



HOUSE OF LORDS

Library Note

House of Lords: Reform of Working Practices, 2000–2012

When reform of the House of Lords is discussed, both inside and outside parliament, it is reform of its composition and powers that most often commands attention. However, in the years since the departure from the House of the majority of hereditary Peers under the House of Lords Act 1999, there have been a number of proposals for reform of the working practices and procedures of the House of Lords. The purpose of this Library Note is to summarise changes that have been made, as well as reform proposals which have been discussed but not implemented.

This Library Note updates and replaces an earlier version, LLN 2010/017, which covered the changes to working practices in the period 2000–2010.

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1. Introduction

When reform of the House of Lords is discussed, both inside and outside parliament, it is reform of its composition and powers that most often commands attention. However, in the years since the departure from the House of the majority of hereditary Peers under the House of Lords Act 1999, there have been a number of proposals for reform of the working practices and procedures of the House of Lords. The purpose of this Library Note is to summarise changes that have been made, as well as reform proposals which have been discussed but not implemented.

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The procedures and conventions of the House of Lords are set down in the [standing orders](#) and the [Companion to the Standing Orders and Guide to Proceedings of the House of Lords](#). The House of Lords Procedure Committee is appointed each parliamentary session to consider any proposals for alterations in the procedure of the House that may arise, and whether the standing orders need to be amended. Over the period covered by this Note, the Procedure Committee has considered numerous proposals for procedural changes, some of which have been adopted and some of which have been rejected. It is not the purpose of this Note to summarise all of these proposals. Readers who require that level of technical procedural detail are advised to consult the Procedure Committee's [reports](#), which are published on its website. Rather, this Note aims to provide an overview of significant packages of reform of the House of Lords' working practices.

This Note takes a broadly chronological approach. In order to make it easier to follow, all information relating to each package of reform is presented together, even if work on that package extended over several years.

Readers who are interested in the history of reform of the composition and powers of the House of Lords may find the following Library Notes of use:

- [House of Lords Reform: Chronology 1900–2010](#), LLN 2011/025 (July 2011)
- [Bibliography on Lords Reform](#), LLN 2012/014 (April 2012)

A brief synopsis of proposals for changes in working practices in the House of Commons between 1997 and 2010 is given in the House of Commons Library Note [Parliamentary Reform—A Brief Overview](#), SN/PC/05848 (January 2011).

2. Royal Commission on the Reform of the House of Lords (January 2000)

In January 1999 the Labour Government established a Royal Commission on the Reform of the House of Lords with a remit to consider and make recommendations on the role and functions of the second chamber. The Commission's report, *A House for the Future*, (also referred to as the Wakeham Report after the Commission's Chairman Lord Wakeham (Conservative)), was published in January 2000.¹ The report was largely concerned with what the composition and powers of a reformed second chamber should be, but it also made some recommendations relating specifically to working procedures appropriate to the role and functions of a reformed second chamber.

The Royal Commission recognised that "The freedom given to individual Members of the House of Lords is an important element in its ability to scrutinise legislation and hold the Government to account".² It therefore recommended that "The second chamber should seek to continue the House of Lords' tradition of open procedures".³

However, the Royal Commission emphasised that it was "essential" that such open procedures "be accompanied by a convention that all Government business be considered within a reasonable time".⁴ If a growing workload led to further restrictions on the House of Lords' traditional approach of self-regulation, then the Royal Commission recommended that: "Any restrictions to the rights of Members of the second chamber should be designed to preserve the essential character of what exists at present" and that: "The second chamber's approach to the conduct of business should be such as to allow the chamber to remain self-regulating".⁵

The report was debated in the House of Lords on 7 March 2000.⁶ The Government accepted the principles underlying the main elements of the Royal Commission's proposals,⁷ but the biggest change recommended—that the second chamber be reformed to consist of around 550 members, of whom between 65 and 195 would be elected—was not implemented.

3. Review of Select Committee Activity (May–June 2000)⁸

In May and June 2000, the House of Lords Liaison Committee carried out a review of the House's select committee activity.⁹ It recommended the creation of three new sessional committees—a Constitutional Committee, an Economic Committee and a Joint Committee on Human Rights.

Although the Royal Commission's major recommendations on reform of the second chamber were not implemented, it had also recommended that "an authoritative Constitutional Committee should be set up by the second chamber to scrutinise the constitutional implications of all legislation and to keep the operation of the constitution

¹ Royal Commission on the Reform of the House of Lords, *A House for the Future* (January 2000), Cm 4534.

² *Ibid*, p 161.

