



HOUSE OF LORDS

Procedure and Privileges Committee

1st Report of Session 2023–24

**Oral Questions to
Secretaries of State
and
Oral Statements by
Secretaries of State**

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Procedure and Privileges Committee

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First Report

Introduction

1. On 13 November the Prime Minister appointed the then Rt Hon David Cameron as Foreign Secretary. He was introduced to the House as Lord Cameron of Chipping Norton on 20 November.
2. The Leader of the House wrote to the Senior Deputy Speaker on 20 November to propose two changes or adjustments to the House's procedures relating to oral questions to secretaries of state and oral statements by secretaries of state to enhance the new Foreign Secretary's accountability to this House. The Leader's letter is at Appendix 1.
3. The Procedure and Privileges Committee has considered the proposals made by the Leader of the House and agreed to recommend changes to the House. These would substantially retain the existing practice on questions to and statements by secretaries of state sitting in the House of Lords, but would add some flexibility. This flexibility will then be used to enable enhanced scrutiny of the Foreign Secretary.
4. In summary, the Leader's proposal is that:
 - To vary normal practice so that questions to the Foreign Secretary should take place on one Tuesday each month (rather than on Thursday);
 - Four balloted oral questions should be tabled (rather than three);
 - The time allowed for the four questions should be 40 minutes (rather than 30 minutes);
 - The time allowed for backbench questions on statements made by the Foreign Secretary should be 30 minutes (rather than 20 minutes).
5. This report sets out the specific amendments to the *Companion* that would create the flexibility needed to give effect to these changes.¹

Oral Questions to Secretaries of State

6. Since December 2009 secretaries of state sitting in the House of Lords have each, on one Thursday each month, answered three oral questions addressed to them in their ministerial capacity. In March 2021 this arrangement was extended to departmental ministers sitting in the House of Lords who are full members of the Cabinet (see paragraph 6.25 of the *Companion*).
7. The Leader proposes that there should be flexibility a) to hold Secretary of State questions on days other than Thursday, and b) to allow more questions to be asked (with a proportional adjustment of the total time allowed).
8. The Committee recognises that the Leader's proposal seeks to enhance the House's ability to hold the Foreign Secretary to account by allowing questions to be asked when attendance at the House is at the highest and the widest range of members may be able to participate.

¹ The changes set out in this report do not affect the current scrutiny arrangements between the European Affairs Committee and the Foreign, Commonwealth and Development Office.

Conclusion

9. The Committee therefore recommends the following amendments (which include the removal of some superfluous detail) to the *Companion*:

Current text:

6.25 Since December 2009 secretaries of state sitting in the House of Lords have each, on one Thursday each month, answered three oral questions addressed to them in their ministerial capacity.³² In March 2021 this arrangement was extended to departmental ministers sitting in the House of Lords who are full members of the Cabinet.³³ Questions to secretaries of state or Cabinet-level departmental ministers take place immediately after oral questions, and last for up to 30 minutes.³⁴ Arrangements for selecting such questions, by ballot, are described in paragraph 6.36. Except where indicated in the following paragraphs, the procedure is identical to that for normal oral questions.

³² Procedure 1st Rpt 2009–10, 8th Rpt 2010–12.

³³ Procedure and Privileges 7th Rpt 2019–21.

³⁴ LJ (2010–12) 1688.

The ballot for Secretary of State's questions

6.36 Three questions addressed to secretaries of state or Cabinet-level departmental ministers, which are asked on a Thursday, are selected by means of a ballot which takes place at 1pm the preceding Monday. The ballot opens one week earlier. [...]

Proposed text:

6.25 Once each sitting month, on a fixed day of the week, secretaries of state sitting in the House of Lords, or departmental ministers in the House of Lords who are full members of the Cabinet, answer oral questions addressed to them in their ministerial capacity.³² The normal practice is that three questions lasting up to 30 minutes are asked, immediately after oral questions, though these arrangements may be varied.³³ The process for selecting such questions, by ballot, is described in paragraph 6.36. Except where indicated in the following paragraphs, the procedure for asking secretary of state's questions is identical to that for normal oral questions.

³² Procedure 1st Rpt 2009–10, 8th Rpt 2010–12; Procedure and Privileges 7th Rpt 2019–21.

³³ Procedure and Privileges 1st Rpt 2023-24.

The ballot for Secretary of State's questions

6.36 Questions addressed to secretaries of state or Cabinet-level departmental ministers are selected by means of a ballot. The ballot is drawn three working days before the questions are due to be asked, and the ballot opens one week before the questions are drawn. Exact timings are set out in *House of Lords Business*.

