



HOUSE OF LORDS

Procedure Committee

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1st Report of Session 2019–21

**Appointment of Parliamentary Works  
Sponsor Body Spokesperson and  
Sponsor Body members**

**General and balloted debates for the  
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The Select Committee on Procedure 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.

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## FIRST REPORT FROM THE PROCEDURE COMMITTEE

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### Appointment of Parliamentary Works Sponsor Body Spokesperson and Sponsor Body members

#### *Sponsor Body spokesperson*

1. In accordance with section 14 of the Parliamentary Buildings (Restoration and Renewal) Act 2019 the Shadow Sponsor Body (SSB) will become a separate legal entity on 8 April 2020.
2. Following the recommendation of the Joint Committee on the Parliamentary Buildings (Restoration and Renewal) Bill, the Board of the Shadow Sponsor Body has agreed to nominate spokespersons from amongst their parliamentary members to respond to scrutiny in Parliament. This report sets out the proposed arrangements for a House of Lords spokesperson to speak on behalf of the Sponsor Body, including answering parliamentary questions. The arrangements maintain equivalence, as far as possible, with the role of the spokesperson in the House of Commons.
3. We propose that the spokesperson for the Sponsor Body should:
  - (a) Respond to questions for written answer;
  - (b) Respond to oral questions;
  - (c) Participate in debates, including responding to questions for short debate, on behalf of the Sponsor Body;
  - (d) Make written statements;
  - (e) Move the resolution to approve the proposed restoration works and funding (required by section 7 of the 2019 Act).
4. The Sponsor Body spokesperson would have fewer resources to draw upon than a government minister, which means that responding to questions in the House at short notice would present logistical challenges. We therefore propose that the Sponsor Body spokesperson would not be eligible to make oral statements; and that private notice questions, topical oral questions or topical questions for short debate to the spokesperson would not be admissible.
5. The proposals we make in paragraphs 4 and 5 would require amendments to the Companion to Standing Orders. **We recommend the following amendments to the Companion to recognise the role of the for Parliamentary Works Sponsor Body spokesperson:**

[new words in **bold**]

#### **Written statements**

6.10 Written statements may be made when the House is sitting, by ministers, or the Senior Deputy Speaker **or the Parliamentary Works Sponsor Body spokesperson**. Notice is not required. Written statements may also be published online and in editions of Hansard produced when the House is not sitting. Written statements are available online as soon as they are made

and are published in Hansard. The digital copy of written statements is the definitive record copy.

## Questions

*Questions relating to the business of either House*

6.21 In respect of the House of Lords, questions may be addressed to certain members of the House as holders of official positions but not as members of the government. Thus the Leader of the House has been questioned on matters of procedure, and the Senior Deputy Speaker on matters falling within the duties of his office or relating to the House of Lords Commission and other domestic committees. **The Parliamentary Works Sponsor Body spokesperson may also be questioned on the activities of that Body and matters falling within the scope of the Restoration and Renewal Programme.**<sup>1</sup>

## Other bodies

*Parliamentary Works Sponsor Body*

**11.8X The Parliamentary Works Sponsor Body is a statutory body, whose proceedings are not proceedings in Parliament, appointed by both Houses of Parliament in accordance with the Parliamentary Buildings (Restoration and Renewal) Act 2019. Membership of the Sponsor Body is subject to confirmation by resolution of each House (or in the case of the parliamentary members, of the House to which they belong).**

**11.8X The Parliamentary Works Sponsor Body is required to publish a report on its activities at least once a year. There is a presumption that such a report will be debated in Grand Committee or in the Chamber on an annual basis. Such debates are on a take-note motion (see paragraph 6.59) moved by the Sponsor Body's spokesperson or another Lords member of the Sponsor Body, who is also expected to wind up the debate.**

### *Sponsor Body members*

6. Schedule 1 to the 2019 Act sets out the arrangements for appointing the members of the substantive Sponsor Body. This includes the approval of a resolution by the House to agree the appointment of the Lords members of the Body. We expect the appointment motion to be moved before the Easter recess to allow the Board of the Sponsor Body to begin discharging its functions on 8 April when it becomes substantive under the Act. On 8 April the Act will also 'roll over' the appointment of the shadow external members to the substantive Sponsor Body. The Act requires these appointments to be confirmed within once month of the commencement date, which will require the approval of a separate resolution of the House.<sup>2</sup> We report this to the House for information.

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<sup>1</sup> Private notice questions, topical oral questions and topical questions for short debate to the Parliamentary Works Sponsor Body spokesperson are not admissible.

