

GUIDANCE ON VIRTUAL PROCEEDINGS FROM THE PROCEDURE COMMITTEE: ISSUE 1, 16 APRIL 2020

Guidance on Virtual Proceedings

Introduction

1. The Procedure Committee has drawn up this guidance to support the Business of the House motion to be moved by the Leader of the House on Tuesday 21 April. It has been agreed by the Committee after a virtual meeting held on 16 April where we considered a letter from the Leader of the House [see Appendix A]

2. The text of the Business of the House Motion is as follows:

†Business of the House (Virtual Proceedings and Topical Questions for Written Answer) The Lord Privy Seal (Baroness Evans of Bowes Park) to move that, until further Order–

1. The following proceedings of the House may take place as Virtual Proceedings: Oral Questions, Private Notice Questions, Ministerial Statements, debates (but not decisions) on Statutory Instruments, Questions for Short Debate and motions for debate;

2. The procedure in Virtual Proceedings shall follow, so far as practical, procedure in the House save that–

(a) no member may participate unless admitted to the Virtual Proceedings,

(b) the order of speaking in Virtual Proceedings shall be determined by the Chair,

(c) the time allotted for Oral Questions shall be extended to 40 minutes to allow 10 minutes for each Oral Question;

(d) the time allotted to business in Virtual Proceedings may be varied by unanimous agreement of members taking part in the Virtual Proceedings, and

(e) Virtual Proceedings may be adjourned between items or classes of business at the discretion of the Chair.

3. A Virtual Proceeding may take place irrespective of whether the House is sitting that day;

4. A member may table one Topical Question for Written Answer in each week during which the House sits, and it is expected that it will be answered within five working days;

5. The provisions of this Order shall be applied in accordance with guidance issued under the authority of the Procedure Committee from time to time, which may vary the provisions of the Companion to the Standing Orders insofar as they apply to Virtual Proceedings.

3. Paragraph 5 of the Business of the House motion makes provision for this Committee to support virtual proceedings by issuing guidance to vary the

provisions of the Companion. If the Business of the House motion is agreed to, this Guidance will provide the guide to Virtual Proceedings and have the same authority as the Companion to the Standing Orders.

Stage 1 and 2 of virtual proceedings

4. The Committee notes that designing Virtual Proceedings is a huge task both in terms of technology and procedure. In order to facilitate scrutiny as soon as possible it has been agreed that at first the virtual proceedings will operate with limited functionality using the Microsoft Teams application. There will be no live broadcast of virtual proceedings in this first stage although there will be a Hansard record.¹
5. It is hoped that from 5 May the House will be able to move to live broadcast of proceedings and more sophisticated technology. Before stage 2 is rolled out the Procedure Committee will consider whether the guidance in this document needs to be varied, for example to allow more types of business to be taken in virtual proceedings.

Status of virtual proceedings

6. A Virtual Proceeding is not a sitting of the House. There is no Mace present and the Virtual Proceeding will not be empowered to make decisions. Virtual Proceedings can debate and scrutinise an issue but when a decision is needed that must be taken by the House. It is intended that formal sittings of the House will be infrequent and will not involve many members.

Chairing virtual proceedings

7. Each virtual proceeding will be Chaired by the Lord Speaker or one of his Deputies. The Chair will begin each proceeding with a short statement explaining how proceedings will work and any announcements such as retirements. The Chair will be able to intervene in proceedings at any time to ensure the procedures of the House and the guidance in this note are being adhered to. All virtual proceedings will be governed by a Speakers List and the chair will call each speaker by name.

Attendance at Virtual Proceedings

8. Members may only participate in Virtual Proceedings remotely via Microsoft Teams. Members may not participate in Virtual Proceedings from the Chamber. Members are strongly encouraged to participate from home and adhere to the advice from Public Health England.

Admitting Members to Virtual Proceedings

9. Admission to Virtual Proceedings will be via a link to a Microsoft Teams meeting sent direct to those members who have signed up to speak via the Speakers List for that Proceeding. All interventions for all Virtual Proceedings will be governed by a Speakers List and once that List has been agreed a link to the Proceeding will be sent to each participant's parliamentary email account only. Members will not be able to participate without a parliamentary account. Any members without access to their parliamentary email account are strongly encouraged to contact the Parliamentary Digital Service as soon

¹ Although there will be no broadcast there will be an audio file which could be released and will be subject to Freedom of Information legislation.

as possible. Training will be available for those who wish to take part in Virtual Proceedings.

