



## BRIEFING PAPER

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# Coronavirus: changes to practice and procedure in the UK and other parliaments

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## Summary

Parliaments around the world are changing their practices and procedures in response to coronavirus. This Briefing Paper illustrates changes that have been made in the House of Commons and a small selection of other parliaments.

It records, for example, distancing in the French National Assembly and the Australian House of Representatives; the introduction of virtual proceedings in some Chambers; changes to the conduct of divisions in Denmark; and new ways of working for committees in a number of parliaments.

# 1. Introduction

In response to coronavirus, the House of Commons rose early for Easter. Before doing so, it agreed measures to allow select committees to meet remotely and suspended sittings of Westminster Hall.

After its Easter Recess, on 21 April 2020, the House agreed procedures to allow Members to participate virtually in scrutiny proceedings (questioning), and on 22 April virtual proceedings were extended to some substantive (debate-based) business. The House also agreed how remote divisions could be held.

The Orders allowing hybrid proceedings and remote divisions were originally in force until 12 May. On 12 May they were extended until 20 May. On 12 May, the Leader of the House indicated that he did not intend to extend them beyond that, so when the House returned from its Whitsun Recess on 2 June, all business would be conducted in the Chamber. Any guidance on social distancing would continue to be applied. On 18 May, HuffPost UK reported that “MPs who are vulnerable to Covid-19 are expected to be given special permission to continue to work remotely from parliament once MPs return from their late May break”.<sup>1</sup>

Political parties have reduced attendances.

Other Parliaments have taken a range of measures that involve reducing debate, sitting hours, or otherwise changing procedures in response to lockdowns and quarantines. This Briefing Paper gives examples of the responses taken in a small number of countries. As with changes in the House of Commons, some changes have been made informally, by agreement between parties and groups, others have been made formally by changing procedures.

## Methodology

The Library is a member of a network of European Centre for Parliamentary Research and Documentation (ECPRD). Members of that network have been asked how their Parliaments are responding to coronavirus. Some of the information provided is taken directly from responses to ECPRD questions, where this is the case, the date of the response is noted.

In many countries, changes are happening daily, so these notes represent only a snapshot.

## Further information

The Institute for Government has produced a briefing on [The UK parliament and coronavirus](#), which noted measures taken in response to coronavirus in the UK Parliament. It also includes a very brief overview of changes made in other parliaments.<sup>2</sup>

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<sup>1</sup> Paul Waugh, “[MPs at higher risk of Covid-19 could keep working from home](#)”, *HuffPost UK*, 18 May 2020, updated 19 May 2020 [last viewed 19 May 2020]

<sup>2</sup> Institute for Government Explainer, [The UK parliament and coronavirus](#), 25 March 2020

Sir David Natzler, the former Clerk of the House of Commons, explored how Parliament can fulfil its role “in a COVID-19 environment”, in a Constitution Unit blog post, “[Parliament and COVID-19: the Coronavirus Bill and beyond](#)”.<sup>3</sup> In a second blog, on 5 April, Sir David considered procedural changes that could be made in the UK Parliament, alongside changes that had been made in other parliaments.<sup>4</sup>

In a third blog, on 20 April, Sir David reflected on obstacles to the implementation of a virtual proceedings and the difficulties arising from divisions.<sup>5</sup>

In a fourth blog, Sir David explored “how the hybrid parliament has enabled MPs to operate remotely”.<sup>6</sup>

In another blog, Greg Power of Global Partners Governance reflected on the effects of digital scrutiny on parliamentary life.<sup>7</sup>

The Inter-Parliamentary Union (IPU) is reporting on the impact of social distancing measures on parliaments and on how parliaments are debating, passing legislation and scrutinising governments whilst coronavirus affects the world, see “[Parliaments in a time of pandemic](#)”.

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<sup>3</sup> Sir David Natzler, “[Parliament and COVID-19: the Coronavirus Bill and beyond](#)”, *Constitution Unit blog*, 23 March 2020

<sup>4</sup> Sir David Natzler, “[Democracy and the coronavirus: how might Parliament adapt?](#)”, 5 April 2020

<sup>5</sup> Sir David Natzler, “[Building a ‘virtual parliament’: how our democratic institutions can function during the coronavirus](#)”, *Constitution Unit blog*, 20 April 2020

<sup>6</sup> Sir David Natzler, “[Coronavirus and the Commons: how the hybrid parliament has enabled MPs to operate remotely](#)”, *Constitution Unit blog*, 13 May 2020

<sup>7</sup> Greg Power, “[Can analogue politics work in an era of digital scrutiny? The negative effect of COVID-19 on the informal politics of Westminster](#)”, *Constitution Unit blog*, 22 April 2020

## 2. United Kingdom

### 2.1 House of Commons

The House of Commons rose early for Easter 2020 but before that it adapted its procedures and practices to help ensure distancing measures could be better implemented in its proceedings:

- attendances were reduced in the Chamber;<sup>8</sup>
- the Speaker announced that longer would be allowed for divisions to enable smaller groups of MPs to vote at the same time;<sup>9</sup>
- the Chairman of Ways and Means announced that decisions in Committee of the whole House would be taken without divisions where possible – she said as the House went into Committee on the *Coronavirus Bill*, “I will call Divisions only when they are really essential” and that “today the bar is a high one”;<sup>10</sup>
- procedures were agreed to allow select committee members to participate in proceedings by electronic means and allow a chair to make a report to the House after consulting their committee’s members, subject to authorisation by the Speaker. The procedures have effect until 30 June 2020.<sup>11</sup>
- sittings in Westminster Hall have been suspended, “until the House orders otherwise”.<sup>12</sup>

The House was scheduled to rise for the Easter Recess at the end of business on Tuesday 31 March 2020.<sup>13</sup> On Wednesday 25 March, the House agreed to rise that evening.<sup>14</sup>