Oral Statements by Secretaries of State

10. The Leader's letter also proposed that when the Foreign Secretary makes a statement in the Lords (which may be repeated in the Commons) it would usually be appropriate to extend the time for backbench speakers to 30 minutes. Any such extended time would be agreed and communicated by the Usual Channels in the normal way.
11. Paragraph 6.7 of the *Companion* states that, "The period of questions and answers which then follows [front bench contributions on an oral statement] for backbench members should not exceed 20 minutes from the end of the minister's initial reply to the front benches." There have been various occasions in the past when this period of time has been extended as a one-off by agreement within the Usual Channels, and instances are recorded within a footnote to the text. The Leader's proposal is for a more regular pattern of extension, and the Committee judges that it would be helpful to reflect this change in practice in a footnote in the *Companion*.

Conclusion

12. The Committee has therefore agreed the following amendment to footnote 8 on paragraph 6.7 of the *Companion*:

Current text:

6.7 ... The period of questions and answers which then follows for backbench members should not exceed 20 minutes from the end of the minister's initial reply to the front benches.⁸ [...].

⁸Procedure 1st Rpt 1989–90; 1st Rpt 1994–95. On 26 January 2004, additional time was allowed for an intervention by the Lord Chief Justice (HL Deb. col. 12). On 10 June 2009, the Convenor of the Crossbench Peers was permitted to intervene during the time for the front benches, and the time allowed for backbenchers was extended to 40 minutes (HL Deb. col. 638). The same happened on 17 May 2011 (HL Deb. col. 1261)

Proposed text:

6.7 ... The period of questions and answers which then follows for backbench members should not exceed 20 minutes from the end of the minister's initial reply to the front benches.⁸ [...].

⁸Procedure 1st Rpt 1989–90; 1st Rpt 1994–95; Procedure and Privileges 1st Rpt 2023–34. On 26 January 2004, additional time was allowed for an intervention by the Lord Chief Justice (HL Deb. col. 12). On 10 June 2009 and 17 May 2011, the Convenor of the Crossbench Peers was permitted to intervene during the time for the front benches (HL Deb. col. 638) (HL Deb. col. 1261). The time allowed for backbenchers may be extended by agreement of the usual channels.

Next steps

13. Subject to the House agreeing these proposals, the first questions to the Foreign Secretary are provisionally planned for 5 December. The first ballot will be opened on 23 November with a view to four questions being drawn on 30 November. This timetable is of course subject to the House agreeing the Committee's report in the interim.

APPENDIX 1: LETTER FROM THE LEADER OF THE HOUSE

Letter from Lord True, Leader of the House to Lord Gardiner of Kimble, Senior Deputy Speaker.

On 13 November the Prime Minister appointed the Rt Hon David Cameron as Foreign Secretary and HM King approved his appointment to this House. As such he is the first such great officer of state in the Lords since the 1980s. He will be introduced to the House and make his maiden speech this week.

I have spoken to the Foreign Secretary and he is acutely aware of his accountability to Parliament as a whole and this House in particular. After conversations in the Usual Channels I suggest a package of changes to support that accountability.

Enhanced Secretary of State questions

In 2010 the House agreed a procedure to allow the peers to regularly question Lords members of Cabinet on a Thursday with questions chosen by ballot. This process was used most recently for Lord Frost.

It is my intention to restate Secretary of State questions as soon as possible. But I propose that there should be flexibility and that the opportunity for scrutiny afforded by these questions should be expanded and enhanced by:

- (a) Allowing Secretary of State questions to be held on days other than Thursdays when attendance at the House is at the highest and the widest range of members may be able to participate; and
- (b) Extending the time for these questions to 40 minutes and allow four questions to be drawn and asked.

We would use these provisions to hold questions monthly on a Tuesday starting on 5 December and would alert peers to these questions once the Committee has approved these changes.

Extended statements

I anticipate that some Foreign Office statements will now be made in the Lords and repeated in the Commons when they are of sufficient import to be led by the Secretary of State. For such statements I recognise that there will be significant interest and that it will usually be appropriate to extend the time for backbench speakers to 30 minutes. Any such extended time will be agreed in and communicated by the Usual Channels in the normal way.

I am grateful to you for being willing to put these proposals to the Committee and the House on an expedited timetable and to the clerks for their work to prepare the necessary reports and change to the Companion.

20 November 2023