

## **GUIDANCE ON VIRTUAL PROCEEDINGS FROM THE PROCEDURE COMMITTEE: ISSUE 2, 30 APRIL 2020**

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### **Guidance on Virtual Proceedings**

#### *Introduction*

1. The Procedure Committee has drawn up this amended guidance to guide Virtual Proceedings. It supports the Business of the House motion to be moved by the Leader of the House on 6 May, further to the Business of the House motion agreed on Tuesday 21 April. It has been agreed by the Committee after a virtual meeting held on 30 April where we considered a letter from the Leader of the House dated 27 April.[see Appendix A]
2. The text of the Business of the House Motion to be moved on 6 May is as follows:

**Business of the House (Virtual Proceedings relating to the Committee stage of public bills and to Messages and First Readings)** The Lord Privy Seal (Baroness Evans of Bowes Park) to move, further to the resolution of the House of 21 April, that, until further Order –

1. Committee stages of public bills may take place in Virtual Committee.
  2. Such Proceedings shall follow, so far as practical, procedure in Grand Committee as modified by any guidance issued by the Procedure Committee.
  3. A Virtual Committee is empowered to amend a bill, stand part its Clauses and Schedules, agree its Title and report it to the House.
  4. No amendments may be tabled after the deadline prescribed by the Procedure Committee for consideration in Virtual Committee.
  5. For the purposes of Standing Order 47(2) (Commitment of Bills) any motion to discharge an order of commitment is to be moved at a convenient point in physical proceedings, and Virtual Committee may be cancelled without motion if no amendments have been set down before the deadline for production of the Marshalled List.
  6. Notwithstanding Standing Order 41(2) and (3), messages between the Houses may be sent and received, and a bill sent from the Commons may be read a first time, irrespective of the sitting of the House.
  7. 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. This supplements the Business of the House Motion agreed on 21 April which was 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.
  4. A Virtual Proceeding may take place irrespective of whether the House is sitting that day;
  5. 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;
  6. 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.
4. In addition the House agreed the following Business of the House motion on 28 April time limiting virtual proceeding debates on statutory instruments:
- † Business of the House** The Lord Privy Seal (Baroness Evans of Bowes Park) to move that, until 21 May 2020:
- (1) debates on statutory instruments taken in a Virtual Proceeding shall be time-limited to 1½ hours; and
  - (2) this time limit may be varied by the unanimous agreement of the members taking part in any such Virtual Proceeding at the commencement of proceedings.
5. Paragraph 5 of the 21 April Business of the House motion makes provision for this Committee to support Virtual Proceedings by issuing guidance to vary the provisions of the Companion. This Guidance provides the guide to Virtual Proceedings and has the same authority as the Companion to the Standing Orders.

*Stage 2 of Virtual Proceedings*

6. 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 was agreed that at first the Virtual Proceedings would operate with limited functionality. From 5 May the House will move to live broadcast of proceedings using Zoom.

*Status of virtual proceedings*

7. A Virtual Proceeding is not a sitting of the House. When a decision is needed that must be taken by the House, the House must sit physically. It is intended that such sittings of the House will be infrequent and will not involve many members.

*Chairing Virtual Proceedings*

8. 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. 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. Most Virtual Proceedings will be governed by a Speakers' List and the chair will call each speaker by name.

*Attendance at Virtual Proceedings*

9. Members may only participate in Virtual Proceedings remotely via Zoom. 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*

10. Admission to Virtual Proceedings will be via a link to a meeting sent direct to those members who have signed up to speak via the Speakers' List for that Proceeding. 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 as possible. Training will be available for those who wish to take part in Virtual Proceedings.
11. 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, Thursday debates and Statutory Instruments will close at 10am the working day before the business is to take place;
  - (b) Speakers' Lists for statements and PNQs will close at 4pm the working day before.
12. Members who are not on the Speakers' List but want to watch may do so on [parliamentlive.tv](https://parliamentlive.tv). This is not attendance at the Virtual Proceeding.

*Quorum*

13. The quorum for a Virtual Proceeding is 3 members. To count towards the quorum a member must be on the Speakers' List, in the Chair or acting as a Whip.

