



House of Commons  
Procedure Committee

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# Procedure under coronavirus restrictions: proposals for remote participation

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**First Report of Session 2019–21**

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

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## Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

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## Summary

The restrictions introduced to limit the spread of recent strains of coronavirus, and to reduce the incidence of COVID-19 disease in the population, have had an impact on all aspects of public and private life in the UK. Their impact on the way the House of Commons conducts its business has already been considerable. Additional restrictions introduced on public health grounds pose a substantial challenge to the House's traditional way of working.

The Procedure Committee has considered the proposals developed by the House of Commons Service to enable a form of remote participation in House proceedings. The Committee's report is intended to inform the House's consideration of motions to be proposed by the Leader of the House to facilitate a 'virtual Parliament', with Members participating in proceedings via videoconferencing technology on the same basis as those Members who are able to be present in the Commons chamber.

The proposals have been brought forward in the recognition that the present pandemic, and measures taken to control it, affect Members in a variety of different ways. Some are obliged to self-isolate and cannot leave their homes; several are heavily restricted in their ability to travel to Westminster from their constituencies, and many consider that they ought to set an example by following the Government's guidance to work from home where possible. Others consider that their duty is to attend the House in person to represent their constituents. Social distancing norms have drastically reduced the capacity of the Chamber, which can now accommodate no more than fifty Members in safety. The proposals which have been made to facilitate remote working seek to establish equality of treatment between all Members in terms of their access to proceedings.

The Committee has considered in detail the procedural modifications necessary to allow questions to Ministers, urgent questions and statements to take place as 'hybrid proceedings' where virtual and physical participation are both possible. The Committee endorses the arrangements and the approach taken to their implementation, and recommends the rapid extension of hybrid proceedings to other categories of business, such as debates on motions and proceedings on legislation. The Speaker ought to have a reserve power to make amendments to arrangements for hybrid proceedings in order to achieve the overall aims for Member participation set out by the House: he will of course wish to consult widely before making any such changes.

Any measures introduced to facilitate virtual participation ought to be strictly temporary, with the sole purpose of allowing the House to continue to function during this unprecedented national emergency. Any measures will also reflect the specific nature of this national emergency and the restrictions that are in place to deal with the coronavirus. They are designed, and will be refined, to allow the most effective scrutiny of Government as is possible in the circumstances. But the Committee recognises that the combination of measures introduced will be sub-optimal and will not allow for the same level of debate and interaction that Members are used to and which they value.

The rapid roll out of mechanisms to enable virtual participation in proceedings poses a number of technical challenges. Ideally there would be a full programme of testing and evaluation before such arrangements were introduced. The present emergency demands

that the participation of all Members is facilitated as soon as possible: in this context, the Committee considers the risk of technical hitches in the course of virtual proceedings to be a risk worth taking. The efforts of the House Service, the Parliamentary Digital Service, broadcasting specialists and all others involved in developing the virtual participation model are to be thoroughly commended.

The Committee considers that in the first instance the business before the House ought to be prioritised to enable the Government's response to the pandemic to be scrutinised and to enable the essential functions of government to continue. Business on which there is a high degree of consensus is likely to be suitable for hybrid proceedings at this stage, but business which is contentious ought to be postponed in the first instance. The Committee considers that, given the present circumstances, it is prudent for the House Service to examine options for remote voting, as a means to allow Members to test the will of the House on contentious propositions. Any system which facilitates absentee voting ought to be subject to detailed consideration, and ought to be available for a strictly time-limited period in line with the package of temporary procedural measures being introduced to enable the House to operate during the pandemic.

Proposals to enable remote balloting of Members in elections to vacant posts for select committee chairs have already been developed, following an earlier recommendation by the Committee. The Committee commends the work undertaken and is content for remote balloting of this nature to take place while the House is operating under coronavirus restrictions.

# 1 The impact of coronavirus on the work of the House

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1. The development and spread of the strains of coronavirus causing COVID-19 disease have had the most profound impact on all sectors of the economy and society in virtually every nation. The public health measures put in place by the UK Government and the devolved administrations to limit the spread of the virus, and to moderate its impact on the NHS and on other vital public services, have affected all aspects of public and private life in the UK.
2. Every UK institution and public body has had to conduct an urgent reassessment of the way in which it works following the rapid introduction of two prevailing norms: the requirement for self-isolation for those with COVID-19 symptoms and those most at risk from the effects of the disease, and the requirement for social distancing in all activities to inhibit onward transmission.
3. It is paramount that Parliament is able to hold the government to account, but under these conditions the work of the House cannot continue as normal. Nor should it. The coronavirus pandemic is a national emergency, and the work of the House ought to reflect this. In this report we examine proposals for temporary modifications to House procedures to support this work in the face of the uniquely challenging conditions which face all representative institutions at present.

## The effect of coronavirus restrictions on participation in proceedings

4. A basic principle of the House's procedure and practice is that a Member is required to be present in the Chamber in order to participate in any proceeding of the House. The right of Members to attend the House without obstruction, in order to participate in its proceedings, is an ancient and unchallenged privilege of the House.<sup>1</sup> While some ancillary elements of participation, such as the tabling of questions and motions or of amendments to bills, have long taken place outside the Chamber for administrative convenience, a Member has to be present in the chamber to present a bill, to put an oral question to a Minister and to participate in a debate. Only very recently has the House consented to a pilot scheme whereby new parents are able to vote by proxy in divisions.<sup>2</sup>
5. Coronavirus restrictions which inhibit the ability of people to move and to associate freely therefore have a considerable impact on the House's practice. The impact is threefold:
  - **Self-isolation:** Government advice is that those over 70, and those with underlying health conditions which risk being dangerously exacerbated by exposure to the virus, ought to self-isolate at home for a prolonged period until the risk of catching the virus diminishes. Those who have been in recent contact with a person displaying coronavirus symptoms or who is known to have contracted COVID-19 are advised to self-isolate for a defined period.

