

Written evidence submitted by the House of Commons Administration

Introduction

1. The Leader's September 2024 Memorandum sets out three strategic aims for a Modernisation programme:
 - a. driving up standards;
 - b. improving culture and working practices; and
 - c. reforming Parliamentary procedures to make the House of Commons more effective.
2. The House Administration is pleased to provide the following submission in response to the Modernisation Committee's call for views. Many options for reform of the House are politically contentious and the Administration has not sought to take a view either way on the most controversial topics. Instead, this submission discusses areas which are relatively uncontroversial and makes several suggestions for further exploration. The House Administration stands ready to provide additional briefing on any topic of interest to the Committee. As the Committee's proposals take shape we will also be able to advise on their potential resource implications.

Certainty and time

3. By default, Government business has precedence in the Chamber at every sitting (Standing Order No. 14). The principal exceptions to this rule are, in each Session:
 - a. twenty Opposition Days, of which three are at the disposal of the Leader of the second largest Opposition party;
 - b. thirty-five days which are available to the Backbench Business Committee, divided between the Chamber and Westminster Hall, of which no fewer than 27 should be in the Chamber; and
 - c. thirteen sitting Fridays on which private Members' Bills are considered.
4. Although the number of Opposition and Backbench Business days is fixed in the Standing Order, the timing and allocation of those days is a matter for negotiation. In addition to these provisions, the Government also routinely schedules debates in its own time on matters of general interest which could otherwise be scheduled by the Backbench Business Committee, and sometimes makes time available for smaller Opposition parties to debate Motions of their own, or for debate on Opposition Motions to annul or revoke statutory instruments.

5. The Committee may wish to consider whether the current arrangements strike the right balance between the Government, Opposition parties and backbenchers. The number of days allotted in the Standing Order is based on a Session, though the length of Sessions varies considerably. The practice in recent years has been for Backbench business debates to be taken almost invariably on a Thursday, when the House is usually less well attended. Experimenting with taking Backbench business on different days of the week would require no formal procedural changes.
6. There might be limited scope to provide more certainty about the timing of votes by extending the use of deferred divisions and establishing a defined voting time, as in the Scottish Parliament, but this has previously been rejected on the grounds that it would divorce debate from decision and thereby potentially undermine one of the principal functions of Parliament. It is likely that any such change would also have repercussions for Members' attendance.
7. The current system of private Members' Bills is dependent on attendance on a Friday. Members sometimes seek to talk out the first Bill on the Order Paper, thereby also talking out every subsequent Bill down for consideration that day. Conversely, the Member in charge of a Bill must secure the attendance of at least 100 colleagues if they are successfully to claim the closure. Moving the consideration of PMBs to another day of the week, when more Members would be likely to be in Westminster, would change the dynamic of the proceedings, perhaps making outcomes more reflective of the views of a larger group of Members. If there were an appetite for taking private Members' Bills at a time when there was more opportunity for them to make progress, the Committee might wish to think about the arrangements for preparing those Bills (see also paragraph 12).

Legislation

8. The Public Bill Office (PBO) provides support for the House's processes to scrutinise Bills. This scrutiny process has seen some changes in recent decades—including the introduction of evidence sessions for most Government bills originating in the Commons at the start of Public Bill Committee stage, enhanced documentation accompanying bills and programming for Government bills—but the underlying procedures have seen little change.
9. After a second reading on the floor of the House, most bills are considered by a Public Bill Committee – nominated for the purpose by the Committee of Selection – and then by the House as a whole for a report stage, followed by a short third reading debate. In principle, this pattern allows for the following types of scrutiny:
 - Second reading: principle of the Bill – does the House want to do this;
 - Committee stage – detailed examination of the clauses, and of alternative propositions;
 - Report (consideration) stage – for bills sent to Public Bill Committee, a chance for the whole House to consider key issues;