#### Select committees – remote meetings

On 27 March 2020, the Speaker wrote to all MPs, confirming that following the agreement of the House to allow select committees to operate remotely, he had authorised:

Select Committee members to participate in proceedings through email, conference calls, and digital conferencing, provided that:

- the means of electronic communication has been confirmed as belonging to the Member concerned
- any written communication is to be made to or copied to the Committee clerk
- the system used for such communication is approved by the Parliamentary Digital Service/ Broadcasting Unit
- in oral evidence sessions Members are able to hear witnesses clearly and to pose questions directly or

Brief details of the select committees that met over the Easter Recess are reported in the [Votes and Proceedings](#), 21 April 2020

<sup>8</sup> [HC Deb 18 March 2020 c993](#)

<sup>9</sup> [HC Deb 23 March 2020 cc23-24](#)

<sup>10</sup> [HC Deb 23 March 2020 c102](#)

<sup>11</sup> [HC Deb 24 March 2020 c319](#). The Procedure Committee set out proposals for this in a letter to the Chief Whip. The letter is published on the Committee’s website, see the “[All correspondence](#)” page

<sup>12</sup> [HC Deb 19 March 2020 c1246](#)

<sup>13</sup> [HC Deb 16 January 2020 c1266](#)

<sup>14</sup> [HC Deb 25 March 2020 c436](#)

communicate with the Chair to ask that questions be posed on their behalf

- in deliberation, Members must be able to both hear and contribute to discussions directly
- Parliamentary staff have the capacity to support the session.<sup>15</sup>

## Proposals for social distancing and virtual participation in the Chamber

In his letter, the Speaker also outlined other measures that he was considering to ensure social distancing on the House's return in April:

To reduce the number of MPs required in the Chamber at any one time, the Speaker will consider removing the convention that only MPs present during a statement can ask questions on it.

Speaking lists could be published so that people know the running order and can attend at the relevant time.

MPs would be able to submit a question on a statement in advance, so a rota can be set up that enables MPs to only come in for their question.

These measures, which are being considered, will be reviewed in consultation with Public Health England, the Leader of the House and the Whips before the House returns after recess.<sup>16</sup>

On 31 March 2020, the Speaker wrote to the Leader of the House of Commons, asking him to put in place means to allow MPs to ask questions of ministers during the Easter recess; and to table a motion to allow MPs "to participate in key parliamentary proceedings virtually".<sup>17</sup> On the same day, he also wrote to the Clerk of the House requesting an update on progress "to connect MPs and Parliament together with different technology".<sup>18</sup>

The BBC reported that the Leader of the House, in response to the letter, said:

Parliament's

role of scrutinising government, authorising spending and making laws must be fulfilled and in these unprecedented times that means considering every technological solution available.

We are exploring options with the parliamentary authorities in readiness for Parliament's return.<sup>19</sup>

The Clerk replied to the Speaker on 3 April. He noted the work that had been done to allow select committees to work remotely. He expected that, "If Committees can be flexible in terms of the day of the week when they sit, we hope to be able to support as many as 20 virtual committees starting from the week commencing 20 April", representing a typical weekly volume of evidence sessions. The Clerk also told the

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<sup>15</sup> House of Commons, [Speaker's letter to MPs outlining measures during the coronavirus outbreak](#), 27 March 2020

<sup>16</sup> *Ibid*

<sup>17</sup> [Letter from the Speaker to the Leader of the House](#), 31 March 2020

<sup>18</sup> [Letter from the Speaker to the Clerk of the House](#), 31 March 2020

<sup>19</sup> BBC News, [Coronavirus: Commons Speaker calls for 'virtual Parliament'](#), 2 April 2020

Speaker that broadcasting and digital services were “working flat out to identify and deliver a solution that would allow Members to participate remotely in questioning of Ministers”.<sup>20</sup>

Following its meeting on 6 April 2020, the House of Commons Commission issued a statement that set out what aspects of parliamentary business it envisaged video conferencing being used for:

Parliamentary digital, broadcasting and procedural experts are working round the clock to develop a virtual House of Commons – if needed – for the end of the Easter recess, the House authorities were told.

The plans would enable MPs to use videoconferencing tools to call in remotely to some parliamentary proceedings, to scrutinise Government during the Coronavirus lockdown.

The aim would be for Members to be able to take part in question times – including Prime Minister’s Questions – urgent questions and ministerial statements.<sup>21</sup>

The Chair of the Procedure Committee wrote to the Speaker on 6 April, welcoming his proposals for “key accountability proceedings ... by virtual means”. The Committee had considered the practicalities of handling legislation when the House returns after Easter. It doubted that there was time to “commission, build, test and implement a system which will allow secure, remote, digital voting on House proceedings”.<sup>22</sup>

At its meeting on 16 April, the House of Commons Commission discussed arrangements for the operation of hybrid proceedings:

**The Commission endorsed preparations for the introduction of an operating model on Wednesday 22 April that would allow Members to participate in proceedings either virtually or physically in the Chamber, and which would ensure equality of treatment as far as practicable between those two forms of participation.**

**Subject to approval by the House on Tuesday 21 April, the operating model will apply initially only to Oral Questions, Urgent Questions and Oral Statements for a period of up to 2 hours at the start of business.**

**The Commission endorsed preparations to expand the model to other proceedings, including motions and legislation, and to produce a secure system to facilitate remote divisions as soon as possible. The introduction of any such changes would be subject to the approval of the House.**

**The Commission agreed that any new arrangements would be kept under regular review, including by the Procedure Committee.**<sup>23</sup>

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<sup>20</sup> [“Speaker is updated on progress towards virtual Parliament”](#), [letter from the Clerk of the House], 3 April 2020

<sup>21</sup> House of Commons Commission, [Statement by Commission](#), 6 April 2020

<sup>22</sup> Procedure Committee, [Letter of 6 April from the Chair of the Committee to the Speaker concerning temporary procedural changes during the COVID-19 pandemic](#), 6 April 2020

<sup>23</sup> House of Commons Commission, [Decisions](#), 16 April 2020; see also the Commission’s statement on its meeting, [“House of Commons takes historic first step towards virtual proceedings”](#), 16 April 2020

## Virtual proceedings

On its return from the Easter Recess, on 21 April, the Speaker allowed two motions to be debated without notice. If agreed, Members would be able to participate in some proceedings of the House, whether or not they were in the Chamber. Hybrid proceedings would involve physically present and remote Members.

