



House of Commons
Procedure Committee

Procedure under coronavirus restrictions: Government Responses to the Committee's Sixth and Seventh Reports

**Fourth Special Report of Session
2019–21**

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

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Procedure Committee

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Fourth Special Report of Session 2019–21

The Procedure Committee published its Sixth Report of Session 2019–21, [Procedure under coronavirus restrictions: virtual participation in debate](#) (HC 905), on 18 November 2020. The Committee also published its Seventh Report, [Procedure under coronavirus restrictions: call lists and time limits on speeches in debates](#) (HC 1031) on 7 December 2020. The Government response for both reports was received on 18 January 2021 and is appended below.

Appendix 1: Government Response to the Sixth Report of Session 2019–21

The Government’s proposal to reintroduce virtual participation in debate (Conclusions 1–2)

The Government has been clear that it has kept the approach to the effects of the pandemic on the work of Parliament under review and, where necessary, responded as the situation changes. Alongside this, it has remained the Government’s firm view that Parliament best serves the UK public when MPs are present in Westminster to the fullest extent possible, carrying out their essential functions. At a time when the nation is dealing with the widespread impacts of coronavirus, this work could not be more important.

Since last March, the House Authorities have made every effort to ensure that the physical proceedings in operation are in line with Public Health England guidance and safe for Members and the staff of the House. Significant mitigating actions have also been taken to allow Members to take part in some aspects of proceedings virtually, including a wide-scale roll-out of proxy voting and remote participation in scrutiny proceedings, including select committees.

In addition to these measures, on 18 November 2020 the Government tabled a motion to enable those MPs who were clinically extremely vulnerable to contribute virtually in Chamber debates. We are grateful for the support for this decision expressed in the Committee’s report.

This action was taken following representations from a number of Members, and reflected the specific Government advice at that time that people who were clinically extremely vulnerable should not travel to go to work. Subsequent to the publication of the Committee’s Sixth Report on this matter, the motion was the subject of two hours of debate on 24 November. It is unfortunate that the motion was talked out so that the House did not make a decision.

When, in response to the higher transmission rates of the new variant of covid-19, it became necessary to introduce Tier 4 regulations in London on 19 December, the Government acted swiftly. On 21 December the Leader of the House of Commons wrote to the Chair of the Procedure Committee stating that the Government would table a motion to extend remote participation to substantive proceedings in the Chamber to all Members when the House next sat; this was then the first item of main business when the House was recalled on 30 December 2020.

The current arrangement allowing remote participation to all Members, with no eligibility criteria, is in place until 30 March 2021.

Facilitating virtual participation in debate (Conclusions and recommendations 3–9)

We recommend that the Speaker, in consultation with the House Service, arrange for the phased introduction of mixed virtual and physical participation in debate, proceeding initially on the basis of minimum viability. Arrangements to include Members participating virtually on call lists for debates on motions and on legislation should be determined by the Speaker, in consultation with his Deputies, to achieve the most appropriate balance between virtual and physical participation in each debate, taking into account the development of the operating model. (Paragraph 35)

We recommend that the House Service and the audio-visual team proceed with development of the proposed arrangements to facilitate interventions and points of order in respect of virtual contributions: we look forward to discussing how such arrangements might best be implemented. (Paragraph 39)

We therefore do not recommend the immediate extension of virtual participation to Westminster Hall debates. (Paragraph 45)

We recommend that, as soon as resources allow, the House Service undertake scoping work to ascertain the additional resource and expenditure required to support concurrent virtual participation in proceedings in the Chamber and in Westminster Hall. (Paragraph 48)

These recommendations are primarily for the House. The Government has worked closely with the House authorities on Parliament’s response throughout the pandemic and we are grateful to Mr Speaker and to House staff for their many and continuing efforts to deliver innovative solutions to an unprecedented and challenging situation.

The Government’s approach to the effects of the pandemic on the work of Parliament has been to keep measures under review and, where necessary, respond as the situation has changed whilst also maintaining the physical operation of the Commons to the fullest extent possible. Since the Committee published its report on 18 November 2020, the fast-moving nature of the pandemic has resulted in further change in how business is conducted and the hybrid virtual and physical participation in debate in the Chamber that the Committee recommends is now in place for all Members.

