

HOUSE OF LORDS

Procedure and Privileges Committee

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7th Report of Session 2019–21

**Private Members' Bills  
ballots**

**Extending Secretary of  
State's questions**

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# Seventh report

## Introduction

1. This report covers two issues discussed at the Procedure and Privileges Committee's meeting on 2 March 2021 which we put to the House for agreement. The issues are the ballot for Private Members' Bills at the beginning of a session and the extension of the existing system for oral questions to Secretaries of State to facilitate an equivalent process for questions to Lord Frost in respect of his role as Cabinet Minister.

## Private Members' Bills ballots

2. The Companion to the Standing Orders sets out the ballot procedure, which determines the order in which Private Members' Bills (PMBs) will be introduced in a session (see Companion 8.13). The ballot is conducted by the Public Bill Office (PBO) on the next working day following State Opening day. The ballot was introduced in the 2015–16 Parliament and has been held four times since.
3. On each occasion, the number of entrants in the ballot has grown, from 44 in the first ballot to 84 in December 2019. It is expected that, if nothing changes, the number of entrants will continue to rise in the coming years as previous bills are re-entered and new bills are entered for the first time, whilst very few reach the statute book.
4. For each PMB, significant effort is expended in the weeks before State Opening in drafting and publishing bills, including some of significant length and complexity, that place low in the ballot and are unlikely to go to or beyond second reading. Resources will be better spent first on a smaller number of bills which have more chance of progressing.
5. **We therefore recommend that**
  - (a) **the ballot should be held two working days after State Opening, rather than the next day as at present;**
  - (b) **members should be required to submit a long and short title by 4pm on the previous working day (i.e. the day after State Opening), but not a full text. Ballot entries may be submitted in advance of State Opening;**
  - (c) **a cap of 25 balloted bills should be drawn (slightly fewer than the number of Lords PMBs which received second reading in 2017–19 (31) but many more than the number which passed committee stage (13));**
  - (d) **introduction of these 25 ballot bills should take place on the basis of 2 bills per day (down from 5, the present practice) starting a week after the ballot (rather than the second sitting day as before, giving members longer to make arrangements);**
  - (e) **ballot bills and any Explanatory Notes would be published in order of introduction but subject to readiness (so a bill not ready**

**will not unreasonably delay publication of bills which are) and not necessarily straight after introduction;**

- (f) **the House should follow the Commons in allowing a ballot bill to be published with a long title which turns out to be wider than the scope of the bill, but not vice versa; and**
  - (g) **other PMBs would be prepared for introduction on a first come-first served basis, with a “queue” opening at 10am the working day after the last ballot bill is published (or not proceeded with), and would be introduced when ready for publication.**
6. The following aspects of the procedure would not change. A member who wishes to enter the ballot should discuss the draft with the Legislation Office well before the day of State Opening. A member may enter only one bill into the ballot, and a member may not submit for entry to the ballot a bill of identical or substantially similar effect to a bill already entered for the ballot. A member may use a first reading “slot” determined by the ballot to introduce only the bill entered into the ballot. The “slot” may not be handed to another member.
7. We also remind members that, when introducing a PMB, they may only read out the exact text of the agreed long title and may not depart from it.

#### **Extending Secretary of State’s questions**

8. In December 2009, the House initiated a system for Secretaries of State sitting in the House of Lords to be subject to regular oral questions slots in the House answering questions addressed to them in their ministerial capacity.<sup>1</sup> This process was for three dedicated oral questions to be taken on one Thursday each month, taking place immediately after oral questions and lasting for up to 20 minutes. Such questions are drawn on the basis of a ballot. The process, described in paragraphs 6.25 and 6.35 of the Companion to the Standing Orders, was made permanent in November 2011.<sup>2</sup>
9. The process was devised following the appointments of Lord Mandelson and Lord Adonis as Secretaries of State, respectively for Business, Innovation and Skills and for Transport, in June 2009. It was revived following Baroness Morgan of Cotes’ introduction to the House in January 2020 while Secretary of State for Digital, Culture, Media and Sport.
10. On 1 March 2021, Lord Frost took up his appointment as Minister of State for the Cabinet Office, in which capacity he is a full member of the Cabinet. The Procedure and Privileges Committee discussed this position on 2 March and agreed, on the basis of a proposal by the Government Chief Whip, that the existing procedure for Secretaries of State should be extended to departmental Ministers who are full members of the Cabinet when they sit in the House of Lords. This would allow the House a regular opportunity to question Lord Frost on his areas of direct ministerial responsibility. Subject to the House’s agreement of this report it is intended that the first such opportunity will fall on Thursday 25 March.

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1 Procedure Committee, *Oral questions to Secretaries of State; Committee for Privileges and Standing Order 78; Personal Bills Committee* (1st Report, Session 2009–10, HL Paper 13)

2 Procedure Committee, *Proposals arising from the Report of the Leader’s Group on Working Practices* (8th Report, Session 2010–12, HL Paper 213)

11. **We recommend that the existing procedure for questions to secretaries of state sitting in the Lords be extended to encompass departmental ministers sitting in the House of Lords who are full members of the Cabinet. The arrangements for balloting and asking questions would be identical to those in the existing procedure for questions to Secretaries of State.** During hybrid proceedings, the length of the questions will be kept in line with those of oral questions, meaning that three questions of up to ten minutes' each will be allotted 30 rather than 20 minutes. That change will be covered in Guidance issued by this Committee.