³ *Ibid*, Recommendation 116.

⁴ *Ibid*, p 162.

⁵ *Ibid*, Recommendations 117 and 118.

⁶ HL *Hansard*, 7 March 2000, cols 910–1036.

⁷ *Ibid*, col 912.

⁸ For further information see House of Lords Library Note, *Select Committees in the House of Lords*, LLN 2012/031.

⁹ Liaison Committee, *Second Report* (May 2000), HL Paper 62 of session 1999–2000 and *Third Report* (June 2000), HL Paper 81 of session 1999–2000.

under review”.¹⁰ The Liaison Committee picked up this proposal and recommended that such a Constitutional Committee should be appointed at the start of the next parliamentary session. This was agreed by the House on 17 July 2000 and the Constitution Committee was appointed for the first time on 8 February 2001.¹¹

The Liaison Committee recommended that a sessional Economic Committee should be appointed after an ad hoc committee then conducting an inquiry on the Monetary Policy Committee of the Bank of England had finished its work. The Economic Affairs Committee was first appointed on 7 March 2001.¹² The report on *The Monetary Policy Committee of the Bank of England* was published in July 2001 as the Economic Affairs Committee’s first report.¹³

The Government had proposed that a Joint Committee on Human Rights should be established in advance of the Human Rights Act 1998 coming into force in October 2000. The House of Lords approved a motion “that it is expedient that a Joint Committee of Lords and Commons be appointed to consider and report on... matters relating to human rights in the United Kingdom” in July 2000, and the first six members from the House of Lords were appointed to the Joint Committee on 22 January 2001.¹⁴

The Royal Commission had also recommended that: “The Liaison Committee should consider the establishment of a Select Committee to scrutinise international treaties into which the Government proposed to enter”.¹⁵ The Liaison Committee postponed consideration of this question during its review of select committee activity, pending the outcome of an inquiry by the House of Commons Procedure Committee into parliamentary scrutiny of treaties and the Ponsonby rule.¹⁶ The Commons Procedure Committee subsequently recommended against setting up a Commons committee specifically to scrutinise treaties, proposing instead that each treaty should be referred to the relevant departmental committee. It also concluded that establishing a sifting committee (to decide which treaties required more detailed scrutiny) in the House of Lords, as recommended by the Royal Commission, “may have merit”.¹⁷ However, the Liaison Committee decided to wait and see how the new arrangements for the scrutiny of treaties worked in the Commons before making any recommendation about a committee in the Lords.¹⁸

4. Debate on the Case for a Review of the Workings of the House of Lords (May 2000)

In May 2000, Lord Peston (Labour) moved a debate to call attention to the case for a review of the workings of the House of Lords in the 21st century.¹⁹ Noting the preliminary wording of the Royal Commission report that the House of Commons should remain the

¹⁰ Royal Commission on the Reform of the House of Lords, op cit, p 4.

¹¹ HL *Hansard*, 17 July 2000, cols 584–9 and 8 February 2001, col 1270.

¹² HL *Hansard*, 7 March 2001, col 207.

¹³ Economic Affairs Committee, [First Report: The Monetary Policy Committee of the Bank of England](#) (July 2001), HL Paper 5 of session 2001–02.

¹⁴ HL *Hansard*, 12 July 2000, col 234 and 22 January 2001, cols 11–12.

¹⁵ Royal Commission on the Reform of the House of Lords, [A House for the Future](#) (January 2000), Cm 4534, Recommendation 56.

¹⁶ Liaison Committee, [Third Report](#) (June 2000), HL Paper 81 of session 1999–2000.

¹⁷ House of Commons Procedure Committee, [Parliamentary Scrutiny of Treaties](#) (July 2000), HC 210 of session 1999–2000.

¹⁸ Liaison Committee, [First Report](#) (February 2001), HL Paper 30 of session 2000–01.

¹⁹ HL *Hansard*, 10 May 2000, cols 1574–657 and Liaison Committee, [Third Report](#) (June 2000), HL Paper 81 of session 1999–2000.

pre-eminent chamber of parliament, he acknowledged that the Salisbury Convention must hold, and that the role of the House of Lords was therefore to be a revising and scrutinising chamber. Lord Peston spoke of the need for “an implicit contract” of “constructive engagement” between the Government and the Opposition, and considered changes that could be made to procedure, committee work, facilities, resources and working hours to “make this House very much more effective and able to fulfil a serious role in the constitution”.²⁰

Lord Carter (Labour), then Government Chief Whip, summed up the debate as follows:

It strikes me that the concerns voiced today fall broadly into two groups. First, there is a desire, one way or another, to make it easier for noble Lords to attend the House. The obstacles which make this difficult at present include the hours we sit—the fact they are unsocial, and also that they are unpredictable—and the general lack of facilities.