This change was prompted by the introduction on 19 December of Tier 4 restrictions for London in response to significantly higher transmission rates being seen as a result of the new covid-19 variant. In light of new evidence on infection rates, on 21 December, the Leader of the House of Commons wrote to the Chairman of the Procedure Committee stating that the Government would table a motion to extend remote participation to substantive proceedings in the Chamber to all Members when the House next sat. This motion was the first item of main business when the House was recalled on 30 December. Virtual points of order without notice and virtual interventions were not included in this new operating model, though points of order can now be made virtually with notice with the agreement of the Speaker.

Westminster Hall

In December, the Government also reviewed debates in Westminster Hall and other aspects of proceedings. However, the advice from the House authorities was clear that virtual participation in Westminster Hall and General Committees could not be delivered on the same timetable as in the main Chamber, and the physical operation of Westminster Hall in Tier 4 conditions alone would place a considerable strain on House Service staff. We therefore welcome the Committee's recommendation that virtual participation in Westminster Hall should not be an immediate priority.

In these challenging circumstances, there will inevitably be difficult decisions to be made on how the House manages its finite resources and how we maintain resilient capacity to service the House's core functions. The Government is acutely aware that the pressures of implementing each procedural and operational change falls on a relatively small group of highly skilled and capable House staff, and we will continue to review arrangements with them.

On 11 January the Leader of the House wrote to the chair of the Procedure Committee to explain that, in light of representations from across the House expressing concerns about their continuation, he had tabled motions to suspend sittings in Westminster Hall and sitting Fridays for the foreseeable future. These motions were agreed by the House on 13 January.

Eligibility for virtual participation in debate (Conclusions and recommendations 10–16)

We therefore recommend that the criteria for eligibility for virtual participation in all House proceedings be made uniform at the earliest opportunity. (Paragraph 58)

Should the Government not be prepared to put our general recommendation in paragraph 58 above to the House, we alternatively recommend that a Member having received notification to self-isolate should also be permitted to contribute virtually to all House proceedings during their period of self-isolation. (Paragraph 59)

A Member's self-certification for any form of virtual participation on any sitting day ought to preclude attendance on the Estate that day. Attendance in the House when the dispensation is active flies in the face of the undertaking formally given to the Speaker when self-certifying. We again encourage all colleagues participating in self-certifying arrangements to familiarise themselves thoroughly with the obligations entailed in self-certification. (Paragraph 60)

As noted above, since the Committee published its report the conduct of business in the House has changed: a very significant increase in covid-19 transmission led the Government to bring forward a motion to allow virtual participation in debates for all Members with no eligibility requirement. The Leader of the House of Commons informed the Committee of this intention on 21 December, following the introduction of Tier 4 restrictions in London on 19 December; the motion was agreed at the next sitting of the House, on 30 December.

Looking back to the period of the November Lockdown to which these recommendations relate, the Government's position was, as it has been throughout the pandemic, to keep

measures under review whilst maintaining the physical operation of Parliament to the fullest extent possible. It is the Government's strong view that Parliament best serves the UK public when MPs are present in Westminster, carrying out their essential functions, and that whilst a degree of virtual participation can work well—particularly in scrutiny proceedings (oral questions, urgent questions and statements)—when extended with no limit, virtual participation inevitably erodes the nature and quality of debate.

The November lockdown restrictions in England included government advice that those who were clinically extremely vulnerable should stay at home and not travel in order to go to work. In light of this, and following representations from a number of Members, the Government considered it right that MPs who were themselves clinically extremely vulnerable should be able to participate virtually in Chamber debates. The Government considered that others should not be included in this category as the guidance only related to those who were clinically extremely vulnerable and it was important that MPs were not judged to be receiving special treatment. The Government's motion to enable remote participation was tabled three times, and on 24 November was the subject of two hours of debate. It is unfortunate that the Government's motion was talked out so that the House did not make a decision; as a consequence clinically extremely vulnerable Members were prevented from taking part in debates at that stage.

