



House of Commons  
Procedure Committee

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# Commons scrutiny of Secretaries of State in the House of Lords

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**First Report of Session 2023–24**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
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## Procedure Committee

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# Commons Scrutiny of Secretaries of State in the House of Lords

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## Introduction

1. On 13 November 2023, the Rt Hon Lord Cameron of Chipping Norton was appointed to the role of Secretary of State for Foreign, Commonwealth and Development Affairs. His appointment marked the first time in over four decades that one of the Great Offices of State has been held by a Member of the Lords. In response to Lord Cameron’s appointment, the Speaker wrote to the Procedure Committee on 22 November requesting that we explore options for enhanced scrutiny by the House of Commons of senior ministers in the House of Lords. In his letter, the Speaker asked us to also consider:

- a) whether any historic precedents can be adapted to allow non-members to participate in Commons proceedings, such as the practice of witnesses being questioned at the Bar of the House.
- b) whether options for scrutiny should extend beyond departmental questions to include other business such as statements, urgent questions, and participation in debates.<sup>1</sup>

2. We launched this inquiry on 23 November 2023, with the aim of identifying a possible mechanism to facilitate effective scrutiny of Secretaries of State in the Lords and their respective departments, with a particular focus on scrutiny of the Foreign Secretary.

3. As previously noted, it is no longer usual for one of the Great Offices of State to be held by Members of the House of Lords—the most recent example of this being Lord Carrington, who served as Foreign Secretary between 1979 and 1982. The significance of the role of Foreign Secretary cannot be understated, especially at a time of profound global challenges. Lord Cameron recognised the importance of his being scrutinised by the Commons, stating that he “agree[d] [...] on the importance of those who hold senior roles in the Cabinet being held to account by the elected Chamber”.<sup>2</sup>

4. We wanted to report quickly, so our call for evidence and our Members’ survey had a limited timeframe. Despite the short window, we received several written evidence submissions and responses from 131 Members to our survey. We also held public evidence sessions with the Leader of the Commons, the Shadow Leader of the Commons, and the Parliamentary Secretary for the Cabinet Office and sought expert advice from senior clerks of both Houses. We are grateful to everyone who has engaged with our evidence gathering activities.

5. There have been many constitutional risks to consider during our inquiry. There has been considerable debate on whether Members of the Lords should hold positions as Secretaries of State or other senior cabinet positions.<sup>3</sup> As Members of Parliament, and representatives of our constituents, it is our preference that Secretaries of State sit in the House of Commons. We recognise the concerns that proposals to enable greater Commons

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1 Speaker to the Chair of the Committee, [22 November 2023](#)

2 Secretary of State for Foreign, Commonwealth and Development Affairs to the Chair of the Committee, [14 December 2023](#)

3 Caroline Lucas MP ([CSL0002](#)); Organise ([CSL0004](#)); see also Appendix

scrutiny of Secretaries of State in the Lords may inadvertently lead to a scenario where such appointments become commonplace. Furthermore, we remain mindful of the principle of comity between the two Houses—that the Houses are constitutionally separate and equal, and that each is responsible for regulating its own affairs. Any changes to current procedures and practice would need to be agreed by the Lords, as Members of the Lords would need to be granted leave to participate in Commons proceedings. We understand that any proposal seeking to change the existing state of affairs must not only consider procedural practicalities, but also constitutional consequences.

## Forums for accountability

6. We have explored various precedents of Members of the Lords participating in Commons proceedings. We have also examined new models previously proposed by select committees.

### Chamber

7. The Institute for Government suggested in their written evidence that the Chamber would be the most suitable venue for scrutiny of Lord Cameron, as it ensured “full parity” of scrutiny with other Secretaries of State.<sup>4</sup> They also noted that Chamber proceedings are more likely to be watched by members of the public than proceedings in other parts of the Commons.<sup>5</sup>

8. Until the first part of the nineteenth century, important inquiries were entrusted to committees of the whole House, with witnesses examined at the Bar. Members of the Lords, while providing evidence, were given chairs within the Bar but stood to answer questions.<sup>6</sup> Indeed, there are several precedents for Members of the Lords addressing the Commons directly from within the Bar, as did Lord Melville in 1805,<sup>7</sup> and the Duke of Wellington in 1814.<sup>8</sup>

9. Nowadays, witnesses provide evidence to inquiries overseen by select committees. It has been more than sixty years since a non-member appeared at the Bar of the House; the last instance was in 1957, when journalist John Junor was admonished.<sup>9</sup>

10. In her evidence to us, Lucy Powell MP, the Shadow Leader of the House, suggested that she was sceptical about the effectiveness of Secretaries of State in the Lords appearing at the Bar of the House to be scrutinised. She stated:

My starting point, and the view of the Opposition, would be that these kinds of positions and this kind of conversation we are having should mean that we end up with maximum scrutiny and accountability, but with minimal pomp and ceremony and occasion. I know there have been debates

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4 Institute for Government ([CSL0006](#)), p 1

5 *Ibid*

6 *Erskine May*, 10th edition (London, 1893), p 362–3 and 409

7 CJ (1805–6), 367

8 CJ (1813–14), 413–4

9 HC Debates, 24 January 1957, [col 405](#) [Commons Chamber]

about coming to the Bar of the House. That provides lots of occasion and attention and everything else, but maybe not the sort of scrutiny that we are looking for here.<sup>10</sup>

11. Alex Burghart MP, Parliamentary Secretary for the Cabinet Office, also warned us in his evidence that reintroducing the historic Bar of the House precedent would feel novel in the modern age and may have “unintended effects”.<sup>11</sup> He noted that reintroducing such practices and normalising the appearance of Lords Secretaries of State in the Commons’ Chamber could lead to more appointments of Secretaries of State or even the Prime Minister to the Lords.<sup>12</sup>

12. There are no precedents for non-members appearing at the despatch box. Exploring mechanisms for greater accountability of Lord Mandelson in 2008 (following his appointment as Business Secretary), the Business and Enterprise Committee suggested that the “most obvious method” would be to allow him to appear at the despatch box, citing the examples in the 19th century quoted above when the House had exhibited flexibility by allowing Members of the Lords to address it from within the Bar.<sup>13</sup> The Committee argued that, given the House’s flexibility then, it should demonstrate a comparable spirit to allow Members of the Lords to appear at the Commons’ despatch box.<sup>14</sup> Such an approach would require a radical change to the practice of the House.