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1 For a more detailed discussion of the House's claim to the privilege see Procedure Committee, [Notification of the arrest of Members](#), Second Report of Session 2015–16, HC (2015–16) 649, paras 3–10.

2 The scheme to allow proxy voting for parental absence for a 12-month pilot period was authorised by the House on 29 January 2019: on 16 January 2020 the House extended the pilot for a further six months.

- **Restrictions on movement:** restrictions introduced by secondary legislation made under public health powers on 26 March provide that “no person may leave the place where they are living without reasonable excuse.”<sup>3</sup> One of the reasonable excuses defined in the regulations is “to travel for the purposes of work [ ... ] where it is not reasonably possible for that person to work [ ... ] from the place where they are living.”<sup>4</sup>
- **Social distancing:** public health guidance stresses that, to minimise the risk of contracting or passing on the virus, which can be carried asymptotically by humans, persons who are not in a family group must keep a distance of at least two metres apart.

### *Presence at Westminster and equality of treatment*

6. As a consequence, many Members are unable, because of self-isolation conditions or travel limitations, to be physically present at Westminster. Even before the introduction of lockdown measures on 26 March, the policy of both Houses, in line with public health guidance, was to advise Members and staff who were not already self-isolation “to work remotely where possible”.<sup>5</sup> Many Members consider that they should in any case observe the restrictions placed on their constituents and not travel to work where it is reasonably possible to work from home. Several find it impossible to travel to Westminster without taking public transport, which carries an evident risk of infection. Long-distance travel has been restricted to the extent that many Members from constituencies distant from London now find it impossible or impractical to travel under current circumstances.

7. Many colleagues thus have no choice but to be absent from Westminster while restrictions continue. Of those who do have the choice, many believe they ought to undertake their duties to the best of their abilities while following the restrictions which are being applied across the country, since to do other than to observe the restrictions imposed on the general public could have a negative impact on the reputation of the House and might undermine attempts to promote ‘stay at home’ and social distancing messages. Members working from home are being supported by the equipment and software provided through the Parliamentary Digital Service and by the temporary changes to arrangements for funding their office operations made by the Independent Parliamentary Standards Authority.

8. Others consider that they ought to be seen to be present in the Chamber, thereby demonstrating to their constituents that the work of the House on their behalf and on behalf of the nation continues despite the extraordinary conditions which all are experiencing. This entirely understandable view ought to be balanced by consideration of the effect on the House Service by the attendance of Members in person. The provision of support to the functions of the House and to Members continue to require the attendance of staff to provide essential services which cannot be provided remotely. The Speaker and the Commission have repeatedly expressed their concern about the potential impact of the pandemic on House staff, together with the effect on core House services should the number of staff available for work be reduced through illness or the requirement to self-isolate.

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3 The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 ([SI 2020/350](#)), regulation 6(1).

4 *Ibid.*, regulation 6(2)(f)

5 Speaker’s Statement, 23 March 2020: *Official Report*, 23 March 2020, [col. 23](#).



9. Social distancing measures introduced by the Speaker with effect from 18 March have substantially changed the conditions under which Members can be present in the Chamber. It is estimated that, to comply with the public health requirement for persons to keep at least 2 metres distance, the Chamber can hold no more than 50 Members seated in their places. As the Chamber is continually in the public eye while the House is sitting, it is essential that the social distancing norms in effect in all places outside the home should be observed, and seen to be observed, throughout each sitting. The measures introduced by the Speaker on 23 March to facilitate social distancing in the taking of divisions substantially lengthen the likely time taken to complete a single division.<sup>6</sup>

10. In practical terms, the attendance of a Member in the House on a sitting day when Government business is to be taken is influenced not only by their schedule of engagements and meetings, together with commitments to participate in the Chamber and in committees, but also by the directions of party business managers. Whips rely on the presence of Members in the House to attend in the Chamber when required, to participate in questioning and in debate, to attend committees on legislation, and, most crucially, to participate in divisions. In practice these requirements change in line with the schedule of business proposed by the Government following discussion in the usual channels. Agreement that the business to be taken will not result in divisions significantly reduces party requirements on Members to attend, although it should also be recognised that agreement cannot always be guaranteed. Whips can play a significant and influential role in managing the burden on House services by indicating to Members that their presence is not required.

**11. Our approach to the procedural changes required under coronavirus restrictions is based on equality of treatment. We recognise that many Members find it incredibly challenging to travel to Westminster to participate in proceedings under current conditions. Of those able to travel, some will feel obliged to: equally, others will feel obliged to participate from home. The form of proceedings should not incentivise physical over virtual participation, or *vice versa*: no Member ought to be disadvantaged in their ability to participate in House proceedings under any temporary procedural modification made in consequence of coronavirus restrictions.**

### The Procedure Committee's work on coronavirus impact

12. The Procedure Committee was nominated on 2 March 2020. Since its first meeting of this Parliament, on 4 March 2020, the Committee has been continuously engaged in evaluating the potential impact of coronavirus restrictions on the procedure and practice of the House.