The Government notes the Committee's recommendation with regards to extending virtual participation for those who have received notification to self-isolate (paragraph 58). Should we return to a system of limited virtual participation, the Government will keep this under review.

The Government agrees with the Committee's conclusion (paragraph 60) that “a Member's self-certification for any form of virtual participation on any sitting day ought to preclude attendance on the Estate that day”. Virtual participation is intended for Members who cannot attend Parliament for reasons of the pandemic.

Review (paragraphs 62 and 63)

We recommend that the operation of the system supporting mixed virtual and physical participation in debates be reviewed by the Speaker not later than the week of 14 December, and that the Speaker should subsequently communicate his findings to the House. (Paragraph 62)

We further recommend that the Leader should make time available, as soon as possible after the House returns from the Christmas and New Year adjournment, for a debate on the arrangements for virtual participation, to arise on a substantive motion. This would give the House the opportunity to confirm or amend the arrangements as appropriate. The motion should self-evidently be treated as House business. (Paragraph 63)

The recommendation at paragraph 62 is a matter for Mr Speaker. The Government continues to work closely with the House on the impacts of the pandemic on Parliament, and commends the House service and broadcasters for their work to keep Parliament operating safely in challenging circumstances over many months.

Since the recommendation at paragraph 63 was published, the situation has changed. The motion to extend remote participation to substantive proceedings in the Chamber was agreed to on 30 December 2020 and this measure, together with those relating to proxy voting and participation in interrogative proceedings remain in place until 30 March 2021. The Government will continue to keep these measures under review and where necessary, in the event of further changes or fresh issues, take action.

Appendix 2: Government Response to the Seventh Report of Session 2019–21

Debate in the House under coronavirus restrictions (Conclusions and recommendations 1)

The Government is clear that changes to procedures should only ever be taken forward once potential consequences have been fully thought through, where there is substantial support for change from across the House and where change is in the interests of enabling MPs to do a more effective job. The changes made during the pandemic have been necessitated by the current circumstances but this should not be used as an opportunity to make long term changes to our proceedings. The Government would welcome the views of the Committee following its general review of the House's practices in the light of recent experience.

Call lists and their operation (Conclusions and recommendations 2–11)

To aid general understanding of the call list system, we recommend that a short note be included at the head of each list published in the daily call list paper, indicating the type of list it is and the basis on which it has been prepared. (Paragraph 37)

We recommend that the Speaker's Office examine how best to ensure that call lists for debate are published as early as possible following the closure of the list to applications. (Paragraph 38)

We recommend that the Government bring forward a motion for a Business of the House order to govern the conduct of a resumed debate on the question proposed on 24 November. The motion should provide for the selection of at least one amendment to the main question, and for the questions on any selected amendments, and then the main question, to be put at a predictable hour. (Paragraph 57)

The recommendations relating to call lists (paragraphs 37 and 38) are a matter for Mr Speaker.

With regards to the recommendation at paragraph 57, on 24 November 2020, the Government tabled a motion to enable those Members who were clinically extremely vulnerable to contribute virtually in Chamber debates. This action was taken following representations from a number of Members, and reflected the specific Government advice at that time that people who were clinically extremely vulnerable should not travel to go to work. It was unfortunate that this was talked out so the House did not make a decision.

The Government's response to the Committee's sixth report sets out why, at that time, the Government considered that it was not appropriate to extend eligibility for virtual participation in debates beyond those Members who were clinically extremely vulnerable.

The situation has changed since the debate of 24 November. In response to higher transmission rates of the new variant of covid-19, it became necessary to introduce Tier 4 regulations in London on 19 December. Acting swiftly, on 21 December, the Leader of the House of Commons wrote to the chair of the Procedure Committee stating that

the Government would table a motion to extend remote participation to substantive proceedings in the Chamber to all Members when the House next sat. This motion was then the first item of main business when the House was recalled on 30 December 2020. The measure is now in place until 30 March 2021.

On 11 January in light of representations from across the House expressing concerns about their continuation, the Leader of the House tabled “nod or nothing” motions to suspend sittings in Westminster Hall and sitting Fridays for the foreseeable future. Manuscript amendments were selected so these motions could not be proceeded with. The following day the Leader tabled a Business of the House motion to govern a debate of up to one hour on the motions and the selected amendments. Following the debate the amendments were withdrawn and the motions were agreed by the House.