- Third reading – is the House satisfied with the bill as it has emerged from this process.
10. For all except the largest and most complex Government bills, report stage now generally involves one debate on a single group containing all propositions to amend a bill, from the Government itself, from Opposition parties and from backbenchers. Thereafter, the House considers any differences between the text of a bill as agreed by the Commons and that agreed by the House of Lords until an agreed position on the text is reached.
- 11. Many proposals for change to the procedures at different stages have been canvassed. The PBO would be very happy to provide further support and advice on how to consider and sift such proposals. There are three possible prisms through which potential changes could be examined.**
- a. **The timetabling of Government bills in the House, including, for example:**
 - i. **Codification of conventions concerning the normal intervals between stages on bills—as is the case in the House of Lords (see its [Companion to the Standing Orders](#) paras 8.4 to 8.6)—for example the convention of two weekends between publication of a bill and the debate on second reading—as well as intervals between second reading and committee stage, and committee stage and report; and**
 - ii. **Greater use of programming to provide separate and protected debating time for distinct topics at the report stage of a bill.**
 - b. **Changes to the scrutiny mechanisms for bills, including, for example:**
 - i. **The introduction of Q&A sessions with Ministers and possibly others about particular provisions of a bill during Public Bill Committee stage;**
 - ii. **Greater use of oral evidence, including oral evidence for Public Bill Committees for bills originating in the Lords and the use of a small Committee to take oral evidence on bills committed to a Committee of the whole House;**
 - iii. **Greater use of re-committal for bills where the Government proposes to introduce substantial new material after the bill has been reported from Public Bill Committee; and**
 - iv. **The use of a reconstituted Public Bill Committee to undertake scrutiny of bills that have been subject to extensive Government amendment in the House of Lords (with floor proceedings retained**

for Lords amendments arising from Government defeats and high profile Government proposals).

- c. The language and terminology associated with the legislative process, most notably the use of the term “private Member” in relation to sponsorship of non-Government bills.

12. The Committee may wish to focus in particular on processes for private Members’ Bills (PMBs). Particular areas for consideration here might include:

- a. The ballot currently held near the start of each Session whereby certain Members secure priority for their bills;
- b. The processes for preparing and consulting on PMBs ahead of their formal legislative stages;
- c. The current arrangement whereby proceedings on PMBs take place almost exclusively on thirteen sitting Fridays each Session;
- d. The extent to which some of the provisions of programming, currently applicable only to Government bills, might be applied to PMBs; and
- e. The broader balance between legislative time for backbenchers (including ten-minute rule motions) and other backbench opportunities to initiate business.

13. The Committee might also wish to consider the handling of delegated legislation, mostly Statutory Instruments (SIs). The two Houses have developed robust processes for looking at the technical aspects of such legislation through the Joint Committee on Statutory Instruments and the Select Committee on Statutory Instruments. The Lords also has the Secondary Legislation Scrutiny Committee, which takes a broader view. The procedure applying to a particular piece of secondary legislation depends on the importance placed on it at the time the parent Act was passed. This means that Members are obliged to serve on Delegated Legislation Committees considering affirmative SIs which may last only a few minutes, while negative SIs of interest may never come before the House. The Committee might want to consider whether there would be benefit in a mechanism to identify those SIs which needed debate and those which needed only formal proceedings.

14. The Committee may also wish to consider whether Departmental Select Committees should have a greater opportunity to influence the passage of legislation: for example, could a PMB slot—akin to those reserved for Members who are successful in the ballot—be earmarked for one Committee each Session, to be nominated by the Liaison Committee?

Standing Order revision

15. As the practice and procedure of the House has evolved over many years, a number of inconsistencies and unintended consequences have emerged in the Standing Orders. Various changes were proposed by the Procedure Committee in its 2015 Report on [Revision of Standing Orders](#). The Committee divided its proposals into three categories:

- a. Green amendments were those minor drafting amendments intended to remove anachronisms, provide greater clarity, update references to times from “o’clock” to am or pm, and introduce more gender-neutral language (replacing “he” with “he or she”). Making these changes could be seen as modernising and simplifying some of the language of the House, but would need to be reviewed, for example in the light of evolving best practice.
- b. Amber amendments were mostly drafting amendments to bring the wording into line with modern practice, such as specifying ten minutes as the maximum speech length for “Ten Minute Rule Bills”, plus some restructuring of existing Orders without changing the text, such as integrating some highly specific Orders into more general ones (e.g. integrating S.O. Nos. 34 and 35, which deal with dilatory Motions, into a single Order).
- c. Red amendments were more substantive amendments to update procedure, such as splitting S.O. No. 14 into four separate Orders covering the allocation of time for Government, Opposition, Backbench business, and private Members’ Bills, respectively.

