



HOUSE OF LORDS

Procedure and Privileges Committee

6th Report of Session 2021–22

Divisions: pass-readers

Sessional select committees

Participation of eligible members in oral statements and repeated urgent questions

Ordered to be printed 28 January 2022

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:

<u>Lord Ashton of Hyde</u>	<u>Lord Mancroft</u>
<u>Lord Bew</u>	<u>Lord McFall of Alcluith</u> (Lord Speaker)
<u>Lord Eames</u>	<u>Baroness McIntosh of Hudnall</u>
<u>Baroness Evans of Bowes Park</u>	<u>Lord Newby</u>
<u>Lord Faulkner of Worcester</u>	<u>Baroness Quin</u>
<u>Lord Gardiner of Kimble</u> (Chair)	<u>Baroness Sanderson of Welton</u>
<u>Baroness Harris of Richmond</u>	<u>Lord Sherbourne of Didsbury</u>
<u>Baroness Humphreys</u>	<u>Baroness Smith of Basildon</u>
<u>Lord Judge</u>	<u>Lord Stoneham of Droxford</u>
<u>Lord Kennedy of Southwark</u>	

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/>

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

Sixth report

Divisions: pass-readers

Introduction

1. 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 the Senior Deputy Speaker withdrew the motion to agree the report.
2. After a period of reflection, we published an interim update in our Fifth Report, confirming that we remained convinced of the benefits of pass-readers, in terms both of speed and accuracy. We acknowledged the concern expressed over our initial proposal to dispense with Tellers, and indicated that any further proposals we brought forward would retain the role of Teller.
3. Following a further discussion at our meeting on 18 January 2022, we now seek the House's agreement to these revised proposals for the conduct of divisions using pass-readers. We have made these proposals now, with a view to commissioning the further work that is required to complete software development. This work will take some weeks, and staff are working at speed to get the system ready as soon as possible. We propose that the decision as to exactly when to deploy pass-reader voting should then be made by the House of Lords Commission, taking into account the prevailing public health situation.

The new procedure: key principles

4. The proposed process for conducting divisions is outlined in Box 1. It is closely modelled on the pre-pandemic process, in that it retains the requirement for each side to appoint Tellers within three minutes of a vote being called, and the principle that if Tellers are not appointed for one side, the question will be decided in favour of the other side and the division will be terminated.
5. The key difference between what we now propose and the pre-pandemic process is that members will vote in the lobbies by presenting a valid security pass to one of the pass-readers, before leaving the lobbies past the Tellers. The pass-readers will then generate the authoritative figure for the number of members voting, as well as recording their names. While the Tellers will also count members manually, and will validate the result after their return to the Table, their figure will only be used as the authority for the result if the pass-reader system fails.
6. This key change is, in our view, essential if the House is to realise the benefits of speed, accuracy and security. It follows that in order to vote, members will be required to present a valid parliamentary security pass that has been registered to the pass-reader system, and we propose that this new rule should be reflected in an amended Standing Order. If a member mislays their security pass any day-pass issued to them by the Pass Office will be automatically registered to the pass-reader system; outside working hours such day-passes will be available from Peers' Entrance. It will be the responsibility of each individual member to have their pass with them in order to cast their vote and the Clerks at the Table will not have the authority

to register the vote of a member who cannot show their security pass or a valid day-pass.

Box 1: The process for divisions

Starting the division

The Question is put, and voices are heard on both sides. The member on the Woolsack instructs the clerk to begin a division.

The clerk enters the division information and launches the division. The pass-readers are activated and the voting period for eligible members starts. The clerk rises and bows to the member on the Woolsack.

The member on the Woolsack rises and says: "Voting is now open. Clear the bar."

The doorkeepers sound the division bells, update the annunciator, and prepare the lobbies.

First three minutes

Tellers must be appointed within three minutes.

Members can vote immediately, but are required to remain in the lobbies until Tellers are in place. Once Tellers are in place, the exits from the lobbies may be unlocked, and members pass the Tellers on their way out of the lobbies.

If after three minutes no Tellers have been appointed for one or other side, the Question is decided in favour of the side which has appointed Tellers.

