



Library Note

Private Member's Bills in the House of Lords

Both Members of the House of Lords and Members of the House of Commons who are not on the government frontbench can introduce private member's bills. Private member's bills are usually short and on uncontroversial matters. In practice, there is no restriction on the subject matter of private member's bills, and they have in the past been used to implement major social reforms, including the legalisation of homosexuality for men over the age of 21 in England and Wales and the abortion legislation in the 1960s. In recent years, private member's bills have been used to debate contentious issues such as assisted dying for the terminally ill.

There is no procedural distinction drawn between private member's bills and government bills in the House of Lords. Since the 2015–16 session, the order in which House of Lords private member's bills are debated has been established in a ballot at the start of each session.

As in the House of Commons, the majority of time spent on legislation in the House of Lords each session is spent on government bills. However, the amount of time made available in the House of Lords to debate private member's bills tends to be more flexible than in the House of Commons; there is no formal limit on the number of days when private member's bills can be debated and there is no fixed time for when a debate on a private member's bill must end. Private member's bills starting in the Lords, however, have to be considered in the House of Commons, where they will face further hurdles before they can receive royal assent.

Private member's bills may receive government support, but government time is not usually made available in the House of Commons for private member's bills to be debated. Private member's bills may also face time restrictions because of the finite time available each session. Private member's bills cannot be carried over into a new session. Given the number of procedural hurdles that such bills face, only a minority of the bills passed by Parliament and receiving royal assent each session are private member's bills and, of those, a smaller number are those which started in the House of Lords.

This Library briefing provides a summary of the procedure for private member's bills in the Lords and recent statistics for the number passed each session. It also provides examples of the types of private member's bill introduced and commentary on the aims of those tabling the bills. This briefing does not constitute procedural advice. Members requiring such advice should consult the Legislation Office's [A Guide to Private Members' Bills in the House of Lords](#) and contact the Legislation Office with any further enquiries.

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1. Introduction

Members of the House of Lords not on the government benches are able to introduce their own legislation in the form of private member's bills.¹ This 'power of initiative' for legislation is similar to that in the House of Commons and in other legislatures around the world. A study of bicameral legislatures, commissioned by the Dutch Parliament, found that right of initiative for members of the second chamber was common in OECD countries with bicameral legislatures.² However, only a minority of bills passed by the UK Parliament and receiving royal assent are private member's bills and, of those, a smaller number are those introduced first in the House of Lords.³

2. Introducing a Private Member's Bill

2.1 Drafting and Explanatory Notes

The process of drafting a private member's bill varies from bill to bill. Robert Rogers (now Lord Lisvane) and Rhodri Walters, in their book *How Parliament Works*, describe how private member's bills may be drafted by the Member, sometimes with the aid of lobbying organisations or with the aid of the Government if the bill has the Government's support.⁴ The role of the Legislation Office in the House of Lords in regards to the bill is set out in the *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords*: the Member sponsoring the bill is required to provide a draft for discussion with the Legislation Office, and then a final version prior to the introduction of the bill.⁵

Explanatory notes for private member's bills may be produced by the Government on behalf of the Member, or by the Member themselves.⁶ The process for submitting explanatory notes is facilitated by the Legislation Office.

2.2 Handout Bills

A private member's bill can be used to introduce legislation proposed and supported by the Government that have not been introduced in a government bill.⁷ Such bills are often described as 'handout bills', drafted by the Government or with the Government's aid, and may be given to a Member of the Commons or the Lords. However, the Cabinet Office state that, in practice, a handout bill starting in the Lords is less likely to receive royal assent than a handout bill starting in the Commons.⁸ The Cabinet Office guidance states this is:

[...] because when it arrives in the Commons it will have to take its place on the order paper below bills already listed for debate that day and may not be reached.⁹

¹ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 123, para 8.11.

² Ministry of the Interior and Kingdom Relations of the Netherlands, [Bicameral Legislatures: An International Comparison](#), November 2015, p 23.

³ Statistics on private member's bills in each parliamentary session are included in the appendix to this briefing.

⁴ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 200.

⁵ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 123, para 8.12.

⁶ *ibid*, pp 125–6, para 8.25.

⁷ Cabinet Office, [Guide to Making Legislation](#), July 2015, pp 299–302.

⁸ *ibid*, pp 301–2.

⁹ *ibid*, 300–1.