These proposals included:

- a. Removing the requirement that, when the end-of-day adjournment debate starts before the moment of interruption, the Motion lapses at that moment and must be moved again (S.O. No. 9).
- b. Reviewing the existence of S.O. No. 17 (Delegated legislation (negative procedure)), which requires debates on negative statutory instruments to end no more than an hour after the moment of interruption (affirmatives can be debated for up to 90 minutes regardless of the time of day). The Committee might wish to consider whether there is any purpose in having different provisions for different types of statutory instruments.
- c. Reviewing the existence of Standing Order No. 28 (Anticipation), in the context of the reference in Erskine May para 20.13 that this is a rule which was “formerly” observed.
- d. Reviewing the package of Standing Orders/conventions around speaking twice in debates (see, for example, Standing Order No. 76).

16. There are a range of other changes that might be made to Standing Orders that, while modest in their own right, taken with those above would represent a significant package of modernisation and simplification:

- a. Repealing S.O. No. 83B (Programming Committees), which has invariably been disapplied in programme motions since the introduction of the programming Standing Orders in 2004.
- b. Clarifying S.O. No. 83H (Programme orders: reasons committee) to make clear that it applies to all Reasons Committees on all programmed bills, whether or not the knife has been reached.
- c. Allowing 15 minutes' "injury time" when Public Bill Committees are taking evidence so that a witness might be allowed a reasonable time to finish their answer before the evidence session must be interrupted S.O. No. 84A (Public Bill Committees).
- d. Clarifying the operation of Standing Order No. 86 (nomination of general Committees) with regard to Hybrid Bill Committees.
- e. Amending the provision in Standing Order No. 122D(1)(a) that, unusually, the Chair of the Backbench Business Committee is elected for a Session, not for a Parliament.
- f. Standing Order No. 163 allows any Member to move that the House sit in private, and the Question must be put at once. The motion can only be made once in each sitting day and is most commonly moved at the start of business on Fridays. If the division on such a motion shows fewer than 40 Members are present the business under discussion cannot be proceeded with. As Standing Orders have evolved, it now provides one of the very few procedural levers which are available to individual Members. However, there is no provision for the House to undo a decision to sit in private, if it is taken. On the rare occasions when such a motion has been agreed to the House has adjourned shortly afterwards. Does the Committee wish to consider whether the provision is still useful and, if so, whether there should be a mechanism whereby the House can be invited to reconsider an unexpected decision?

Other procedural changes

Tabling deadlines

17. For Motions and amendments that are to appear on the Order Paper, as well as amendments to bills, the deadline for tabling is the rise of the House on the previous sitting day (or of the sitting in Westminster Hall, if that rises later). This means that deadlines are variable and not entirely predictable, creating uncertainty for the Government, Opposition parties and backbench Members.

18. **The Committee may wish to consider the merits of introducing a single, fixed tabling deadline each day for items for the Order Paper and amendments to bills, which would be independent of when the House actually rises. For example, in the House of Lords the deadline for tabling amendments for consideration the following sitting day is 4 pm.**