13. In their written evidence, the Hansard Society expressed a preference for Secretaries of State in the Lords to appear at the despatch box. They suggested that it would be appropriate to scrutinise such ministers from the front bench of the Chamber, as opposed to at the Bar of the House, which in their view “would risk making the House look ridiculous”.<sup>15</sup> Conversely, Lucy Powell opposed “break[ing] precedent”, arguing that the despatch box should be reserved for elected Members of Parliament.<sup>16</sup> The Rt Hon. Penny Mordaunt MP, Leader of the House of Commons, expressed a “great deal of sympathy” with that viewpoint.<sup>17</sup>

14. We note that Lords Standing Order No. 22 provides that “No Lord shall either go down to the House of Commons or send their answer in writing or appear by Counsel, to answer any accusation there.”<sup>18</sup> While this dates from 1674, long before the evolution of questions, it is clear that the Lords would need to give leave for its Members to appear before the Commons as a whole.

### Select Committees

15. Members of the Lords, including ministers, frequently provide evidence before Commons select committees—in the 2021–22 Session there were 79 recorded appearances.<sup>19</sup> Members of both Houses provide evidence to select committees at their own discretion

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10 [Q8](#)

11 [Q40](#)

12 [Ibid](#)

13 Departmental Annual Report and Scrutiny of the Department for Business, Enterprise and Regulatory Reform, [Fourteenth Report from the Business and Enterprise Committee](#), HC 1116, Session 2007–08, para 13

14 [Ibid](#).

15 The Hansard Society ([CSL0005](#)), para 14

16 [Q9](#)

17 [Q40](#)

18 [House of Lords Standing Order No. 22](#).

19 House of Commons Sessional Returns, [Session 2021–22](#), HC 1 (2022–23), p 97–172.

and cannot be formally summoned to attend.<sup>20</sup> Parallel to Commons Standing Order No. 138, which permits Members of the Commons to attend Lords select committees, Lords Standing Order No. 23 similarly grants leave for Members of the Lords to attend Commons select committees.

16. Whilst Lords and Commons Members may not be summoned to appear before select committees, there is a general expectation that ministers regularly participate in hearings with the select committees to which their department is accountable. In the Commons, the Foreign Affairs and International Development committees are the main committees responsible for holding the Foreign Secretary and his department to account. When asked about how frequently the Foreign Secretary should appear before those select committees, Penny Mordaunt said:

I think it is the same as with any select committee. There is usually a negotiation between clerks. I think there is an expectation that the senior minister in a department appears on a regular basis throughout the year, and I know [Lord Cameron] would want to do that.<sup>21</sup>

Alex Burghart added:

I think that all Secretaries of State are keen to co-operate with select committees, and I think select committees, by and large are keen to make sure that their requests are not too burdensome. That relationship is ordinarily very effective, so there is no reason to think that it will not be in this circumstance.<sup>22</sup>

17. Following his appointment, the Chairs of both committees wrote to the Foreign Secretary to set out their expectations regarding the frequency of his appearances before them. Alicia Kearns MP, Chair of the Foreign Affairs Committee requested that he appear before the Committee every six weeks, whilst Sarah Champion MP, Chair of the International Development Committee requested that he appear before the Committee at least twice a year.<sup>23</sup> Both Chairs suggested that their expectations were reasonable given that MPs had limited opportunities to directly scrutinise the Foreign Secretary otherwise.<sup>24</sup>

18. Some witnesses voiced concerns about relying solely on the select committee model for scrutinising Secretaries of State in the Lords, noting that only a limited number of Members would be able to participate in select committee proceedings. Both the Foreign Affairs and International Development committees have a membership of 11 MPs each including their chairs.<sup>25</sup> They may also invite members of other select committees, in a limited capacity, to ‘guest’ in their proceedings.<sup>26</sup> Crucially, this means that Members not part of select committees are unable to participate in select committee hearings scrutinising the Foreign Secretary. Martin Docherty-Hughes highlighted the importance

20 *Erskine May*, 25th edition (London, 2019), p 972

21 [Q38](#)

22 [Q39](#)

23 Alicia Kearns MP ([CSL0007](#)); Chair of the International Development Committee to the Secretary of State for Foreign, Commonwealth and Development Affairs, [17 November 2023](#)

24 *Ibid*

25 [Standing Order No. 152](#)

26 [Standing Order No. 137A](#)

of all Members being able to raise constituency issues directly with the Foreign Secretary.<sup>27</sup> Furthermore, ministers, opposition front-bench spokespeople and party whips do not typically serve on most select committees.

19. In evidence to us, Lucy Powell told us that “I personally do not think that select committees on their own are sufficient [...] we need far more frequent accountability and scrutiny that is open to all Members”.<sup>28</sup> The Hansard Society raised similar issues in their written evidence:

In the event of a crisis the Foreign Secretary would no doubt attend the Foreign Affairs Committee. This provides for more in-depth scrutiny that might be undertaken in the Chamber, but it involves just 11 MPs out of a Chamber of 650 Members, of which six are members of the governing party.

It does not afford the majority of MPs the opportunity to ask the Secretary of State questions on behalf of their constituents. This is particularly problematic in relation to scrutiny by the Opposition front bench and the leaders of smaller parties.<sup>29</sup>

20. In her written evidence, Sarah Champion echoed calls for all MPs to participate in direct scrutiny of the Foreign Secretary. In her view, such scrutiny should allow for “comprehensive opportunity for participation by members across the House of Commons and rapid, timely responses to emerging events”.<sup>30</sup> She also stressed that engagement with the Commons as a whole and engagement with select committees should not be considered synonymous, as these fora possess “unique mandates, functions and purposes.”<sup>31</sup> Alicia Kearns expressed a similar sentiment in her written evidence, emphasising that select committee scrutiny would “complement any other arrangements”.<sup>32</sup>

### ***Grand Committees and Westminster Hall***

21. The Standing Orders relating to the Scottish, Welsh and Northern Ireland Grand Committees provides for ministers “whether or not a Member of the House” to make statements and answer questions.<sup>33</sup> Such ministers are restricted from making statements “from the body of the Committee” and cannot “vote, make any motion or be counted in the quorum”.<sup>34</sup> Although rarely convened in recent times, Grand Committee meetings have traditionally taken place in Westminster Hall, but are not Westminster Hall debates. There are no procedures permitting ministers outside of the Commons to participate in Westminster Hall debates.

