

HOUSE OF LORDS

Procedure and Privileges Committee

---

4th Report of Session 2021–22

**Speakers' lists for  
oral questions and  
'Secretary of State'  
questions  
Divisions: pass-  
readers**

---

Ordered to be printed 19 November 2021

---

Published by the Authority of the House of Lords

### *Procedure and Privileges Committee*

The Select Committee on Procedure and Privileges of the House is appointed each session to consider any proposals for alterations in the procedure of the House that may arise from time to time, and whether the standing orders require to be amended.

### *Membership*

The members of the Procedure and Privileges Committee are:

<a href="#"><u>Lord Ashton of Hyde</u></a>	<a href="#"><u>Lord Mancroft</u></a>
<a href="#"><u>Lord Bew</u></a>	<a href="#"><u>Lord McFall of Alcluith</u></a> (Lord Speaker)
<a href="#"><u>Lord Eames</u></a>	<a href="#"><u>Baroness McIntosh of Hudnall</u></a>
<a href="#"><u>Baroness Evans of Bowes Park</u></a>	<a href="#"><u>Lord Newby</u></a>
<a href="#"><u>Lord Faulkner of Worcester</u></a>	<a href="#"><u>Baroness Quin</u></a>
<a href="#"><u>Lord Gardiner of Kimble</u></a> (Chair)	<a href="#"><u>Baroness Smith of Basildon</u></a>
<a href="#"><u>Lord Geddes</u></a>	<a href="#"><u>Lord Stoneham of Droxford</u></a>
<a href="#"><u>Baroness Harris of Richmond</u></a>	<a href="#"><u>Baroness Thomas of Winchester</u></a>
<a href="#"><u>Lord Judge</u></a>	<a href="#"><u>Viscount Ullswater</u></a>
<a href="#"><u>Lord Kennedy of Southwark</u></a>	

### *Alternate members:*

[Baroness Browning](#) (for backbench Conservative members)  
[Baroness Finlay of Llandaff](#) (for Crossbench members, other than the Convenor)  
[Baroness Goudie](#) (for backbench Labour members)  
[Lord Alderdice](#) (for backbench Liberal Democrat members)  
[Lord Turnbull](#) (for the Convenor)

### *Declaration of interests*

A full list of Members' interests can be found in the Register of Lords' Interests:

<http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests>

### *Publications*

All publications of the Committee are available at:

<https://committees.parliament.uk/committee/191/procedure-and-privileges-committee/publications/>

### *Parliament Live*

Live coverage of debates and public sessions of the Committee's meetings are available at:

<http://www.parliamentlive.tv>

### *Further information*

Further information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is available at:

<http://www.parliament.uk/business/lords>

### *Contact details*

All correspondence should be addressed to the clerk of the Procedure and Privileges Committee, House of Lords, London SW1A 0PW. Telephone 020 7219 8796/1624. Email

[JohnsonC@parliament.uk](mailto:JohnsonC@parliament.uk)

# Fourth Report

## Speakers' lists for oral questions and 'Secretary of State' questions

### *Introduction*

1. In July the House agreed the recommendation of this Committee to retain a number of procedures adopted during the hybrid House.<sup>1</sup> These included the use of speakers' lists for oral questions and for 'Secretary of State' questions. We explained our recommendation as follows:

“10. To enable virtual contributions, speakers' lists were introduced for contributions to most types of business. In the course of the debate on 20 May it became clear that there was a range of views across the House as to the desirability of retaining speakers' lists for normal and topical oral questions, and questions to Lords ministers who are full members of the Cabinet ('Secretary of State' questions)<sup>2</sup>.

“11. Given the divergent views, the House was consulted on 5 July. 551 members participated in this consultation, with 324 voting in favour of speakers' lists and 227 voting against. As such there is a majority, 59% to 41%, for having speakers' lists for normal and topical questions, and questions to Lords Ministers who are full members of the Cabinet from 6 September. Representations had been made following the announcement of the consultation for alternatives, including a mixture of lists and members seeking to intervene spontaneously. The Committee will keep the operation of speakers' lists for these questions under active review.