Tabling of Questions

19. The quality of Written Answers has been of concern to the House in recent years, and the subject of an annual report by the Procedure Committee. The average number of questions tabled each day is in the order of around 300–350, following a general upward trend in the number of Written Questions over the last 10–15 years. The Procedure Committee has made various recommendations about how the timeliness and quality of answers could be improved.
20. Members may table up to 20 questions using the eQM system on each sitting day, but there is no limit to the number they may table in hard copy. A small number of Members consistently table the maximum, or close to the maximum, number of eQM questions each day. A smaller number of Members occasionally table very large bundles of 100 or more questions.
21. The daily limit of 20 questions was introduced to prevent potential abuse of the electronic tabling system. However, the ability to table unlimited numbers of hard copy questions places strain on the Table Office and has a consequential impact on the timing and quality of answers, both to the submitting Member and to Members who may have tabled far fewer questions to the same department. **The Committee may wish to consider whether a total daily limit of questions per Member should be applied across both electronic and hard copy questions.**
22. Additionally, there is no limit to the number of questions that may be tabled on eQM on a recess day. In the previous Parliament, one outgoing Member tabled more than 600 questions during the conference recess, nearly a quarter of the total tabled during that period. **The Committee may wish to consider whether the daily limit on the number of questions should apply in recesses as well as during sitting periods.**

Tributes

23. There is no fixed procedure for the House to pay tribute to deceased Members and distinguished former Members. Practice has tended to vary depending on whether the death occurs during a recess, over a weekend or on a sitting day. Tributes are sometimes taken after questions (ostensibly as Points of Order), on a Motion for the adjournment, or during the course of other proceedings. **The Committee may wish to consider the merits of formalising the House's arrangements for these proceedings.**

Virtual Committee meetings

24. House of Commons Select Committees are currently able to invite witnesses to appear virtually, but Members must be physically present. In response to the COVID-19 pandemic, Select Committees were temporarily authorised to meet virtually or in

a hybrid format. These arrangements lapsed on 22 July 2021. In line with this precedent any virtual committee proceedings require a resolution of the House.

25. House of Commons Committees are currently able to hold hybrid evidence sessions where witnesses appear virtually, but Members are physically present, with agreement of the Committee. The procedures in House of Lords Committees and Joint Committees allow for Members to participate virtually in Committee meetings on the same basis as if they were attending in person.
26. Delegating the power to either individual Chairs or the Chair of the Liaison Committee to allow for Members to participate virtually in Select Committee proceedings in certain defined circumstances or for a defined period of time would make it easier for Committees to meet when access to the estate was restricted or prevented entirely. This would have significant benefits in improving business resilience and in allowing Committees to respond in a more agile way to unforeseen events.
27. Following the COVID-19 pandemic several parliaments have permanently adopted procedures which allow for hybrid or virtual Committee proceedings. These include:
 - provisions in the Senedd for virtual and hybrid¹ meetings²;
 - provisions in the Scottish Parliament allowing for hybrid Committee meetings³ ;
 - provisions in the Canadian House of Commons for Members⁴ to participate in Committee business remotely so long as they are in Canada⁵, and provisions for witnesses to appear remotely⁶;
 - provisions for hybrid and virtual proceedings for Committees in the Australian House of Representatives⁷.

Accessibility

28. Ensuring that we can make the reasonable adjustments needed for Members to access our services is a top priority. Procedure is regularly adapted to ensure individuals with disabilities can contribute effectively, such as the use by a Former Minister of a lapel microphone, allowing him to answer questions from a seated

¹ [Guidance on virtual and hybrid proceedings](#), Welsh Parliament Chamber Secretariat, October 2024, page 9

² These provisions are made under Standing Order 17.23 which provides that overall meeting procedures are determined by the chair. [Standing Orders of the Welsh Parliament](#), September 2024, Standing Order 17.23, page 68.

³ [Guidance on Committees](#), The Scottish Parliament, part 5 paras 5.9-5.11

⁴ Standing Orders of the House of Commons, Canada, September 2023. Under [Standing Order 115 \(6\)](#) the chair must attend the meeting in person.

⁵ [House of Commons, Canada, Our Procedure, Committees, Physical Setting, Types and Conduct of Meetings](#). "Members may participate in Committee meetings either in person or remotely, as long as they are within Canada. They all count toward quorum. Only the member chairing the meeting is required to participate in person."

⁶ Standing Orders of the House of Commons, Canada, September 2023, [Standing Order 122.1](#).