...The second group of concerns relates to ways in which the job we all do here could be done better. We are all keen to find ways in which the quality and efficiency of the House’s work can be improved... That leads us on to ask what else we could be doing that we are not doing now that would make this House more effective, more rigorous in its scrutiny of the executive, sharper and more innovative.²¹

5. Change of General Debate Day (December 2000–July 2006)

In December 2000, the Procedure Committee considered a proposal from Lord Carter and Lord Henley (Conservative), then Opposition Chief Whip, to move the general debate day from Wednesday to Thursday for an experimental period from February 2001 until the end of that parliamentary session. A similar proposal had been rejected in March 1999.²² Some members of the Procedure Committee were opposed to such a change, having noted opposition amongst backbenchers. However, the Procedure Committee decided to recommend the proposal to the House so that the House itself could debate and decide the issue.²³ The debate took place on 23 January 2001.²⁴ Lord Mackay of Ardbrecknish (Crossbench), the Chairman of Committees, summed up the arguments for and against the proposed changes:

The principal arguments for such a change were that it would give all Members of the House the flexibility of two consecutive non-government days to organise their commitments outside the House. That would be particularly helpful to those Peers whose outside interests and home were well away from London as such Peers might be able to get away on Wednesday nights or first thing on Thursday mornings if they wished. They would therefore have two clear days to do whatever they wished to do outside the House.

The principal arguments against the change were: that general debates were an important part of the role of the House; that to move them to Thursday might diminish the number of Peers who wished to take part; that there would be reduced attendance, and hence the importance of those debates would be

²⁰ *Ibid*, cols 1574–8.

²¹ *Ibid*, cols 1650–1.

²² HL *Hansard*, 22 March 1999, col 988.

²³ Procedure Committee, *First Report* (January 2001), HL Paper 16 of session 2000–01.

²⁴ HL *Hansard*, 23 January 2001, cols 135–59.

diminished; and there was a danger that the House would follow the other place in what is increasingly seen as a three-day week.²⁵

Concerns were also expressed that moving the general debate day to Thursdays would mean that legislative business could be scheduled on Mondays, Tuesdays and Wednesdays; if the same bill was scheduled for consideration on three consecutive days, this could result in an unmanageable workload for those participating in the debate. Lord Carter gave an undertaking that there would be no attempt by the Government to arrange three consecutive days on a particular piece of legislation in the chamber.²⁶ However, the proposal to move the general debate day was defeated by 130 votes to 128.²⁷

The idea of moving the general debate day from Wednesday to Thursday was revisited in 2005 when the Procedure Committee recommended that the matter should be put to the House once again.²⁸ The Procedure Committee noted in its report on this question that the Leader's Group reviewing working practices (see section 6.3 below) had received a number of representations in 2004 from Members urging that the general debate day should be moved. The Leader's Group did not consider the point, since it was not part of the experimental package it had been invited to consider, but acknowledged that the House might wish to revisit the matter in the future.

The Procedure Committee's recommendation to move the general debate day was debated in the House on 24 March 2005.²⁹ This time, the Lords voted against keeping the general debate day on a Wednesday by 135 votes to 98, and it was therefore moved to Thursdays on a trial basis for the 2005–06 session. As part of this experiment, the Procedure Committee subsequently recommended that the normal sitting time of the House on Wednesday should be put back from 2.30pm to 3pm to overcome difficulties that some parties and groups were having in scheduling their weekly meetings.³⁰ This change was agreed by the House on 23 January 2006.³¹

At the end of the experimental period, the Procedure Committee recommended that the move from Wednesday to Thursday should become permanent.³² This was agreed by the House on 24 July 2006.³³ One of the main arguments made against the change in previous debates had been that it would diminish attendance on Thursdays. However, Lord Brabazon of Tara (Non-Affiliated), the Chairman of Committees, noted that:

Statistical evidence shows that there has been little change [in attendance] on the general debate day. Average attendance in the chamber on new-style Thursdays was the same as on old-style Wednesdays, at around 380 Members. The average number of speakers per available hour in general debates did not change. The average limit on Back-Bench speaking time fell from 11 minutes to 10 minutes and an average sitting on the general debate day was 15 minutes longer.

²⁵ HL *Hansard*, 23 January 2001, col 136.

²⁶ *Ibid*, col 156

²⁷ *Ibid*, cols 156–9.