**“12. We recommend that there should be speakers' lists for normal and topical oral questions, and questions to Lords ministers who are full members of the Cabinet.”**

2. The Committee undertook to “keep these changes under close review”, and in recent weeks it has become clear to us that many Members of the House are increasingly concerned over the conduct of oral questions. This was particularly evident in the debate on the Committee's Third Report on 25 October 2021, when some Members argued that the continued use of speakers' lists was both removing an element of spontaneity from the House's procedures and limiting Members' ability to hold ministers effectively to account.<sup>3</sup> Further informal consultation with Members from all sides of the House suggests that these concerns are widespread and acute. We therefore believe that urgent action is needed to breathe renewed life into this key highlight of the sitting day.
3. The decision on the conduct of oral questions of course rests with the House. Our recommendation reflects the views of the majority of Committee Members, but there are also other possible approaches. If Members wish to

---

1 Procedure and Privileges Committee, *Procedural adaptations arising from the hybrid House: Interim option of voting using PeerHub: Ongoing virtual participation by disabled members* (1st Report, Session 2021–22, HL Paper 41), paras 23–26. The report was agreed by the House on 13 July 2021 (HL Deb [cols 1715–1779](#)).

2 Further to the Committee's [7th Report of Session 2019–21](#), the scope of Secretary of State questions was expanded to include questions to departmental ministers sitting in the House of Lords who are full members of the Cabinet.

3 HL Deb 25 October 2021 [cols. 521–543](#)

explore such approaches, it will be open to them to table amendments to the motion to agree this report.

4. If our recommendations are agreed, we propose that the format of oral questions should change with effect from 6 December 2021.<sup>4</sup> If they are not, we will continue to reflect on the conduct of oral questions, with a view to finding a way forward that commands the broadest possible support.

### *Background and issues*

5. Before the introduction of hybrid House procedures there were no speakers' lists for oral questions and therefore no selection of supplementary questions. Members wishing to ask a supplementary question simply stood and began putting their question. If more than one Member stood, they gave way to each other; if there was a dispute about who should give way, the sense of the House, interpreted by the Leader of the House if necessary, determined which Member should speak. In providing such interpretation, the Leader or her representative on the Government front bench would seek to ensure rotation between Members belonging to different parties and groups, and would also take care to ensure that all Members were given an opportunity to contribute.<sup>5</sup>
6. Speakers' lists for oral questions were first introduced for the virtual proceedings adopted by the House on 21 April 2020.<sup>6</sup> The current procedure is set out in the hybrid House guidance<sup>7</sup> that took effect from 20 May 2021, and which was made permanent following the agreement of the House to the Committee's First Report in July. Members are required to indicate to the Government Whips Office that they wish to ask a supplementary question by 6 p.m. two working days before the question is due to be asked (except for Fridays, when the deadline is 4 p.m.).<sup>8</sup> The final speakers' list for each oral question is limited to a maximum of 10 members and is published before the House sits on the day the question is asked. There is no guarantee that all the Members on the speakers' list will be called within the 10 minutes allowed for each question.
7. The view of most Members of the Committee is that the current procedure is not working well. There is a loss of spontaneity and, in the absence of any incentive for Members who are not on the list to attend oral questions, atmosphere. The time allowed for oral questions has in recent weeks often not been fully used, and there is a perception that ministers are being less effectively held to account. A clear majority on the Committee believe that returning to the pre-pandemic procedure, without speakers' lists, would be preferable.
8. In coming to this conclusion, we have given careful thought to the participation of disabled Members, particularly those who are eligible to attend remotely,

---

4 Any questions asked from this date on will not have a speakers' list, and as a result any speakers' lists already open in respect of these questions will be removed.

5 See *The Companion to the Standing Orders*, [para 4.06](#)

6 See Procedure Committee, [Guidance on Virtual Proceedings from the Procedure Committee: Issue 1, 16 April 2020](#) and HL Deb 21 April 2020 [cols.2–9](#)

7 Procedure and Privileges Committee, [Guidance on Hybrid House and Hybrid Grand Committee from the Procedure and Privileges Committee: 11th Edition, 19 May 2021, to take effect from 20 May](#)

8 6 p.m. Monday for questions on Wednesdays, Tuesday for questions on Thursdays, Thursday for Mondays, and 4 p.m. on Friday for questions on Tuesdays. See Procedure and Privileges Committee, [Procedural adaptations arising from the hybrid House; Interim option of voting using PeerHub; Ongoing virtual participation by disabled members](#) (1st Report, Session 2021–22, HL Paper 41), para 15.

for reasons of long-term disability, in accordance with Standing Order 24A. If the House decides to dispense with speakers' lists, oral questions will be governed by SO 24A(2)(ii), which currently states:

“In business without a speakers' list, eligible members should indicate their wish to take part remotely by a given time the previous working day. In such business there will be a fixed point at which eligible members participating remotely are called to speak by the Chair.”