10. The Government Whips Office will organise Speakers Lists and will issue specific guidance about the deadlines for individual items of business to be taken in Virtual Proceedings. In general the following timings will apply:
 - (a) Speakers Lists for Oral Questions will close at 1pm on Monday for questions to be asked on Tuesday and 11am on Tuesday and Wednesday for questions to be asked on Wednesday and Thursday;
 - (b) Speakers Lists for statements and PNQs will close at 5pm the day before;
 - (c) Speakers Lists for Thursday debates will close at 11am the day before.
11. Members who are not on the Speakers List but want to watch proceedings without participating can be admitted to watch via Microsoft Teams. A link to each virtual proceedings will be sent to all members.

Quorum

12. The quorum for a Virtual Proceeding is 3 members (including the Chair) participating via Microsoft Teams. To count towards the quorum a member must be on the Speakers List or must be in the Chair. Members who are not signed up to speak will not be recorded as having attended.

General rules of debate

13. Notwithstanding the usual rules of procedure, in Virtual Proceedings:
 - No members may intervene on other speakers (*Companion 4.29*)
 - No backbench members should seek to draw attention to breaches of order or customs (*Companion 4.01*)
 - No members may speak in the gap (*Companion 4.26*)
14. For the sake of completeness it is also worth noting that:
 - Members have the permission of the House to speak from a seated position (SO 26, *Companion 4.14*)
 - Lords Spiritual may participate without wearing robes (*Companion 4.15*)
15. Speakers should still:
 - Address the Virtual Proceeding in general rather than a particular individual member, referring to others in the third person rather than as “you” (*Companion 4.18*).
 - Observe the same courtesies as when speaking in the House, including using the normal appellations, not using props or exhibits, and observing the normal standards of dress.
 - Observe speaking times (*Companion 4.36, 6.51 and 6.67*).
 - Observe the rules on attendance at debate (*Companion 4.32-4.34*) and listen to the start, end and greater part of the debate, including the

opening speeches, the speeches before and after their own, and the winding up speeches.

- Declare their interests as in the Chamber, recalling that declarations may be briefer when time is tight (*Guide to the Code of Conduct*, paragraph 90ff).

Prayers

16. Prayers will take place at the start of each day's Virtual Proceeding.

Oral Questions

17. Oral Questions will take place after Prayers. The time for Oral Questions will be extended to 40 minutes to allow 10 minutes for each Question and supplementaries. Backbench or frontbench Members who want to ask a supplementary question must sign up to do so in advance (via the Government Whips Office). Each Member can sign up for only one supplementary question each day to allow maximum participation.
18. Oral question slots will continue to be allocated by the Table Office by a ballot. One ballot for normal oral questions is open at a time, with the ballots being conducted at 1pm on the day four weeks in advance of the day the question will be asked. Once the ballot is drawn, the ballot for the next set of oral questions opens. Topical oral questions will be allocated by ballot as usual.²

Private Notice Questions

19. Private Notice Questions (PNQs) may be taken in Virtual Proceedings at the discretion of the Lord Speaker. Members can continue to submit PNQs to the Lord Speaker with the following revised timings:
 - (a) The deadline for PNQ submissions is 2pm the day before a PNQ is taken;
 - (b) A decision is taken by 3pm on whether the PNQ should be taken the following day, all members will be emailed about the decision and a Speakers List is opened;
 - (c) No PNQs can be submitted on Thursdays or Fridays because the next sitting is not until Tuesday;
 - (d) The Speakers List is closed at 5pm the day before the PNQ is taken.

Oral Statements

20. Repetition of Oral Statements will continue to be a matter for agreement on a case by case basis within the Usual Channels. The Usual Channels may decide that the Oral Statement itself does not need to be repeated by the Minister but instead can be taken as read especially if the statement is being repeated some time after it was made in the House of Commons. If the Usual Channels agree a statement should be repeated, it will be taken the following sitting day. As soon as a decision on a statement is made by

² Topical oral question ballots open at 3pm on Wednesdays and drawn at 1pm on Fridays for the question the next Tuesdays, at 3pm on Thursdays and drawn at 1pm on Mondays for the question the next Wednesday, and at 3pm on Fridays and drawn at 1pm on Tuesdays for the question on the next Thursday.

the Usual Channels all members will receive an email with the timing of the statement and a deadline for signing up to ask a question on the statement. It is expected that the deadline for signing-up to speak will be 5pm the day before the proceeding on the statement.