Following a short debate, the House agreed that Members could participate in “scrutiny proceedings” via electronic means or by being in the Chamber. Scrutiny proceedings were defined as questions to ministers, urgent questions and ministerial statements. The hybrid arrangements would begin the following day.<sup>24</sup>

On 22 April, the House of Commons conducted hybrid scrutiny proceedings for the first time. In questions to Secretary of State for Wales, the Secretary of State answered questions via video link and many questions were asked by Members via video link. Questions to the Prime Minister and a statement on Coronavirus by the Secretary of State for Health and Social Care were also conducted in the same way.<sup>25</sup>

Once the hybrid proceedings had been completed, the House then considered allowing substantive business to be conducted by Members in the Chamber and by video link. It agreed to define hybrid proceedings as both scrutiny proceedings (defined on 21 April, see above) and substantive proceedings; and then defined substantive proceedings:

- (1) Substantive proceedings comprise:
  - (a) motions in the name of a minister of the crown;
  - (b) presentation of bills;
  - (c) subsequent proceedings on public bills introduced by a minister of the crown;
  - (d) private business;
  - (e) ministerial statements made with the permission of the Speaker;
  - (f) personal statements;
  - (g) motions in the name of the chair or another member of the Committee of Selection;
  - (h) business which would otherwise be taken
    - (i) immediately after prayers (except motions for unopposed returns); or
    - (ii) at the commencement of public business.<sup>26</sup>

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<sup>24</sup> [HC Deb 21 April 2020 cc2-24](#). An *Explanatory Note for the Motions on Proceedings during the Pandemic and Hybrid Scrutiny Proceedings* was published

<sup>25</sup> [HC Deb 22 April 2020 cc33-54](#); and [cc55-68](#). An *Explanatory Note for the Motion on Hybrid Substantive Proceedings* was published

<sup>26</sup> [HC Deb 22 April 2020 cc74-80](#)

In the debate, the Leader of the House acknowledged the risk of rapid changes to way in which the House operated but noted that the procedures were temporary:

Rapid change inevitably comes with risk, but these are exceptional times, as we all recognise. I entirely concur with the concerns expressed by the Chairman of the Procedure Committee yesterday about making such changes so quickly. I reiterate that these must be temporary changes that will allow the House to carry out its important legislative functions while we comply with the current UK medical advice.<sup>27</sup>

Both of the orders made concerning hybrid proceedings on 21 and 22 April had effect until 12 May. On 12 May 2020, the House agreed to extend the temporary orders allowing hybrid proceedings until 20 May 2020.<sup>28</sup> Speaking in the debate, the Leader of the House said that it was his expectation that “I will not have to renew the temporary Standing Orders again”.<sup>29</sup>

Karen Bradley, the Chair of the Procedure Committee asked about extending the scope of substantive proceedings to include business such as opposition days and backbench business. The Leader of the House confirmed that the Order provided for other types of business to be added, but extending the scope would “depend on the technological capacity as to whether it is possible to extend the time available”.<sup>30</sup>

### Remote voting

On 22 April, the Leader of the House also introduced a motion to allow remote voting or remote deferred divisions. This would enable Members present and Members elsewhere to vote. It would avoid a situation that encouraged Members to be in Westminster. He noted that the Government would be able to state whether motions were subject to the new process. If they were not so designated, “the motion becomes subject to a decision on a ‘nod or nothing’ basis”.<sup>31</sup>

The system would work in the following way:

Under the new system, remote divisions would become a process administered by the House, with the result delivered directly to the Speaker. Votes in a remote division would be expected to be cast in a 15-minute window, and in a deferred division during the usual 11.30 am to 2 pm slot on Wednesdays.

The Leader of the House acknowledged that the Procedure Committee had concerns about remote voting and that the Chair had tabled an amendment delaying its implementation until the Committee was satisfied with the proposed system. He asked that the amendment be withdrawn in exchange for a formal commitment from the Government:

I can confirm that we will not designate any Divisions subject to these new arrangements until the Committee has examined the proposed scheme and the Chairman has written to me to set out

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<sup>27</sup> [HC Deb 22 April 2020 c75](#)

<sup>28</sup> [HC Deb 12 May 2020 cc213-226](#)

<sup>29</sup> [HC Deb 12 May 2020 c213](#)

<sup>30</sup> [HC Deb 22 April 2020 c80](#)

<sup>31</sup> [HC Deb 22 April 2020 c82](#)

the Committee's views on the scheme and whether it considers it to be workable. I would be most grateful if the Chairman in turn could commit to that work being carried out by the Committee as quickly as possible.<sup>32</sup>

The Chair of the Procedure Committee did not move her amendment and the motion, paving the way for remote voting, was agreed to.

The Procedure Committee had reported on the proposals developed by the House of Commons Service to enable remote participation.<sup>33</sup>

The provisions on remote divisions only had effect until 12 May 2020, subsequently extended to 20 May, along with temporary orders relating to hybrid proceedings.

