

Written evidence submitted by Hansard Society

Summary

- This submission focuses on the ‘reforming procedures’ strand of the Committee’s proposed work, although some of our proposals also relate to the ‘working practices’ of the House of Commons. We propose that the Committee explore the following areas:
 - Legislative scrutiny: reform the delegated legislation system;
 - Financial scrutiny: improve oversight of the Budget and Estimates;
 - Fill strategic scrutiny gaps:
 - strengthen the system for post-legislative scrutiny;
 - strengthen the system for scrutinising Treaties;
 - introduce a new system for inter-parliamentary relations with the devolved legislatures;
 - Improve the use of House of Commons time;
 - Review the Standing Orders of the House of Commons; and
 - Review parliamentary language and rituals.

- In considering the approach to reform, we urge the Committee to be creative and to consider piloting or trialling proposals. By testing initiatives over the course of a Session or longer, lessons can be learned, and reforms can be adapted as necessary to respond to prevailing circumstances and mitigate the risk of unintended consequences.

About the Hansard Society

The Hansard Society holds a distinctive position as the charity dedicated to Parliament itself. Established in 1944, with Clement Attlee and Winston Churchill as founding members, we have worked to develop ideas on a non-partisan basis to help improve the way Parliament works, and to support more informed public understanding of and debate about our parliamentary system.¹ Over the course of our 80-year history, the Hansard Society has earned a reputation as Parliament’s constructive “critical friend”.² The Speaker and Lord Speaker are our honorary Co-Presidents and the current Chair of the Board of Trustees is the Rt Hon the Baroness Taylor of Bolton, the former Leader of the House of Commons and the Chair of the first Modernisation Committee in 1997-98.

Legislative scrutiny: reform of the delegated legislation system

1. Enhancing the scrutiny of legislation – particularly delegated or secondary legislation, most often in the form of Statutory Instruments (SIs) – should be the Committee’s top priority for procedural reform to strengthen the effectiveness of the House of Commons. A key theme of the Leader’s Memorandum is the urgent need to enhance the reputation of the House of

¹ <https://www.hansardsociety.org.uk/about/governance>

² See Hansard Society, Eight decades of achievement: 1944-2024, <https://www.hansardsociety.org.uk/support/80th-appeal#eight-decades-of-achievement>

Commons. The current delegated legislation system undermines this goal, as it fails to provide meaningful scrutiny and oversight, compromising the principles of parliamentary democracy.

2. Delegated legislation – the “legislation of everyday life” – is indispensable in modern governance. Enacting all changes through primary legislation is neither practical nor desirable. However, poor conception, drafting, or scrutiny of legislation negatively impacts citizens across the country. Enhancing the scrutiny of delegated legislation is therefore not just a procedural necessity but a critical step in maintaining Parliament’s credibility as a legislative body and ensuring better outcomes for the public.
3. The scrutiny system for SIs has changed little since the 1946 Statutory Instruments Act. MPs still rely on this outdated framework to review over 1,000 regulations annually, addressing complex modern policy challenges through a procedural architecture rooted in the assumptions and practices of the late nineteenth and early twentieth centuries. Incremental reforms have primarily emerged from the House of Lords, such as the creation of the Secondary Legislation Scrutiny Committee. This reinforces the democratic deficit: Peers have better (although still imperfect) scrutiny tools for SIs than do MPs.
4. The current system wastes valuable political resources, particularly MPs’ and Ministers’ time. Delegated Legislation Committees (DLCs) exemplify this inefficiency. Scrutiny is dictated by parent Acts, often determined years before an SI is introduced, requiring MPs to debate uncontroversial SIs while being unable to secure debates on contentious ones due to procedural limitations. The mismatch between scrutiny and significance is stark: in early 2024, eight DLCs concluded in under 10 minutes each, despite 90-minute allocations.³ On average DLC debates last only 30 minutes.⁴ These timings underscore how ineffective the current system is in aligning and prioritising parliamentary and ministerial attention where it is most needed.
5. Resources for legislative scrutiny in the Commons lag significantly behind those for policy (select committees) and financial scrutiny (the Scrutiny Unit and the National Audit Office). MPs need better support to assess regulations in complex policy areas like artificial intelligence, finance, medicine, and technology. Without enhanced resources, scrutiny will remain inadequate to address the challenges posed by these rapidly evolving policy fields.
6. The delegated legislation system is unnecessarily complex, its processes steeped in procedural jargon that even seasoned observers find difficult to navigate. Additionally, at least nine forms of “strengthened” scrutiny for SIs have emerged where normal procedures are inadequate, compounding the system’s opacity.
7. Civil servants spend excessive time navigating these convoluted processes, often resulting in high error rates. In one week during the last Parliament, 35% of SIs laid before both Houses contained errors, necessitating withdrawal and re-laying.⁵ These corrections waste government and parliamentary time and resources, creating inefficiency and undermining the legislative process.