- The Clerk of the House and senior colleagues briefed the Committee on potential procedural issues on 9 March, and we subsequently received a paper outlining options for continuing the work of the House in a variety of potential scenarios.<sup>7</sup>

<sup>6</sup> Speaker's Statement, 23 March 2020: *Official Report*, 23 March 2020, [col. 24](#).

<sup>7</sup> [Memorandum from the Clerk of the House on possible changes in House procedure and practice because of the Covid-19 pandemic](#), published 16 March 2020

- On 11 March the Chair wrote to the Speaker to recommend practical steps for modification of certain House procedures, for consideration in advance of any medical advice which might affect the way Members used the Chamber and the division lobbies.<sup>8</sup>
- On 18 March the Chair wrote to the Government Chief Whip to propose the urgent introduction of temporary measures which would authorise select committees to meet and to take oral evidence by virtual means, and, where necessary, to agree to make reports and report orders and resolutions to the House by correspondence outside committee meetings.<sup>9</sup> The relevant temporary order was made by the House on 24 March and has effect until 30 June, with the possibility of extension by decision of the Speaker.<sup>10</sup>

13. On 6 April the Chair wrote to the Speaker with the Committee's observations on his letter to all Members of 27 March. In that letter the Speaker set out the measures already taken in response to the pandemic and the measures being contemplated for introduction upon the return of the House from its Easter adjournment.<sup>11</sup> The Speaker responded to the Chair's letter on 14 April, and also wrote to Members to update them on the progress of plans to introduce remote virtual participation into House proceedings.<sup>12</sup>

### The scope of this report

14. While individual Departments have made ad hoc arrangements for Ministers to discuss particular concerns with Members, there has been no opportunity to question Ministers in public on their departmental responsibilities, nor on any statements of Government policy, since the House resolved on 25 March to adjourn until 21 April—a decision which extended the Easter adjournment by four sitting days. The introduction of mechanisms to allow every backbench colleague the opportunity to question Ministers on the very significant policy decisions being taken daily in response to the COVID-19 pandemic, in addition to the routine implementation of Government policy, is clearly an urgent priority.

15. The Committee has considered detailed proposals drawn up by the House Service for introduction of virtual participation into certain categories of the House's proceedings. These proposals, developed from an initial brief set out by the Speaker, relate only to the initial proceedings of the House on each sitting day apart from Friday—that is, oral questions to Ministers, urgent questions and Ministerial statements. In his letter to all Members of 14 April the Speaker indicated that

once these proceedings have been judged to be delivered in a satisfactory and sustainable way, both from a technological and participatory point of view, then the House can consider extending the model to other proceedings such as debates on motions and consideration of legislation.

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8 Letter from the Chair of the Committee to the Speaker dated [11 March 2020](#), and the Speaker's response of [13 March 2020](#)

9 Letter from the Chair of the Committee to the Government Chief Whip dated [18 March 2020](#)

10 Votes and Proceedings, [Tuesday 24 March 2020](#)

11 Letter from the Chair of the Committee to the Speaker dated [6 April 2020](#)

12 Letter from the Speaker to the Chair of the Committee dated [14 April 2020](#)

Separately, the Speaker indicated that, in response to interest expressed by several Members, he had asked the House Service and the Parliamentary Digital Service “to undertake preparatory work as a matter of urgency on a system of remote voting in divisions of the House”. He made clear that the introduction of remote voting by such means would have to be agreed to by the House before it was introduced.

16. The Committee has evaluated the proposals insofar as they relate to the procedure and practice of the House in its initial proceedings. Following the Committee’s meeting on 15 April, where the proposals were extensively discussed, the Chair attended the meeting of the House of Commons Commission at which the proposals were endorsed. The Leader of the House is expected to bring motions to the House which, if passed, would make the temporary variations necessary to standing orders and the practice of the House sufficient to enable the proposals to be implemented for a strictly limited period.

17. The proposed operating model envisages that the initial proceedings of the house will be ‘hybrid proceedings’—that is, proceedings in which Members physically present in the Chamber to speak and Members at a remote location using agreed technology may participate equally, as far as is practicable. This will entail certain limitations on normal practice in tabling questions and indicating a wish to ask supplementary questions on urgent questions and statements. Hybrid proceedings will lose the spontaneity of typical exchanges in the Chamber. While regrettable, this is necessary to ensure that as many Members can participate as possible under the same conditions.

**18. We make this report to the House to inform its consideration of initial proposals for temporary procedural change, which we expect to be in place for no longer than is strictly necessary. We have examined in detail the proposals which will enable questioning of Ministers in the Chamber to continue under the extraordinary conditions brought about by the coronavirus pandemic.**

19. While the Committee fully supports the decision to prioritise procedural changes related to Ministerial accountability, we realise that the current conditions make it impossible for many backbench colleagues to participate in other key House business, such as debate on motions related to Government policy and scrutiny and the passage of Government bills and secondary legislation.

***20. We recommend that proposals to facilitate virtual participation in further categories of House proceeding be developed for implementation as soon as is practicable. We report below on the potential implications of such developments for the House’s procedure and practice. We will keep the operation of all systems for virtual participation under regular review.***

21. The House faces a challenge to its operation unlike, but equal to, any other in its long history. House staff at every level have had to show imagination and resilience to adapt to rapidly-changing circumstances. The nature of the coronavirus strain means that all staff put themselves at risk by travelling to the House to support its work.

**22. The Committee would like to record its sincere appreciation of the work of all staff of the House Service, the broadcasters and the Parliamentary Digital Service, whether present at Westminster or working remotely, in supporting the work of the House and its committees in uniquely challenging conditions. We thoroughly commend the work undertaken to date to enable House proceedings to continue with the active**

participation of as many Members as possible, and we wholeheartedly support the work of the House Service in developing further options to extend the scope of virtual proceedings.