2.3 Lords Private Member's Bill Ballot

In the 2015–16 session, the House of Lords held its first ballot for private member's bills.¹⁰ The ballot was adopted following the agreement of the House of Lords to a recommendation made by the House of Lords Procedure Committee in its [Third Report of Session 2013–14](#).¹¹ This system is described as follows in the *Companion to the Standing Orders*:

At the start of each session a ballot is conducted to determine the order in which private member's bills handed in on the day of State Opening receive their first readings on subsequent days. To enter the ballot a Member must hand in the final text of the bill to the Legislation Office no later than the rising of the House on the day of State Opening. It is desirable for a Member who wishes to enter the ballot to discuss the draft with the office well before the day of State Opening. A Member may enter only one bill into the ballot, and a Member may not submit for entry to the ballot a bill of identical or substantially similar effect to a bill already entered for the ballot. A Member may use a first reading "slot" determined by the ballot to introduce only the bill entered into the ballot. The "slot" may not be handed to another Member.¹²

On 9 May 2016, following another recommendation of the House of Lords Procedure Committee, the House agreed to change the date on which the ballot is held from the day of State Opening to the day after State Opening.¹³

2.4 Introducing Parallel Bills in Both Houses

Similar private member's bills are often introduced in the House of Lords and in the House of Commons at the same time. If one of the bills proceeds to royal assent then the other is abandoned. For example, during the 2015–16 session, the following bills were introduced:

- The [Assisted Dying \(No. 2\) Bill](#), sponsored by Rob Marris (Labour MP for Wolverhampton South West), and the [Assisted Dying Bill \[HL\]](#), sponsored by Lord Falconer of Thoroton (Labour). These bills proposed to change the law to enable assisted dying for the terminally ill.
- The [Automatic Electoral Registration \(No. 2\) Bill](#), sponsored by Siobhain McDonagh (Labour MP for Mitcham and Morden), and the [Automatic Electoral Registration Bill \[HL\]](#), sponsored by Baroness McDonagh (Labour). These bills proposed the introduction of automatic electoral registration.
- The [Bat Habitats Regulation \(No.2\) Bill](#), sponsored by Christopher Chope (Conservative MP for Christchurch), and the [Bat Habitats Regulation Bill \[HL\]](#), sponsored by Lord Cormack (Conservative). These bills proposed to introduce new protections for bat habitats.

¹⁰ UK Parliament, 'House of Lords Private Member's Bill Ballot 2015–16', 27 May 2015.

¹¹ [HL Hansard, 9 January 2014, col 1629](#); House of Lords Procedure Committee, [Third Report of Session 2013–14](#), 10 December 2013, HL Paper 63 of session 2013–14, pp 3–4.

¹² House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 123, para 8.13.

¹³ [HL Hansard, 9 May 2016, col 771](#); House of Lords Procedure Committee, [Second Report of Session 2015–16](#), HL Paper 142 of session 2015–16, 3 May 2016.

- The [Constitutional Convention \(No. 2\) Bill](#), sponsored by Graham Allen (Labour MP for Nottingham North), and the [Constitutional Convention Bill \[HL\]](#), sponsored by Lord Purvis of Tweed (Liberal Democrat). These bills would have made provisions for there to be a constitutional convention in the UK.
- The [Mesothelioma \(Amendment\) \(No. 2\) Bill](#), sponsored by Mike Kane (Labour MP for Wythenshawe and Sale East) and the [Mesothelioma \(Amendment\) Bill \[HL\]](#), sponsored by Lord Alton of Liverpool (Crossbench). These bills would have amended the Mesothelioma Act 2014.

None of these bills received royal assent. Two parallel bills were also tabled during the 2015–16 session by Chris Heaton-Harris (Conservative MP for Daventry) and Lord Saatchi (Conservative); respectively the [Access to Medical Treatments \(Innovation\) Bill](#) and the [Medical Innovation Bill \[HL\]](#). These bills followed the introduction of similar private member's bills by Lord Saatchi in previous sessions. The Medical Innovation Bill [HL] was not given a second reading in the 2015–16 session, however, the Access to Medical Treatments (Innovation) Bill, sponsored by Lord Saatchi when it came to the House of Lords, did receive royal assent.¹⁴

3. Private Member's Bills Procedure

The procedure for private member's bills in the House of Lords is similar to that of other public bills. The *Companion to the Standing Orders* states that there is “no procedural distinction between bills sponsored by a minister and those introduced by other Members of the House”.¹⁵ There are two exceptions to this identified in the *Companion*. Firstly, private member's bills cannot be carried over from one session into another.¹⁶ Secondly, while the sponsor of a government bill is required, under the Human Rights Act 1998, to make a statement as to the compatibility of the bill with the European Convention on Human Rights, there is no such requirement for the sponsors of a private member's bill.¹⁷

3.1 Time Allocated in the Lords

Procedure regarding the time available for scrutiny of private member's bills is different in the House of Commons and the House of Lords. In the House of Commons, a set number of sitting Fridays each session are allocated for scrutiny of private member's bills and, on those Fridays when time is reserved for private member's bills, business cannot proceed beyond a certain time.¹⁸ The *Companion to the Standing Orders* states the following on the time allocated to private member's bills in the House of Lords:

In practice the House normally accords priority to proceedings on government bills except where private member's bills are not expected to give rise to debate. But there is no concept of government or private member's “time” in the Lords, nor any specific time when government or private member's bills are taken.¹⁹

¹⁴ [HL Hansard, 23 March 2016, col 2520.](#)

¹⁵ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 127, para 8.30.