³ Analysis based on Hansard Society Statutory Instrument Tracker data.

⁴ Analysis based on Hansard Society Statutory Instrument Tracker data.

⁵ Analysis based on Hansard Society Statutory Instrument Tracker data.

8. The result is the current system fails MPs, civil servants, and the public, undermining confidence in the legislative process and contributing to inefficiency, mistakes and judicial reviews.
9. Periodic reform proposals, such as the introduction of a sifting committee for all SIs, have been advanced by the House of Commons Procedure Committee. However, these proposals have largely stalled because the Committee has lacked the political capital to secure engagement from both frontbenches.
10. The Hansard Society has researched delegated legislation for over a decade.⁶ Since the 2017 Session, we have tracked the progress of every SI laid before Parliament through our online SI Tracker application.⁷
11. In 2022-23, the Society conducted a comprehensive review of the system, supported by a cross-party advisory panel, including Dame Angela Eagle MP (Labour), Steve Baker MP (Conservative), Kirsty Blackman MP (SNP), Sir Jonathan Jones KC (former head of the Government Legal Service), and Lord Lisvane (former Clerk of the House of Commons). The panel also included other Peers, academics, and former parliamentary clerks.⁸
12. Preliminary reform proposals were published in a working paper, with final recommendations to follow in early 2025 after extensive consultation.⁹

Financial scrutiny: improving oversight of the Budget and Estimates

13. A core constitutional principle of the UK's parliamentary system is that Parliament holds the 'power of the purse': the Government cannot levy taxes or spend public money without Parliament's authorisation. Parliament once beheaded a king to assert control over the nation's finances. Yet today, the House of Commons routinely approves billions in public expenditure with minimal scrutiny.
14. By international standards, the UK's 'ex ante' budget scrutiny is weak. While we excel in 'ex post' scrutiny through the National Audit Office (NAO) and Public Accounts Committee (PAC), we lack mechanisms such as a dedicated Budget oversight committee or a Parliamentary Budget Office (PBO) to provide MPs with independent, expert advice of the kind found in other legislatures.
15. The Treasury Select Committee holds hearings after the Budget is published, but the compressed timetable limits the focus to broad themes. The four-day Budget debate is formulaic and draws little public interest. The Finance Bill receives less scrutiny than most Bills; it is not meaningfully considered by the Lords due to the financial privilege of the Commons.

⁶ See Blackwell, J & Fox, R (2014), [The Devil is in the Detail: Parliament and Delegated Legislation](#) (London: Hansard Society)

⁷ See www.hansardsociety.org.uk/services/statutory-instrument-tracker

⁸ See www.hansardsociety.org.uk/projects/delegated-legislation-review

⁹ See Hansard Society (2023), [Proposals for a new system for delegated legislation: A working paper](#)

16. Parliament scrutinises departmental spending plans (Estimates) in July – a third of the way into the financial year. This disincentivises scrutiny, as implementation is already underway. Unlike most OECD countries, which approve estimates before the financial year begins, the UK’s Estimates memoranda lack programme-level details MPs need for effective engagement. This creates a disconnect between the vast sums approved and Parliament’s ability to assess their allocation or use.
17. In 2019, the Procedure Committee proposed a Budget Committee and a Commons Budget Office to enhance financial scrutiny.¹⁰ It concluded these measures were essential to provide “specialist scrutiny” beyond the capacity of existing committees. Yet, no progress has been made.
18. The disconnect between financial scrutiny and decision-making weakens Parliament’s oversight and undermines public understanding of how financial decisions are made and the trade-offs involved. The Leader’s Memorandum emphasises the need for MPs to scrutinise government business effectively, but this cannot be achieved without addressing the financial foundations of government policies.

