

HOUSE OF LORDS

Procedure and Privileges Committee

5th Report of Session 2019–21

**Resetting the limits for Oral Questions,
topical Oral Questions, balloted debates
and topical Questions for Short Debate**

**Further temporary suspension of the
Standing Orders relating to hereditary
peers' by-elections**

Ordered to be printed 9 December 2020

Published by the Authority of the House of Lords

Procedure and Privileges Committee

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Contact details

All correspondence should be addressed to the clerk of the Procedure and Privileges Committee, House of Lords, London SW1A 0PW. Telephone 020 7219 8796/1624. Email mawsonc@parliament.uk

Fifth Report

Introduction

1. This report:
 - (a) addresses the limits on the number of oral questions, topical oral questions, balloted debates and topical questions for short debate which each member may table in a Session; and
 - (b) recommends a further temporary suspension of the Standing Orders relating to hereditary peers' by-elections.

Resetting limits for Oral Questions, topical Oral Questions, balloted debates and topical Questions for Short Debate.

2. The Companion to the Standing Orders sets out the following limits on the number of oral questions and topical oral questions a member may table in each Session:
 - The limit on the number of oral questions allowed for each member is currently set at seven per Session (Companion, paragraph 6.26).
 - The limit on the number of balloted topical oral questions allowed for each member is currently set at four per Session (Companion, paragraph 6.35).

In addition, in a usual Session, the following timetabling arrangements relating to Thursday debates and topical QSDs are applied:

- Since the 2012–13 Session, every Thursday from the beginning of a normal Session until the end of January is set aside for general debates (Companion, paragraph 6.53). Within this period, one Thursday each month until the end of December is set aside for two balloted debates. Members may initiate one balloted debate per Session (Companion, paragraph 6.62).
- In a session of the usual length, on every Thursday from the beginning of the Session until the end of January there is a topical question for short debate. Members may initiate one topical question for short debate per Session (Companion, paragraphs 6.48–6.49).

Resetting limits

3. When recommending the limit of seven oral questions per Session, the Procedure Committee noted that, “Now that it is normal that each Session lasts approximately one year, we propose an amendment to the rules on oral questions such that the limit of seven applies to each Session. If in future there is a particularly long Session, we would expect to address various consequences of that, including the limit of seven oral questions per Session.”¹
4. In June 2017, the Government announced that the 2017-19 Session would last for two years. In November 2017 the Procedure Committee recommended

1 Procedure Committee, *Ballot for oral question slots during recesses: Tabling oral questions and Introduction of private members' bills* (2nd Report, Session 2015–16, HL Paper 142)

that the limits on oral questions and on balloted topical oral questions should be reset at the point of any Whitsun recess or on 1 June 2018, whichever came first.² This allowed each member to ask a total of 14 oral questions and eight topical balloted oral questions during the 2017–19 Session. In fact the 2017–19 Session lasted for over two years—from 13 June 2017 to 8 October 2019.

Current Session and recommendation

5. This Session will be a year old on 19 December and a number of members have reached or are about to reach the limit on the number of oral questions and topical oral questions which they may ask in a Session.
6. The length of the current Session is unknown, and that has been characteristic of recent sitting periods. In order to provide greater certainty to members about the application of limits on the numbers of questions each may ask, we therefore propose a move to a calendar rather than a Sessional basis for setting such limits.
7. **We therefore recommend that**
 - (a) **the limits on the number of oral questions, topical oral questions, balloted debates and topical questions for short debate which each member may table should be reset from 1 January 2021.**
 - (b) **Furthermore, for the convenience of the House, we recommend that these limits should be automatically reset on 1 January each year and not, as hitherto, at the start of each Session. This limit will apply to calendar years, regardless of changes in Session so *ad hoc* alterations will no longer be required. The limit will be reset at the start of each parliament and run to the end of that calendar year.**
8. To give effect to these changes, we recommend the following changes to the Companion to Standing Orders:
 - (a) [new text **in bold**, deleted text ~~struck through~~]

Paragraph 6.26 (sixth bullet point)

 - no member of the House may table more than seven oral questions ~~in each Session~~ **between 1 January and 31 December each year;**³

Paragraph 6.35

Members may enter the ballot even if they already have one oral question on the order paper; but they may not enter the ballot if they already have an oral question on the order paper for the day concerned. No member may ask more than four topical oral questions ~~in one Session~~ **between 1 January and 31 December each year.**⁴ The Clerks discourage members from tabling questions which are clearly not topical and indicate to members which questions have already been tabled for ballot.

2 Procedure Committee, *Procedural changes arising from the two-year session* (1st Report of Session 2017–19, HL Paper 33)

3 This limit will apply to calendar years, regardless of changes in Session. But it is reset at the start of each Parliament and runs to the end of that calendar year.

4 *Ibid.*

No more than one question on a subject may be accepted for inclusion in the ballot and priority is given to the first which is tabled.

Paragraph 6.49

Only backbench and Crossbench members may enter the ballot and a member may initiate only one topical question for short debate ~~per Session~~ **between 1 January and 31 December each year.**⁵ The test of topicality is whether the subject has been covered by at least two mainstream media outlets on either of the two days that the ballot was open or over the preceding weekend. The same subject may not be debated as a topical question for short debate more than once in a six-month period. No more than one question on a subject may be accepted for inclusion in the ballot and priority is given to the first which is tabled. The clerks advise members on the interpretation and application of this guidance.

Paragraph 6.62

6.62 [...] These debates may be initiated only by backbench and Crossbench members and a member may initiate only one balloted debate ~~per Session~~ **between 1 January and 31 December each year.**⁶

Further temporary suspension of the Standing Order relating to hereditary peers' by-elections

9. On 23 March, in the light of the COVID-19 pandemic, the House agreed to a motion to suspend Standing Order 10(6) (which states that by-elections must take place within three months of the vacancy occurring) until 8 September, which at that time was expected to be the first day back after the summer recess. On 7 September the House agreed a motion to further suspend the by-elections until 31 December 2020.
10. On 1 December, we considered whether to recommend a further suspension given the ongoing situation concerning the pandemic, the inability of some members to attend the House and the suspension of other types of election. While it would be possible to hold a remote by-election the Committee decided, on a division⁷, that this should be considered further at the meeting in January and that Standing Order 10(6) should be further suspended until then.
11. **We therefore recommend that Standing Order 10(6) should be suspended pending our further report on this issue after our January meeting.**

5 *Ibid.*

6 *Ibid.*

7 Contents: Lord Bew, Lord Eames, Lord Geddes, Baroness Harris of Richmond, Lord Judge, Lord McAvoy, Lord Morris of Aberavon, Lord Newby, Baroness Smith of Basildon, Lord Stoneham of Droxford, Baroness Thomas of Winchester, Baroness Warwick of Undercliffe, Lord Whitty. Not Contents: Lord Ashton of Hyde, Baroness Evans of Bowes Park, Lord Fowler, Lord Mancroft.

12. **To give effect to this recommendation, the Senior Deputy Speaker will move the following motion:**

Hereditary Peers' by-elections

The Senior Deputy Speaker to move, further to the Orders of 23 March and 7 September, that Standing Order 10(6) (Hereditary peers: by-elections) be further suspended pending a further report from the Procedure and Privileges Committee.