On 5 May 2020, Karen Bradley, the Chair of the Procedure Committee wrote to the Speaker and the Leader of the House. She confirmed that the Committee was satisfied that the proposed system was suitable.<sup>34</sup>

The following day, the Speaker confirmed that he had received the letter from the Procedure Committee and confirmation that Parliament's Information Authority is content with the proposed system. He announced that he had authorised the use of remote voting.<sup>35</sup>

The first remote division was held on 12 May 2020, following a general debate on Covid-19.<sup>36</sup>

## 2.2 Wales

On 24 March 2020, the then National Assembly for Wales agreed to a report from the Business Committee entitled *Amending Standing Orders: Assembly Business and Emergency Procedures*.<sup>37</sup> The Committee recommended "temporary provisions to facilitate continuation of Assembly business during the Covid-19 outbreak". These temporary provisions allow the election of a Temporary Presiding Officer; an Acting Chair to chair plenary meetings; the recall of the Assembly by the Presiding Officer, with the agreement of the Business Committee; a reduction of the quorum to four members; and a system of proxy voting.<sup>38</sup>

Following that plenary session, the Business Committee decided "to switch to fully online 'virtual' plenary meetings using the video conferencing facility Zoom".<sup>39</sup>

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<sup>32</sup> HC Deb 22 April 2020 c83

<sup>33</sup> Procedure Committee, [Procedure under coronavirus restrictions: proposals for remote participation](#), 21 April 2020, HC 300 2019-21

<sup>34</sup> Procedure Committee, [Letter of 5 May 2020 from the Chair of the Committee to the Speaker concerning a proposed system for remote divisions](#), 5 May 2020

<sup>35</sup> [HC Deb 6 May 2020 c537](#)

<sup>36</sup> [HC Deb 12 May 2020 c212](#); [cc217-221](#)

<sup>37</sup> The National Assembly for Wales became the [Senedd Cymru](#) or Welsh Parliament (or just the "Senedd") with effect from 6 May 2020

<sup>38</sup> Business Committee, [Amending Standing Orders: Assembly Business and Emergency Procedures](#), March 2020. National Assembly for Wales, [Record of Proceedings – Plenary](#), 24 March 2020, Item 18

<sup>39</sup> National Assembly for Wales news, [Coronavirus: National Assembly to hold its first 'virtual' parliamentary session](#), 31 March 2020. Business Committee, [Meeting of 27 March 2020](#)

On 1 April 2020, the National Assembly for Wales held its first virtual parliamentary session.<sup>40</sup> In line with arrangements for an Emergency Senedd agreed the previous week, only four members were needed for votes at plenary meetings to be valid and a reduced attendance was agreed by the parties.<sup>41</sup>

The National Assembly for Wales held a second virtual parliamentary session on 8 April 2020.<sup>42</sup>

The Senedd Research Service's blog, "[Coronavirus: Senedd procedure](#)" (6 May 2020), provides an overview of the development of temporary procedures adopted by the (now) Senedd Cymru/Welsh Parliament.

## 2.3 Scotland

### Scottish Parliament

Although the Parliament adjourned for the Easter Recess on 1 April, three virtual question times were held during the Recess. Two Leaders' Virtual Question Times on 9 and 16 April and one Members' Virtual Question Time on 17 April. Arrangements for the first session were outlined in [a letter to MSPs on 8 April](#), from Ken McIntosh, the Presiding Officer. In a [letter on 14 April](#), he outlined the arrangements for the Members' Virtual Question Time.

The three virtual question times held over the Easter Recess were informal meetings. No decision in the form of a business motion was therefore required by the Parliament and the meetings were not governed by Standing Orders. A transcript of these informal meetings has been prepared, but it is not an Official Report.

On 21 April, the Parliament agreed to establish a COVID-19 Committee, with the ability to meet virtually.<sup>43</sup> The Committee has since [taken stage 1 evidence on the Coronavirus \(Scotland\) \(No.2\) Bill](#) virtually on 12 May. It is scheduled to consider the Bill at Stage 2 on 19 May 2020.

Also on 21 April, the Scottish Parliament agreed to the suspension and variation of some Standing Orders to allow meetings of the Parliament including meetings of committees or sub-committees established by the Parliament, "to be held either in the Debating Chamber of the Parliament, Holyrood, or remotely, by video conference in a virtual Debating Chamber". These provisions were to apply for the duration of the public response to coronavirus, up to and including 26 June 2020. Provision was also made to for the Presiding Officer to determine further period(s), from time to time following consultation with the Bureau.<sup>44</sup>

In a [letter to MSPs on 30 April 2020](#), the Presiding Officer outlined developments that were in train. He anticipated that a virtual session

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<sup>40</sup> National Assembly for Wales, [Record of Proceedings – Plenary](#), 1 April 2020 (see the [broadcast](#))

<sup>41</sup> National Assembly for Wales news, [Coronavirus: National Assembly to hold its first 'virtual' parliamentary session](#), 31 March 2020

<sup>42</sup> National Assembly for Wales, [Record of Proceedings – Plenary](#), 8 April 2020

<sup>43</sup> Scottish Parliament, [Official Report](#), 21 April 2020 cc79-82

<sup>44</sup> *Ibid*

would be held on 7 May. In the event a virtual question time was held. This virtual question time was a formal proceeding, having been included in the Business Motion agreed on 5 May 2020.<sup>45</sup>

The Parliament continues to hold Virtual Question Times, regular meetings and on 12 and 13 May, held hybrid sessions.<sup>46</sup> These sessions are now formal meetings of the Parliament and as such they require a business motion; and an Official Report is prepared.

## 2.4 Crown dependencies

### Jersey

On Thursday 2 April 2020, the States Assembly, Jersey, held a virtual assembly. A press notice from the States Assembly reported that all members were able to participate and that they were able to carry out their duties in full:

The online meeting of States Members was organised in response to coronavirus and ensured States Members could continue with the democratic process while also adhering to current social distancing guidelines.