<sup>2</sup> Under paragraph 8, Schedule 1

### General and balloted debates for the new parliamentary session

7. The provisions in the Companion relating to Thursday debates and topical questions for short debate assume that a session starts around spring time, and sets timings for these items on that basis. As the current session started in December 2019, we propose that the House makes the following adaptations similar, to those agreed for the 2017-19 session<sup>3</sup>, to take account of the start date of the current session.

#### *Thursday debates*

8. Paragraph 6.53 of the Companion says:

“In a normal full session every Thursday from the beginning of the session until the end of January is set aside for general debates. The House has agreed that it is desirable that there should be regular debates on general topics, and on select committee reports, in prime time.”

9. **We recommend that:**

- (a) **general debates should run from the first sitting Thursday in February 2020 until the end of September 2020; and**
- (b) **balloted debates should run until the end of September 2020.**

#### *Topical questions for short debate*

10. Paragraph 6.48 of the Companion says:

“In a normal full session on every Thursday from the beginning of the session until the end of January there is a topical question for short debate between the general debates (or after the general debate if there is only one). The topical question for short debate is chosen by ballot.”

11. **We recommend that a topical question for short debate on every Thursday should run from now until the end of September 2020.**

### Committee statements

12. The Liaison Committee’s 6th Report of Session 2017-19 (HL Paper 398) included the following recommendation:

“In order to assist in internal promotion of committee reports, we recommend that the Procedure Committee should examine ways in which opportunities could be made available to highlight important committee work on the floor of the House.” (Paragraph 118)

We propose that, for a trial period, chairs of all select committees should have the opportunity on Thursdays after oral questions to make short statements to promote recently published committee reports.

13. **We recommend that, for a trial period, each Thursday after oral questions and before public business, a period of 10 minutes is set aside for brief statements by the chair of a committee, or their delegate, to draw the House’s attention to a recently published committee report. The following procedure should apply:**

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<sup>3</sup> Procedure Committee, 6th Report, Session 2017-19, HL Paper 353

- (a) **Individual committee statements should not exceed a maximum time limit of three minutes. The clocks in the Chamber should be used to record the time taken for each statement;**
- (b) **Statements should draw attention to a select committee report published in the previous five sitting days. The Senior Deputy Speaker has discretion to allow an exception to the five sitting day limit;**
- (c) **If there are more bids for committee statements than the 10 minutes allows, the Senior Deputy Speaker is responsible for deciding which committee chairs should make a statement;**
- (d) **The purpose of a statement is for the committee chair to highlight a recently published report; it should not be used as an opportunity to ask questions or promote a debate;**
- (e) **A committee statement should be called on by the Lord Speaker or, in his absence, the member on the Woolsack;**
- (f) **The committee chair, or their delegate, makes the statement from their usual place in the Chamber rather than from the Despatch Box;**
- (g) **Committee statements will be listed in House of Lords Business and on the Order Paper;**
- (h) **The trial period should run to the summer recess 2020, when it will be reviewed.**

#### **Privileges Committee: consequences of establishing the Conduct Committee**

14. In April 2019, the House agreed to a report recommending the appointment of a new Conduct Committee to take on the conduct functions of the former Privileges and Conduct Committee, and that the Privilege and Conduct Committee's remaining functions relating to parliamentary privilege and peerage claims should be carried out by a separate Privileges Committee appointed for this purpose. Historically, privilege issues and the adjudication of peerage claims arise very infrequently: the last time the Privileges and Conduct Committee considered an issue of privilege was in 2010; and no peerage claims have been referred to the Committee since the passage of the House of Lords Act in 1999. It is therefore likely that the proposed Privileges Committee would rarely meet.

#### *Procedure and Privileges Committee*

15. Rather than setting up a stand-alone Privileges Committee, we propose that responsibility for considering questions of privilege transfers from the former Privileges and Conduct Committee to this committee, which has a similar membership. The Committee would be renamed the "Procedure and Privileges Committee". Having one committee responsible for both procedure and privilege is common in other parliaments around the world. Following the departure of the Law Lords, it was thought essential for two retired senior judges to assist with privilege (and conduct) matters. This remains the case since consideration of privilege matters can involve interpretation of both statute and common law. We therefore proposed

that in considering any questions of privilege, the Procedure and Privileges Committee should be required to co-opt two Members of the House who are former holders of high judicial office, who will have the same speaking and voting rights as the full members of the Committee.