¹⁶ *ibid* pp 122–3, paras 8.08–8.09; and p 127, para 8.30.

¹⁷ *ibid*, p 126, para 8.26.

¹⁸ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, pp 199–202.

¹⁹ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 127, para 8.30.

The allocation of time is decided by Government Whips in consultation with other groups in the House, referred to collectively as 'the usual channels'.²⁰ Robert Rogers and Rhodri Walters, in their book *How Parliament Works*, describe the process for allocating time in the House of Lords as a negotiation involving a number of different factors, including the demands of private members.²¹ In regard to allocation of time in the Lords to private member's bills starting in the House of Commons, the Cabinet Office guidance on the legislative process states that time is normally found "as long as there is a theoretical prospect of the bill becoming law".²²

Debates on private member's bills in the Lords usually take place on a Friday, but can be debated on any day.²³ Unlike the House of Commons, there is no set number of these days allocated for private member's bills. However, the House of Lords usually has around ten sitting Fridays each session, and often considers three or four private member's bills during a Friday sitting.²⁴

Although the amount of time available for private member's bills in the Lords is more flexible than in the House of Commons, private member's bills may still fail to find time to complete their stages in the Lords. There are finite number of opportunities for a private member's bill to be considered in a session, as the Chief Whip must prioritise time for government bills. Private member's bills may also not be carried over to another session. The tabling of amendments to private member's bills may also have an impact on their ability to progress.

The House of Lords has published the following statistics on how much time has been allocated to government bills and private member's bills over previous sessions:

Table I: Percentage of Time Spent Each Session in the Lords on Government and Private Member's Bills since 2007–08²⁵

Session	Private Member's Bills (%)	Government Bills (%)
2007–08	2.6	53.6
2008–09	3.5	52.8
2009–10	4.7	42.4
2010–12	2.3	53.7
2012–13	2.5	44.1
2013–14	4.3	48.4
2014–15	7.9	41.4

Rising Time on Friday Sittings

Unlike the House of Commons, there is no set time at which the House of Lords must adjourn during Friday sittings. However, the *Companion to the Standing Orders* states that it is a "firm convention" that the House normally rises "by about 3pm on Fridays".²⁶

²⁰ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 49, para 3.30.

²¹ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 114.

²² Cabinet Office, [Guide to Making Legislation](#), July 2015, p 296.

²³ House of Lords Library, [Customs and Traditions in the House of Lords](#), 24 August 2015, p 8.

²⁴ *ibid.*

²⁵ House of Lords, [Business Statistics](#), accessed 18 May 2016. The percentages are from debates on private member's bills and government bills only and therefore do not add up to 100 percent.

During the 2013–14 session, on a Friday sitting on 31 January 2014, the House took the unusual step of agreeing a motion to end the second day of committee stage of the European Union (Referendum) Bill, a private member's bill introduced in the House of Commons and sponsored in the House of Lords by Lords Dobbs (Conservative).²⁷ The Bill would have made provision for the holding of a referendum on the UK's membership of the European Union before the end of 2017. The motion that the House resume—in effect ending committee stage that day—was moved by Lord Lipsey (Labour), who argued that the House ought not to continue beyond 3pm, given that he believed debate on the Bill would continue far beyond that time.²⁸ Following the vote, the Bill, which had completed its stages in the House of Commons, did not progress beyond committee stage in the Lords.²⁹ Opponents of the Bill had argued that the allocation of time for this particular Bill was an abuse of parliamentary process because it implemented policy supported by the Prime Minister, David Cameron, and was given time at the expense of other private member's bills.³⁰ Those supporting the Bill argued that its opponents were attempting to block it through the use of delaying tactics.³¹

3.2 Consideration by Select Committee

As with any other public bills, the House can move that a private member's bill may be committed to a select committee before it can continue its progression through Parliament. This can be done on the basis that the House believes a bill requires detailed investigation or that taking evidence on provisions in the bill is necessary.³² After deliberations, the committee would decide on whether to recommend that the bill should proceed. This usually takes place after second reading, but can happen at any stage before third reading.³³

The Select Committee on the Constitutional Reform Bill noted in 2004 that, “in recent times”, the practice of committing a bill to a select committee was “not unusual in respect of contentious private member's bills”.³⁴ The two most recent examples of private member's bills subject to select committee scrutiny have been the Assisted Dying for the Terminally Ill Bill, introduced by Lord Joffe (Labour), in the 2004–05 session and the Dangerous Dogs (Amendment) Bill, introduced by Lord Houghton of Sowerby (Labour), in the 1995–96 session.³⁵ The Assisted Dying for the Terminally Ill Bill was defeated at second reading when it was introduced in the 2005–06 session.³⁶ The Dangerous Dogs (Amendment) Bill received royal assent when it was re-introduced in the 1996–97 session.³⁷

²⁶ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 42, para 3.01.