Filling strategic scrutiny gaps

19. Several areas related to the scrutiny of government business suffer from structural weaknesses in the House of Commons. These are:

Post-legislative scrutiny

20. The potential value of post-legislative scrutiny is widely accepted but the practice has not been widely adopted. Despite being a core task of select committees, it is rarely undertaken; and when it is, it is largely in the context of analysis of broader policy matters rather than a specific examination of the government’s post-legislative memoranda. Most of the post-legislative review that has taken place has been undertaken by Lords ad hoc committees. A permanent committee tasked with scrutiny of the departmental reviews of Acts (published three to five years after Royal Assent) would contribute to the ‘circle of learning’ about policy development and the legislative process.

Treaty scrutiny

21. Currently, Parliament’s role in treaty making is limited to scrutinising treaties under the provisions of the Constitutional Reform and Governance Act 2010. This Act partially builds on the 1924 ‘Ponsonby Rule’ relating to the ratification of treaties. However, international treaties – particularly trade agreements – are far more complex today. Yet the House of Commons has not kept procedural pace with these changes. The former International Trade Committee and the Public Administration and Constitutional Affairs Committee have all produced reports and recommendations on this issue. So too, we commend proposals published by the Centre for Inclusive Trade Policy in January 2024.¹¹

Inter-parliamentary relations

¹⁰ House of Commons Procedure Committee, 10th report of Session 2017-19, [Should there be a Commons Budget Committee?](#), HC 1482, 9 July 2019, paras 124-129.

¹¹ Hestermeyer, H & Home, A (2024) [Treaty Scrutiny: The Role of Parliament in UK Trade Agreements](#), Centre for Inclusive Trade Policy Briefing Paper 9

22. The emerging quasi-federal organisation of the UK is under increasing strain yet there are currently no formal mechanisms for the two Houses at Westminster and the devolved legislatures to engage with each other on devolution-related issues of mutual concern. The Study of Parliament Group and the Hansard Society jointly published proposals for a new structure for inter-parliamentary relations in February 2023, setting out its potential membership, role and responsibilities and methods of operation.¹²

Improving the use of House of Commons time

23. The Leader's Memorandum signals an intention to explore more effective use of parliamentary time, particularly for backbench business. The Hansard Society has proposed reforms to Private Members' Bills (PMBs), including changes to the duration and scheduling of their allocated days.¹³ The Procedure Committee examined this in 2012-13 and endorsed several of our proposals, though ministerial support was not secured.¹⁴ We believe the process for PMBs should be revisited, particularly considering MPs' experience with the Assisted Dying Bill.

24. We urge the Committee to take a broader, innovative approach to parliamentary time. Beyond weekly backbench allocations, why not review the entire parliamentary calendar? This could include examining how time is structured across a Parliament, Session, month, week, and day, considering the optimal use of time in the Chamber, Westminster Hall, committees, and voting lobbies.