22. Inspired in part by the Grand Committee model, in 2010 the then Procedure Committee recommended a time-limited experiment to allow oral questions, lasting 45

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27 Martin Docherty-Hughes MP ([CSL0008](#))

28 [Q6](#)

29 The Hansard Society ([CSL0005](#)), para 8–9

30 Sarah Champion MP ([CSL 0001](#))

31 *Ibid*

32 Alicia Kearns MP ([CSL0007](#))

33 [Standing Order No. 93, No. 102 and No. 109](#)

34 *Ibid*



minutes, to be put in Westminster Hall to Lords Secretaries of State.<sup>35</sup> These questions would have complemented rather than replaced regular question times on the floor of the House, and would have been chaired by a Deputy Speaker on a Thursday afternoon.<sup>36</sup> Our predecessor Committee proposed that the Secretary of State should sit at a separate table, not within the body of Westminster Hall on the dais, to maintain a degree of “otherness” and not be at a privileged position (e.g. on the same level as the Chair).<sup>37</sup>

23. Although the proposal was taken no further due to the intervening 2010 General Election, Lucy Powell suggested during Business Questions on 16 November 2023 that the Labour government were set to bring in the Committee’s recommendations at the time.<sup>38</sup> In evidence to us, she expressed a clear preference for conducting scrutiny of Lords Secretaries of State in either Westminster Hall or through setting up a Grand Committee over alternative scrutiny options in the Chamber:

Westminster Hall is one option. An alternative is setting up a Grand Committee, which could take place in Committee Room 14 or one of the big committee rooms. We have precedent for that—we have Grand Committees of the House of Commons. We could house more people in Committee Room 14. It is set up to do that; some of the other bigger committee rooms could potentially do that as well. Where it is for Members on the Order Paper, for example, maybe Westminster Hall is more appropriate, because you largely know the numbers for that. For big, important statements however, I think we would have to use one of the larger committee rooms and have it as a Grand Committee. That would be my and my party’s preference, rather than standing at the Bar of the House, which is not the optimal option.<sup>39</sup>

24. Several witnesses highlighted challenges with conducting scrutiny of Lords Secretaries of State in Westminster Hall or through setting up a Grand Committee. The Institute for Government raised concerns about the impact that scrutiny of Lords Secretaries of State in Westminster Hall could have on the time available for backbench business debates.<sup>40</sup>

25. The Hansard society pointed out spatial limitations with the Grand Committee model, and suggested using the Chamber if a significant number of MPs wished to participate, citing the example of the Legislative Grand Committee for England when EVEL (English Votes for English Laws) applied between 2015 and 2020.<sup>41</sup> The Grand Committee Room—where Westminster Hall debates take place—has just over 50 seats for Members,<sup>42</sup> whilst the largest committee room, Committee Room 14, has 85 seats for Members.<sup>43</sup> Concerns over space and security of Westminster Hall were also flagged by Penny Mordaunt in oral evidence.<sup>44</sup>

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35 Procedure Committee, [Accountability to the House of Commons of Secretaries of State in the House of Lords](#), Third Report of Session 2009–10, HC 496, para 15

36 Ibid

37 Ibid, para 17

38 HC Deb, 16 Nov 2023, [col 790](#) [Commons Chamber]

39 [Q8](#)

40 Institute for Government ([CSL0006](#)), p 1

41 The Hansard Society ([CSL0005](#)), para 16

42 Modernisation of the House of Commons Committee, [Sittings in Westminster Hall](#), Fourth Report of Session 1999–2000, HC 906, para 14

43 Research done by Committee staff

44 [Q40](#)

26. Additionally, the Hansard Society noted that since our predecessor’s report in 2010, there has been a substantial increase in the utilisation of urgent questions.<sup>45</sup> They argued that our predecessor Committee’s proposals were now “inadequate for a House in which the restoration of the Urgent Question has significantly transformed expectations about timely ministerial responses to events in the Chamber”.<sup>46</sup>

## Business arrangements in the Chamber

27. Whilst Secretaries of State have overarching responsibilities for the portfolio of their department, it is not uncommon for them to delegate parliamentary business to junior ministers. Junior ministers frequently represent the government in legislative proceedings and debates, particularly where their portfolios relate to the subject matter. They also participate in departmental question times and can take the lead on making oral statements and answering urgent questions. Cabinet ministers who sit in the Lords currently have a question time in the Lords, in which they answer questions alone.<sup>47</sup> This was extended to forty minutes following the appointment of Lord Cameron.<sup>48</sup>

28. Over the past two parliamentary sessions, during which the Foreign Secretary has been in the Commons, there were sixteen oral statements and two urgent questions led by the Foreign Secretary, while the other Foreign, Commonwealth and Development Office (FCDO) statements and urgent questions were led by a junior departmental minister.<sup>49</sup> Occasionally, the Prime Minister has delivered statements on foreign affairs matters of national importance; for example, following the attacks by UK and US forces on Houthi positions in Yemen in January 2024.<sup>50</sup>

29. In her evidence, Penny Mordaunt acknowledged that in certain situations MPs would expect the Foreign Secretary to make statements in the Commons:

I think Israel and Gaza is a good example of when people will, on occasion, want to hear from the Foreign Secretary, even though the Minister for International Development is very capable and could probably speak with great authority on most of the issues that Parliament will want to hear about. I recognise that, and that is why we are keen to help facilitate scrutiny arrangements that the House wants.<sup>51</sup>

30. We heard concerns that since Lord Cameron’s appointment there had been a lack of proactive oral statements made by the FCDO. Lucy Powell described feeling disappointed that the Department had “not been forthcoming in coming up to the Commons without being dragged there anyway by urgent questions”.<sup>52</sup> She went on to note how there had not been an FCDO statement in almost five weeks, despite ongoing international conflicts

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45 The Hansard Society ([CSL0005](#)), para 4

46 *Ibid*, para 15

47 House of Lords Procedure and Privileges Committee, [Oral Questions to Secretaries of State and Oral Statements by Secretaries of State](#), First Report of the Session 2023–24, HL Paper 14.