16. **We recommend the following terms of reference for the renamed Procedure and Privileges Committee:**

**“To consider the procedures of the House of Lords, to consider questions regarding the privileges of the House, and to make recommendations to the House.”**

**We also recommend that in considering questions of privilege, the Procedure and Privileges Committee should be required to co-opt two Members of the House who are former holders of high judicial office, with the same speaking and voting rights as the full Members of the Committee.**

17. At present, Standing Order 77 sets out the composition of the Committee for Privileges and Conduct but there is no equivalent Standing Order for the Procedure Committee. There is no obvious reason why the new Procedure and Privileges Committee would need a Standing Order, so **we recommend that Standing Order 77 in its current form should be deleted.**

*Committees for peerage claims*

18. Given that the Committee for Privileges has not been required to consider a peerage claim since 1997, we consider it unnecessary to set up a standing Committee to consider a Petition referred to it under Standing Order 78. Instead, we propose that a committee to consider peerage claims should be set up each time such a claim arose. Such a committee would need to have the right membership for the task. In 2009, the Procedure Committee reported that:

“...Peerage claims are, and have always been, essentially judicial proceedings, and it is essential that they should continue to be decided by an appropriately constituted body. We therefore believe that the requirement in Standing Order 78 that three senior judges should be present should be retained, even though this will require the House to call upon the services of non-Members.”<sup>4</sup>

The requirement remains the same. **We therefore propose the following new Standing Order:**

**“77A Committees for peerage claims**

**The House may refer a peerage claim to a committee for determination. In such a case, the Chairman of Committees must table a motion to appoint a Committee to consider the peerage claim and report to the House. Four Members of the House shall be named of the committee, which shall sit with three holders of high judicial office who shall have the same speaking and voting rights as the Members of the committee.”**

*Consequential changes to Standing Orders*

19. Standing Orders 9, 12, 19, 64, 78, 80 and 81 all refer to the Privileges and Conduct Committee. These references will need to be changed in the House agrees our recommendations in the preceding paragraphs. **We recommend that the House agrees the consequential changes to the Standing Orders set out in the Appendix to this Report.**
20. There is one further change we propose to the Standing Orders. Standing Order 40(3) gives the Chairman of Committees' (Senior Deputy Speaker's) business precedence over other public business in the Chamber. This means that reports from committees which the Senior Deputy Speaker chairs are given precedence over the other business on the Order Paper (except oral questions). The Senior Deputy Speaker no longer chairs committees dealing with conduct, services and finance issues, and as a result, the chairs of those committees are not able to benefit from the provisions of the Standing Order. We consider that these three committees should benefit from precedence over other public business in the Chamber. **We recommend that the House agrees to the following amendment to Standing Order 40(3):**

[new words in **bold**]

**40 Arrangement of the Order Paper [1 June 1954]**

Notices shall be entered in the Order Paper in the order in which they are received at the Table, provided that:

- (1) Oral Questions shall be entered before other business.
- (2) Notices relating to Private Business may be entered before Public Business. At the discretion of the Chairman of Committees they may also be entered later in the Order Paper.
- (3) Subject to paragraph (1), notices relating to the Business of the House, and to the Chairman of Committees' Business, **and to the business of the Conduct, Finance and Services Committees** shall have priority over other Public Business **if the mover so desires."**

**Terms of reference of the European Union Committee**

21. The Liaison Committee agreed on 28 January that the European Union Committee's existing terms of reference should be amended, to reflect the United Kingdom's changed status after 31 January, and the Committee's role during the transition period. The revised terms of reference should cover the following three areas:
- (a) scrutiny of EU documents, including fulfilment of the terms of section 29 of the EU (Withdrawal Agreement) Act;
  - (b) scrutiny of the implementation of the Withdrawal Agreement and of negotiations on the future UK-EU relationship; and
  - (c) interparliamentary dialogue with the EU and its Member States.
22. It also agreed that the European Union Committee should establish a sub-committee responsible for scrutinising treaties or international agreements. This would, inter alia, scrutinise and report on treaties deposited under the terms of the Constitutional Reform and Governance Act 2010, whether EU



or non-EU related, thereby taking on tasks currently shared between the EU Committee and the Secondary Legislation Scrutiny Committee. The new sub-committee would also be responsible for scrutinising any new international agreements or negotiations entered into by the Government. This would require a further extension of the European Union Committee's terms of reference, to ensure that these specific non-EU matters fall clearly within its remit.

23. **In order to put these Liaison Committee decisions into effect, we recommend the following revised terms of reference for the European Union Committee:**

**“To consider European Union documents deposited in the House by a Minister, and to report to the House, in accordance with section 29 of the European Union (Withdrawal Agreement) Act 2020, on any European Union legislation that, in the opinion of the Committee, raises a matter of vital national interest to the United Kingdom;**

**To consider other matters relating to the UK's relationship with the European Union, including the implementation of the UK/EU Withdrawal Agreement, and the Government's conduct of negotiations on the United Kingdom's future relationship with the European Union;**

**To consider matters relating to the negotiation and conclusion of international agreements;**

**To represent the House as appropriate in interparliamentary dialogue with the European Union and its Member States.”**

24. The Liaison Committee will, during 2020, further review the structure of the House's investigative and scrutiny committees, including the long-term role of the EU Committee, with a view to making further changes ahead of implementation in early 2021.