### Duration of temporary procedural changes

23. The procedural modifications described in this report are an exceptional response, designed in order to allow the House to function in exceptional conditions. Nobody wishes, or expects, the exceptional conditions introduced to inhibit the transmission of coronavirus to be in place for any longer than is absolutely necessary. Similarly, the exceptional procedural arrangements necessary for the House to function under coronavirus conditions are not expected to be kept in place once the coronavirus restrictions are relaxed.

24. The new ways of working forced upon the House by the pandemic may lead to a reassessment of certain aspects of the conduct of the House's business. An evaluation in due course of the benefits and drawbacks of the temporary procedures introduced would be worthwhile. The experience gained in the operation of the procedures will be invaluable in developing future resilience plans.

25. *We strongly recommend that any changes to House procedures introduced in response to the coronavirus pandemic should be strictly time-limited: a period of no longer than six weeks would be appropriate in the first instance. This period should be extended only by express agreement of the House and after consideration by the Procedure Committee.*

26. Notwithstanding the work the Committee generally undertakes to review the operation of the House's procedure and practice, the Committee wishes to make clear that the present package of modifications is proposed in the context of an unprecedented national emergency and is not to be seen as a basis or precedent for changes to procedure and practice outwith this situation.

## 2 Proposed arrangements for oral questions, urgent questions and statements

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27. The Leader of the House is expected to bring forward motions to facilitate ‘virtual’ participation—participation via video and audio—by Members in certain House proceedings. Videoconferencing software is to be used to enable an audio and video feed from Members working remotely to appear on screens installed on the parapet walls of the side galleries in the Chamber. The technical arrangements were authorised by the House of Commons Commission at its meeting of 16 April.<sup>13</sup>

28. The Chamber Business Team has produced a detailed operating model to govern physical and virtual participation in these proceedings. Initially the proceedings subject to the operating model are expected to be those which facilitate the accountability of Ministers to the House—namely oral questions to Ministers, urgent questions and Ministerial statements. These proceedings typically take place at the start of each sitting Monday to Thursday, before any orders of the day and notices of motion are taken.

29. The Committee considered a draft of the operating model at its meeting of 15 April. We gave our strong support in principle to the implementation of the model. Certain observations were communicated to the Commission by the Chair at its meeting of 16 April, where the model was also endorsed.

**30. We support the proposed operating model for virtual and physical participation in the House’s initial proceedings. In particular we endorse the arrangements proposed in the model to ensure equality of treatment between Members present in the Chamber and participating virtually.**

*31. It is essential that the House be facilitated to continue its scrutiny of Ministers as soon as possible. We therefore recommend that the Leader of the House be permitted, exceptionally, to move motions to authorise the new arrangements at the first available opportunity. In this unique instance the practice of the House requiring notice of such motions ought to be dispensed with.*

32. We set out below our view of the procedural and practical modifications entailed by the operating model.

### Timing and arrangement of initial proceedings

33. Initial proceedings—comprising oral questions, urgent questions and Ministerial statements—are expected to occupy a two-hour timeslot at the beginning of each sitting day. This reflects the normal time at which such proceedings are taken.

34. The types of business to be taken are as follows:

- Substantive oral questions to Ministers, which will be balloted in advance;

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13 Record of House of Commons Commission decisions taken on [16 April 2020](#)

- Questions to the Prime Minister;<sup>14</sup>
- Urgent questions, requiring advanced notice of an application and of backbench requests to ask supplementaries, and
- Ministerial statements, requiring advanced notice from the Government of an intention to make a statement and advanced notice of backbench requests to participate.

35. The standing orders which provide for Members to reserve and retain their seats at the start of the sitting day by means of ‘prayer cards’ are expected to be suspended for as long as social distancing measures are in effect in the Chamber.<sup>15</sup>

36. Standing Order No. 21 (Time for taking questions) is expected to be suspended, and Standing Order No. 22 (Notices of questions, motions and amendments), which empowers the Speaker to set notice periods for the submission of oral questions and to make arrangements for the random ‘shuffle’, is expected to be amended to require the Speaker to observe party balance in the ordering of questions to Ministers.<sup>16</sup>

37. A rota to establish the days on which departmental Ministers answer oral questions is expected to be drawn up by the Government, in consultation with the Speaker, to replace the published rota. This will take account of possible variations in the days the House is expected to sit. The rota will need to be confirmed at least two working days before each question slot.

38. Where unable to be present in the Chamber, Ministers will be able to participate virtually to answer questions in the same way as backbenchers, and opposition frontbenchers, who are participating virtually. The Speaker will have discretion to group questions by answering Minister,

39. Members drawn to ask oral questions, whether in the Chamber or participating virtually, will have their question called formally by the Speaker. The answering Minister will give the answer to the substantive question listed on the Order Paper, and the Member will then be called to ask a supplementary question. No spontaneous supplementary questions will be permitted.

40. The Speaker is expected to set notice periods for applications for urgent questions and notice of statements to enable Members to make applications to participate in those proceedings in advance. Spontaneous participation in proceedings (for instance, intervention in the Chamber) will not be possible. In exceptional circumstances the Speaker may accept late notice of an urgent question or statement, which may then have to displace the last scheduled item in the two-hour slot: arrangements to establish a speaking list and to contact and set up virtual participants will have to be rapid and will require the active cooperation of all Members.