48 *ibid*

49 Research done by Committee staff

50 HC Deb, 15 January 2024, [c 557](#) [Commons Chamber].

51 [Q25](#)

52 [Q3](#)

in Ukraine and in Israel and Gaza, which in her view has “amplified the risks of [Lord Cameron’s] appointment—that somehow that position and that Department became set aside from the democratic process and became aloof”.<sup>53</sup>

### Timing of oral statements with the Lords

31. Oral statements are commonly synchronised between the two Houses. Where oral statements are made first in the Commons, it is usual practice for them, and some urgent questions, to be repeated by a minister in the Lords.<sup>54</sup> Where Secretaries of State have sat in the Lords, there are precedents for oral statements to be made there first before being later repeated by a junior minister in the Commons.<sup>55</sup>

32. Lord True, Leader of the House of Lords reaffirmed this dynamic in a letter to Lord Gardiner of Kimble, Senior Deputy Speaker on 20 November 2023, stating that he “anticipate[s] 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”.<sup>56</sup> He also announced his support for extending scrutiny time for backbench speakers on such statements to 30 minutes.<sup>57</sup>

33. The different sitting patterns of the two Houses would cause difficulty if this practice was followed. The House of Commons sits earlier than the House of Lords on every day apart from Mondays. In the Commons, statements are usually delivered after oral questions and before the commencement of public business, unless exceptionally granted by the Speaker.<sup>58</sup> Delaying Commons statements until after they had been made to the Lords would require frequent re-organisation of business.

34. In her evidence, Penny Mordaunt agreed that there may be occasions, due to sitting times for example, the Foreign Secretary statements would be made in the Lords first, but suggested that, in practice, it is more likely for statements of “particular importance” to be made in the Commons first.<sup>59</sup> She told us:

Undoubtedly, there may arise a scenario—in part because sitting hours are different—where you do think it is the best course of action to make a statement in the Lords first, by the Foreign Secretary. For matters of particular importance, or following up from a particular international event, quite often it is another minister at Prime Minister or Secretary of State level who makes those statements in the Commons. I, as Leader of the House of Commons, would certainly want the Commons, where possible, to be informed first. That is an important principle.<sup>60</sup>

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53 *Ibid*

54 *Erskine May*, 25th edition (London, 2019), p 567–8

55 See HL Deb, 3 November 2009, [col 124](#) [Lords Chamber] and HC Deb, 3 November 2009, [col 733](#) [Commons Chamber]; see also HL Deb, 11 March 2010, [col 346](#) [Lords Chamber] and HC Deb, 11 March 2010, [col 446](#) [Commons Chamber]

56 House of Lords Procedure and Privileges Committee, [Oral Questions to Secretaries of State and Oral Statements by Secretaries of State](#), Appendix 1

57 *Ibid*

58 *Erskine May*, 25th edition (London, 2019), p 408

59 [Q30](#)

60 *Ibid*

## Consultation and proposals

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### Consultation

35. We invited all Members of the House of Commons to share their views in a survey which ran between 28 November and 5 December 2023. The full results are reproduced in the appendix to this report.

36. Of the 131 Members who responded to our survey, a clear majority (88.5%) believed that Lords Secretaries of State should be directly accountable to the Commons.

37. Members were presented with a multiple-choice question asking them to select all the forums where scrutiny Lords Secretaries of State should happen. A slight majority favoured select committees (69.4%) closely followed by Westminster Hall (68.5%) and the Chamber (63.9%). A small percentage supported appearance of Lords Secretaries of State via video link (13.9%). Several Members also suggested scrutinising Lords Secretaries of State at the Bar of the House.

38. On our other multiple-choice question on what forms such scrutiny should take, responses were fairly even across departmental questions (87.6%), statements (86.7%) and urgent questions (84.8%). Fewer respondents opted for legislation (63.8%) and general debates (53.3%).

39. Members were also asked how often such scrutiny should occur, with 53.3% supporting monthly scrutiny, and 32.4% preferring an as needed approach for business. Additional suggestions included intervals of aligning with the frequency of oral questions for Commons ministers.

40. A considerable number of respondents to our survey and to our written evidence voiced objections to the principle of Members of the Lords being appointed to Secretary of State positions.<sup>61</sup> Additionally, there were respondents who did not support proposals for greater scrutiny of Lords ministers, expressing concerns about the potential constitutional implications of new accountability mechanisms which would blur the boundaries between the two Houses. There were also respondents who believed new accountability mechanisms were unnecessary and that the Commons should not be intervening in the scrutiny of Members of the Lords.

### Proposals

41. The appointment of a Member of the House of Lords to an exceptionally high-profile position in Cabinet is unusual in today's Parliament. On top of this, Lord Cameron's appointment comes at a time when foreign policy holds particular political significance, dominating a considerable portion of parliamentary proceedings and wider public attention.

42. MPs can engage in direct scrutiny of the FCDO through its junior ministers, including a Minister who attends Cabinet, but the majority of MPs are unable to engage directly with the Foreign Secretary and hold him accountable for the decisions he makes at the highest level of authority. **We firmly believe that all MPs, as representatives of their**

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61 Caroline Lucas MP ([CSL0002](#)); Organise ([CSL0004](#)); also see Appendix.

constituents, should have the opportunity to conduct thorough, effective and timely scrutiny of foreign policy, and this includes scrutiny of Lord Cameron himself who bears ultimate responsibility for the work of the FCDO.

43. During our inquiry, we have explored various options to facilitate greater scrutiny of Lords Secretaries of State in the Commons, including in the Chamber, Westminster Hall and committee rooms. **We agree with our predecessor Committee that proposals for greater scrutiny should respect the democratic primacy of the Commons and that as far as possible, proposals should not change existing procedures. Inviting Lords Secretaries of State to appear at the despatch box would risk blurring the boundaries between the two Houses.**

44. **However, we believe it is important that all MPs can participate in scrutiny of Lords Secretaries of State and that room capacity should not be a barrier to participation.** The largest committee room, Committee Room 14, can only accommodate approximately 13% of MPs, whilst Westminster Hall has an even smaller capacity. It would not be possible to use Westminster Hall or committee rooms as an alternative Chamber for statements and urgent questions without restricting attendance. This is contrary to the normal practice of the House. It would be particularly inappropriate to restrict attendance given those statements made by the Foreign Secretary are likely to be particularly important to Members. *On balance, we consider it appropriate to conduct scrutiny of Secretaries of State in the House of Lords in the Chamber of the House of Commons and we recommend that such scrutiny should happen at the Bar of the House.*