*General rules of debate*

14. 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*)
15. 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*)
16. 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 and not using props or exhibits.
  - 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*

17. Prayers will take place at the start of each day's Virtual Proceeding. These will not be broadcast publicly.

*Oral Questions*

18. 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.
19. 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. Oral questions may only be changed up to 48 hours in advance of the question being asked; the 48 hours does not include weekends and bank holidays. Topical oral questions will be allocated by ballot as usual.<sup>1</sup>

### *Private Notice Questions*

20. 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 12 noon the working day before a PNQ is taken;
  - (b) A decision taken by 2pm 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 4pm the day before the PNQ is taken.

### *Oral Statements*

21. 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 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 4pm the day before the proceeding on the statement.
22. 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.
23. 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.

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<sup>1</sup> Topical oral question ballots open at 3pm on Wednesdays and are drawn at 1pm on Fridays for the question the next Tuesday, 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.

*Debates*

24. For Thursday debates and Questions for Short Debate, members will need to sign up by 10am the working day before the debate in the usual way. Members will not be able to speak in the gap.

*Privilege*

25. 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 agreed on 21 April. It means that Virtual Proceedings, and the members taking part, will attract all the usual protections of parliamentary privilege.
26. Members should be aware that if they join the Virtual Proceedings from outside the United Kingdom, while they will still be deemed to be covered by the protections of parliamentary privilege in the UK, there is no guarantee that the legal system of the country from which they are speaking would take this view.

*Broadcasting*

27. Virtual Proceedings will be broadcast in and reported by Hansard. Formal Chamber proceedings will be broadcast and reported as usual.

*Topical QWAs*

28. 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.

*Time limits*

29. Virtual Proceedings have the power to vary time limits for several categories of business if there is unanimous agreement within the Virtual Proceeding. This agreement should be sought at the start of a Virtual Proceeding if there is good reason to do so. It is expected that the Usual Channels would propose the extension before the proceeding began and the Chair would then put the question at the start of the proceeding. One dissenting voice would mean that the question to vary the time limit would be withdrawn.

*Committee stages of Bills in Virtual Committee*

30. Bills are committed to Virtual Committee on a motion in physical proceedings. Virtual Committee constitutes the Committee stage of a public bill, in the same way as a Grand Committee does, with no need for subsequent ratification in the Chamber.

*Speaking in Virtual Committee*

31. Any member of the House may take part in a committee stage of a bill in Virtual Committee, providing they have signed up to the Participants List in advance, and subject to practical limits on the number of members who can be set up to participate in a single remote sitting. Once the Participants List has been published, on the working day before the stage, it will not be possible for further members to add their names, and thus to seek to take part in that day's debate on the bill.
32. Members may sign up to speak on a particular group either by tabling or adding their name to an amendment or by making an expression of interest to the Government Whips' Office by 6pm on the working day before the stage.
33. The Chair of a Virtual Committee is empowered to call speakers and determine the order in which they are to be called in accordance with the usual sequence of speeches.
34. Members wishing to speak twice or more should indicate a desire to speak to the Chair and Clerk. This is to ensure that the debate can be conducted predictably while retaining a degree of the normal freedom and spontaneity associated with debates in Committee.
35. Speakers should observe the rules on attendance at debate (Companion 4.32–4.34) and declare their interests (Guide to the Code of Conduct, paragraph 93) as in the Chamber.

*Amendments*

36. Amendments may be tabled with the Public Bill Office in the normal way (but note that the PBO is operating remotely and members should contact it only by telephone 020 7219 3153 or email [hlpublicbills@parliament.uk](mailto:hlpublicbills@parliament.uk)).
37. Members who add their name to an amendment will be assumed to want to speak in support of the amendment and will be added to the Participants List automatically.
38. Members are encouraged to add Explanatory Statements to their amendments, to reduce the need for explanation in debate.
39. In order to allow time for preparation and to ensure the orderly conduct of proceedings, the deadline for tabling amendments for inclusion in the Marshalled List for Virtual Committee is a day earlier than normal: 5pm (4pm on Fridays and in recess) on the day three working days before consideration. No amendments, including manuscript amendments, will be accepted for that day's debate once this deadline has passed.
40. During Virtual Proceedings, debate will take place on the lead amendment in each group only. It will not be possible to de-group an amendment once the groupings have been published.