²⁷ [HL Hansard, 31 January 2014, cols 1469–548](#).

²⁸ [ibid, col 1542](#).

²⁹ UK Parliament, ‘[European Union \(Referendum\) Bill 2013–14](#)’, accessed 20 May 2016.

³⁰ [HL Hansard, 24 January 2014, cols 856–7](#).

³¹ [ibid, col 919](#).

³² House of Lords Library, [Committee Procedures for Public Bills: Select Committees](#), 18 January 2016, p 1; and [Select Committees in the House of Lords](#), 30 September 2015, p 4.

³³ House of Lords Library, [Select Committees in the House of Lords](#), 30 September 2015, p 4.

³⁴ House of Lords Library, [Committee Procedures for Public Bills: Select Committees](#), 18 January 2016, p 2; and House of Lords Committee on the Constitutional Reform Bill, [Constitutional Reform Bill \[HL\]](#), 2 July 2004, HL Paper 125-I of session 2003–04, p 5.

³⁵ House of Lords Library, [Committee Procedures for Public Bills: Select Committees](#), 18 January 2016, p 2.

³⁶ [HL Hansard, 12 May 2006, cols 1184–296](#).

³⁷ [HL Hansard, 21 March 1997, cols 1181–2](#).

3.3 Committee Stage and Subsequent Stages

After second reading, private member's bills are considered in a committee of the whole House. There is no restriction preventing private member's bills being considered in grand committee.³⁸ The *Companion to the Standing Orders* does state that bills that are unlikely to attract amendments and which would have their committee stage discharged on the day are not committed to grand committee.³⁹

The 2011 Report of the Leader's Group on Working Practices proposed that private member's bills should be considered in grand committee.⁴⁰ This has been advocated subsequently by certain Members, including the Labour Shadow Spokesperson for Communities and Local Government, Housing and Home Affairs, Lord Kennedy of Southwark, and the Shadow Chief Whip, Lord Bassam of Brighton.⁴¹

As with any other public bill, if there are no Members who want to make amendments to the bill the sponsor may move to discharge the order of commitment. If agreed by the House, this has the effect of progressing the bill past committee stage and report stage. This would allow the bill to be considered next at third reading, normally at a future date.⁴² Given the guidance in the *Companion to the Standing Orders* that private member's bills will be given priority if they "are not expected to give rise to debate", this procedure means that uncontroversial bills may move more swiftly through the House of Lords.⁴³

Those private member's bills for which amendments are tabled would proceed through committee stage, report stage and third reading in the normal way.

3.4 Government Support

Private member's bills may receive government support. The Cabinet Office's guidance to Ministers and Civil Servants on legislation, [Guide to Making Legislation](#), states that the Government's Parliamentary Business and Legislation Committee should agree a handling position on private member's bills before second reading of that bill.⁴⁴ This guidance states that only rarely and in exceptional cases would the decision of the Committee be to remain neutral on a bill:

Very exceptionally, the Government may wish to take a neutral position on a private member's bill, if for example it concerns an issue of conscience such as abortion or euthanasia or matters more properly for Parliament, rather than the Government, to decide. If the bill does not fall into one of the two narrow categories above, the

³⁸ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 130, para 8.45.

³⁹ *ibid*, p 144, para 8.101

⁴⁰ Leader's Group on Working Practices, [Report of the Leader's Group on Working Practices](#), April 2011, HL Paper 136 of session 2010–12, pp 33–4, para 123.

⁴¹ [HL Hansard, 23 October 2015, cols 958–9](#); and [4 December 2014, cols 1506–7](#).

⁴² House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, pp 142–3, paras 8.94–8.98. In certain circumstances, report stage may take place on the same day as order of commitment is discharged, but only once Standing Order 46 concerning the minimum intervals between stages has been suspended or dispensed with.

⁴³ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2015, p 127, para 8.30.

⁴⁴ Cabinet Office, [Guide to Making Legislation](#), July 2015, p 289.