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14 To be taken by the First Secretary of State in the Prime Minister’s absence

15 Standing Order No. 7 (Seats not to be taken before prayers) and No. 8 (Seats secured at prayers).

16 The Speaker typically ensures that any imbalance in the results of the shuffle is rectified in the way in which he calls spontaneous supplementary questions in the Chamber: this adjustment is not possible for as long as additional supplementary questions cannot be called.

41. The Speaker is expected to be given discretion to vary the timing and order of items of business within the two hours allocated to initial proceedings. This reserve power might be used to ensure the most effective use of the House's time and to take account of Ministerial availability.

**42. The ability of Members to raise points of order spontaneously by necessity has to be restricted. But we believe that it should continue to be possible for points of order to be raised when sufficient notice has been given to the Speaker. Points of order must remain available to Members as the last resort when they consider that the Executive is treating the House of Commons in a high-handed way.**

43. Some modification to the disciplinary powers of the Chair will be required during hybrid proceedings, to take account of the fact that the procedure for 'naming' a Member for disregarding the Speaker's authority or persistently and wilfully abusing the rules of the House cannot readily be operated during such proceedings.

44. The initial restriction of two hours for these hybrid proceedings reflects an estimate of the current technical capacity for setting up Members for virtual participation in such proceedings. The total number of Members able to participate in such proceedings, whether in the Chamber or remotely, is initially to be limited by technical constraints to 120. Once the arrangements can be shown to be delivered reliably and consistently, it may be possible to extend the time allocated to initial proceedings and to allow greater participation.

**45. We consider that the arrangements proposed made for hybrid participation in initial proceedings are an appropriate response to the present conditions. They are sufficiently flexible to give all Members the opportunity to hold Ministers to account for the Government's response to the emergency. The discretion to be given to the Speaker in the arrangement of proceedings is welcome and appropriate: we anticipate that he will consult widely on its use.**

**46. Circumstances may arise in which it is necessary to amend the detail of temporary orders in order to achieve any overall aims set by the House for the operation of hybrid proceedings. To facilitate such changes it may be appropriate for the House to confer a reserve power on the Speaker to make amendments to temporary orders: such a power might be used to extend their effect for a strictly defined period. While the Speaker will of course wish to consult before exercising such a power, we do not consider it appropriate to give the Government any form of veto over its use.**

### Arrangements for questions for written answer

47. The House's arrangements for the accountability of Ministers were not reviewed before the Government proposed the early adjournment of the House for Easter. At present, questions to Ministers for written answer are not tabled during adjournments (recesses): questions sent in by Members during an adjournment are typically not printed and sent to Departments for answer until the weekday before the House returns.

48. The Committee considers that this practice ought to be changed, at the very least for the duration of the present emergency in instances where the House is adjourned for a week or more. Standing Order No. 22B, in abeyance since the House adopted September

sittings, provides one model for how this might be achieved, with days for the printing and answering of questions determined in advance. Ministers would naturally have to ensure that their departments were adequately resourced to answer questions from Members, and expectations about the timeliness of answers during adjournments would have to be clearly set.

*49. We recommend that proposals to allow questions for written answer to be tabled and to be answered on specified days during any periodic adjournment ought to be brought to the House as soon as is practicable. Such arrangements ought to be put in place before any further proposals to vary recess dates from those already adopted are put to the House.*

**50. Of more immediate importance are the implications arising from any decision that the House should only sit on three days a week for the foreseeable future. This will severely hamper the opportunities for backbenchers to hold the Government to account unless there is a relaxation of the current restrictions on the maximum number of five priority written questions that can be tabled on any sitting day. We will be monitoring the performance of departments in responding to written questions in the course of our usual work in this area. We will review the impact of any reduction in sitting days on the performance of Departments: should the ability of Members to receive timely responses to their questions be reduced, we will not hesitate to recommend changes to the mechanism for prioritising written questions.**



### 3 Arrangements to facilitate debate on motions and consideration of legislation

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51. The operating model for hybrid proceedings on questions, urgent questions and statements was developed as the minimum viable product to allow virtual participation in proceedings. The model is potentially capable of being extended to other House proceedings, in particular to debates on motions and the consideration of legislation.

52. In the normal course of events, it would be prudent to allow hybrid proceedings to operate as specified for a period, to enable a robust assessment to be made of the capacity to support such proceedings, to allow necessary adjustments to be made and to inform detailed planning for the extension of hybrid proceeding to additional categories of business. Under the initial proposals, it was expected that, following the conclusion of the two-hour period for initial proceedings each sitting day, the House would be suspended for 15 minutes to allow for a switch to physical-only proceedings, and the remainder of the House's business would be conducted with the participation of Members present in the Chamber only.

**53. There is a pressing requirement to facilitate as many Members as possible to participate in further categories of House business under the hybrid proceedings model which has been developed. In the circumstances of the present emergency, priority must be given to extending hybrid proceedings at pace. There is an evident risk that technical faults in the operating model, which would normally be identified and addressed during development, will manifest themselves in live proceedings, leading to possible interruptions and suspensions. In our view the benefits from the rapid extension of hybrid proceedings far outweigh the reputational risk to the House from potential faults.**

#### Procedural considerations

54. Given the urgent requirement to extend hybrid proceedings to further categories of business, we do not expect to have the opportunity to comment substantively on proposals for their extension before facilitating motions are put to the House. We set out below some of the temporary modifications to procedure and practice which we expect could be made to allow virtual participation or to dispense with existing requirements to be present in the Chamber. We will keep the implementation of any such modifications under review.

