



PROCEDURE COMMITTEE

Minutes of the meeting on Monday 27 January 2020

Present:

L. Ashton of Hyde
L. Bew
B. Evans of Bowes Park
B. Finlay of Llandaff
L. Fowler
L. Geddes
L. Judge
L. McAvoy
L. McFall of Alcluith (Chair)

L. Mancroft
L. Morris of Aberavon
L. Newby
B. Smith of Basildon
L. Stoneham of Droxford
B. Thomas of Winchester
V. Ullswater
B. Warwick of Undercliffe

with the Clerk of the Parliaments.

Baroness Scott of Needham Market attended for item 1.

Apologies were received from Lord Eames, Lord Foulkes of Cumnock and Baroness Harris of Richmond.

Items not on the Agenda

- The Committee took note of the Behaviour Code and the Chair encouraged all members to attend the Valuing Everyone training.
- The minutes of the Committee's meeting on 2 May 2019 were agreed.

1. Appointment of R&R Sponsor Body Spokesperson and substantive Sponsor Board members in the House of Lords

Baroness Scott of Needham Market introduced her paper which set out the proposed arrangements for the appointment of a Restoration and Renewal (R&R) Sponsor Body spokesperson in the House of Lords, as well as the appointment of the substantive Sponsor Board.

She explained that the Sponsor Body would carry out extensive engagement with members of both Houses and that the arrangements set out in her note represented only one small part of this. She also said that this was a new procedure and should be kept under review.

The Chief Whip asked why it was proposed that a member from the government benches would wind up debates on reports from the Parliamentary Works Sponsor Body. Whilst this followed the procedure for a debate on a Select Committee report, the Committee



decided that any such debates should be wound up by the mover of the motion, rather than the government.

The Committee endorsed the appointment of a Sponsor Body spokesperson in the House of Lords and the proposed arrangements to facilitate this, including the suggested amendments to the *Companion to the Standing Orders*. The Committee also agreed that any debate on reports from the Parliamentary Works Sponsor Body should be wound up by the mover of the motion.

The Committee took note of the anticipated arrangements for the appointment of the members of the substantive Sponsor Board.

2. General and balloted debates for the new parliamentary session

The Leader introduced her paper about general and balloted debates for the current parliamentary session. The paper outlined the arrangements during a normal length session starting in May.

Given that the current session started in December, the Leader proposed that for the period from the end of January until the end of September:

- every Thursday should be set aside for general debates and that one Thursday in each of these calendar months (except August) should be set aside for two balloted debates; and
- every Thursday there should be a topical question for short debate.

The Committee agreed these proposals.

3. Prorogation

The Committee considered a paper which set out various issues for the Committee to consider in the light of the Supreme Court ruling of 24 September¹, including proposed changes to the Standing Orders and the Companion.

In discussion it was agreed that SO 76 should be deleted to reflect the fact that Prorogation was not a proceeding of Parliament, but that Appendix G of the Companion should be retained so that the House had an authoritative description of the ceremony of prorogation.

4. Agreeing the next sitting date

The Committee considered a paper which outlined the current procedure for setting the next sitting time and date and invited the Committee to consider whether any changes were desirable.

¹ On 24 September the Supreme Court ruled that the prorogation of Parliament was not itself a proceeding in Parliament but was a prerogative act of the Crown imposed externally on Parliament.



In discussion it was noted that the status quo, whereby decisions about the sitting dates were made by the Government in discussion with the Usual Channels, generally worked well and that recent procedural events relating to the UK's withdrawal from the European Union were highly unusual.

The Committee recommended no change at the current time but agreed that the issue should be revisited if there were future attempts to ask the House to agree the next sitting date.

5. Procedural changes arising from Liaison Committee review

The Committee considered a paper relating to procedural changes arising from the Liaison Committee's review of investigative and scrutiny committees (6th report of Session 2017-19, HL Paper 398).

The Committee agreed to maintain a watching brief on whether there was a need for action to improve the timeliness of debates on Committee reports.