If Tellers have been appointed, after three minutes the clerk bows to the member on the Woolsack, who repeats the Question and takes the voices. If there are voices on both sides, they then say: "The Contents will go to the right by the Throne. The Not-contents to the left by the Bar."

If there are no voices on one or other side, the Question is decided on the voices and the division is cancelled.

During the division

Members continue to pass through the lobbies, voting by tapping their passes, confirming that they have been registered by the pass-readers, and being counted by the Tellers at the end of each lobby.

Members eligible for remote participation under SO 24A may vote on PeerHub.

The clerk takes the votes of infirm members and of the member on the Woolsack (who will be required to present a valid security pass) and records their votes in the divisions system.

Ending the division

The PeerHub voting period for remote members expires automatically after eight minutes.

At eight minutes, the clerk bows to the member on the Woolsack, who then repeats the Question without taking the voices. The doors into the Chamber are locked.

Voting continues in the lobbies until all members have voted. The Tellers agree their numbers (to be given to the clerk and used as back-up if the pass-reader system fails) and return to the Chamber. When both sets of Tellers have returned the clerk ends the division on the system, deactivating the pass-readers. The clerk imports the voting figures for PeerHub and the pass-readers. The system combines all the figures to produce the final totals.

The clerk writes the result on a paper slip and gives it to a Teller for the winning side.

The Teller for the winning side approaches the Woolsack and the result is announced.

After the division

The Table Office updates the contextual information (e.g. adding the text of any amendment) and submits the result. This sends the information to the website, Hansard, and the text/email notifications.

Testing and roll-out

7. As part of the completion of the system, it will be essential to register all members' passes to the system. 583 members have already registered their passes, and staff will ensure that there are opportunities for all other members to do so.
8. It will also be vital to test the system rigorously, to identify any issues, and to conduct realistic rehearsals, so that members can familiarise themselves with the process before it goes live.

Location of pass-readers

9. As part of finalising the system and testing, and if time allows, staff will add a fifth pass-reader (re-using the devices previously placed in Prince's Chamber). Once the system is live, staff will monitor traffic in the lobbies, and the pass-readers themselves will gather usage data, informing any necessary adjustments.
10. It is proposed that members should not be divided alphabetically: having decided to go through either the contents or the not-contents lobby, as the case may be, members will be free to use any pass-reader in that lobby. Initially we expect the lobbies to be divided into two streams by means of rope barriers, to reduce the impact of a temporary blockage at one pass-reader, but it will be for members themselves to decide which queue to join. Arrangements in the lobbies will of course be kept under review.

Voting in the 'wrong lobby'

11. The pass-readers will be networked, sharing data in real time. This means that members will in future be unable to vote in both lobbies. If they attempt to do so, they will receive an error message in the second lobby, which will tell them to go to the clerk at the Table if they wish to change their vote. This process replicates the principle that has hitherto underpinned Standing Order 54, though the Standing Order itself will need to be rewritten.

Accessibility and members who are blind

12. The system has been designed to be accessible and clear to users. The first pass-reader in each lobby is on a lower stand, making it more easily accessible to members using wheelchairs. When a member brings a valid security pass close to the pass-reader device located next to the screen, a message will appear on the screen with the member's name, confirming that they have voted content or not-content, as the case may be. This message will remain on screen for a few seconds before disappearing, or until the next member votes, when it will be replaced. The system also emits a 'bleep' to confirm that a vote has been cast.
13. Staff have liaised with members who are blind to discuss their use of the system. No changes to the system are planned at this stage, but minor adaptations may be made following the tests with members to ensure that they are able to use the pass-readers. Members who are blind or severely visually impaired will also be entitled to cast their vote with the Clerk at the Table in the event of any difficulty in using the pass-readers.