The virtual meeting allowed States Members to propose legislation, debate and vote on propositions, question Ministers and present statements; the functionality allowed them to continue their duties in full.<sup>47</sup>

The States Assembly has continued to hold virtual meetings. Some participants have been in the Chamber and votes have been held.<sup>48</sup>

### Isle of Man

The Isle of Man's Tynwald Court, House of Keys and Legislative Council met on Friday 3 April 2020. Their meetings were all virtual.<sup>49</sup>

The Tynwald has met weekly, in Extraordinary Sitting, on Tuesdays, since the virtual sitting on 3 April. Standing Orders have been suspended, as necessary, to allow virtual sittings.<sup>50</sup>

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<sup>45</sup> Scottish Parliament, [Official Report](#), 5 May 2020 c3

<sup>46</sup> See [Official Report pages](#) on the Scottish Parliament website

<sup>47</sup> States of Jersey States Assembly news, [States Assembly hold first Virtual Assembly](#), 2 April 2020

<sup>48</sup> See for example, States Assembly news, [States Assembly 12th and 13th May 2020](#), 13 May 2020. For reports of other sittings, see the States Assembly [News](#) webpage

<sup>49</sup> Tynwald Court, [Proceedings – Rolling Hansard](#), 3 April 2020; Tynwald, [Business on Friday 3 April 2020](#) [links to Order Papers]

<sup>50</sup> Tynwald, [Recent Tynwald Business](#) [includes links to Order Papers and Hansards]

### 3. Denmark

*Response to ECPRD request 4354, Adjustment of Parliamentary activity to Covid-19 outbreak, 20 March 2020.*

The Danish government has recommended that no more than ten people assemble in Denmark.

In light of that fact, the Speaker of the Danish Parliament has made the following decisions with regard to voting in the Danish Parliament:

- When a call to vote in the Chamber is played on the loudspeaker, the Members of Parliament are asked to form a queue in front of the Chamber, keeping a distance of two metres from each other.
- The queue will span the length of Vandrehallen, the long hall connecting the Chamber to Landstingssalen, the old Chamber.
- The politicians who are already in the Chamber will vote first. Once they have pushed the voting button they must leave the Chamber, and then the remaining politicians will be let in, ten at a time, to cast their vote.

Further, the Speaker of the Danish Parliament has made the following decisions concerning the day-to-day work of in the Danish Parliament:

- The Danish Parliament and its administration utilizes online communication, because we, too, must work from home.
- We wish to encourage political discourse and debate, both generally and in specific settings such as open Consultations, where the conversation is rendered more dynamic because of the physical presence of the participants. We must therefore strive to promote a similar political discourse to the greatest possible extent, even if the circumstances are extraordinary.

Finally, it is of great importance that the Chairman can receive counselling from the Committee Clerk during the meeting and that technical support is available for the online communication of the Committee. The easiest way to ensure both is by the Chairman, the Committee Clerk and a technician being physically present in the same room.

We have encouraged the ministers to only demand Consultations on the most pressing political matters, for example in connection with the urgent Bills currently being debated in The Danish Parliament. We have likewise requested that only essential Committee meetings be held and that the number of participants be restricted.

## 4. France - Assemblée Nationale

*Response to ECPRD request 4354, Adjustment of Parliamentary activity to Covid-19 outbreak, 18 March 2020.*

### **Parliamentary business**

The Assemblée was in recess until 19 March because of local elections. When the Assemblée met again, it was planned that only essential functions of the institution will continue.

In spite of coronavirus, there will be:

- Questions to Government ministers each week, but only party group leaders and spokespersons will be present in the Chamber.
- Debate and voting on budget bills to allow extra spending because of coronavirus, but only two *députés* (MPs) from each party group will be allowed to attend. The same limitation will apply to any committee meetings.

*Response to ECPRD request 4365, Amendments to the rules of procedure related to the Covid-19 outbreak, 8 April 2020*

The rules of procedure of the National Assembly do not contain any rules on the use of videoconferencing for parliamentary work

Public sessions have been organised in such a way as to limit the number of deputies to a minimum and to ensure a "safe distance" between them

Videoconferencing has been used on several occasions: for the "Conference of Presidents" (which sets the agenda) or for the fact-finding mission on the coronavirus (during this meeting the Prime Minister was questioned by several MPs).

On 13 May a [special working group](#) whose remit is to consider the way parliamentary business is conducted during the crisis met for the first time. The group is composed of 32 *députés* (MPs), the leaders of parliamentary party groups or their deputies and two Deputy Speakers.

## 5. Germany – Bundestag

*Response to ECPRD request 4354, Adjustment of Parliamentary activity to Covid-19 outbreak, 26 March 2020.*

On 25 March 2020 the German Bundestag has temporarily modified its Rules of Procedure in order to deal with impairments caused by COVID-19. Rule 126a makes the following changes:

- The quorum is lowered to 25% of the members (for the plenary and for committees).
- The possibility for committees to use the written procedure has been extended.
- For committees, remote participation by members has been allowed.
- Access to public hearings or meetings of committees may be restricted to ways of electronic transmission.

The changes expire on 30 September 2020 at the latest.

The Bundestag may decide to abrogate Rule 126a at any time.

## 6. Ireland – Houses of the Oireachtas

*Response to ECPRD request 4354, Adjustment of Parliamentary activity to Covid-19 outbreak, 26 March 2020.*

The Ceann Comhairle (Speaker) got agreement from the Party and Group leaders for reduced numbers to attend Dáil meetings (approximately one-third of the full membership). Members were also asked to maintain an appropriate distance in accordance with public health advice.