9. The consequence of applying SO 24A(2)(ii) to oral questions would be, first, that eligible Members would be called at a “fixed point” (thereby undermining our goal of bringing greater spontaneity to oral questions), and second, that they would be called by the Lord Speaker (which would be inconsistent with our recommendation to revert to the pre-pandemic procedure, in which, as the *Companion* states, the role of assisting the House rested with the Leader, not the Lord Speaker). Standing Order 24A(2)(ii) thus requires amendment (see recommendations below).
10. It is vital that the House should continue to benefit from the perspectives of disabled Members during questions, and in our view the best way to achieve this, while preserving spontaneity, is to give the Leader, as part of her task of assisting the House during oral questions, the responsibility for calling on remote participants. They would, as at present, be required to give notice of their intention to speak on an oral question. The deadline for giving that notice, as set out in SO 24A, is the previous working day: the precise time will continue, as now, to be agreed between the usual channels and the broadcasting team.
11. We also propose the removal of the requirement that remote participants be called at a “fixed point” in proceedings on oral questions. Instead there would be the normal rotation of supplementary questions between the parties and groups, and at an appropriate point the Leader (on the basis of prior consultation with the usual channels) would stand and indicate that the House might wish to hear from an eligible Member belonging to the party or group whose turn it was. There would thus be no guarantee that eligible Members, having indicated their wish to participate remotely, would be called to ask a question: but we trust that the sense of the House, assisted by the Leader of the House, will support their continuing full participation.
12. On a technical level, we understand that the broadcasting team will be able to transfer the broadcast feed to a remote participant with only a short delay. It will be essential that when the Leader stands, the House respects her intervention, so that her suggestion to hear from an eligible Member is clearly audible. There will then be a pause of a few seconds before the Member participating remotely appears on the screens in the Chamber.

*Members' behaviour during oral questions*

13. The conduct of oral questions before the pandemic was not immune from criticism. While it ensured spontaneity, it was often voluble. As long ago as 2010 the Leader's Group on Working Practices described the atmosphere during question time as “fractious and at times aggressive”, noting that as a result “many Members, from whom the House might wish to hear, and whose knowledge and experience would be particularly valuable in contributing to

informed scrutiny of the Government, are discouraged from participating in question time”.<sup>9</sup>

14. **Our aim is to enhance the House’s reputation for conducting effective, informed scrutiny of the Government. It follows that if the House accepts our recommendations, it will be incumbent on all Members to respect the House’s traditions of self-regulation, mutual respect, forbearance and courtesy.**

#### *Recommendations*

15. **We recommend that the use of speakers’ lists for oral questions and for ‘Secretary of State’s’ questions be discontinued, with effect from 6 December 2021, and that the procedures that applied prior to April 2020 should be reinstated.**
16. **We further recommend that Members eligible to participate remotely, in accordance with Standing Order 24A, should continue to be eligible both to table oral questions and to ask supplementary questions. In the latter case, they should notify the Government Whips’ Office and their own party or group of their wish to ask a supplementary question by the previous working day. It will then be for the Leader of the House, as part of her responsibility of assisting the House during question time, to call on Members participating remotely, as appropriate. Just as there is no guarantee that all Members physically present who wish to ask a supplementary question will be able to do so, there will be no guarantee that all remote participants will be called.**
17. **We further recommend that Standing Order 24A(2)(ii) be amended as follows (with the text to be deleted struck through):**

**~~“(ii) in business without a speakers’ list, eligible members should indicate their wish to take part remotely by a given time the previous working day. In such business there will be a fixed point at which eligible members participating remotely are called to speak by the Chair.”~~**
18. If these recommendations are accepted, we will continue to keep the functioning of question time under review, and will come forward with further recommendations if required. We will also continue to reflect on other types of proceeding, such as oral statements, and on the best way to facilitate the full participation of eligible disabled Members.

#### **Divisions: pass-readers**

19. On 25 October 2021 the House debated our recommendations for the introduction of a new procedure for conducting divisions, using pass-readers located in the division lobbies and in Prince’s Chamber. Three amendments were tabled to this aspect of our report, and after a full debate our Chair withdrew the motion to agree the report.
20. As well as taking full account of the debate itself we continue to seek Members’ views informally. Our sense is that most Members of the House are content

---

<sup>9</sup> [Report of the Leader’s Group on Working Practices](#), Session 2010–12 (HL Paper 136), paragraphs 29–30.

to continue using the remote voting application for divisions for as long the current public health situation continues. As that situation continues to ease we will bring forward further proposals for consideration by the House.