Contingency arrangements

14. The pass-reader system was introduced in the House of Commons in late 2021, and has been highly reliable. But it is impossible to completely rule out the possibility of either the pass-reader system failing, or of some other issue making the pass-reader devices unavailable, such as a power failure.
15. We propose that in the event of the system failing, the Tellers' count would be authoritative. Staff would record names in each lobby, using paper division sheets. The Tellers' count would be reported to the clerk at the Table, who would add the totals for those voting in the Chamber and for eligible members voting on PeerHub. Before the system goes live we will also consider whether the option of deferred divisions (introduced on a temporary basis as part of hybrid House procedures, and still available in the event that the electronic voting system fails) should be put on a permanent footing.

Recommendation

16. **We invite the House:**
 - **To agree the process described in Box 1 of this report for the conduct of divisions using pass-readers;**
 - **To agree the amendments to Standing Orders 52–54 set out in Appendix 1;**
 - **To mandate the House of Lords Commission, once the pass-reader system is ready, to decide when it should be put into operation, taking into account the prevailing public health situation.**

Sessional select committees

17. On 13 January 2021 the House agreed the report of the Liaison Committee, *Review of investigative and scrutiny committees: strengthening the thematic structure through the appointment of new committees*.¹ The report contained the

¹ Liaison Committee, *Review of investigative and scrutiny committees: strengthening the thematic structure through the appointment of new committees* (5th Report, Session 2019–21, HL Paper 193)

final proposals arising from the Liaison Committee's comprehensive review of the House's select committee structure, commenced in 2017, including in particular successor committees to the European Union Committee and its Sub-Committees.

18. Following the House's agreement to the report, on 14 April 2021 the House for the first time appointed the Environment and Climate Change Committee, the European Affairs Committee, the Industry and Regulators Committee and the Justice and Home Affairs Committee, all of which replaced the EU Select Committee and its sub-committees, along with the new Built Environment Committee. In order for these new committees to be 'sessional committees' (that is to say, in order for them to be able to continue in existence from one parliamentary session to the next), Standing Order 63 now needs to be updated. We propose the necessary updates in the Appendix.
19. **We recommend that Standing Order 63 be updated in the terms set out in Appendix 1, to reflect the new committee structure agreed by the House in January 2021.**

Participation of eligible members in oral statements and repeated urgent questions

20. Following the House's agreement to our Fourth Report,² on 6 December the House adopted a new procedure for the remote participation of disabled members deemed eligible under SO 24A in oral questions. Under this new procedure, the use of speakers' lists for supplementary questions was discontinued, and instead eligible members are now required to 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 is then for the Leader of the House, as part of her responsibility of assisting the House during question time, and following consultation with the usual channels, to call on Members participating remotely as appropriate.
21. This change has, in our view, been a success: the Chamber is fuller during oral questions, and exchanges are more spontaneous. Data from before and after the change also show an increase in the average number of supplementary questions asked per oral question.³
22. In our Fourth Report we undertook to "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". The Government Chief Whip has now proposed to us that the procedure for facilitating the participation of disabled members deemed eligible under Standing Order 24A in oral questions should be extended to oral statements and repeated urgent questions, whenever there is sufficient notice of such business. We support this change, which will mean that eligible disabled members who have given notice of their wish to intervene, rather than being called at a fixed point in proceedings, will be called on by the Leader of the House or her delegate at an appropriate point. As for oral questions, this means that remote participants, like those who are physically present, will not be guaranteed an opportunity to speak.

2 Procedure and Privileges Committee, *Speakers' lists for oral questions and 'Secretary of State' questions Divisions: passreaders* (4th Report, Session 2021–22, HL Paper 104); see HL Deb., 1 December 2021, cols 1357–73.

3 The number of supplementary questions per oral question rose from 7.6 in the two weeks before 6 December to 8.4 in the two weeks following the change.

23. This change will not require any further amendment to SO 24A.
24. **We recommend that the procedure introduced on 6 December 2021 to enable disabled members, who have been deemed eligible to participate remotely in accordance with SO 24A, to ask supplementary questions during oral questions, should be extended with immediate effect to oral statements and repeated urgent questions.**

APPENDIX 1: AMENDMENTS TO STANDING ORDERS

Divisions

Proposed new text is **bold**; text that is proposed for deletion is ~~struck through~~.