Government will be expected to take a view and must agree collectively whether to support or oppose the bill.⁴⁵

The Cabinet Office's guidance states that, if the Government chooses to remain neutral, this should only be if it is "genuinely prepared" to accept the legislation if it is passed by Parliament. In cases where the Government is sympathetic to the aims of the private member's bill, it may be that support is only given subject to a requirement that some amendments are made to the bill.⁴⁶ The Cabinet Office guidance encourages ministers in these circumstances to consider how the bill might be amended in a way that is acceptable both to the sponsoring Member and the Government.

Although the bill may receive government support, it is only in exceptional circumstances that a bill would receive government time.⁴⁷ The Cabinet Office's guidance states that, even with government support, it is important that a private member's bill is subject to amendment after committee stage in the House in which it was introduced if the bill is going to receive royal assent.⁴⁸

3.5 House of Commons Scrutiny

If a private member's bill completes all its stages in the House of Lords, the next step would be consideration in the House of Commons. For this, the bill would need to have a sponsor in the House of Commons. Unlike a government bill, this is not a given, so the Member would need to find an MP willing to act as sponsor for the bill. Unlike government bills, private member's bills are not subject to the English Votes for English Laws procedure in the Commons.⁴⁹

A private member's bill coming from the Lords would be subject to constraints on time allocated for non-government bills in the House of Commons. The House Commons holds a ballot for private member's bills from MPs at the start of each session, and the first 20 in this ballot are selected for debate in order. A House of Lords private member's bill would not be debated until after those selected in the House of Commons ballot were debated first.⁵⁰ The House of Commons Library, in its briefing on Commons private member's bill procedure describe it as being:

[...] extremely rare for a private Peer's bill to make progress in the Commons because of the reduced precedence for second reading debates as the session progresses.⁵¹

The bill is also unlikely to progress far in the House of Commons if it is amended. The Cabinet Office's guidance on legislation states that if the bill is amended in the second House to that in which the bill was introduced then this is likely to kill the bill.⁵²

⁴⁵ Cabinet Office, [Guide to Making Legislation](#), July 2015, p 295.

⁴⁶ *ibid*, p 293.

⁴⁷ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 114.

⁴⁸ Cabinet Office, [Guide to Making Legislation](#), July 2015, p 296.

⁴⁹ UK Parliament, '[English Votes For English Laws: House of Commons Bill Procedure](#)', accessed 17 May 2016. Further information on English Votes For English Laws is provided in the House of Commons Library briefing [English Votes for English Laws](#) (December 2015).

⁵⁰ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 202.

⁵¹ House of Commons Library, [Private Member's Bills](#), 11 April 2016, p 11.

⁵² Cabinet Office, [Guide to Making Legislation](#), July 2015, p 296.

“Talking Out” a Bill

A private member's bill's passage in the House of Commons may also be blocked through the tactic of talking out the bill, or by a lack of quorum in the Chamber.⁵³ “Talking out” a bill entails an MP or group of MPs opposed to the bill continuing to debate until the deadline for the close of business that day. This is also referred to as filibuster. On a Friday, business is usually curtailed by the Speaker at 2:30pm. As noted in *How Parliament Works*, the use of this tactic arises in part because, for a closure motion to be passed to close the debate, the supporters of the bill would need to have over 100 votes.⁵⁴ As most private member's bills are considered in the House of Commons on a Friday, it may be difficult to find enough MPs for this to be effective. Given the limits in the House of Commons for a private member's bill, the use of the tactic of talking out a bill can often be fatal to the chances of that bill progressing.⁵⁵

3.6 Lords Scrutiny of Commons Private Member's Bills

As well as consideration of private member's bills introduced in the House of Lords itself, the House of Lords also debates private member's bills introduced in the House of Commons. In the case of handout bills, the Cabinet Office describes the process in the Lords for bills passed first by the Commons as follows:

If a private member's bill enters the Lords from the Commons, the sponsor will need to find a Peer to take the bill forward. If the Government has supported the bill the Minister may, in consultation with the Government Whips' Office, wish to suggest a suitable Peer and instruct the department to assist, much as with the Government's own legislation (the Commons Member will need to be kept in touch throughout).⁵⁶

Private member's bills starting in the House of Commons have to go through stages of consideration in the House of Lords before they can receive royal assent. Although Members of the Lords can amend these private member's bills, amendments made in the Lords would need to be debated in the House of Commons during parliamentary ping-pong. Such amendments are likely to risk the bill failing to receive royal assent because extra time would need to be allocated for this in the House of Commons. Donald Shell, in his 2008 book *The House of Lords*, argued that Members of the Lords are often reluctant to amend a private member's bill that has already completed all of its House of Commons stages.⁵⁷

4. Subject Matter and Scope of Private Member's Bills

There is no limit to the subject matter or scope of private member's bills. However, some trends have been identified, such as their length and complexity. The House of Lords Constitution Committee has described it as common for private member's bills to be “short and not [...] contain detailed schedules”.⁵⁸ There is in part a practical consideration as there are many hurdles which a private member's bills must cross if it is going to receive royal assent and become law.⁵⁹

⁵³ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 256.