21. Once the deadline has passed each party/group will order their speakers following the normal pattern or rotating interventions. Non-affiliated peers and Bishops will be allocated 1 question across each Oral Statement session. The Government Whips Office will publish as part of Today's List the order in which members will participate. The allocation of time for the Oral Statement remains as if it were taking place in the Chamber and it will be for the Chair to call the next Member on the list.
22. Urgent Questions from the House of Commons may be repeated the following day. The process for signing-up to ask a supplementary question will be as above.

Debates

23. It is expected that Thursday debates and Questions for Short Debate will be taken in Virtual Proceedings. Members will need to sign up 24 hours in advance in the usual way. Members will not be able to speak in the gap.

Privilege

24. Although Virtual Proceedings will not be sittings of the House itself, they will be proceedings in Parliament operating under a resolution of the House, just like a Grand Committee or select committee. This is reflected in the wording of the Business of the House motion. It means that Virtual Proceedings, and the members taking part, will attract all the usual protections of parliamentary privilege.

Broadcasting

25. Virtual Proceedings will not be broadcast in Stage 1. Hansard will report Virtual Proceedings. Broadcasting of formal Chamber proceedings will be unaffected.

Topical QWAs

26. In addition to the standard allocation of Questions for Written Answer (up to a maximum of 6 per day and 12 per sitting week), members may ask one Topical Question for Written Answer per week, and it is expected that it will be answered within five working days. Topical QWAs will be subject to the same topicality test as topical oral questions:

“The Clerks discourage members from tabling questions which are clearly not topical. In so doing, account will be taken of the level of recent news coverage, including relevant and influential online sites and mainstream regional publications” (*Companion* 6.35, as amended by the Procedure Committee's 4th Report of 2017–19).

The Table Office can advise.

Review of the Guidance for Virtual Proceedings

27. We will keep this Guidance under review in light of Virtual Proceedings and wider developments, and will publish further Guidance when necessary.

APPENDIX A: LETTER FROM THE LEADER OF THE HOUSE TO THE CHAIRMAN OF THE PROCEDURE COMMITTEE

15th April 2020

Our Ref: LHoL/Peer/084

Dear Lord McFall

The Chief Whip and I have been discussing with the other Leaders, Convenor, Speaker, Deputy Speaker and House Authorities how the House returns on 21 April in a virtual way during the coronavirus crisis.

To allow some of our proceedings to take place virtually there will need to be a Business of the House motion on 21 April before any other business is taken. The text of this motion will be circulated by the Clerks, however I wanted to write to the Members of this Committee and provide some background information as to how proceedings will work on a temporary basis while restrictions on movement and the ability of peers to participate in the House continues.

The changes I have outlined below (with the exception of the first) are to be temporary measures that will be lifted at the appropriate time in line with the advice from PHE and the CMO.

1. Oral Questions allocation

Members can only ask seven Oral Questions in a session. As this session is expected to be longer than a year, we will use this opportunity to address the issue now.

Recommendation: To reset the limit of Oral Questions (i.e. all members have an allocation of 7 OPQs) from 2nd June (when we return from Whitsun recess).

2. Questions for Written Answer (QWA)

Existing QWAs must be answered within 10 working days. To create an opportunity for Members to obtain an answer on a topical matter quicker we recommend creating a new topical QWA with an allocation of one topical QWA per Member per week which would be answered within 5 working days.

The topicality would be the same definition the House uses for Topical Oral Questions.

Recommendation: To create a new topical QWA with an allocation of one topical QWA per Member per week which would be answered within 5 working days.

3. Virtual Oral Questions

The Oral Questions that have already been tabled remain on the Order Paper and future questions will be tabled via a ballot and to the usual timetable.

Oral Questions will be taken in a remote setting with all Members taking part via online participation—no one needs to be in the House (and to participate you cannot sit in the Chamber).

Until the technology can provide for simultaneous broadcasting and virtual participation the initial Oral Question sessions (for the weeks commencing 20th and 27th April) will take place virtually with the record being published by Hansard the following day only.

The second stage (from the week commencing 4th May) is that the Oral Question sessions will be broadcast live on Parliamentlive.tv as now so all members can watch proceedings in real time. However with the current technology and staffing requirements available only a limited number of peers can be involved in the virtual proceedings themselves although work continues to increase participation numbers.

For both stage 1 and 2 Members—backbench or frontbench who want to ask a supplementary question—must sign up to do so in advance and specify which question during the session they wish to follow up (using the Government Whips Office website). Each member can only sign up for one supplementary question each day to allow maximum participation. Each list will close 24 hours the day before the relevant Oral Question. (For example 11am on Tuesday 21 April for Oral Questions on Wednesday 22 April)

The speaking order will be drawn up after consultation through the usual channels and published on the *Today's List* by the Government Whips Office and will be ordered as questions are taken in the House—rotating round each group. Non-affiliated peers and Bishops will be allocated 1 question across each Oral Statement session.