Plenary sessions of both Houses and meetings of the Business Committee are continuing but parliamentary questions have been suspended.

### **Developments in May**

The Dáil continues to meet physically. Informal arrangements to limit attendance continue to be in place.

Arrangements for written parliamentary questions to be reinstated were agreed on 7 May 2020.<sup>51</sup>

On 6 May 2020, the Dáil agreed to establish a Special Committee on Covid-19 Response.<sup>52</sup>

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<sup>51</sup> Dáil Éireann debate, [Reinstatement of Written Parliamentary Questions: Motion](#), 7 May 2020

<sup>52</sup> Dáil Éireann debate, [Establishment of Special Committee on Covid-19 Response: Motion](#), 6 May 2020

## 7. Sweden

*Riksdag website [viewed 15 May 2020]*

The Riksdag and the Riksdag Administration have undertaken several measures as a result of the coronavirus, including more frequent cleaning of Riksdag premises and requesting all officials and politicians who are able to do so to work from home. So far, the following decisions have been made:

- The group leaders have agreed that only 55 members are to be present for votes in the Chamber, even though all members are still in service.<sup>53</sup> Before each vote, the parties decide which members are to be present to vote. In other words, it is not the same 55 members who participate in every vote. The Riksdag committees and the Committee on EU Affairs continue to work, but with the possibility for many members to join meetings on line. The parties can nominate any number of members as extra deputy members to any number of Riksdag committees and to the Committee on EU Affairs in order to ensure that they are fully manned.
- As of the vote of 16 April, there will be “free seating” in the Chamber during votes. This means that the members are free to sit where they want, and therefore further apart from each other.<sup>54</sup>

Electronic voting is used in the Swedish Parliament:

A decision on a particular matter is taken once the members of the Riksdag have finished debating the matter. A decision is normally taken on a fixed separate date, but sometimes a vote is taken directly after a debate. Matters are either determined by acclamation, which literally means shouting “yes”, or by means of a vote using the voting buttons.<sup>55</sup>

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<sup>53</sup> “By choosing the number 55 the group leaders wanted to ensure that the distribution of seats among the parties would be the same as if all 349 MPs had been present” [*Response to ECPRD request 4354, Adjustment of Parliamentary activity to Covid-19 outbreak, 17 March 2020*]

<sup>54</sup> Riksdag, [The Riksdag's work in connection with coronavirus](#), see “Measures taken continuously”

<sup>55</sup> Riksdag, [Debates and decisions in the Chamber](#), see “Decisions on items of parliamentary business”

## 8. Australia

The Prime Minister and Leader of the Opposition have both agreed to measures capping the number of MPs in the House and Senators in the Senate. Both the Coalition and Labor will lose 30 MPs and 21 Senators each. The agreement does not apply to crossbenchers, although it is expected that a number will choose to stay away.

Rules are also in place restricting access to certain parts of Parliament. Visitors are banned from the public galleries, all school tours and visits have been cancelled and access restrictions have been placed on pass holders. Politicians have also been asked to restrict the number of staff accompanying them to Parliament.

### **Proceedings in the House of Representatives on 23 March 2020**

At the beginning of the sitting on 23 March, the Speaker outlined changes to the seating arrangements that had been made:

I wish to draw the attention of honourable members to the special arrangements for the operation of the chamber. The most obvious is the changed sitting arrangements, which you will have already noticed. The increased spacing in the chamber means that members won't be sitting in their normal seats. Please sit only in the seat or the space allocated to you with your name. These allocations have been arranged so that you are sufficiently far apart.

You will also note additional seats placed outside the benches. These seats are reserved for members and are considered to be within the area of members' seats for the purposes of any divisions that may be called. Ministers and shadow ministers on the front bench may come to the dispatch box to speak. Other ministers and shadow ministers in the rows behind frontbenchers are asked to remain at their allocated temporary seats to speak. During divisions, the tellers will operate from the Hansard table.<sup>56</sup>

The House of Representatives then proceeded to suspend a number of Standing Orders to allow bills relating to the Coronavirus Economic Response Package to be taken.<sup>57</sup>

At the end of the sitting on 23 March, the House agreed that:

(1) the House may meet in a manner and form not otherwise provided in the standing orders with the agreement of the Leader of the House and the Manager of Opposition Business, with the manner in which Members may be present (including for the purposes of achieving a quorum) to be determined by the Speaker; and

(2) any consequent changes to the rules and orders necessary to enable such a meeting to commence may be determined by agreement of the Leader of the House and the Manager of Opposition Business.<sup>58</sup>

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<sup>56</sup> House of Representatives [Australia], [Hansard](#), 23 March 2020, p3

<sup>57</sup> Rob Harris, "[Extraordinary times call for extraordinary parliamentary sitting](#)", *Sydney Morning Herald*, 23 March 2020; Eryk Bagshaw, "[Number of MPs in Federal Parliament to be down 40pc next week](#)", *Sydney Morning Herald*, 17 March 2020

<sup>58</sup> House of Representatives [Australia], [Hansard](#), 23 March 2020, pp2900-2902

It also agreed that, as long as the Leader of the House and the Manager of Opposition Business agreed, Standing Orders could be suspended by a majority of members present. Before that decision it could only “be carried only by an absolute majority of Members”.<sup>59</sup>

### **Developments in April 2020**

The Australian House of Representatives met on 8 April. Again at the end of that sitting, it adjourned until a date and time to be fixed by the Speaker. Various Standing Orders were suspended to allow the rapid consideration of bills relating to coronavirus. The bills were passed.<sup>60</sup>

The Senate subsequently passed the same bills without amendment.<sup>61</sup>

The Senate also established a [Select Committee on Covid-19](#) to inquire into the Australian Government’s response to the COVID-19 pandemic. The committee is to present its final report on or before **30 June 2022**.<sup>62</sup>