55. Government and House business to which hybrid proceedings might be extended could include the following:

- motions made by a Minister of the Crown;
- presentation of bills;
- subsequent proceedings on Government bills;
- private business set down for consideration by the Chairman of Ways and Means;

- motions concerning the membership of select committees;
- personal statements; and
- any incidental business taken at the beginning of the sitting day (such as motions for writs, the introduction of new Members, or answers to addresses).

Proposals to add categories of business to this list—for instance, opposition days or backbench business—could be made by any Member, though motions to add categories to the list would in practice fall to be made by Ministers.

56. The present arrangements governing the time at which the House sits, the length of the sitting day and the point beyond which opposed business may not normally be taken, contained in Standing Order No. 9 (Sittings of the House) may prove to be impractical under current conditions, and may have to be replaced by temporary arrangements which give similar certainty about the timing of the House's sittings.

57. Arrangements to apply to participate in debates will have to be modified, in accordance with the principle of equality of treatment, and it will in practice be necessary to establish some form of speakers' list. Interventions on contributions to debate will not be possible.

### Prioritisation of business

58. We observed above that the business of the House cannot continue as usual during the pandemic, and nor should it. To date, cooperation between the parties through the usual channels to facilitate the conduct of business under coronavirus conditions has been exceptional. Agreement was reached not to divide the House on the motions for the Chancellor's Budget resolutions on 17 March: similarly the Coronavirus Bill passed all its Commons stages on 23 March without a division, though several amendments were made in Committee as a consequence of negotiation on the Bill's provisions.

59. The overriding priorities for the House at present are to examine the Government's actions in the conduct of the response to the pandemic; to consider further proposals for legislation, where necessary to supplement the measures in the Coronavirus Act 2020; to consider the retrospective approvals required for secondary coronavirus legislation made during the adjournment; and to consider the business which is essential to the Government's continued functioning, such as authorisation for expenditure and ratification of the provisional authorisation for collecting taxation given after the Budget. Business on which there is a high degree of consensus between the parties, and where attempts to divide the House are unlikely, should also be prioritised.

60. These types of business are likely to be suitable for hybrid proceedings, where Members can participate physically and virtually but without the spontaneity which characterises physical-only proceedings in the Chamber. **Hybrid proceedings do not lend themselves to the conduct of contentious business. In our view it would not be desirable for such business, if not directly related to the coronavirus emergency, to be prioritised by Ministers while temporary coronavirus procedures are in effect.**

61. Among the urgent coronavirus-related business which requires the House's attention are the public health regulations made under delegated powers during the adjournment, which have imposed the most drastic restrictions on personal liberty and economic

activity seen in peacetime. The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 were signed into law and brought into force by the Secretary of State for Health at 1pm on Thursday 26 March, the day after the House adjourned. The Regulations are subject to review by the Secretary of State every 21 days following their entry into force: the first such review took place on Thursday 16 April. Any regulation nor requirement may be terminated at any time by Ministerial direction. Unless approved by both Houses within 28 days of the date they are made—not counting periods when both Houses are adjourned for more than four days—the Regulations cease to have effect: assuming that upon their return both Houses do not simultaneously adjourn for more than four days, the latest date on which approval must be secured is 15 May.

**62. The regulations imposing lockdown restrictions across the country were made and brought into force under delegated powers and without prior parliamentary approval. It is essential that these measures, the application of which has been highly contentious, are considered by the House as soon as possible, and certainly before the latest date of the next Ministerial review. *We recommend that the Government make urgent arrangements for debate on a motion to give retrospective approval to the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 on the basis that all Members will be able to participate virtually and that there will be no requirement for physical participation in what could be a very highly subscribed debate. Should the restrictions continue in whole or in part past the date of the next review, we expect Ministers to give urgent consideration to a mechanism for explicit parliamentary approval for their renewal.***

## Arrangements for divisions

63. Divisions on questions put from the Chair most often arise on highly contentious business, where there are significant differences between the Government and one or more opposition parties on proposed legislation or the conduct of policy. The House has not divided since the report stage of the Telecommunications (Leasehold Property) Bill on 10 March.

64. On 23 March the Speaker announced revised arrangements for divisions, to take into account public health advice on social distancing:

The entry of Members will be staggered, with entry at separate times for three alphabetical groups. Members will be able to record their names at any of the desks. A Division may take between 30 and 40 minutes to conduct in that way.<sup>17</sup>

These arrangements remain in effect, though in practice, under current coronavirus restrictions, it is unlikely that attempts will be made to divide the House in the near future, especially if government business is prioritised as described above and Whips continue not to require the attendance of Members at Westminster.

65. Should contentious business be brought before the House before current coronavirus restrictions are eased, it is likely that alternative arrangements for divisions will have to be considered. Large-scale pairing of absent Members is possible, and will reduce the time taken to vote in divisions, though it will tend to disadvantage smaller opposition parties

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<sup>17</sup> Speaker's Statement, 23 March 2020: *Official Report*, 23 March 2020, [col. 24](#).

with absent members unable to be paired. We recognise that pairing arrangements are not recorded in any way and that the voting intentions of paired Members are simply not noted. We have previously proposed the use of deferred division procedures on certain single questions, to reduce the time potentially taken in the lobbies, though this solution is based on attendance at Westminster.