⁷ House of Representatives Standing and Sessional Orders, [Chapter 16: Standing, Select and Joint Committees](#), Standing Order 235. Under this Standing Order Committees may "conduct proceedings using audio visual or audio links with members of the Committee or witnesses not present in one place."

position, rather than having to stand at the Despatch Box. However, there can be occasions when the rules of procedure would in theory override reasonable adjustments, such as the attendance of assistants at private Committee meetings. In such cases those concerned have adopted a pragmatic approach, based on the principle the House would not mandate employers to make reasonable adjustments and refuse to do so itself. The Committee might want to consider whether this approach should be made more explicit.

29. We would be very happy to work with the Committee and individual Members to assess what more we could do in this area, bearing in mind that some Members may prefer to keep the details of their disability, and the nature of adjustments made, private.

Communication and engagement

30. The procedural offices offer an extensive programme of training for Members. At the start of a Parliament, high-level training is offered to both new and returning Members. The post-2024 General Election period saw greater engagement directly with political parties to tailor the training offer, leading to increased Member attendance. More detailed training is offered regularly or on an *ad hoc* basis by individual procedural offices. The Select Committee Team has also offered events for Members on the work of Select Committees. Alongside direct training, initiatives have been launched in recent years to improve procedural familiarity such as the plain-English Guide to Procedure which has an average of 1,400 online views per week.
31. In the last Parliament, there was clear demand for more training on procedural and Committee work, with the latest Members' Survey (2022–23) finding that 41% of Members would like more. This raises the question of whether “more” training would be beneficial or whether there are alternative ways to communicate procedure to Members that would prove more accessible. **Examination of how Members wish to engage with procedure by the Modernisation Committee would facilitate a detailed discussion on which training methods, procedural resources, communication tools, etc. would be most helpful for Members. Staff are always happy to advise Members on specific issues as they arise; the Committee's view on whether this offer is sufficiently clear would be welcomed.**
32. As we review our internal affairs strategy we are keen to understand more about Member communication preferences as we have such a large cohort of new Members. This would help us shape the information, products and channels we use to ensure that we can reach people effectively.
33. A parallel consideration is the provision for Members' staff. In recent years, the Centre of Excellence for Procedural Practice has developed training for Members' staff and there are now regular courses of online training as well as *ad hoc* sessions on demand (e.g. party-specific sessions held post-election following liaison directly with the Whips' offices). The Committee might consider whether procedural training should be a standard component of Members' staff inductions and professional

development, and how procedure could be communicated more widely to this group.

34. Separately to this, the Centre of Excellence provides programmes of in-depth procedural specialist training to House Administration staff, including programmes which are externally accredited by City University and hold the level of a postgraduate qualification. This builds into a wider programme of work (We Make Parliament Happen) to ensure that staff across the House Administration understand how their work links to that of the Chamber and Committees.
35. Our Communications Team also oversees a dedicated procedural communications strategy for a range of media and external audiences. Initiatives include weekly procedural briefings for the press gallery, bespoke briefings for regional and international media, a range of innovative procedural explainer content for the House's corporate social media channels (and also available for use by Members), and promotion of key procedural moments such as the annual Private Members' Bill ballot, the launch of the Guide to Procedure, and milestones in parliamentary broadcasting. 2025 sees the 10 year anniversary of e-petitions, one of the major direct links between public engagement and business in the Chamber and Westminster Hall. This joins up with Parliament's wider public engagement and Chamber engagement activity, as covered by the previous Modernisation Committee 20 years ago this year in its 2004 Report *Connecting Parliament with the Public*.

Publications

36. The visual design of the Order Paper was revised towards the end of the last Parliament to improve its legibility and usability. This was the first design review in ten years and required considerable work from publishing teams to gather information to inform the changes: a rolling programme of review and improvement to the design and presentation of business papers may be a preferable way to ensure material meets the needs of Members and other users. An update to the visual design of Hansard is also planned to further roll out improvements to the accessibility and usability of key publications.
37. More generally, it may be of interest to consider how best Members can quickly identify and access the publications and other material that are most relevant to activity in the Chamber. The current digital offering is in some ways unsatisfactory for Members: the digital tool to deliver all relevant material in a single location, the House Papers app, needs significant redesign and redevelopment; and locating the range of relevant information in a timely way on the Parliament website is challenging for users who lack the time to learn its navigation structure. Alongside consideration of how the digital delivery of papers could be improved, the Committee may wish to examine the benefits of providing publications in both digital and print formats, and how the two services could better complement each other.
- 38. The Committee may wish to ask Members whether the current hardcopy and softcopy presentation of relevant documents for each stage of a bill's passage meets their needs or if further refinement would be useful.**