## APPENDIX : CONSEQUENTIAL CHANGES TO THE HOUSE'S STANDING ORDERS

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[new words in **bold**, deleted words ~~struck through~~]

### 9 Hereditary peers [26 July 1999]

- (1) In implementation of section 2 of the House of Lords Act 1999, this Standing Order makes provision for hereditary peers who are excepted from section 1.
- (2) The excepted hereditary peers shall consist of the following categories:
  - (i) (a) 2 peers elected by the Labour hereditary peers;
    - (b) 42 peers elected by the Conservative hereditary peers;
    - (c) 3 peers elected by the Liberal Democrat hereditary peers;
    - (d) 28 peers elected by the Cross-bench hereditary peers;
  - (ii) 15 peers, elected by the whole House, from among those ready to serve as Deputy Speakers or in any other office as the House may require; and
  - (iii) any peer holding the office of Earl Marshal or performing the office of Lord Great Chamberlain.
- (3) Elections shall be conducted in accordance with arrangements made by the Clerk of the Parliaments.
- (4) In order to stand for election or qualify as an elector under paragraph (2)(i), a peer must register with the Clerk of the Parliaments, identifying the party or Cross-bench group to which he belongs. In order to stand for election under paragraph (2)(ii), a peer must register separately with the Clerk of the Parliaments. A peer may not stand for election nor vote if he has not taken the Oath or is on Leave of Absence.
- (5) In the event of a tie between two or more candidates standing in any of the elections held in accordance with paragraph (2), the matter (if not resolved by the electoral arrangements adopted by the House) shall be decided by the drawing of lots.
- (6) The Clerk of the Parliaments may refer any question concerning the propriety of the electoral process to the Committee for **Procedure and Privileges**.
- (7) In the event of a vacancy occurring at any time up to the end of the initial period through death among the peers elected in category (2) (i) or (2)(ii), the vacancy shall be filled by the nearest runner-up in the relevant election under paragraph (2) who both wishes to fill the vacancy and is otherwise available. The provisions of paragraph (5) are applicable for this purpose. If no such runner-up is available, the House shall decide how the vacancy shall be filled.
- (8) In this Standing Order and in Standing Order 10 the end of the “initial period” is the end of the first session of the next Parliament after that in which the House of Lords Act 1999 is passed.

## 12 Expulsion or suspension of a member [16 July 2015]

- (1) In implementation of section 1 of the House of Lords (Expulsion and Suspension) Act 2015, this Standing Order makes provision for expelling or suspending a member under that Act.
- (2) A motion to expel or suspend a member must follow a recommendation from the **Conduct** Committee for ~~Privileges and Conduct~~ that the member be expelled or suspended (as the case may be) because the member has breached the Code of Conduct.
- (3) Such a recommendation may be made by the **Conduct** Committee for ~~Privileges and Conduct~~ only if the Commissioner for Standards has found the member in breach of the Code of Conduct or the member is in breach of the Code in accordance with paragraph 18 or 19 of the Code.
- (4) A motion to expel or suspend a member must state that, in the opinion of the House, the conduct giving rise to the motion occurred:
  - (a) on or after 26 June 2015, or
  - (b) before 26 June 2015 but was not public knowledge before 26 June 2015.
- (5) A motion to suspend a member must specify the period for which the suspension is to last (which may be until the occurrence of a specified event).
- (6) Notice must be given of a motion to expel or suspend a member.
- (7) Expulsion or suspension takes effect as soon as the House has agreed the motion.
- (8) This Standing Order does not affect the House's inherent power to suspend a member for a period no longer than the remainder of the Parliament then in existence in respect of conduct occurring before 26 June 2015 which was public knowledge before 26 June 2015.

## 19 Election of Lord Speaker [3 May 2006]

- (1) An election of a Lord Speaker shall be held on 13th July 2011. Subsequently, elections shall, subject to paragraphs (2) and (3), be held in the fifth calendar year following that in which the previous election was held, on a day no later than 15th July in that year. If the result of the election is approved under paragraph (7), a Lord Speaker elected under this paragraph shall take office on 1st September in the year of election.
- (2) Where a Lord Speaker (including a person elected as Lord Speaker who has not yet taken office) dies, resigns or is deemed to have resigned pursuant to paragraph (10), an election of a Lord Speaker shall, subject to paragraph (3), be held within three months of the death, the giving notice of resignation or the deemed resignation. For the purposes of paragraph (1), this election is then "the previous election".
- (3) Where a Dissolution of Parliament is announced after a date has been set for an election, the election shall take place either on the date

originally set, or on a day no later than one month after the opening of the next Parliament, whichever is later.

