



**PROCEDURE AND PRIVILEGES COMMITTEE**

**Minutes of the meeting held via Microsoft Teams  
on Thursday 22 April 2021**

[Items highlighted will be redacted before publication of the Minutes]

**Present:**

Lord Ashton of Hyde	Lord Bew
Baroness Browning	Baroness Evans of Bowes Park
Lord Faulkner of Worcester	Lord Geddes
Baroness Goudie	Baroness Harris of Richmond
Lord Judge	Lord McAvoy
Lord McFall of Alcluith (Chair)	Baroness McIntosh of Hudnall
Lord Newby	Baroness Quin
Baroness Smith of Basildon	Lord Stoneham of Droxford
Baroness Thomas of Winchester	Viscount Ullswater

with the Clerk of the Parliaments.

Apologies were received from Lord Fowler and Lord Mancroft.

The Chair thanked members for their flexibility in accommodating two changes of meeting date, and for having agreed by correspondence to a proposal (PC/19-21/63) to hold a ballot for oral questions at State Opening in view of ongoing restrictions associated with the COVID-19 Pandemic.

**I. Hereditary peer by-elections**

The Committee considered a paper (PC/19-21/62) and associated draft 8<sup>th</sup> report on the resumption of hereditary peer by-elections, following its agreement in principle on at the previous meeting on 2 March that they should be resumed.

The Committee **agreed** to hold the by-elections electronically, as had been the case for the Lord Speakership election. The Committee **agreed** that there would be no need to provide party or group scrutineers with access to the count and that it could be done entirely electronically. The Committee considered the advantages and disadvantages of combining one or more of the vacancies into a single ballot or holding multiple ballots simultaneously. After discussion, the Committee **agreed** that the ballots for the four existing vacancies should be held separately. This decision was on the basis that the outstanding by-elections could be completed by the summer recess. The two “whole House” by-elections should also be held separately to facilitate the Carter convention that a vacancy is filled by a new member with the same affiliation as the member who created the vacancy. But any further vacancies from the same party or group as one of the existing four ballots would be added to that ballot because this would not present the same risk of confusion. The Committee



asked the clerks to consider ways to make it as explicit as possible in the notice to those who might wish to stand in the whole House by-elections that the successful candidate would be expected to sit on the same benches as the member who created the vacancy.

The Committee **agreed** the draft 8<sup>th</sup> report, which would be published for the information of the House, with the result that the suspension of Standing Order 10 (6) would lapse on publication of the report with the three months' clock to fill the vacancies starting to tick again from that point.

## 2. SLSC terms of reference update

The Committee considered a paper (PPC/19-21/64) on the terms of reference for the Secondary Legislation Scrutiny Committee, and **agreed** that the terms of reference should be updated when the Committee is reappointed in the new session to allow it to report on drafts of statutory instruments published under paragraph 14 of Schedule 8 to the EU (Withdrawal) Act 2018, reflecting agreements reached between the SLSC and the Government.

## 3. Any Other Business

Baroness Quin raised the question of whether the four members who gave up their oral questions on Monday 12 April, following the death of HRH the Duke of Edinburgh on 9 April, could be offered alternative ways to have their questions taken on the floor of the House without having to re-enter the ballot. Lord Ashton of Hyde reported that he had discussed the issue with others of four members in this position and that although he had sympathy, the position was analogous to members who lost their questions on days which fell because of recesses or prorogation. Baroness Smith of Basildon highlighted the difficulty which other members face in this sort of situation when recess dates are not announced at least four weeks in advance, causing disappointment when the questions do not materialise. Members discussed the advantages and disadvantages of considering these sorts of questions in faster time, with some suggesting that the Committee should be more prepared either to have short meetings or do more on email, and others suggesting that more regular meetings and fewer decisions sought on email would be a better balance.

Baroness Thomas of Winchester asked what progress had been made in arranging a rehearsal of the prospective system for interventions which had been considered at the 2 March meeting. In discussion it was noted that this remained on the Committee's forward agenda, but it was also suggested that the rehearsal and prospective system ought not to remain a priority if the House was likely to move in the short term back to more physical proceedings. The Committee would consider the wider questions about this again early in the new session.



The Chair noted that this would be his last meeting as Chair, following his election as Lord Speaker, and thanked the Committee for their support throughout his tenure as Senior Deputy Speaker.