39. Library briefings are currently used by Members during Public Bill Committee sessions but there is often not an opportunity to update these further during discussions on bills where there is extensive Committee consideration. Parliamentary staff often ask the relevant Library researcher to provide feedback on questions but there is also scope to use the Library and POST's networks and knowledge exchange function more. Examples could include private seminars with experts in particular fields to help the Committee understand the key considerations at the start of this stage. However, this is likely to require a change in how Public Bill Committees are appointed and the approach that they take.
40. **Library and POST researchers often spend considerable amounts of time developing expertise on a bill when analysing the topic area before introduction and from their clause-by-clause assessment of the bill in time for second reading. The Committee may wish to consider whether it would be useful to Members for these researchers to be available for a greater component of a bill's passage through the House.**

Hansard and Broadcasting

41. Hansard and Broadcasting are working towards a long-term aim of joining up the online text and video offering, allowing more effective search of video content using the Hansard record. The planned introduction of a new parliamentlive.tv website in 2025-6 will bring the presentation of video into compliance with accessibility standards and will be followed by the introduction of new Hansard web pages allowing more effective search. Having introduced live subtitling for all Chamber video four years ago, the Unit is seeking to expand the service to cover Westminster Hall and Committees over the coming year, including via the use of automated speech recognition (ASR). We are also working towards upgrading all social media video feeds to HD.
42. Before the election, the Administration Committee and the Commons Executive Board approved a programme to increase the number of cameras in the Chamber, improving coverage by providing a greater range of shots, particularly of the front benches. This has been one of the key requests of our broadcasting partners. Installation work should take place in the 2025 summer recess. Wider work is also underway to continue to review and update the rules of coverage.

AI and proceedings

43. Work is currently underway to understand the potential of AI to support basic editing tasks on questions for written answer. This fits into wider work across the two Houses led by the Parliamentary Digital Service and the AI Working Group. PDS has recently published a set of AI Guidance for Members, and teams across the House are further exploring whether AI can be used to simplify and streamline processes to improve the Member experience and/or work more effectively.
44. This work builds on Hansard's long history of using Automated Speech Recognition. A future potential use of AI which will be explored is an alternative means of searching Hansard where instead of having to know precise details about a

proceeding, users will be able to use more natural language and assisted to find relevant materials more readily.

45. Mr Speaker has instigated work on potential models of Member engagement with the use of AI in Parliaments.

Constituency support

46. A substantial element of the Research and Information Team's work is to aid Members and Members' staff in answering difficult questions from constituents. This element of work has increased substantially over the years and the Library and newly formed Members and Members Staff Services Team (MMSST) provide most of the Administration's support in this area.
47. The Library only sees a very small percentage of the overall requests that Members receive from their constituents; those that require a detailed understanding of the topic area or are complex and cannot be served by the large number of [casework-related briefings](#) that we already provide. The Library's bespoke service is often under pressure and MMSST and the Library have launched a Caseworker Discussion Forum to help caseworkers also contact each other for support.
- 48. While the number of emails from constituents only grows year on year, this element of a Member's work is supported by only a small number of Teams in the House Administration; with the Library and MMSST being the main support service. The Committee may wish for the House Administration to review its current offering, including: our digital offering for emails and casework management; the interface between this, MMSST and the Library; provision of specialist casework (such as immigration, social security, and housing); and the support that caseworkers can provide each other through the forum.**

Conclusion

49. I am grateful to colleagues across the House Administration—in particular from the Chamber and Participation, Research and Information, and Select Committee Teams—for their assistance in preparing this submission. We are happy to provide further briefing on any matter raised in this memorandum or in other evidence received by the Committee. I look forward to discussing some of these matters further with the Committee in the New Year.

December 2024