The President of the Senate made a statement on procedures for the day’s sitting and noted that “work continues on the ability of the Senate to meet otherwise than in accordance with the existing procedures, including the consideration of electronic and remote participation”. Any proposals would be considered by the Procedure Committee.<sup>63</sup>

### **Voting in the House of Representatives**

On 12 May 2020, the Speaker of the House of Representatives made two announcements about the conduct of divisions whilst the attendance of Members was restricted by the parties and social distancing was operating in the Chamber:

- At the two previous sittings, the question had been put in the negative to avoid people crossing the chamber. He intended to continue that practice; and
- Because of the arrangements, “very large numbers” of pairs of government and opposition members were necessary and would be required for the foreseeable future. Although, pairing arrangements were unofficial, he acknowledged that they allowed the voting intentions of absent members to be recorded. In the two previous sittings, whips had read the names of those members who were paired into the record. However, from henceforward, whips would provide lists of the paired members as necessary to the Table Office and Hansard and they would be recorded in the Votes and Proceedings and in the Hansard.<sup>64</sup>

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<sup>59</sup> *Ibid*, pp2902-2903; and House of Representatives [Australia], [Standing Orders](#), see Standing Orders at 19 September 2019 and Amendment to SO47

<sup>60</sup> House of Representatives [Australia], [Votes and Proceedings](#), 8 April 2020

<sup>61</sup> Senate [Australia], *Hansard*, 8 April 2020, “[Bills](#)”

<sup>62</sup> Senate “[Committees](#)”

<sup>63</sup> Senate [Australia], *Hansard*, 8 April 2020, “[Statement by the President](#)”

<sup>64</sup> House of Representatives [Australia], [Hansard](#), 12 May 2020 [Speaker at 12:09 and the Division at 16:18]

## 9. Canada

On Friday 13 March 2020, the House of Commons adopted a motion by unanimous consent to stand adjourned until Monday 20 April 2020, provided that during the adjournment, the House could be recalled, under the provisions of Standing Order 28(3), to consider measures to address the economic impact of COVID-19 and the impacts on the lives of Canadians.<sup>65</sup>

The House of Commons was recalled. It met on 24 March 2020 to consider measures related to the Covid-19 pandemic and passed Bill [C-13, An Act respecting certain measures in response to COVID-19](#).<sup>66</sup> Following agreement to the legislation by the Senate, it was enacted on 25 March 2020.<sup>67</sup>

Whilst the House was meeting, the *Chronicle Herald* reported that “A small gathering of the House of Commons is in the process of negotiating a bill to deliver aid to Canadians affected by the COVID-19 pandemic”.<sup>68</sup>

The House of Commons adjourned again until 20 April.

The House of Commons was recalled on Saturday 11 April. It heard a statement from the Prime Minister on Covid-19; sat as a Committee of the whole House to question the Prime Minister and other ministers on Covid-19 and passed a bill, introduced that morning, entitled *COVID-19 Emergency Response Act, No. 2*:

bill read the second time, deemed considered in committee of the whole, deemed reported without amendment, deemed concurred in at report stage on division, deemed read a third time and passed on division<sup>69</sup>

The House of Commons then met as scheduled on 20 April. It created a Special Committee on the COVID-19 Pandemic, including all MPs, that will meet in person on Wednesdays and via video conference on Tuesdays and Thursdays. The Samara Centre for Democracy’s report, *Towards a Virtual Parliament*, provided the following summary of business on 20 April, including a description of the Special Committee, and noted another recall of the House of Commons on 29 April. It also notes that the Procedure and House Affairs Committee is examining options for a virtual Parliament:

On April 20, the House of Commons met for one day and passed a motion that (1) adjourned the House until May 25, and (2) created a new [Special Committee on the COVID-19 Pandemic](#) to operate through the adjournment. While most parliamentary committees have just 12 members, all MPs were appointed to the COVID-19 committee. Starting April 28, it met in-person on Wednesdays and via video conference on Tuesdays

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<sup>65</sup> House of Commons [Canada], [Journals](#), 13 March 2020

<sup>66</sup> House of Commons [Canada], [Journals](#), 24 March 2020

<sup>67</sup> House of Commons [Canada], [Journals](#), 25 March 2020

<sup>68</sup> “[Opposition takes issue with ‘undemocratic’ COVID-19 aid legislation](#)”, The Chronicle Herald”, 24 March 2020

<sup>69</sup> House of Commons [Canada], [Hansard](#), 11 April 2020

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and Thursdays. At the committee, Ministers can make announcements, Members can present petitions, and, most importantly, Members can ask questions of the PM and other Ministers. It's presided over by the Speaker of the House of Commons.

While it looks like the Main Chamber of the House of Commons, with most MPs taking part, in fact these meetings are a committee, and not Question Period.

So what does this mean? Parliament is still not "sitting." MPs will not be able to debate or vote on legislation. (Parliament was officially recalled again briefly on April 29 to briefly pass additional measures, physically in the House with a limited number of MPs.) Going forward, the committee will host a Question Period-like session three days a week, with two of those days being virtual. There are also now seven regular House committees and two Senate committees working remotely to study different aspects of the pandemic response.

One of these is the Standing Committee on Procedure and House Affairs (PROC), which has been given the job of [studying how Parliament can continue through the pandemic](#). It's looking closely at possibilities for a more complete virtual Parliament, and will report in mid-May. More change could very well be on the way.<sup>70</sup>

The House of Commons is adjourned until Monday 25 May, unless there is agreement from the four House Leaders to remain adjourned to a later date. The House can also be recalled earlier by the Speaker after consultation with the Government.

