements before collecting the voices and factor them into the outcome.
36. If a decision is not reached by collecting the voices, the Chair will say “The Question will be decided by a remote division. I instruct the clerk to start a remote division.” The clerk will then start the division on the remote voting system. The Chair will inform members that they have 15 minutes to record their votes electronically and end by saying “Clear the Bar.” The division bells will be sounded on the Estate and on the remote voting site.
37. When members vote using the remote voting system they will be able to see which item of business they are voting on (for example the bill title, the bill stage and the amendment number or the motion) and the name of the member moving the motion or amendment.
38. No tellers will be appointed for a remote division.
39. As in physical proceedings, a member may vote in a division although they did not hear the Question put.
40. The clerk at the Table will be able to record the vote of any member in the Chamber who is temporarily unable to vote through their electronic device and cannot leave the Chamber to rectify the problem in the time available.
41. Members who have accessibility needs which mean they cannot use the remote voting system, and who intend to participate remotely, should make arrangements at least 24 hours in advance with the Clerk of the Table Office ([LordsVotes@parliament.uk](mailto:LordsVotes@parliament.uk)) for their vote to be recorded.
42. With the exception of the members mentioned in paragraphs 40 and 41, all members must vote using the remote voting system.
43. Members may record their vote in a remote division for a period of fifteen minutes from its initiation.
44. The Chair may extend, interrupt or suspend a remote division if notified of a technical problem. They will notify the House of this by making an announcement from the Woolsack.

45. When the time allowed for remote voting (usually 15 minutes) has elapsed, the clerk will rise and bow to the Chair who will inform the hybrid House that the remote voting period has ended. No further members may vote after this point.
46. The result of a remote division will be announced from the Woolsack as soon as it is available.
47. If, after the result of a remote division has been announced, it is reported to the Chair that problems in the conduct of the division occurred which might have affected the result, the Chair may declare the division to be void and may make arrangements for the division to be re-run. If the correction involves the reversal of a decision of the House and the House has taken further action on the basis of the mistaken announcement, any proceedings taken on the basis of that announcement should be voided unless irreversible.
48. Members should not misuse the remote voting system by having any other person vote on their behalf. The House has agreed the following provision in the Code of Conduct:

“Members may not allow another member or other person to cast a vote on their behalf during any electronic division in proceedings. Any member who does so commits a breach of this Code which the House would view with the utmost seriousness.”<sup>1</sup>

49. Guidance on how to use the remote voting system is available at <https://intranet.parliament.uk/Documents/Guide-to-Remote-Divisions.pdf>.

#### *Amending stages of bills in hybrid House sittings*

50. Amending stages of bills in hybrid House (or hybrid Committee of the Whole House) sittings are conducted as normal, with the following exceptions.

#### *Speaking*

51. Any member of the House may take part in an amending stage of a bill, providing they have signed up to the Participants List by 6pm two working days in advance, and subject to the capacity constraints set out above. Once the Participants List has been published, 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.
52. Participants 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 2pm on the working day before the stage. The same applies to speaking to the motions associated with amending stages. A member wishing to speak about the commitment of a bill should do so at Second Reading; the motion for Third Reading is not debated unless an amendment to it has been tabled.
53. The Chair is empowered to call speakers and determine the order in which they are to be called in accordance with the usual sequence of speeches.
54. Members wishing to speak after the Minister’s initial response, wherever they are, must indicate a desire to speak to the Chair and Clerk by e-mail.

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<sup>1</sup> Conduct Committee 2nd Report 2019-21 (HL Paper 67); agreed by the House on 9 June 2020.

55. The following further constraints apply after Committee stage:
- (a) No member may speak more than once to an amendment, except the Minister and the mover of the amendment in reply. A member may not speak again “to explain himself in some material point of their speech”. (See *Companion* 8.136)
  - (b) Only the mover of an amendment speaks after the Minister except where the Minister speaks early to assist the House. “Short questions of elucidation” are discouraged. (See *Companion* 8.137)
56. The Chair will have regard to these constraints when calling members to speak.

### *Amendments*

57. Amendments may be tabled with the Public Bill Office in the normal way (but note that (i) the deadline for tabling amendments for publication the next working day is advanced from 5pm to 4pm, with effect from 22 June, and (ii) the PBO is operating remotely and members should contact it only by telephone 020 7219 3153 or email [hpublicbills@parliament.uk](mailto:hpublicbills@parliament.uk)).
58. 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.
59. Members are encouraged to add Explanatory Statements to their amendments, to reduce the need for explanation in debate.
60. 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 is earlier than normal: 4pm (5pm until 18 June) 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.
61. The requirement to marshal amendments three working days in advance means that in practice the minimum intervals for Third Reading and Consideration of Commons Amendments will need to be exceeded. This is a matter for the usual channels.
62. Debate will take place on the lead amendment in each group only. It will not be possible to de-group an amendment for separate debate once the groupings have been published. A member intending to press an amendment already debated to a division should give notice to the Chair in the debate.
63. Leave should not be withheld to move formally en bloc amendments already debated, unless a member has signalled in advance their wish to oppose an amendment.