- (4) All members of the House shall be entitled to stand for election and to vote, save that (a) Lords who have not taken the Oath in the current Parliament, who are subject to statutory disqualification, who are suspended from the service of the House, or who are on Leave of Absence, may not stand or vote and (b) a Lord who has been successful in two previous elections may not stand. Before they can stand, candidates shall require a proposer and a seconder, who must themselves be eligible to stand.
- (5) The election shall be conducted in accordance with arrangements made by the Clerk of the Parliaments. The Clerk of the Parliaments may refer any question concerning the propriety of the electoral process to the **Procedure and Privileges** Committee ~~for Privileges and Conduct~~.
- (6) In the event of a tie between two or more candidates, the matter (if not resolved by the electoral arrangements adopted by the House) shall be decided by the drawing of lots.
- (7) The result of the election shall be subject to the approval of Her Majesty The Queen.
- (8) The Chairman of Committees may act during any vacancy in the office of Speaker.
- (9) The Lord Speaker may resign at any time by giving written notice to the Leader of the House.
- (10) If the House passes a motion for an Address to Her Majesty seeking the Lord Speaker's removal from office, the Lord Speaker shall be deemed to have resigned with effect from the date on which the motion was passed.

#### **64 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:

Administration and Works Committee

Communications Committee

**Conduct Committee**

Consolidation Bills Committee

Constitution Committee

Delegated Powers and Regulatory Reform Committee

Economic Affairs Committee

European Union Committee

House Committee  
 Human Rights Committee  
 Hybrid Instruments Committee  
 Information Committee  
 National Security Strategy Committee  
~~Committee for Privileges and Conduct~~  
 Procedure **and Privileges** Committee  
 Refreshment Committee  
 Science and Technology Committee  
 Secondary Legislation Scrutiny Committee  
 Standing Orders (Private Bills) Committee  
 Statutory Instruments Committee  
 Works of Art Committee.

### 78 Claims of Peerage [24 March 1767]

In claims of Peerage the following directions shall apply in regard to claims by Petition which have been referred to **a committee to hear the claim** the ~~Committee for Privileges and Conduct~~:

- (1) The Petitioner shall lodge his case, pedigree and proofs with the Clerk of the Parliaments within six weeks from the date of the presentation of his Petition to the House.
- (2) Records and documents in public custody may be proved before the committee by copies officially certified as in ordinary legal proceedings. The production of originals of such documents shall not be required except on an order of the Lord Speaker or Chairman of Committees. Originals of records and documents in private custody, together with copies thereof, must be produced and proved before the committee.
- (3) In unopposed claims the record of the documentary evidence given before the committee shall be examined by an examiner appointed by the Crown Agent. The Crown Agent may, if he think fit, similarly appoint an examiner in opposed claims. The cost of the examination shall be borne by the claimant.
- (4) The fees to be charged shall be such as shall be authorised from time to time by the House.

### 80 Claims of Irish Peerages in abeyance [2 April 1802]

- (1) In case any Peerage of Ireland now is or hereafter shall be in abeyance, the persons claiming to be co-heirs thereto, or any of them, may, by Petition to the House, state such claim, and pray that the same may be examined by the House.

- (2) No claim of any Peerage of Ireland alleged to be in abeyance shall be proceeded upon until the same shall have been recommended by Her Majesty to the consideration of the House, or until Her Majesty shall have been informed of such claim by the House.
- (3) Every such claim shall be referred to **a committee for peerage claims** ~~the Committee for Privileges and Conduct~~ to examine the matter and report the same, as it shall appear to them, to the House.
- (4) In case it shall appear to the House that any such Peerage is in abeyance, the House shall inform Her Majesty that in the opinion of the House such Peerage, though in abeyance, is to be deemed and taken to be an existing Peerage, according to the Fourth Article of Union.

**81 Report if improper arrangement entered into between co-heirs  
[1 June 1954]**

If in regard to a claim for the determination of an abeyance existing in a Peerage **a committee for the claim** ~~the Committee for Privileges and Conduct~~ is satisfied that any arrangement entered into between the Petitioner and any co-heir is tainted with any impropriety, the committee shall make no report to the House except that such arrangement is not shown to have been a proper one.