²⁸ Procedure Committee, *First Report* (March 2005), HL Paper 48 of session 2004–05.

²⁹ HL *Hansard*, 24 March 2005, cols 365–86.

³⁰ Procedure Committee, *Second Report* (December 2005), HL Paper 93 of session 2005–06.

³¹ HL *Hansard*, 23 January 2006, cols 951–5.

³² Procedure Committee, *Sixth Report* (July 2006), HL Paper 231 of session 2005–06.

³³ HL *Hansard*, 24 July 2006, cols 1544–50.

It is the other day that appears to have changed. Average attendance on an old-style Thursday was 350; on a new-style Wednesday, it has jumped to 430.³⁴

6. Leader's Group Review of Working Practices (July 2001–November 2004)

6.1 Leader's Group (July 2001–July 2002)

In July 2001, Lord Williams of Mostyn (Labour), then Leader of the House, announced that he had set up a Leader's Group "to consider how the working practices of the House can be improved, and to make recommendations"³⁵. The resulting report was published in April 2002.³⁶ The package of proposed reforms covered five areas of business: pre-legislative scrutiny of government bills; new procedures for debating the Budget and Finance Bill; reporting on the merit of statutory instruments; an increase in the weekly number of starred (oral) questions; and the sitting hours of the House. The Group reported that:

It is not a simple matter to get a broad consensus on how to improve the working practices of the House. We recognise this difficulty. Our approach has therefore been to examine and put forward a package of recommendations with the intention of striking a balance of acceptability across the whole. We further believe that acceptance may be more readily forthcoming if the package is endorsed on the basis that it is for a trial period of two sessions and the House itself would have to approve any continuation thereafter.³⁷

The Group made the following recommendations:

- a) virtually all major government bills should as a matter of course be subject in draft to pre-legislative scrutiny by parliament (paragraph 7)
- b) subject to the right of the House of Commons to determine its own procedures, bills that have received pre-legislative scrutiny in either House should, on a motion moved in the House in possession of the bill at the end of the session, be allowed to be carried-over into the next session; but if a bill that has been carried over does not reach the statute book by the end of the session following carry-over it should fall, as now (paragraph 10)
- c) while we do not intend in any way to encroach upon the financial privileges of the Commons, a procedure should be established to enable the House to deal more effectively with Finance Bills (paragraph 12)
- d) a new Lords select committee should be established to examine the merits of every statutory instrument subject to parliamentary scrutiny (paragraph 16)³⁸

³⁴ Ibid, col 1545.

³⁵ HL *Hansard*, 19 July 2001, col 144WA.

³⁶ [Report by the Group Appointed to Consider How the Working Practices of the House Can Be Improved and to Make Recommendations](#) (April 2002), HL Paper 111 of session 2001–02.

³⁷ Ibid, para 4.

³⁸ This picked up a recommendation of the Royal Commission in 2000 that the House should "consider setting up machinery to sift statutory instruments" (Recommendation 38).

- e) on Tuesdays and Wednesdays, the time for starred questions should be extended to 40 minutes; the number of starred questions on these two days should be increased from four to five; and the additional questions on these two days should be topical questions (paragraph 18)
- f) the House authorities, in consultation with the Government, should draw up and make available to the House a timetable that would allow each Minister one sitting day a week free of starred questions (paragraph 18)
- g) as a package of measures (a) the House should normally rise not later than 10pm; (b) this should be coupled with greater use of Grand Committees for the kind of bills considered suitable by the Rippon group; and (c) after second reading there should be a motion in the House to commit each bill to the appropriate committee, usually a Grand Committee or a Committee of the Whole House (paragraph 23)
- h) a new standing order should be adopted to provide that no new item of business (which would include a new group of amendments) could begin after 10pm (paragraph 24)
- i) urgent steps should be taken to correct the Moses Room shortcomings [to do with acoustics and ambience] and consideration should be given to holding Grand Committees and other business in the Robing Room where the House has sat in the past (paragraph 25)
- j) three additional Wednesdays should be allotted for backbench debates in each session, and more debates on select committee reports and on general topics should be held in prime time on the floor of the House (paragraph 26)
- k) on Thursdays the House should sit at 11.00am and adjourn not later than about 7pm (paragraph 27)
- l) the House of Lords should be willing to sit in September, and in return the House should have longer recesses at Christmas, Easter or Whitsun, or rise earlier for the summer recess (paragraph 28)
- m) Grand Committees may sit in September, whether or not the House is sitting (paragraph 29)
- n) there should be a review of the House's scrutiny of European legislation, including the appropriate balance between the scrutiny of general policy and that of specific legislative proposals, and the desirability of a greater number of shorter and more focussed reports (paragraph 30).³⁹

The House debated the Group's report on 21 May 2002.⁴⁰ The main focus of the debate was on whether the package of measures would result in more, or less, scrutiny of the Government and of proposed legislation. The report was remitted to the Procedure Committee to make recommendations (to be approved by the House) for implementing the package of measures.