### *Sequence of events*

64. The following table sets out the sequence of events.



3 working days before stage	Deadline for tabling amendments, 4pm (5pm until 18 June). Marshalled List produced.
2 working days before stage	Government Whips' Office (GWO) opens Participants List at 10am and agrees groupings. List closes at 6pm.
1 working day before stage	GWO contacts participants for expressions of interest (EoIs) in specific groups – deadline 2pm. GWO passes on EoIs (unordered) to Clerks.
<i>Day of stage</i>	
Morning	Clerks produce briefs and brief Chair
Afternoon, not before 12.30pm	Stage takes place

### *Decisions*

65. Members are encouraged to assist the Chair by discussing possible outcomes with staff in advance. Leave to withdraw an amendment should not be withheld.<sup>2</sup> The standard rule against repeat amendments at Report stage (*Companion*, para 8.131) will not apply to addressing an error in a hybrid sitting, i.e. where the Chair may have mistaken the degree of unanimity among participants.
66. The usual guidance about Third Reading amendments is maintained but it will be applied flexibly if necessary to address a possible mistake at Report stage due to the nature of the proceedings.

### *Sitting time and adjournment*

67. Hybrid sittings for amending stages of bills start no earlier than 12.30pm. The Chair may adjourn such a sitting at any point, either temporarily or for the day, and if necessary resume the House.

### *Messages and first readings*

68. Messages may be sent and received when the House is not sitting. Such messages are conveyed electronically and recorded by minute entry.
69. If a message includes a bill sent from the Commons, the bill may be read a first time on receipt, without any proceeding in the House. First Reading will be recorded by minute entry.

### *Review of the Guidance*

70. We will keep this Guidance under review in the light of hybrid House sittings and wider developments, and will publish further Guidance when necessary.

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<sup>2</sup> This principle also applies to withdrawal of motions and amendments to motions.

## APPENDIX: BUSINESS OF THE HOUSE MOTION AGREED ON 4 JUNE

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**Business of the House** The Lord Privy Seal (Baroness Evans of Bowes Park) to move that with effect from 8 June all previous motions relating to Virtual Proceedings shall cease to have effect, that until further Order members may participate remotely as well as physically in sittings of the House (“hybrid House”), and that for the purposes of sittings of the hybrid House:

1. The procedure shall follow, so far as practical, procedure in the House save that—
  - (a) no member may participate unless they have signed up to the Speakers’ List,
  - (b) speakers shall be called by the Chair, and
  - (c) sittings may be adjourned between items or classes of business at the discretion of the Chair.
2. The time allotted for each Oral Question shall be 10 minutes.
3. The time allotted for each Private Notice Question shall be 15 minutes.
4. Debates on motions relating to statutory instruments (including related instruments debated together) shall be time-limited to 1 or 1½ hours, and may be varied in accordance with this paragraph with the unanimous agreement of members taking part in the hybrid sitting at the commencement of that sitting.
5. Motions for general debate shall be time limited to 3 hours and this time limit may be varied by the unanimous agreement of the members taking part at the commencement of proceedings.
6. Notwithstanding Standing Order 40(5) legislation shall have precedence over other business on Thursdays.
7. No amendments to bills may be tabled after the deadline prescribed by the Procedure and Privileges Committee.
8. Notwithstanding Standing Order 30(1)(c), leave may not be granted to a member to speak more than once to an amendment (other than in Committee) to explain themselves in some material point of their speech.
9. 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.
10. A member may table one Topical Question for Written Answer on a sitting day in each week during which the House sits, and it is expected that it will be answered within five working days.
11. With effect from 15 June:
  - (a) the provisions of Standing Orders 53 (Divisions), 54 (Votes counted in the House) and 55 (Voting in wrong lobby) shall not apply; and

- (b) members may only cast their votes through the House of Lords remote voting system, in accordance with guidance to be issued from time to time by the Procedure and Privileges Committee.
- 12. Notwithstanding Standing Order 62, the Chair may preside over a Committee of the whole House from the Woolsack.
- 13. The provisions of this Order shall be applied in accordance with guidance issued under the authority of the Procedure and Privileges Committee from time to time, which may vary the provisions of the Companion to the Standing Orders insofar as they apply to sittings of the hybrid House.