45. In considering the types of business for which Lords Secretaries of State should be accountable to in the Commons, we have been mindful of the workload of the Foreign Secretary as well as the established accountability arrangements in the Lords and through Commons select committees. **We agree that new scrutiny mechanisms should be complementary to existing arrangements with select committees, and echo Sarah Champion's sentiment that each forum is unique in its mandate, function and purposes. Secretaries of State in the Commons expect to be scrutinised both in Commons select committees and on the floor of the House, and similar arrangements should apply to those in the Lords.**

46. *With regards to the frequency with which Secretaries of State in the Lords should be scrutinised by Commons select committees, we would expect the same frequency to apply as applies to all Secretaries of State if additional Commons scrutiny of such Lords Secretaries of State is provided. In the absence of such additional scrutiny, enhanced select committee scrutiny would be necessary. In the absence of the recommended additional scrutiny in the Chamber, Secretaries of State in the Lords should expect to appear before Commons select committees at least every six weeks.*

47. It is also important to recognise that parliamentary business is shared across departments and that junior ministers often assume roles in participating or leading on proceedings. Nonetheless, there are circumstances where Secretaries of State would be expected to appear before the Commons and be accountable for proceedings. **It is for these reasons that we believe Secretaries of State in the House of Lords should appear before the House of Commons at departmental question time; and for those statements and urgent questions, where it would be normal for the Secretary of State to appear. Where possible, such statements should be made to the elected House first.**

48. We agree with Alex Burghart that there is a risk of unintended consequences in introducing new or revived procedures, and recognise that changes to current conventions may upset the comity between the two Houses. We respect those who have raised concerns that facilitating scrutiny of the Foreign Secretary on the floor of the House may normalise the appointment of Secretaries of State in the Lords. However, **we make clear that our recommendations are time-limited and are aimed at addressing the issue the House is currently faced with and should not set a precedent for the future.** We also accept, and respect, that the Lords will need to consent to Lord Cameron appearing before the Commons.

49. *We therefore recommend that the House be given the opportunity to approve a motion enabling Secretaries of State in the House of Lords to appear at the Bar of the House of Commons for departmental question time, and for statements and urgent questions, for the remainder of this Parliament.*

## Conclusions and recommendations

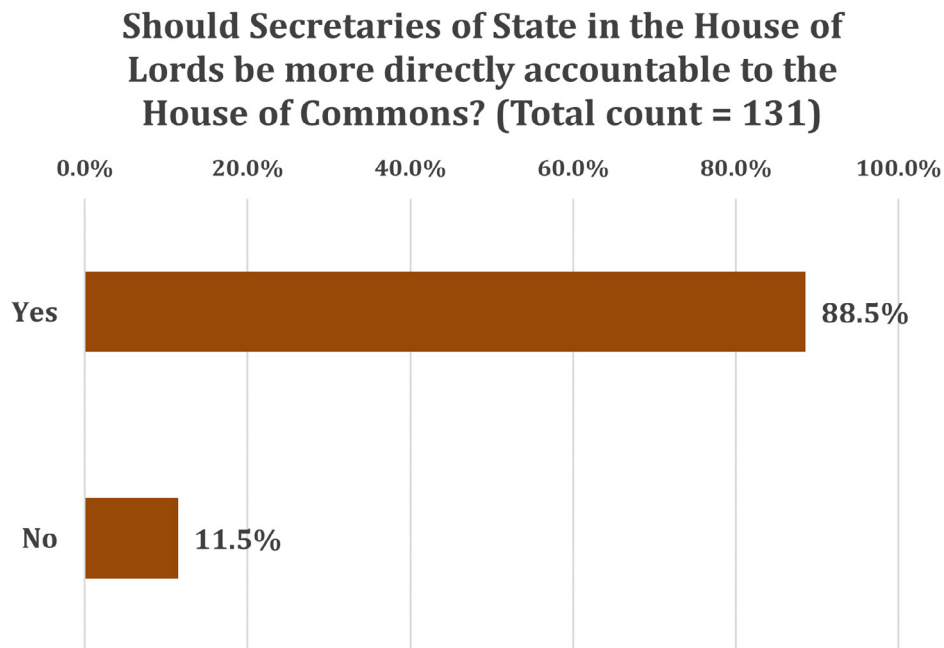
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1. We firmly believe that all MPs, as representatives of their constituents, should have the opportunity to conduct thorough, effective and timely scrutiny of foreign policy, and this includes scrutiny of Lord Cameron himself who bears ultimate responsibility for the work of the FCDO. (Paragraph 42)
2. We agree with our predecessor Committee that proposals for greater scrutiny should respect the democratic primacy of the Commons and that as far as possible, proposals should not change existing procedures. Inviting Lords Secretaries of State to appear at the despatch box would risk blurring the boundaries between the two Houses. (Paragraph 43)
3. However, we believe it is important that all MPs can participate in scrutiny of Lords Secretaries of State and that room capacity should not be a barrier to participation. *On balance, we consider it appropriate to conduct scrutiny of Secretaries of State in the House of Lords in the Chamber of the House of Commons and we recommend that such scrutiny should happen at the Bar of the House.* (Paragraph 44)
4. We agree that new scrutiny mechanisms should be complementary to existing arrangements with select committees, and echo Sarah Champion's sentiment that each forum is unique in its mandate, function and purposes. Secretaries of State in the Commons expect to be scrutinised both in Commons select committees and on the floor of the House, and similar arrangements should apply to those in the Lords. (Paragraph 45)
5. *With regards to the frequency with which Secretaries of State in the Lords should be scrutinised by Commons select committees, we would expect the same frequency to apply as applies to all Secretaries of State if additional Commons scrutiny of such Lords Secretaries of State is provided. In the absence of such additional scrutiny, enhanced select committee scrutiny would be necessary. In the absence of the recommended additional scrutiny in the Chamber, Secretaries of State in the Lords should expect to appear before Commons select committees at least every six weeks.* (Paragraph 46)
6. *It is for these reasons that we believe Secretaries of State in the House of Lords should appear before the House of Commons at departmental question time; and for those statements and urgent questions, where it would be normal for the Secretary of State to appear. Where possible, such statements should be made to the elected House first.* (Paragraph 47)
7. We make clear that our recommendations are time-limited and are aimed at addressing the issue the House is currently faced with and should not set a precedent for the future. (Paragraph 48)
8. *We therefore recommend that the House be given the opportunity to approve a motion enabling Secretaries of State in the House of Lords to appear at the Bar of the House of Commons for departmental question time, and for statements and urgent questions, for the remainder of this Parliament.* (Paragraph 49)