Time limits on speeches in debate (Conclusions and recommendations 12–16)

We encourage Ministers and other frontbench speakers to have regard to the length of published call lists for debates when preparing for their opening and closing remarks, and to tailor those remarks as appropriate to enable the Chair to call as many backbench colleagues as possible. (Paragraph 83)

We recommend that, for the duration of the present restrictions on the use of the Chamber, Standing Order No. 47 be modified in its effect so as to provide that no ‘injury time’ be added to backbench speeches where a time limit of five minutes or fewer has been announced from the Chair. (Paragraph 100)

We recommend that the House consider whether it wishes to put into effect the proposals made by the Chairman of Ways and Means. We further recommend that the Leader facilitate this by bringing forward a motion for a modification to Standing Order No. 47(1) at the earliest opportunity. In providing for the debate, the Leader should allow for the possibility that Members may wish to table amendments for consideration and decision by the House. (Paragraph 105)

Speech lengths and call lists during debates are a matter for the Speaker and Deputy Speakers but it is important that ministers have a proper opportunity to set out the Government’s case and to respond to arguments made in the course of a debate. The same applies to other frontbench speakers. Regarding the proposal for no ‘injury time’ to be added to speeches with a time limit of five minutes or fewer, the Government is concerned about the impact this could have on the flow of debates and Members’ willingness to accept interventions. The Leader of the House has met the Chairman of Ways and Means and Mr Speaker to discuss this matter further. It is not the Government’s intention to bring forward a change immediately.

Changes in the use of Chamber galleries (Conclusions and recommendations 17–19)

We recommend that the practice of the House whereby Members may not speak from the undergalleries be modified to allow them to address the Chamber from these seats, for the duration of the present restrictions on the use of the Chamber. As with all such modifications, it ought to cease once the restrictions are lifted, without prejudice to eventual reinstatement following an overall review. (Paragraph 110)

We appreciate the work undertaken by the House Service and the broadcasters to scope and prepare for a potential increase in the capacity of the Chamber for scrutiny proceedings. We do not think that the likely use of this additional capacity will justify the additional work required. In our view such resources are better used in improving facilities for virtual participation in the Chamber, as we recommend above. (Paragraph 114)

We nevertheless recommend that Members be facilitated to use the side galleries to observe proceedings in the House where they cannot be accommodated in the body of the Chamber or in the undergalleries. (Paragraph 115)

These conclusions and recommendations are a matter for the House. The Government welcomes the constructive engagement with House authorities who have made every effort to ensure that the proceedings in operation are in line with Public Health England guidance and safe for Members and the staff of the House

Debates in Westminster Hall (Conclusions and recommendations 20–23)

We consider that during Westminster Hall sittings under pandemic conditions it would be reasonable to give the Chair discretion to amend the order in which speakers are called to take account of withdrawals from the call list. (Paragraph 126)

There is no evidence at present that the interaction between the use of call lists and the imposition of time limits in Westminster Hall debates is causing the same difficulties for the Chair as in the Chamber. We therefore do not recommend that the modifications to Standing Order No. 47 which we recommend in respect of the main Chamber be applied to proceedings in Westminster Hall. (Paragraph 128)

On 11 January the Leader of the House wrote to the Chair of the Procedure Committee to explain that, in light of representations from across the House expressing concerns about their continuation, he had tabled motions to suspend sittings in Westminster Hall and sitting Fridays for the foreseeable future.

The recommendation relating to discretion to vary the order of speakers in Westminster Hall in light of withdrawals (paragraph 126) is a matter for the Chairman of Ways and Means, in consultation with Mr Speaker and the Panel of Chairs, and we note that this discretion was granted from Monday 7 October.

Speech lengths and call lists during debates (paragraph 128) are a matter for the Speaker and Deputy Speakers. As mentioned above, the Government is concerned about the impact on the flow of debates and Members' willingness to accept interventions if injury time were not applied to speeches with a time limit of five minutes or fewer.