**66. The Speaker has asked the House Service and the Parliamentary Digital Service to examine potential options for remote digital voting in divisions. The introduction of remote voting would be a fundamental change to the way that the House has conducted its business: with the recent exception of new parents, the House has always required Members to be present in order to vote.**

**67. The Committee recognises that developing systems to facilitate remote voting is a priority, and supports the House Service in the work being undertaken in this respect. We will wish to give detailed consideration to any system developed to supplement or to replace existing mechanisms for divisions, where such a system will which enable absentee voting. Any such system ought to be introduced for a strictly time-limited period only, in line with the temporary procedural changes to be introduced.**

## 4 Participation in elections to positions in the House

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68. Elections for House posts, such as chairs of select committees, are typically undertaken by paper ballot physically cast in a specified location such as a committee room during a specified period. Members on parental absence who have nominated proxies for voting in the Chamber can ask their proxies to cast votes on their behalf in these elections, but no other form of proxy or remote voting is presently possible.

69. The Committee foresaw the potential requirement for arrangements for remote balloting of Members unable to attend the House in the event of an election for a select committee chair post during coronavirus restrictions. In her letter to the Speaker of 6 April, the Chair identified the “significant risk” that a ballot held under current rules would disenfranchise Members unable to be present at Westminster “to an extent which must put the validity of the outcome in doubt.”<sup>18</sup> She recommended that work be commissioned urgently on a system to allow a form of remote voting in an election to fill any vacancy which occurs during the emergency period, and recommended that temporary orders be drafted to put the system in place should it be required.

70. In response to the Chair’s letter, the Speaker commissioned the necessary work from the House Service. The Chamber Business Team has now indicated the arrangements which are proposed to be made to allow for remote balloting for a temporary period: should the House approve them, they are to be used in the first instance for elections to vacancies for the chairs of the Business, Energy and Industrial Strategy Committee and the Committee on Standards, both expected to be announced in 21 April.

- It is proposed to use Civica (formerly known as Electoral Reform Services), a third-party supplier that specialises in this area, to run secure online ballots for these Committee elections on behalf of the House. Civica have submitted a detailed proposal to the House, which has been subject to the necessary information and digital security checks.
- The nomination process would still be handled by the Public Bill Office, as usual, with the difference that Members would no longer have to collect handwritten signatures or submit nomination forms in hard copy.
- The entire ballot process is to be handled by the third-party supplier. The sample timeline for the ballot is as follows:
  - Tuesday 21 April: motion on Select Committee Chair elections tabled
  - Wednesday 22 April: motion on Select Committee Chair elections decided
  - Monday 27 April: nominations open
  - Monday 4 May: nominations close
  - Wednesday 6 May: online ballot held and result announced

- Members would receive an email to their main parliamentary email address on the day of the ballot, and would be able to use the link in that email to cast their vote in a secure online ballot. They would receive an email confirmation when the vote had been cast. It is proposed that the online ballot would be open from 10am to 2pm. The results would be ready within a couple of hours of the ballot closing and would be announced in the Chamber by the Speaker.

**71. Under the present conditions it is clearly necessary to arrange for remote balloting for elections to select committee chair posts, to enable as many Members as possible to participate and to reduce the incentive for Members to attend the House simply to vote in these elections.**

*72. The Committee commends the work which has been undertaken to arrange remote balloting for elections to fill two select committee chair vacancies. We recommend that the House make a temporary order to enable the ballots to be held as planned. As with other temporary modifications to procedure, the order must be strictly time-limited.*

# Conclusions and recommendations

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## The impact of coronavirus on the work of the House

1. Our approach to the procedural changes required under coronavirus restrictions is based on equality of treatment. We recognise that many Members find it incredibly challenging to travel to Westminster to participate in proceedings under current conditions. Of those able to travel, some will feel obliged to: equally, others will feel obliged to participate from home. The form of proceedings should not incentivise physical over virtual participation, or vice versa: no Member ought to be disadvantaged in their ability to participate in House proceedings under any temporary procedural modification made in consequence of coronavirus restrictions. (Paragraph 11)
2. We make this report to the House to inform its consideration of initial proposals for temporary procedural change, which we expect to be in place for no longer than is strictly necessary. We have examined in detail the proposals which will enable questioning of Ministers in the Chamber to continue under the extraordinary conditions brought about by the coronavirus pandemic. (Paragraph 18)
3. *We recommend that proposals to facilitate virtual participation in further categories of House proceeding be developed for implementation as soon as is practicable. We report below on the potential implications of such developments for the House's procedure and practice. We will keep the operation of all systems for virtual participation under regular review.* (Paragraph 20)
4. The Committee would like to record its sincere appreciation of the work of all staff of the House Service, the broadcasters and the Parliamentary Digital Service, whether present at Westminster or working remotely, in supporting the work of the House and its committees in uniquely challenging conditions. We thoroughly commend the work undertaken to date to enable House proceedings to continue with the active participation of as many Members as possible, and we wholeheartedly support the work of the House Service in developing further options to extend the scope of virtual proceedings. (Paragraph 22)
5. *We strongly recommend that any changes to House procedures introduced in response to the coronavirus pandemic should be strictly time-limited: a period of no longer than six weeks would be appropriate in the first instance. This period should be extended only by express agreement of the House and after consideration by the Procedure Committee.* (Paragraph 25)
6. Notwithstanding the work the Committee generally undertakes to review the operation of the House's procedure and practice, the Committee wishes to make clear that the present package of modifications is proposed in the context of an unprecedented national emergency and is not to be seen as a basis or precedent for changes to procedure and practice outwith this situation. (Paragraph 26)

