



BRIEFING PAPER

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Emergency Debate on the conduct of House business during the coronavirus pandemic

By Richard Kelly

1. Application for Emergency Debate

On Thursday 4 June 2020, the House gave leave for an Emergency Debate (under [Standing Order No 24](#)) on the conduct of House business during the pandemic. The debate is to be held on [Monday 8 June](#).

The application was made by Alistair Carmichael who expressed concern about the implications Members having to be physically present to participate in proceedings, following the House's decision to accept the Government's proposals on 2 June.

He asked that the House should have the opportunity to debate Government plans for allowing Members to participate remotely and for extending proxy voting to Members who were shielding,¹ which were agreed without debate later on 4 June.² Mr Carmichael noted that the arrangements for proxy voting "exclude its being made available to those who are shielding for the benefit of close family members".³

2. Temporary procedures and practices during the pandemic

The House of Commons made a number of temporary adjustments to its procedures as the UK went into lockdown in March:

- On 19 March 2020, sittings in Westminster Hall were suspended, "until the House orders otherwise".⁴
- On 24 March 2020, 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. [Authorisation](#) was given on 27 March 2020. The procedures have effect until 30 June 2020.⁵

¹ [HC Deb 4 June 2020 c1058](#)

² [HC Deb 4 June 2020 cc1102-1103](#)

³ [HC Deb 4 June 2020 c1058](#)

⁴ [HC Deb 19 March 2020 c1246](#)

⁵ [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

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- On 21 April 2020, following the Easter Recess, the House agreed a motion setting out its desire to continue to scrutinise the Government but in accordance with restrictions imposed by the coronavirus pandemic:
That this House is committed to taking all steps necessary to balance its responsibilities for continuing scrutiny of the executive, legislating and representation of the interests of constituents with adherence to the guidance issued by Public Health England and the restrictions placed upon all citizens of the United Kingdom, and is further committed, in pursuit of that aim, to allowing virtual participation in the House's proceedings, to extending the digital capacity of those proceedings to ensure the participation of all Members, and to ensuring that its rules and procedures are adapted to permit as far as possible parity of treatment between Members participating virtually and Members participating in person.⁶
- Also on 21 April, the House agreed that, from the following day, 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.⁷
- On 22 April, the House agreed to extend hybrid arrangements to allow Members to participate in some substantive proceedings either remotely or in the Chamber.⁸
- Orders to facilitate remote voting were also agreed on 22 April 2020. In the debate, the Leader of the House confirmed that the Government would not designate any divisions subject to these new arrangements until the Procedure Committee had examined the proposed scheme and its Chair had written to him, setting out the Committee's views on the scheme and whether it considered it to be workable.⁹

Following the Procedure Committee's confirmation that it was satisfied with the arrangements,¹⁰ the first remote division was held on 12 May 2020, following a general debate on Covid-19.¹¹

3. Expiry of the temporary arrangements for hybrid proceedings and remote voting

Both of the orders made concerning hybrid proceedings on 21 and 22 April and the order concerning remote voting had effect until 12 May. On 12 May 2020, the House agreed to extend the three temporary orders until 20 May 2020.¹² 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".¹³ The House then rose for the Whitsun Recess at the close of business on 20 May 2020.

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

⁶ [HC Deb 21 April 2020 cc2-24](#)

⁷ [HC Deb 21 April 2020 cc2-24](#). An *Explanatory Note for the Motions on Proceedings during the Pandemic and Hybrid Scrutiny Proceedings* was published

⁸ [HC Deb 22 April 2020 cc74-80](#)

⁹ [HC Deb 22 April 2020 cc81-88](#)

¹⁰ 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

¹¹ [HC Deb 12 May 2020 c212; cc217-221](#)

¹² [HC Deb 12 May 2020 cc213-226](#)

¹³ [HC Deb 12 May 2020 c213](#)

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.¹⁴

4. Arrangements to return to physical proceedings

The House was scheduled to return at 2.30pm on 2 June 2020 but it was recalled to meet at 11.30am on 2 June in order to debate a motion concerning how business would be conducted with Members physically present, as Public Health England advice said that the division lobbies should not be used.

The Leader of the House said that the expectations of the public were that Parliament “deliver on the mandate provided by last year’s general election” and that it conduct effective scrutiny of the Government. He argued that “Neither expectation can be fully realised while we are not sitting physically”.¹⁵

An amendment to the Government’s motion to allow remote divisions to continue was defeated.

However, in the course of the debate the Leader of the House did not rule out extending proxy voting to MPs who were shielding.¹⁶ He also confirmed that he would bring forward a motion “to allow Members who, on medical grounds, are unable to attend to continue to appear for scrutiny—questions, urgent questions and statements—remotely”.¹⁷

The motion was on the Order Paper for 3 June¹⁸ but because it was confirmed that an amendment would have been moved, it was treated as objection and the motion could not be taken on the nod.¹⁹

Additionally, at Prime Minister’s Question on 3 June, the Prime Minister announced that Members who were shielded or elderly would be able to vote by proxy.²⁰

Government motions to allow Members “who have self-certified that they are unable to attend at Westminster for medical or public health reasons related to the pandemic” to participate in proceedings on Questions, Urgent Questions and Statements virtually, by electronic means approved by the Speaker and to extend proxy voting to Members who were “‘clinically extremely vulnerable’ or ‘clinically vulnerable’” were agreed on 4 June.²¹

5. Procedure Committee reports relating to procedure under coronavirus restrictions

The Procedure Committee has published four reports to keep the House informed of the proposals for hybrid proceedings; on the introduction of remote voting; and on the discontinuation of remote participation:

¹⁴ [HC Deb 22 April 2020 c75](#)

¹⁵ [HC Deb 2 June 2020 c726](#)

¹⁶ [HC Deb 2 June 2020 cc733-734](#)

¹⁷ [HC Deb 2 June 2020 c727](#)

¹⁸ House of Commons, [Order Paper](#), 3 June 2020

¹⁹ [HC Deb 3 June 2020 c973](#)

²⁰ [HC Deb 3 June 2020 c839](#)

²¹ [HC Deb 4 June 2020 cc1102-1103](#)

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- [Procedure under coronavirus restrictions: proposals for remote participation](#), 21 April 2020, HC 300 2019-21
- [Procedure under coronavirus restrictions: remote voting in divisions](#), 8 May 2020, HC 335 2019-21
- [Procedure under coronavirus restrictions: the Government's proposal to discontinue remote participation](#), 30 May 2020, HC 392 2019-21
- [Procedure under coronavirus restrictions: the Government's proposal for proxy voting for shielding Members](#), 3 June 2020, HC 429 2019-21

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