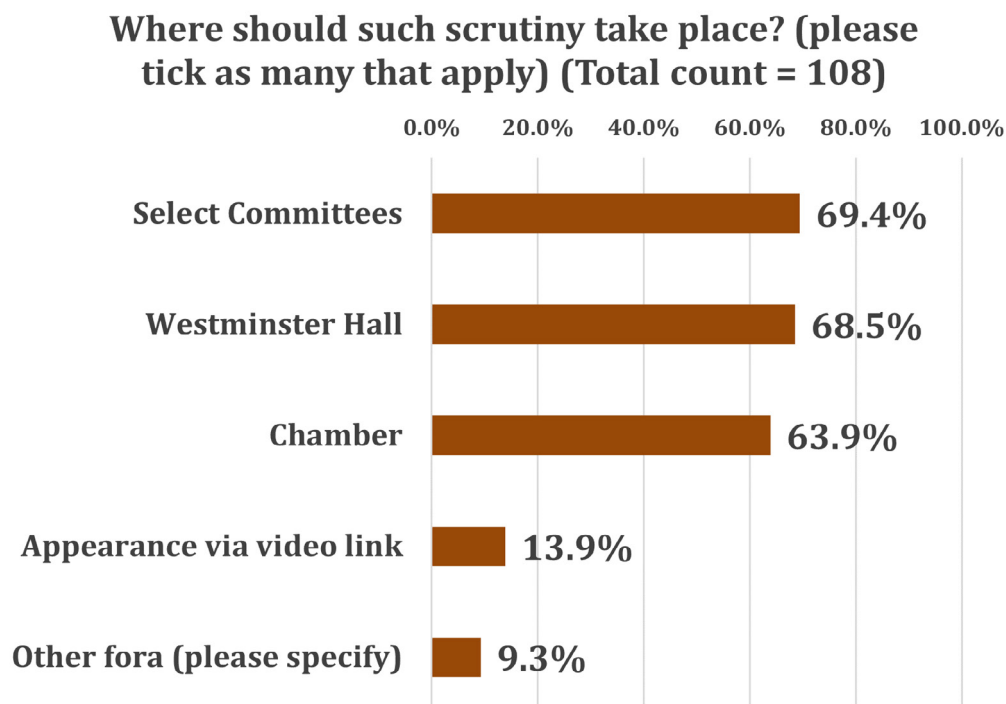
## Appendix: Analysis of responses to our Members' survey

131 Members responded to our survey, which ran between 28 November and 5 December. The results are summarised in the graphs below.

### 1) Should Secretaries of State in the House of Lords be more directly accountable to the House of Commons?



### 2) Where should such scrutiny take place?

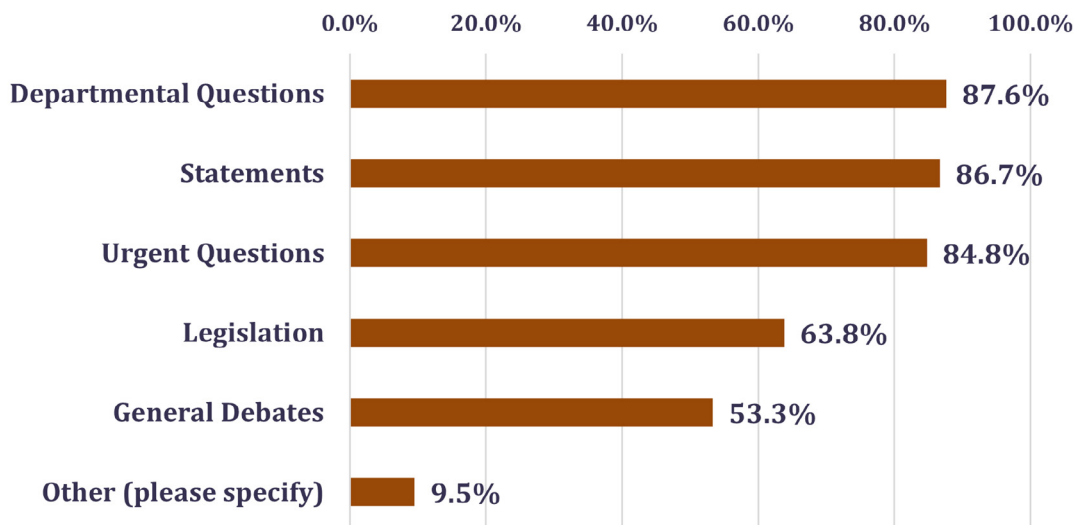




Members also had the option to choose the ‘other Fora’ box and submit free text suggestions. Responses to this option were as follows:

- Use one of the Lords committee rooms (perhaps the Grand Committee Room) to sit in hybrid fashion
  - Bar of the House
  - From the Bar of the House of Commons
  - Direct Members briefing sessions for oral questions
  - Cross party meetings in committee rooms
  - Chamber? — How would this work in practice, via video link? I think Westminster Hall is a better suggestion as he would be “in person” but via video link in Chamber sounds a second-best option worth considering. Worth considering what precedent we are comfortable setting — do we really want to encourage Prime Ministers of the future to by-pass the Commons by appointing ever more Peers to become Secretaries of State? Maybe we’re fine with it (and it might be a good innovation) but it will definitely be setting a precedent
  - Lord Cameron could be called to the bar of the House of Commons
  - Question time
  - Greater presence and engagement in civil society parliamentary activities
  - Public Bill Committees
- 3) **What form should such scrutiny take?**