⁵⁴ *ibid*, p 141.

⁵⁵ *ibid*.

⁵⁶ Cabinet Office, [Guide to Making Legislation](#), July 2015, p 288.

⁵⁷ Donald Shell, *The House of Lords*, 2008, p 93.

⁵⁸ House of Lords Constitution Committee, [European Union \(Referendum\) Bill](#), 2 January 2014, HL Paper 109 of session 2013–14, p 6, para 16.

⁵⁹ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 200.

Some characteristics of private member's bills have also changed over time. In the 1950s, it was the expectation that private member's bills should avoid controversial issues entirely. For example, Peter Bromhead, in his 1956 study *Private Member's Bills in the UK Parliament*, described private member's bills as having little chance of success unless they avoided large political issues.⁶⁰ Later in the 20th century, private member's bills became a vehicle for implementing social reforms which had a significant political impact. For example, in the 1960s, private member's bills were passed to abolish the death penalty, to legalise abortion, to enact a partial legalisation of homosexuality and to end theatre censorship.⁶¹

It has remained the norm that private member's bills tend to be on uncontroversial issues. Meg Russell, in her 2013 study *The Contemporary House of Lords*, characterised most modern private member's bills introduced in the House of Lords as being similar to their House of Commons counterparts in that they are on "small and non-controversial" areas of law.⁶² However, as Professor Russell notes, this is not exclusively the case. She cites the bills on assisted dying for the terminally ill introduced by Lord Joffe (Labour) in the 2003–04, 2004–05 and 2005–06 sessions as recent examples of the use of private member's bills as a means of raising a controversial issue. A bill on this issue, the [Assisted Dying Bill \[HL\]](#) was recently sponsored during the 2015–16 session by Lord Falconer of Thoroton (Labour), but did not progress to receive royal assent.⁶³

Robert Rogers and Rhodri Walters, in *How Parliament Works*, argue that it is difficult to categorise successful private member's bills in the modern day and characterise the scope of these bills as being very wide.⁶⁴ However, they identify two groups within the broad range of private member's bills which seek to achieve specific changes: bills that seek to address social issues and bills that seek to tidy up anomalies identified in the statute book.

4.1 Social Issues

Some private member's bills have been used as a route to achieve specific social reforms. For example, the Abortion Act 1967 began as a private member's bill introduced by David Steel (the then Liberal MP for Roxburghshire, Selkirkshire and Peeblesshire) in 1966.⁶⁵ The Bill subsequently gained government support, and received royal assent on 27 October 1967.⁶⁶ Legislation to combat the spread of so called 'video nasties' in the 1980s was also introduced as a private member's bill by Graham Bright (the then Conservative MP for Luton South).⁶⁷ This Bill received royal assent on 12 July 1984, becoming the Video Recordings Act 1984.⁶⁸

Donald Shell stated in 2008 that the House of Lords has played a specific role in the past in regards to social reforms, arguing that in the late 1960s the House of Lords took "a lead in tackling so-called issues of conscience that MPs and government were reluctant to face because of the existing state of public opinion".⁶⁹ Mr Shell cited the example of debates in the Lords

⁶⁰ Peter Bromhead, *Private Member's Bills in the UK Parliament*, 1956, p 126.

⁶¹ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 204.

⁶² Meg Russell, *The Contemporary House of Lords*, 2013, p 194.

⁶³ [HL Hansard, 4 June 2015, col 523.](#)

⁶⁴ Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 204.

⁶⁵ [HC Hansard, 22 July 1966, cols 1067–165.](#)

⁶⁶ [HC Hansard, 27 October 1967, col 2015.](#)

⁶⁷ D Marsh, P Gowin and M Read, 'Private Members Bills and Moral Panic: The Case of the Video Recordings Bill (1984)', *Parliamentary Affairs*, 1986, vol 39, no 2, pp 179–96.