The allocation of time for each Oral Question will remain the same as if the session were taking place in the Chamber. It will be for the Chair to call the next questioner (if they don't follow on immediately) and to move on to the next Oral Question.

We propose that for a temporary period Oral Questions be extended to 40 minutes, to account for potential delays in using the technology and to ensure Q&A time is not lost when moving from one question to another.

Members that are participating via their Parliamentary account must use the IT solution that the PDS and Broadcasting teams deem is compatible and may be required to conduct a connectivity test prior to participation.

4. Virtual Oral Statements, Urgent Questions and PNQs

Repetition and timing of Oral Statements, Urgent Questions and PNQs will still be a matter for agreement on a case by case basis within the Usual Channels. However due to Members requiring to give notice of their intention to ask a supplementary question any Oral Statement, Urgent Question or PNQ repeat will be made the sitting day after it has taken place in the House of Commons (or been tabled in the Lords).

The Usual Channels may decide that the Oral Statement itself does not need to be repeated by the Minister but instead can be taken as read especially if the statement is made with notice or the Oral Statement is being repeated the following day. In those circumstances Oral statement proceedings would simply involve questions from the front and back benches.

Oral Statements will be taken in a virtual setting with all Members taking part via online participation—no one needs to be in the House (and to participate you cannot sit in the Chamber).

As with Oral Questions there will be a two stage approach. Members will need to sign up in advance to say they wish to ask a supplementary question. The deadline

for signing up for an Oral Statement, Urgent Question or Private Notice Question will be 5pm the previous day (using the Government Whips Office website).

The speaking order will be drawn up after consultation through the usual channels and the Government Whips Office will produce a questioners list which will be published as part of a revised *Today's List*. The backbenchers list will be ordered as questions are taken in the House—rotating round each group. Non-affiliated peers and Bishops will be allocated 1 question across each Oral Statement session.

The allocation of time for the Oral Statement remains the same as if it were taking place in the Chamber and it will be for the Chair to call the next Member on this list if necessary and to move from the frontbench to backbench allocation of time.

Members that are participating via their Parliamentary account must use the IT solution that the PDS and Broadcasting teams deem is compatible and may be required to conduct a connectivity test prior to participation.

5. Legislation

Any stage of the legislative process that requires the House to agree a motion or make a decision with full legal effect must be taken, or at least ratified, in physical proceedings.

The Second Readings we have currently got planned for our immediate return will take place in physical proceedings. This will mean that a very limited number of Peers can participate. Indeed we may wish to consider suggesting only representatives of each frontbench are involved at that stage.

We intend to trial a Committee stage with virtual participation (outside of the Chamber) once the first three weeks after the recess have been completed and the technology is embedded assuming movement restrictions are still in place because of Coronavirus.

Once the technology has been trialled for the first fortnight, we will move to virtual proceedings for delegated legislation which can then be ratified in the Chamber.

For the two bills where Second Reading has taken place with very restricted member involvement, we will work with usual channels to relax the current requirements around involvement in the Committee stage so that all interested peers can take part and scrutinise the legislation.

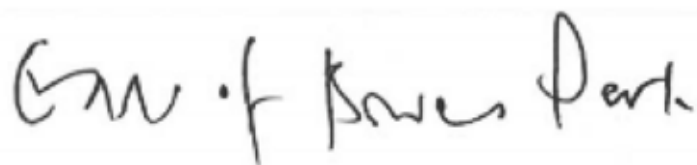
6. Debates

The debates that take place (most Thursdays) are take note motions and therefore require the House to take a decision. In order to allow these debates to take remotely we recommend that rather than being ‘That this House take notes of xx’, they become ‘That this Virtual Proceeding takes note of xx’ so that no physical decision needs to be taken by the House at their conclusion.

The deadline for signing up to speak in a debate will be the same as for Oral Questions each day. For example, for a debate on Thursday 23 April the speakers list will close at 11am on Wednesday 22 April.

Recommendation: Thursday debate motions begin with ‘That this Virtual Proceeding takes note of xx’ to ensure that they can take place virtually and that no physical motion needs to be moved in the Chamber on their conclusion.

Yours ever,

A handwritten signature in black ink on a white background. The signature is written in a cursive style and reads "Evans of Bowes Park".

Baroness Evans of Bowes Park