**What form should such scrutiny take?  
(please tick as many that apply) (Total count  
= 105)**

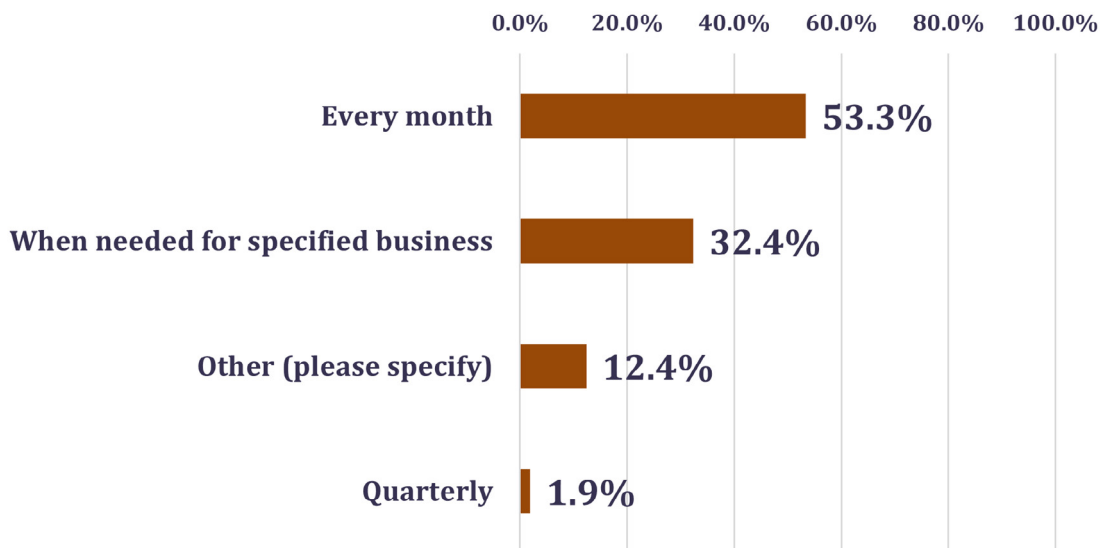


Members also had the option to choose the ‘other’ box and submit free text suggestions. Responses to this option were as follows:

- All of it
- Regular engagement with select committees
- Accountability hearings
- Before select committees, every 6 weeks
- Select committees
- As would any other minister
- Evidence to select committees
- There is no reason why ministers should come to Westminster Hall for statements and general debates
- Questions

4) **How often should such scrutiny occur?**

**How often should such scrutiny occur? (Total count = 105)**



Members also had the option to choose the ‘other’ box and submit free text suggestions. Responses to this option were as follows:

- More frequently if a big issue of Parliament interest
- As needed in the case of urgent questions
- Questions, in sequence, urgent questions and statements as required
- At regular intervals perhaps 6 weeks

- On the usual questions cycle but also for urgent questions and statements
- They should attend oral statements and take other urgent questions/ ministerial statements and other business as would be normal if they were any MP
- At least monthly and when required for urgent/topical matters and briefings
- As per departmental questions schedule
- Every 6 weeks
- Once every 6 weeks in select committees
- As would any other minister
- Same frequency as Commons ministers

5) **Any other comments? Please specify below.**

Responses to this question were as follows:

- Great Offices of State should not be held by members of the House of Lords
- Tendentious way to frame the first question ('Should Secretaries of State in the House of Lords be more directly accountable to the House of Commons?')
- What is there to say, this is the British constitution at work, where an unelected and unaccountable Peer can hold a senior office of state and Members of the elected chamber have no recourse to question them
- It is part of being a bicameral Parliament that we can have ministers in each House. Another minister is perfectly able to account for the Foreign Secretary; this has happened in the past for the Foreign, Business, Culture and Transport Secretaries and there is no need to change the approach
- In the middle of a war in Europe, where alliances and allegiances worldwide are strained, the idea that the democratic house in Parliament cannot question the Foreign Secretary is preposterous. If the Prime Minister appoints a Foreign Secretary in the Lords, he should have proposed a method for scrutiny for MPs in parallel. The absence of such tells a story about the value placed on Parliament by the Executive. And it stinks
- Allowing Lords ministers to respond to Westminster Hall debates would be welcome in Education where many debates relate to capital spending and that tends to be led by a Lords minister
- A Lords Secretary of State should be held to account by MPs the exact same way other Secretaries of State are
- It is crucial for democracy to be able to fully scrutinise any minister, especially a senior one
- It needs to be firmly established that whether a senior government minister (those at cabinet level) is in the House of Commons or House of Lords, the expectation

remains that the House of Commons as the directly elected chamber, answerable to the British public, retains primary responsibility for scrutiny. And as a cabinet member, the relevant minister should be required to introduce legislation, attend debates, and answer questions through the Commons. It should also be made clear, however, that finding routes for effective scrutiny does not mean there should be an increase in the number of senior ministers from the House of Lords — potentially with a cap of 1. This would mean that round the Cabinet table only one minister, other than the Leader of the Lords, can be a Member of the House of Lords

- There is, presumably, good precedent for scrutinising Lords-based Foreign Secretaries from our experiences with Lord Home of the Hirsel and Lord Carrington. Can we not follow what was done then?
- If the government chooses to appoint a Secretary of State in the Lords, then it is the government's responsibility to make arrangements for them to carry out their role and to be held to account by the public at an election should they fail to do so
- So long as it is only a small number of Secretaries of State we should let the Lords do their job on this
- Secretaries of State can be invited to appropriate select committee. It could be done six times a year
- MPs must be able to scrutinise a Secretary of State in the Lords at the same level of details as if they were a Commons Member
- There is historical precedent to leave as is. Big Foreign Affairs statements are made by the Prime Minister anyway
- Limiting to select committee appearances make it very difficult for smaller parties to scrutinise Secretaries of State in the Lords. This needs to be taken into account
- The lead Commons minister is doing a good job
- It is unacceptable to have a Foreign Secretary in the Lords, please find a way to make him answerable to the elected House
- It is entirely unacceptable that an unelected peer is appointed to the role of Secretary of State. Ministers must be available for scrutiny in the Commons Chamber
- It is a disgrace that an unelected person can be appointed to one of the Great Offices of State, particularly the Foreign Secretary, at a time of great international turmoil. It is undemocratic and undermines Parliament's constitutional role to scrutinise and hold the government to account — see the UK Supreme Court's decision in *Cherry v Advocate General* (the unlawful prorogation case) — so much for the Supremacy of Parliament