⁶⁸ [HC Hansard, 12 July 1984, col 1341.](#)

⁶⁹ Donald Shell, *The House of Lords*, 2008, p 94.

during the 1960s on the decriminalisation of homosexuality. The decriminalisation of homosexual acts between men aged over 21 eventually came into effect following the passing of a House of Commons private member's bill, the Sexual Offences (No 2) Bill, sponsored in the Lords by the Earl of Arran (Conservative).⁷⁰ However, Mr Shell also claimed that issues of conscience in the modern day are more commonly dealt with by means of a free vote on a government bill than was the case in the 1960s.⁷¹

4.2 Gaps in Legislation

The two House of Lords private member's bills that received royal assent in the 2014–15 session both provide examples of bills responding to gaps in legislation: the [House of Lords \(Expulsion and Suspension\) Bill](#), introduced by Baroness Hayman (Crossbench), which made provision empowering the House of Lords to expel or suspend Members; and the [Mutuals' Deferred Shares Bill](#), introduced by Lord Naseby (Conservative), which provided for mutuals to issue deferred shares.

The Hansard Society cites the Forced Marriage (Civil Protection) Act 2007, as an example of a bill which resolved an issue which had not otherwise been covered by existing legislation.⁷² The bill, introduced in the House of Lords on 16 November 2006 by Lord Lester of Herne Hill (Liberal Democrat), was intended to provide protection for individuals against being forced to enter into marriage without their consent.⁷³ The bill received government support and achieved royal assent on 26 July 2007.⁷⁴

4.3 Other Types of Private Member's Bill

- During the 2010–15 parliament, a number of private member's bills were introduced relating to the House of Lords following the dropping of the Coalition Government's House of Lords Reform Bill.⁷⁵ A recent example of a private member's bill which sought to bring about reform was the [Extension of Franchise \(House of Lords\) Bill \[HL\]](#), sponsored by Lord Dubs (Labour) during the 2013–14 session, which would have enabled Members of the House of Lords to vote in general elections. This Bill did not receive royal assent.
- Private member's bills have also been used to call for the government to hold inquiries. For example, in 2008, Lord McNally (Liberal Democrat) introduced the Iraq War Inquiry Bill (HL) to introduce an inquiry into the Iraq War.⁷⁶ A parallel bill was also introduced in the House of Commons by Edward Davey (then Liberal Democrat MP for Kingston and Surbiton) on the same day.⁷⁷ Neither bill received second reading. During the 1964–65 and 1966–67 sessions, Michael Foot (then Labour MP for Ebbw Vale) introduced private member's bills calling for inquiries into the operations over Suez in 1956.⁷⁸

⁷⁰ [HL Hansard, 13 July 1967, cols 1283–323.](#)

⁷¹ Donald Shell, *The House of Lords*, 2008, p 94.

⁷² Hansard Society, [Enhancing the Role of Backbench MPs: Proposals for Reform of Private Member's Bills](#), 2011, p 11.

⁷³ [HL Hansard, 16 November 2006, col 19.](#)

⁷⁴ [HC Hansard, 26 July 2007, col 1068.](#)

⁷⁵ House of Lords Library, [House of Lords Reform 2010–15](#), 25 March 2015.

⁷⁶ [HL Hansard, 20 March 2008, col 369.](#)

⁷⁷ [HC Hansard, 20 March 2008, col 1097.](#)

⁷⁸ House of Commons Library, [Iraq: Calls for an Inquiry and Historical Precedents](#), 4 June 2015, pp 21–2.

- As referred to earlier in this briefing, during the 2010–15 parliament a number of private member's bills were introduced in the House of Commons to establish a referendum on the UK's continued membership of the European Union by 2017.⁷⁹ None of these were successful, with the June 2016 referendum instead established in law by the Government's European Union Referendum Act 2015, passed in the 2015–16 session.

5. Aims of Members Introducing Private Member's Bills

In its 2011 report on private member's bills in the House of Commons, [Enhancing the Role of Backbench MPs: Proposals for Reform of Private Member's Bills](#), the Hansard Society identified a number of aims that someone might seek to achieve in tabling a private member's bill, some of which also might apply to private member's bills in the House of Lords. One of the aims identified was for private member's bills being used to 'prod' the Government into changing a policy.⁸⁰ The Hansard Society suggested that this might lead to a Minister agreeing to bring forward their own legislation to avoid the passage of an unwanted private member's bill, or to increase awareness of a particular issue, encouraging the Government to introduce its own legislation in the future. Meg Russell, Daniel Gover and Kristina Wollter of University College London, in their study of the influence of Parliament on the executive, identified this process as one of a number of ways in which Parliament influences policy before the formal legislative process begins.⁸¹ *How Parliament Works* argues that the use of private member's bills to promote the issue of disability rights in the 1990s created moral pressure on the Government to introduce its own legislation.⁸²

David Natzler and Douglas Millar, in their chapter for the 1993 publication *The House of Lords at Work*, identified a number of advantages for a Member in tabling a private member's bill as a tool for furthering debate on an issue.⁸³ They argued that the successive stages of a bill in the Lords allow for a subject to be debated numerous times each session and requires the Government to respond in detail to a specific set of proposals. It also allows for the possibility of a vote on a substantive issue. Lord Norton of Louth (Conservative) has also commented that private member's bills can often be a means of airing issues that are likely to engage the public, claiming that "members of the public are sometimes more engaged with issues raised in private member's bills than they are with the normal run of government legislation".⁸⁴