## Proposed arrangements for oral questions, urgent questions and statements

7. We support the proposed operating model for virtual and physical participation in the House's initial proceedings. In particular we endorse the arrangements proposed in the model to ensure equality of treatment between Members present in the Chamber and participating virtually. (Paragraph 30)
8. *It is essential that the House be facilitated to continue its scrutiny of Ministers as soon as possible. We therefore recommend that the Leader of the House be permitted, exceptionally, to move motions to authorise the new arrangements at the first available opportunity. In this unique instance the practice of the House requiring notice of such motions ought to be dispensed with.* (Paragraph 31)
9. The ability of Members to raise points of order spontaneously by necessity has to be restricted. But we believe that it should continue to be possible for points of order to be raised when sufficient notice has been given to the Speaker. Points of order must remain available to Members as the last resort when they consider that the Executive is treating the House of Commons in a high-handed way. (Paragraph 42)
10. We consider that the arrangements proposed made for hybrid participation in initial proceedings are an appropriate response to the present conditions. They are sufficiently flexible to give all Members the opportunity to hold Ministers to account for the Government's response to the emergency. The discretion to be given to the Speaker in the arrangement of proceedings is welcome and appropriate: we anticipate that he will consult widely on its use. (Paragraph 45)
11. Circumstances may arise in which it is necessary to amend the detail of temporary orders in order to achieve any overall aims set by the House for the operation of hybrid proceedings. To facilitate such changes it may be appropriate for the House to confer a reserve power on the Speaker to make amendments to temporary orders: such a power might be used to extend their effect for a strictly defined period. While the Speaker will of course wish to consult before exercising such a power, we do not consider it appropriate to give the Government any form of veto over its use. (Paragraph 46)
12. *We recommend that proposals to allow questions for written answer to be tabled and to be answered on specified days during any periodic adjournment ought to be brought to the House as soon as is practicable. Such arrangements ought to be put in place before any further proposals to vary recess dates from those already adopted are put to the House.* (Paragraph 49)
13. Of more immediate importance are the implications arising from any decision that the House should only sit on three days a week for the foreseeable future. This will severely hamper the opportunities for backbenchers to hold the Government to account unless there is a relaxation of the current restrictions on the maximum number of five priority written questions that can be tabled on any sitting day. We will be monitoring the performance of departments in responding to written questions in the course of our usual work in this area. We will review the impact of any reduction in sitting days on the performance of Departments: should the ability



of Members to receive timely responses to their questions be reduced, we will not hesitate to recommend changes to the mechanism for prioritising written questions. (Paragraph 50)

### Arrangements to facilitate debate on motions and consideration of legislation

14. There is a pressing requirement to facilitate as many Members as possible to participate in further categories of House business under the hybrid proceedings model which has been developed. In the circumstances of the present emergency, priority must be given to extending hybrid proceedings at pace. There is an evident risk that technical faults in the operating model, which would normally be identified and addressed during development, will manifest themselves in live proceedings, leading to possible interruptions and suspensions. In our view the benefits from the rapid extension of hybrid proceedings far outweigh the reputational risk to the House from potential faults. (Paragraph 53)
15. Hybrid proceedings do not lend themselves to the conduct of contentious business. In our view it would not be desirable for such business, if not directly related to the coronavirus emergency, to be prioritised by Ministers while temporary coronavirus procedures are in effect. (Paragraph 60)
16. The regulations imposing lockdown restrictions across the country were made and brought into force under delegated powers and without prior parliamentary approval. It is essential that these measures, the application of which has been highly contentious, are considered by the House as soon as possible, and certainly before the latest date of the next Ministerial review. *We recommend that the Government make urgent arrangements for debate on a motion to give retrospective approval to the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 on the basis that all Members will be able to participate virtually and that there will be no requirement for physical participation in what could be a very highly subscribed debate. Should the restrictions continue in whole or in part past the date of the next review, we expect Ministers to give urgent consideration to a mechanism for explicit parliamentary approval for their renewal.* (Paragraph 62)
17. The Speaker has asked the House Service and the Parliamentary Digital Service to examine potential options for remote digital voting in divisions. The introduction of remote voting would be a fundamental change to the way that the House has conducted its business: with the recent exception of new parents, the House has always required Members to be present in order to vote. (Paragraph 66)
18. The Committee recognises that developing systems to facilitate remote voting is a priority, and supports the House Service in the work being undertaken in this respect. We will wish to give detailed consideration to any system developed to supplement or to replace existing mechanisms for divisions, where such a system will which enable absentee voting. Any such system ought to be introduced for a strictly time-limited period only, in line with the temporary procedural changes to be introduced. (Paragraph 67)

### Participation in elections to positions in the House

19. Under the present conditions it is clearly necessary to arrange for remote balloting for elections to select committee chair posts, to enable as many Members as possible to participate and to reduce the incentive for Members to attend the House simply to vote in these elections. (Paragraph 71)
20. *The Committee commends the work which has been undertaken to arrange remote balloting for elections to fill two select committee chair vacancies. We recommend that the House make a temporary order to enable the ballots to be held as planned. As with other temporary modifications to procedure, the order must be strictly time-limited.* (Paragraph 72)

# Formal minutes

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**Monday 20 April 2020**

Members present:

Karen Bradley, in the Chair

Kirsty Blackman	Alex Norris
Jack Brereton	Rob Roberts
Bambos Charalambous	Gary Sambrook
Sir Christopher Chope	James Sunderland
Chris Elmore	Owen Thompson
Andrew Griffith	Liz Twist
Anthony Mangnall	Suzanne Webb
Nigel Mills	

The Committee deliberated.

Draft Report (*Procedure under coronavirus restrictions: proposals for remote participation*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 72 read and agreed to.

Summary agreed to.

*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, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 22 April at 2.30 pm.]