*Sequence of events*

41. The following table sets out the sequence of events relating to Virtual Committee (VC).

3 working days before VC	Deadline for tabling amendments, 5pm (4pm on Friday or in recess). Marshalled List produced.
2 working days before VC	Government Whips' Office (GWO) opens Participants List at 10am and agrees groupings
1 working day before VC	GWO publishes groupings by 10am Participants List closes at 11am, GWO publishes it. GWO contacts participants for expressions of interest (EoIs) in specific groups – deadline 6pm. GWO passes on EoIs (unordered) to Clerks
<i>Day of VC</i>	
Morning	Clerks produce briefs and brief Chair
Afternoon, not before 2.30pm	Virtual Committee takes place

### *Decisions*

42. Virtual Committee will for the time being decide Questions on the same basis as Grand Committee. Divisions will not be permitted and decisions to alter the bill may only be made by unanimity. A single voice against an amendment causes it to be negatived; a single voice in favour of a Clause or Schedule causes it to be stood part. The Chair may use any practical means to ensure that dissenting voices are heard before declaring a Question decided. Leave to withdraw an amendment in Virtual Committee should not be withheld.
43. The standard rule against repeat amendments at report stage (Companion, para 8.131) will not apply to addressing an error in Virtual Proceedings, i.e. where the Chair may have mistaken the degree of unanimity among participants.

### *Quorum*

44. The quorum for a Virtual Committee is 3 members (including the Chair) participating remotely. To count towards the quorum a member must be on the Participants List, in the Chair or acting as a Whip.

### *Sitting time and adjournment*

45. Virtual Committees start no earlier than 2.30pm. The Chair may adjourn Virtual Committee at any point, either temporarily or for the day.

### *Messages and first readings*

46. Because physical proceedings, and the opportunity they provide to send or receive messages between the Houses, are likely to be curtailed, messages may be sent and received when the House is not sitting physically. Such messages are conveyed electronically and recorded by minute entry.
47. If a message includes a bill sent from the Commons, the bill may be read a First Time on receipt, under the Business of the House motion. First Reading will be recorded by minute entry.



*Review of the Guidance for Virtual Proceedings*

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

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

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*27th April 2020*

*Our Ref: LHoL/Peer/085*

Dear Lord McFall

From 27 April virtual proceedings will be broadcast live. In light of experience so far and to include the passage of legislation in virtual proceedings we propose the following:

### Oral Questions

Currently an Oral Question can be changed up to 24 hours before it is due to be asked. As the speakers' list for each Oral Question now closes 24 hours before it is due to be asked there isn't any practical time for Members to sign up to an amended Oral Question. This would mean that if a question was changed 24 hours in advance the only participants would be the Member that is asking the question and the Minister.

### Recommendation:

**Members can change their Oral Question up to 48 hours before the start of the sitting at which it is due to be asked. Therefore the speakers' list would still be open for 24 hours before it closes. This is the same timeframe for tabling Topical Oral Questions so should not disadvantage any Members in keeping their question topical.**

### Delegated Legislation

On 5 May we will be considering SIs that are a mixture of those that have been considered by both JCSI and SLSC and those that have been considered by SLSC and JCSI and are time sensitive.

As with all other business using virtual proceedings we will need a speakers' list for each SI closing at the same time as Oral Questions and debates the working day before.

In the Chamber debates on delegated legislation are not time limited in the House of Lords but we will for a temporary period, whilst we are working virtually, we propose moving to a similar model as the House of Commons and time-limiting these proceedings.

We will move a Business of the House motion, which expires on 21 May, to time limit any debates on SIs to 90 minutes each, ensuring consistency with the House of Commons. Should there be unanimous Usual Channels agreement a virtual proceeding on an SI could be extended.

Once the virtual debate has taken place we will table an approval motion to be moved in the Chamber the next working day as is currently the practice when SIs are debated in the Moses Room.

## Primary legislation

Before the Whitsun recess we are proposing to have three Committee stages for Bills that have received a Second Reading.

The first is the Private International Law Bill. Second Reading of this Bill took place on 17 March before the majority of the social distancing restrictions had taken effect.

Second Reading of the Telecommunications Infrastructure (Leasehold Property) took place on 22 April and that for the Prisoners (Disclosure of Information about Victims) Bill will take place on 28 April. There is already agreement in the Usual Channels that for these two Bills Members will be able to put more general statements/views on the record during Committee stage if they were unable to participate in Second Reading. Further guidance on this will be produced by the Usual Channels and circulated to Members in advance of the virtual Committee stage.