52 Divisions [27 June 1865]

(1) When, on the Question being put, a division is called for, the member on the Woolsack or in the Chair shall order the Bar to be cleared, **and the Clerk will start the division by activating the pass-readers in the division lobbies and the electronic voting system.** ~~Two Tellers shall be appointed by the Contents and two by the Not-contents. After the lapse of three minutes from the time when the Bar is ordered to be cleared, the member on the Woolsack or in the Chair shall again put the Question.~~

(1A) Two Tellers shall be appointed by the Contents and two by the Not-contents. One Teller for the Contents and one for the Not-contents shall be appointed for each division lobby.

(2) After the lapse of three minutes from the time when the Bar is ordered to be cleared, the member on the Woolsack or in the Chair shall again put the Question. ~~If, after a lapse of three minutes from the time when the Bar is ordered to be cleared at this point, Tellers have not been appointed either for the Contents or for the Not-contents, a division cannot take place. The member on the Woolsack or in the Chair shall declare the Question decided in favour of the side which has appointed Tellers.~~

~~(3) One Teller for the Contents and one for the Not-contents shall be appointed for each division lobby without respect to their degree; and clerks shall be in attendance in each lobby to record the names of the Contents and Not-contents respectively; the Tellers shall count the votes and announce the numbers to the member on the Woolsack or in the Chair.~~

(3A) To cast a vote, a member must present a valid security pass to one of the pass-readers located in the division lobbies, except as otherwise provided for in Standing Orders 24A and 53. Having voted, a member should pass the Tellers as they leave the lobby.

(4) After the lapse of eight minutes from the time when the Bar is ordered to be cleared, or longer at the discretion of the member on the Woolsack or in the Chair, the doors of the Chamber shall be locked, and the member on the Woolsack or in the Chair shall inform the House or the committee of the Question which is the subject of the division.

(5) A member Lord may vote in a division although they did not hear the Question put.

53 Votes counted in the House [27 June 1865]

Any **member** Lord may, on the ground of infirmity, have the privilege of **voting in their place** ~~being told in their seat~~; and the votes of such **members** Lord and of the **member** Lord on the Woolsack or in the Chair shall be taken first by the Clerk and notified to the Tellers ~~on their return from the division lobbies.~~

54 Voting in wrong lobby [27 June 1865]

~~If any Lord shall have by mistake gone out with the Contents or Not-contents (as the case may be), having intended to vote on the other side, they shall wait until the other Lords in the same lobby shall have passed out, and on presenting themselves to the Tellers desire that they may not be counted by them, they having entered that lobby by mistake; and the Tellers shall thereupon come with such Lord to the Table, and inform the House of the circumstances, and shall ask the said Lord whether they desire to vote Content or Not-content, and the vote of the said Lord as then declared by them shall be taken by the Tellers in the House, and recorded by the Tellers accordingly.~~

If any member has by mistake voted either Content or Not-content, having intended to vote on the other side, they may go to the Clerk at the Table before the end of the division and request to change their vote. The Clerk will inform the Tellers of the change before the result of the division is announced. Members may not vote in both lobbies.

Sessional select committees

Proposed new text is **bold**; text that is proposed for deletion is struck through.

63 Sessional Committees [10 November 1975]

The orders of appointment of the following Committees and any of their Sub-Committees shall remain in force and effect, notwithstanding the prorogation of Parliament, until such time as the House or Committee makes further orders of appointment in the next succeeding session:

Built Environment Committee

Communications and Digital Committee

Conduct Committee

Consolidation Bills Committee

Constitution Committee

Delegated Powers and Regulatory Reform Committee

Economic Affairs Committee

Environment and Climate Change Committee

European ~~Union~~ **Affairs** Committee

Finance Committee

House of Lords Commission

Human Rights Committee

Hybrid Instruments Committee

Industry and Regulators Committee

International Agreements Committee

International Relations and Defence Committee

Justice and Home Affairs Committee

National Security Strategy Committee

Procedure and Privileges Committee

Public Services Committee

Science and Technology Committee

Secondary Legislation Scrutiny Committee

Services Committee

Standing Orders (Private Bills) Committee

Statutory Instruments Committee.