6. Private Member's Bills per Session

6.1 Private Member's Bills Prior to 2007–08

Peter Bromhead, in his 1958 book *The House of Lords and Contemporary Politics*, provided a summary of the developments in the use of private member's bills during the early- to mid-20th century. He characterised the situation in 1958 in similar terms to that which might be used to describe the present day situation: a Member of the House of Lords was more likely than an MP to see their bill debated, but less likely to see it receive royal assent.⁸⁵ For example,

⁷⁹ Further information on this bill is provided in the House of Commons Library briefing, [European Union \(Referendum\) Bill](#) (June 2014).

⁸⁰ Hansard Society, [Enhancing the Role of Backbench MPs: Proposals for Reform of Private Member's Bills](#), 2011, p 10.

⁸¹ Meg Russell, Daniel Gover, and Kristina Wollter, '[Does the Executive Dominate the Westminster Legislative Process?: Six Reasons for Doubt](#)', *Parliamentary Affairs*, 2016, vol 69, no 2, pp 286–308.

⁸² Robert Rogers and Rhodri Walters, *How Parliament Works*, 2015, p 204.

⁸³ Donald Shell and David Beamish (eds), *The House of Lords at Work*, 1993, 'Private Member's Bills', pp 189–90.

⁸⁴ Lord Norton of Louth, '[Private Member's Bills](#)', Lords of the Blog, 16 May 2013.

⁸⁵ Peter Bromhead, *The House of Lords and Contemporary Politics*, 1958, p 196.

during the 1934–35 session, twelve private member's bills were introduced in the House of Lords, of which all but one were debated. None went on to receive royal assent. Mr Bromhead noted that, between 1945 and 1955, the use of private member's bills dropped off with the total number introduced during that period “hardly exceeding a dozen”.⁸⁶

Donald Shell, in his 2007 study of the House of Lords, noted that between 2001 and 2004, of the 45 private member's bills introduced by Members of the House of Lords, only two received royal assent, of which both were introduced during the 2001–02 session: the Tobacco Advertising and Promotion Bill, introduced by Lord Clement Jones (Liberal Democrat) and the National Heritage Bill, introduced by Baroness Anelay of St Johns (Conservative).⁸⁷

6.2 Recent Private Member's Bills Statistics

The following table provides statistics for the number of private member's bills passed each session from the 2007–08 to the 2014–15 session. The majority of bills passed in recent sessions have been government bills, and of those private member's bills that have received royal assent, the majority originated in the House of Commons. These figures do not, however, reflect the fact that some private member's bills passed in the House of Commons may have had parallel bills in the House of Lords. For example, the House of Lords Reform (No. 2) Bill was a private member's bill introduced by Dan Byles (Conservative MP for North Warwickshire), which received royal assent in the 2013–14 session, becoming the House of Lords Reform Act 2014.⁸⁸ This was a parallel bill to the House of Lords Reform Bill [HL], tabled by Lord Steel of Aikwood (Liberal Democrat) in the same session, and included many of the proposals for Lords reform put forward by Lord Steel in previous sessions.

⁸⁶ Peter Bromhead, *The House of Lords and Contemporary Politics*, 1958, p 196.

⁸⁷ Donald Shell, *The House of Lords*, 2008, p 93.

⁸⁸ [HL Hansard, 14 May 2014, col 1920](#).

Table 2: Private Member's Bills per Session, 2007–08 to 2014–15

Session	PMBs starting in Lords				PMBs starting in Commons			
	Total started in Lords	Lords PMBs amended in the House of Lords	Lords PMBs brought to Commons	Lords PMBs Receiving Royal Assent	Total started in Commons ⁸⁹	Commons PMBs brought to the Lords	Total amended in the House of Lords	Commons PMBs Receiving Royal Assent
2007–08	15	2	6	0	100	3	1	3
2008–09	17	2	5	1	107	6	0	4
2009–10	14	2	6	2	63	6	0	5
2010–12	31	5	10	1	221	6	0	6
2012–13	33	0	3	0	100	10	0	10
2013–14	31	1	4	0	145	6	1	5
2014–15	34	5	4	2	134	8	0	8

(Sources: House of Lords [Public Bill Sessional Statistics](#), accessed 12 May 2016; and House of Commons, [Sessional Returns](#), accessed 12 May 2016)

⁸⁹ The total number of House of Commons private member's bills included the 20 balloted bills, ten minute rule bills and presentation bills.

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