We propose to hold the Committee stages of three bills, mentioned above, as “Virtual Committees”, which will follow as closely as possible the normal procedures of a Committee Stage, subject to variations necessitated by the technology. This will mean allowing Virtual Proceedings to make decisions, though only by unanimity. These would be at least the decisions to stand Clauses and Schedules part of the Bill and to agree the Title; and might also include amendments with universal support. Practical arrangements will also need to change in order to accommodate the extra preparation needed to hold these stages virtually. Within the unavoidable constraints, we will seek to preserve as much as possible of the spontaneity and freedom which the House’s scrutiny function requires.

Our normal ways of managing a stage are:

- The marshalled lists close at 5pm 2 working days before the stage.
- Groupings are then agreed the working day before the stage and published the morning of the stage.
- Members can still table amendments after the Marshalled List deadline and table manuscript amendments.

The temporary changes recommended are:

- The marshalled list closes at 5pm 3 working days before the stage.
- Further amendments after this deadline are not accepted.
- Groupings are agreed with Members 2 working days before the stage and will be published the working day before the stage via the Government Whips’ Office website. Groupings, once agreed, are binding.

A Virtual Committee would sit no earlier than 2.30pm, to allow time for briefing and preparation. It might sit for two periods of up to 2.5 hours within one day, with a 30 min break in between each session.

Only members who had tabled amendments or previously indicated an intention to take part in the stage would be able to. The recommendation is as follows:

*Currently four Members (plus a Minister) may demonstrate their support for an amendment by adding their name. We propose treating signing an amendment as an indication of an intention to speak in support of it during proceedings.*

*The Government Whips' Office will open a participants list the day the marshalled list is published. Only those Members who want to speak on the Bill but have not signed a specific amendment or are not on the frontbenches need to add their name. This may be particularly helpful to members opposed to an amendment who wish to speak on it for instance. This participants list will close 24 hours before the start of business on the day on which the stage is to take place.*

*The Government Whips' Office will agree groupings with Members that have tabled amendments the day the marshalled list is published, as usual, and publish it the following morning – the day before the stage. Later that morning, once the participants list has closed, the Government Whips' Office will email those Members signed up and ask them to alert us to which group they wish to speak on. We will not publish a speakers' list for each group but will confirm with the Chair and Clerks, by the end of that day, the expectation of interest in each group of amendments.*

*During proceedings it will be for the Chair to call those that had signed the lead amendment and grouped amendments plus any Members who have expressed an interest in speaking on the group, before moving on to the Opposition frontbenchers and the Minister. It would be for the Chair to regulate the proceedings as they currently do alongside the Government Whip. Members will be able to speak more than once.*

*Opposition frontbenchers and the Minister would not need to sign up to a participants list or sign an amendment to have a right of reply. A protocol for decision-making will be needed which will be agreed within the Usual Channels.*

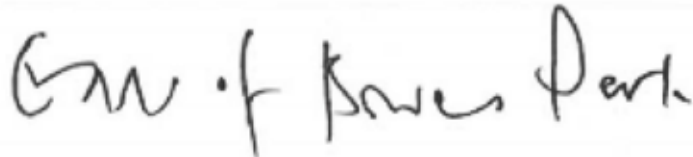
The following table sets out what is proposed.

3 working days before Virtual Proceeding	Marshalled list closes
2 working day before Virtual Proceeding	The Government Whips' Office opens a participants list first thing and agrees groupings
1 working day before Virtual Proceeding	The Government Whips' Office publishes groupings by 10am. Participants List closes 24 hrs before start of day's business (11am), The Government Whip's Office publishes it. The Government Whips' Office contacts members for expressions of interest (EoIs) in specific groups – deadline 6pm. The Government Whips' Office passes on EoIs to Clerks
<i>Day of the Virtual Proceeding</i>	
Morning	Clerks produce briefs and brief Chair
Afternoon, not before 2.30pm	Virtual Committee stage

Establishing unanimity in Virtual Proceedings will not be easy and a risk of error exists. To mitigate it, we invite the Usual Channels to commit to proactive issue management to reduce the number of amendments moved; and we invite the Procedure Committee to suspend the usual rules against repeat / reverse amendments at Report.

In addition we propose that Virtual Proceedings be empowered to send and receive Messages and to give a Commons Bill its First Reading. This is not directly relevant to Committee stage but will facilitate the flow of business between the Houses during this emergency.

Yours ever,

A handwritten signature in black ink that reads "Evans of Bowes Park". The signature is written in a cursive, slightly slanted style.

Baroness Evans of Bowes Park