A House of Commons Factsheet describes how the Special Committee on the Covid-19 Pandemic operates.<sup>71</sup>

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<sup>70</sup> Michael Morden and Paul EJ Thomas, [Towards a Virtual Parliament](#), Samara Centre for Democracy, 1 May 2020. The Samara Centre for Democracy is a non-partisan charity "[dedicated to strengthening Canada's democracy](#)"

<sup>71</sup> House of Commons Factsheet, [Special Committee on the Covid-19 Pandemic](#), undated

## 10. New Zealand

On 25 March 2020, the following announcement was posted on the New Zealand Parliament's website:

The House is not expected to sit while New Zealand is under alert level 4 for the next four weeks in response to COVID-19.

[...]

To make sure parliamentary oversight and representation can continue in response to the COVID-19 outbreak, members have agreed to allow special epidemic procedures to be used during the lockdown period.<sup>72</sup>

In order to ensure oversight of the Government, a new committee was appointed:

A new select committee — the Epidemic Response Committee — is being established by the House, and it can continue to scrutinise the Government's response to COVID-19 while the House is not sitting.

The Epidemic Response Committee will be chaired by the Leader of the Opposition, Hon Simon Bridges, and will consist of 11 members in total, 6 of whom will be Opposition members.<sup>73</sup>

Whilst Parliament is not sitting, no bills can be enacted.

In order to enable this committee to be established, scheduled sittings of the New Zealand Parliament were altered:

The next scheduled sitting day was Tuesday, 31 March, but the Speaker called the House back early, to sit on 25 March. The House will then adjourn while the COVID-19 alert level is at level 4. The House is not expected to meet again until 28 April, but this date could be adjusted by the Business Committee, depending on the state of the epidemic. When the House next meets, it will be able to decide when it will sit after that.<sup>74</sup>

The House returned on 28 April – the day New Zealand reduced its Alert Level from 4 to 3 – and met again on 29 and 30 April.

Dean Knight, Associate Professor in public law, Victoria University, Wellington, wrote a blog entitled "Lockdown Bubbles through Layers of Law, Discretion and Nudges" on 7 April 2020, on the *Verfassungsblog*. He added an update on "Enhanced Lockdown Rules and Transition from Alert Level 4 to 3", on 3 May 2020. In that update, he noted developments in the unicameral New Zealand Parliament:

### **Civic Institutions: The House of Representatives Returns and the Courts Battle**

The move to alert level 3 allowed the return of the House of Representatives. Sessional orders agreed to before the lockdown made changes to procedures to allow the House to operate with minimal members and with some electronic backroom logistics. About 25 or so MPs have returned for sittings of the House,

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<sup>72</sup> New Zealand Parliament, [FAQ: Parliament during COVID-19 alert level four](#), 25 March 2020

<sup>73</sup> *Ibid*

<sup>74</sup> *Ibid*

subject to appropriate physical distancing, proceedings have been limited to oral questions, necessary financial debates and the passage of legislation related to the emergency response. Some additional [business relief measures](#) were passed under urgency (awkwardly, the [wrong version of the bill](#) was tabled in error and passed, ratifying an additional loan guarantee scheme yet to be approved by Cabinet) [on 30 April].

The Epidemic Response committee – New Zealand’s ‘Parliament in miniature’ – sat three days a week during alert level 4 and continues to sit under alert level 3. Its hearings, hosted on Zoom, were widely followed in the early stages and provided a good means for ministers and officials to be tested on the government’s response. With the return of usual accountability processes in the House, the committee pivoted to hearing from witnesses from the community about the effect of the lockdown and needs for recovery. Some other committees continued their work remotely, especially public hearings on some bills the government wished to progress.

[...]

### **Conclusion**

New Zealand’s lockdown regime – its layers of law, discretion and nudges – has been, to use a rugby analogy, a rolling maul. It has evolved, and been strengthened and sharpened, as the country was locked down in their household bubbles. Much of that evolution has been about meeting rule-of-law expectations about clarity, certainty, accessibility and congruence in application. Strong messaging from the Prime Minister and others, calling on New Zealanders to do the right thing, continues to be the foundation stone of the government’s response and has proved pretty effective. But law, especially the minutiae of rules and enforcement, has taken on increased importance as constables have been more vigorous in policing the lockdown. Lurking doubts about whether the key Health Act power is strong enough to support the lockdown rules, though, risks disrupting the various layers in play. Public confidence and compliance could well be compromised if a court definitively ruled that the power is too soft to sustain the lockdown regime.  
DK [Dean Knight] (3 May 2020)<sup>75</sup>

Since 28 April 2020, the New Zealand Parliament has been meeting on its usual sitting days.

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<sup>75</sup> Dean Knight, “[Lockdown Bubbles through Layers of Law, Discretion and Nudges](#)”, *Verfassungsblog*, 7 April 2020; see update on “Enhanced Lockdown Rules and Transition from Alert Level 4 to 3”, 3 May 2020

## 11. Brazil

The Chamber of Deputies met in plenary in a “Virtual Parliamentary Session” on 25 March 2020, after making the necessary legislative arrangements at a sitting on 17 March.<sup>76</sup>

The Chamber of Deputies has published [an account](#) of the development of the systems it used. It noted the complex requirements for its system:

The main challenge was to design a solution that could accommodate the 513 MPs in a remote Plenary session. It is more than a simple videoconference. It requires an integration between a broadcasting service with the systems related to the legislative process. Two critical functionalities should also be considered: the voting and the presence registration.

It reported that over 500 MPs participated in the first virtual plenary.<sup>77</sup> Some deputies [like remote sessions](#) and would like them to continue after the crisis. Others miss the social contact and say that it will be committees that are particularly affected, since they depend on direct contact with the public.

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<sup>76</sup> Chamber of Deputies, [Virtual Plenary: Strategy and Architecture](#), April 2020, p1 and Annex 1

<sup>77</sup> *Ibid*

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