25. The Committee could also explore allocating dedicated time for select committees, which are increasingly central to the Commons' effectiveness. MPs often struggle to balance the demands of select committees, bill committees, Westminster Hall debates, and plenary sessions. A solution proposed by the Hansard Society's 2001 Commission on Parliamentary Scrutiny, chaired by Tony Newton, would be to ring-fence one week per month for committee work.¹⁵ Though logistically challenging, this reform could be trialled to evaluate its impact. It might also enhance Parliament's reputation by countering the misconception that MPs are not working when the Chamber is poorly attended. A dedicated 'committee week' would spotlight important committee work and demonstrate its significance to the media and public. New Zealand's new 'Scrutiny Week' pilot offers a useful model.¹⁶

26. A review could also address how Parliament is recalled during recesses and whether the Speaker, as previously recommended by the Hansard Society, should make this decision rather than the Government.¹⁷

Review of the Standing Orders of the House of Commons

27. The Standing Orders (SOs) regulate parliamentary business. Despite their importance, there is no provision for their regular review. Since 1945, the SOs have been systematically reviewed only six times – five at the behest of Ministers and once by the Clerk of the House of

¹² Evans, P & Silk, P (2023) [A new structure for inter-parliamentary relations](#) (London: Hansard Society)

¹³ Brazier, A & Fox, R (2011) [Enhancing the role of backbench MPs: Proposals for reform of Private Members' Bills](#) (London: Hansard Society)

¹⁴ Private Members' Bills inquiry publications <https://committees.parliament.uk/work/3836/private-members-bills/publications/>

¹⁵ Hansard Society Commission on Parliamentary Scrutiny (2001) *The Challenge for Parliament: Making Government Accountable* (London: Vacher Dod Publishing)

¹⁶ See New Zealand Parliament, [Introducing: scrutiny weeks](#), 6 June 2024

¹⁷ Hansard Society (2024), How is Parliament recalled? [Have reforms been proposed to change the rules governing the recall of Parliament?](#)

Commons. The last such review occurred nearly a decade ago, despite Ministers introducing dozens of incremental, ad hoc changes to the rules each Parliament. Even statutory obligations placed on the House have not always been reflected in the SOs in a timely manner.

28. The Standing Orders (SOs) regulate parliamentary business, yet there is no provision for their regular review. Since 1945, SOs have been systematically reviewed only six times – five initiated by Ministers and once by the Clerk of the House. The last review was nearly a decade ago, despite frequent ad hoc changes each Parliament. Even statutory obligations placed on the House are not always reflected in the SOs promptly.
29. The SOs are not written in plain English or gender-neutral language. By contrast, the Lords' plain English, gender-neutral Companion to the Standing Orders supports Members' legislative and scrutiny roles. The lack of similar support in the Commons undermines MPs' ability to engage effectively with their procedural framework. The Hansard Society has therefore been reviewing the SOs and will publish our report in Spring 2025.
30. Other legislatures, such as New Zealand, formalise SO reviews.¹⁸ In Canada, the House formally debates its Standing Orders between the 60th and 90th sitting day of each Parliament. Canada's Procedure Committee is also mandated to review and report on SOs at regular intervals.¹⁹

Review of parliamentary language and rituals

31. The Hansard Society is finalising a review on parliamentary language and rituals, to be published in Spring 2025. It highlights how complex, obscure terminology creates barriers to public understanding and engagement. While precise language is sometimes necessary, tradition often overrides transparency. Many terms and rituals stem from historic shifts in power between Government and Parliament, such as those displayed during the State Opening of Parliament. However, some traditions feel outdated in a digital age. For instance, requiring MPs to address each other by constituency rather than name confuses the public, who may not know which constituency corresponds to which MP.
32. Rituals and rules also reinforce hierarchies within Parliament. Commons language is complex, obscure, and often gendered. Terms like 'purdah,' 'Chairman of Ways and Means,' and 'maiden speech' reflect outdated norms. Even basic terms like 'bill' and 'select committee' confuse the public. Hansard Society focus groups show participants often misunderstand these terms. For example, 'bill' is often interpreted as a household bill, while it is unclear what is 'select' about a 'select committee'. In 2015, the Speaker's Digital Democracy Commission recommended making Parliament's work understandable by 2020, yet four years later, significant progress remains overdue.

December 2024

¹⁸ See, for example New Zealand Parliament, [Report of the Review of Standing Orders released](#), 1 September 2023

¹⁹ Government of Canada, Leader of the House of Commons, [Reforming the Standing Orders of the House of Commons](#), March 2017