- It is fundamentally wrong to have ministers protected by convention and from democratic scrutiny and especially for a Secretary of State
- No incumbent of a major Office of State should be in the House of Lords
- Secretaries of State in the Lords should be required for big statement announcements in Chamber from the Bar, or despatch box, urgent questions exceptionally. Before select committees every 6 weeks, just as often as parliamentary questions would have been, which is only 4 to 5 times a year
- There are benefits to having a Foreign Secretary who can travel a lot so scrutiny should be balanced against unnecessary grounding of the Lord Cameron in U.K if a different format can work
- Scrutiny of Secretaries of State should be in the Chamber and if Lords cannot be questioned in the Commons, Lords should not be able to act as Secretaries of State
- Ministers should be elected to the House of Commons. Unelected Lords are undemocratic
- Secretaries of State should be MP's
- The fundamental issue is that unelected individuals should not be appointable to senior ministerial roles. The Procedure Committee will also be aware of how inadequate the existing scrutiny arrangements are given for ministers who are MPs
- Scrutiny should happen every month as per departmental questions. As often as required for urgent questions, debates, and statements
- Very much opposed to anyone taking on a role as Minister of State without having been elected in a democratic election, and I would not like to think that this inquiry would pave the way for more of this. However, if the government insists on doing this, the Foreign Secretary absolutely must be answerable to MPs
- Foreign Affairs Committee should have four sessions per year with the Foreign Secretary
- This is none of our business — which is why you have had nearly zero response
- The Foreign Secretary's appointment is not without precedent. 1979— Carrington — Richard Luce
- Scrutiny by the House of Commons of Secretaries of State who are peers should complement, not replace, the scrutiny they receive in the House of Lords
- Lord Secretaries of State should stand at the Bar of the House of Commons but MPs should not whilst they are there

- It is a scandal that the government is seeking to avoid scrutiny, particularly given how difficult global events are at the moment, the Foreign Secretary should be accountable to MPs
- An MP has to be able to directly raise with the Foreign Secretary the concerns of their constituents
- The prime demand must be that in some form cabinet ministers in the Lords should be available regularly to respond to questions and initiate formal business before elected members of the House of Commons. Westminster Hall would allow interested MPs to question such a cabinet minister. But this cannot be at the discretion of the government but on a regular and well-defined basis. It is not an option but a democratic
- This situation should not be allowed to occur and is a bad precedent, so would like the Procedure Committee to consider how we can stop the Prime Minister appointing Secretaries of State from the Lords
- It would be unedifying for a Foreign Secretary to come to the Bar of the House of Commons. Mandating monthly committee sessions would alleviate concerns around diary induced evasion. Minister of State can carry regular question sessions and statements

# Formal minutes

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**Wednesday 17 January 2024**

## **Members present:**

Dame Karen Bradley, in the Chair

Nickie Aiken

Kirsty Blackman

Jack Brereton

Sir Christopher Chope

Samantha Dixon

Chris Elmore

Patrick Grady

James Gray

Nigel Mills

Mr William Wragg

## **Report consideration**

Draft Report (*Commons Scrutiny of Secretaries of State in the House of Lords*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 49 read and agreed to.

A Paper was appended to the Report.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available (Standing Order No. 134).

## **Adjournment**

Adjourned till Monday 29 January.

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Monday 18 December 2023

**Lucy Powell MP**, Shadow Leader of the House of Commons

[Q1–22](#)

**Alex Burghart MP**, Parliamentary Secretary for the Cabinet Office; **Rt Hon Penny Mordaunt MP**, Lord President of the Council and Leader of the House of Commons [Q23–47](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committees website.

CSL numbers are generated by the evidence processing system so may not be complete.

- 1 Sarah Champion MP ([CSL0001](#))
- 2 Caroline Lucas MP ([CSL0002](#))
- 3 Dylan Hibbert, BSc ([CSL0003](#))
- 4 Organise ([CSL0004](#))
- 5 Hansard Society ([CSL0005](#))
- 6 Institute for Government ([CSL0006](#))
- 7 Alicia Kearns MP ([CSL0007](#))
- 8 Martin Docherty-Hughes MP ([CSL0008](#))



## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the publications page of the Committee's website.

### Session 2022–23

Number	Title	Reference
1st Report	Proxy voting and the presence of babies in the Chamber and Westminster Hall	HC 383
2nd Report	Written parliamentary questions: Departmental performance in Session 2021–22	HC 385
3rd Report	Proxy voting: Review of illness and injury pilot	HC 807
4th Report	Correcting the record	HC 521
1st Special Report	Proxy voting and the presence of babies in the Chamber and Westminster Hall: Government Response to the Committee's First Report	HC 691
2nd Special Report	Written parliamentary questions: Departmental performance in Session 2021–22: Government Response to the Committee's Second Report	HC 806
3rd Special Report	Proxy voting: Review of illness and injury pilot: Government Response to the Committee's Third Report	HC 1325

### Session 2021–22

Number	Title	Reference
1st Report	Written parliamentary questions: Departmental performance in Session 2019–21	HC 532

### Session 2019–21

Number	Title	Reference
1st Report	Procedure under coronavirus restrictions: proposals for remote participation - First Report of Session 2019–21	HC 300
2nd Report	Procedure under coronavirus restrictions: remote voting in divisions	HC 335
3rd Report	Procedure under coronavirus restrictions: the Government's proposal to discontinue remote participation	HC 392
4th Report	Proxy voting: review of pilot arrangements	HC 10

<b>Number</b>	<b>Title</b>	<b>Reference</b>
5th Report	Written Parliamentary questions: Departmental performance in the 2017 Parliament	HC 790
6th Report	Procedure under coronavirus restrictions: virtual participation in debate	HC 905
7th Report	Procedure under coronavirus restrictions: call lists and time limits on speeches in debates	HC 1031
8th Report	Back to the future? Procedure after coronavirus restrictions	HC 1282
1st Special Report	Procedure under coronavirus restrictions: the Government's proposal for proxy voting for shielding Members	HC 429
2nd Special Report	Procedure under coronavirus restrictions: Government Responses to the Committee's First, Second and Third Reports	HC 565
3rd Special Report	Proxy voting: review of pilot arrangements: Government Response to the Committee's Fourth Report of Session 2019–21	HC 836
4th Special Report	Procedure under coronavirus restrictions: Government Responses to the Committee's Sixth and Seventh Reports	HC 1165
5th Special Report	Back to the future? Procedure after coronavirus restrictions: Government Response to the Committee's Eighth Report	HC 1389