The Committee discussed whether to recommend any change in the order of speakers in debates on Committee reports. The consensus was that, where a Government response to the report had not been received before a debate, it might be helpful to the House if the Minister were to speak towards the start of the debate to provide a brief update. The Clerk of the Parliaments confirmed that with the leave of the House a Minister could speak twice in a debate. The Leader of the House said that the Usual Channels could discuss before such a debate whether the minister should provide such an update.

It was agreed to retain the existing order of speakers in debates.

The Committee discussed whether to recommend an opportunity for highlighting committee work on the floor of the House. The consensus was that this was worthy of a pilot. In discussion it was suggested that this should be a three minute slot and that they should take place on a Thursday.

The Committee agreed to recommend a pilot for statements to highlight committee work and that the details of the pilot should be agreed by the Usual Channels.

6. Privileges Committee: consequences of establishing the Conduct Committee

The Committee considered a paper which invited it to:

- transfer the responsibility for considering questions of privilege from the former Committee for Privileges and Conduct to the Procedure Committee, which would co-opt two former holders of high judicial office when considering such cases;
- delete Standing Order 77 which sets out the membership of the Committee for Privileges and Conduct, which would cease to exist;
- agree a new Standing Order to enable the establishment of one-off committees to consider individual peerage claims, rather than having a standing committee;



- make various amendments to Standing Orders consequential on the creation of the Conduct Committee and the changes proposed in the paper.

The Committee agreed to recommend the changes outlined in the paper.

7. Closure and other motions

The Committee considered a paper on the motion that “the question be now put” and other motions for use when debate becomes heated.

The general consensus was that recent procedural events relating to the UK’s withdrawal from the European Union were highly unusual and that in general the current guidance and procedures should be retained. If however the closure and other such motions were used regularly in the near future, the procedures should be reviewed.

The Committee agreed to recommend that it should be made explicit in the Companion that there must be a Question before the House before the closure can be moved. The Committee also agreed that the wording in the Companion should be amended to delete reference to this being a “most exceptional” procedure.

The Committee also agreed to make explicit the guidance in the Companion that:

- “The Noble Lord be no longer heard” only prevented a member speaking on the specific question before the House (e.g. an amendment) rather than the wider substantive motion or stage); and
- That it is not necessary for a question to be before the House for “The Noble Lord be no longer heard” to be moved.

The Committee discussed the wording of SO 32. It was suggested that the wording was so archaic as to make it opaque and very difficult to understand. This led to a proposal that the Public Business Standing Orders should be reviewed to update the language used. It was agreed that a proposal for a more general review of the Standing Orders would be considered at the next meeting.

It was also agreed that a revised text of SO 32 on Asperity of Speech would be considered by the Committee at its next meeting.

8. Procedural changes relating to legislation

The Committee considered a series of proposed procedural changes relating to legislation. The Clerk of Legislation spoke to the paper and stressed that the changes were not intended to alter the balance of power between the Government and the Opposition or the Usual Channels and backbench members.

The Committee discussed the paper. It was suggested that during the First Reading of Private Members’ Bills it was important both for the title to be read out and for the Question to be put from the Woolsack. Members felt that the former helped the House to be aware of the subject matter of PMBs while the latter provided an informal gauge of



support. It was pointed out that the title of some PMBs was opaque and/or excessively lengthy. The Clerk of Legislation said that a paper on procedures relating to PMBs would be brought before the Committee in due course.

The Committee agreed:

- that when Committee negatived is intended for a non-Supply/Money bill, Standing Order 47 should be dispensed with explicitly and “Committee negatived” should then appear on the Order Paper.
- When Standing Order 46 is suspended to enable more than one stage of a bill to be taken on one day, manuscript amendments on third reading should be permissible notwithstanding SO 48 unless the House provides otherwise.
- To propose amendments to Standing Order 50 to insert the words “, whether adjourned until a future day or during pleasure,” after “sitting” in both Standing Order 50(1) and (2).
- That the Lord on the Woolsack should call a member known to introduce a bill.
- That the privilege amendment should be agreed either by silent Minute entry.
- Two amendments to the rules for marshalling amendments.

9. Any Other Business

The Committee discussed the guidance on oath taking in the Companion.

Kate Lawrence/Chloe Mawson
Clerks to the Procedure Committee