³⁹ Ibid, [para 31](#).

⁴⁰ HL *Hansard*, 21 May 2002, cols 641–724.

The Procedure Committee subsequently endorsed the majority of the Group's recommendations.⁴¹ However, it did not endorse recommendation (f), as "It should be left to ministers to decide whether to answer questions themselves or leave them to be answered by a Whip, if, for example, they are absent from the House on official duties".⁴² Nor did it endorse recommendation (h):

Because a Standing Order would not allow enough flexibility. We recommend instead that it should become a firm convention of the House, underpinned by guidance inserted into the *Companion to Standing Orders*, that the House normally rises by about 10pm on Mondays to Wednesdays.⁴³

The Procedure Committee pointed out that:

The recommendations would be subject to a trial period of two parliamentary sessions and the House itself would have to approve any continuation thereafter. At the end of the trial period the House should review how the new practices have worked and decide whether they should be continued.

Many of the Group's recommendations would require extra resources: more clerks, more *Hansard* reporters, more committee rooms. They would also increase the workload of Members of the House... It seems to us unlikely that all the Group's recommendations can be implemented immediately. We recommend that with effect from next session (2002–03) implementation should be phased, as resources become available.⁴⁴

The Procedure Committee's report was debated in the House on 24 July 2002 and received without amendment.⁴⁵ [Appendix 1](#) of this Note provides more comprehensive details of the Procedure Committee's responses to each of the Leader's Group recommendations and the consequent changes that were made to working practices.

6.2 Review by the Procedure Committee (June–December 2003)

In 2003, the Procedure Committee reviewed the newly introduced arrangement whereby the House sat at 11am on Thursday but adjourned between 1.30pm and 3pm. Based on the results of a questionnaire circulated to all Members, the Committee recommended that from the start of 2004, the House should sit from 11am to about 7pm on Thursdays, with starred (oral) questions to be taken at the beginning of business. In recognition of the fact that taking starred questions at this time could cause difficulties for those asking and answering topical questions, the Committee recommended that the topical question taken on Thursday should be moved to Monday.⁴⁶ These timings were agreed to by the House on 17 December 2003.⁴⁷

⁴¹ Procedure Committee, [Fifth Report](#) (July 2002), HL Paper 148 of session 2001–02.

⁴² *Ibid*, para 14.

⁴³ *Ibid*, para 21.

⁴⁴ *Ibid*, paras 2–3.

⁴⁵ HL *Hansard*, 24 July 2002, cols 371–404, 421–65 and 480–508.

⁴⁶ Procedure Committee, [Third Report](#) (June 2003), HL Paper 115 of session 2002–03; [Fourth Report](#) (September 2003), HL Paper 162 of session 2002–03; [First Report](#) (December 2003), HL Paper 6 of session 2003–04.

⁴⁷ HL *Hansard*, 17 December 2003, cols 1159–69.

6.3 Review by a Second Leader's Group (May–November 2004)

In May 2004, Baroness Amos (Labour), then Leader of the House, announced that another Leader's Group would review the package of changes introduced as a result of the recommendations made by Lord Williams of Mostyn's group. The new Leader's Group would make recommendations to the Procedure Committee as to whether the changes should be retained, modified or reversed at the end of the trial period.⁴⁸ The Leader's Group *Review of Working Practices* was published in September 2004.⁴⁹ The Group recognised that "the experimental working practices have aroused mixed feelings among Members", and therefore "in our recommendations we have sought to achieve a balance which reflects those views widely held in the House but also takes account of practical implications".⁵⁰

The review's recommendations may be summarised as follows:

- The growth in pre-legislative scrutiny was welcomed, but the aspiration that "virtually all major government bills" should be subject to pre-legislative scrutiny was unrealistic. The Group favoured the consideration on a case-by-case basis of the appropriate forum for pre-legislative scrutiny, but favoured greater use of joint committees and Lords' committees where appropriate.
- The existing arrangements for carry-over should be continued, with eligibility of bills settled by discussion through the usual channels.
- The Sub-Committee on the Finance Bill should continue to conduct its activities with full regard to the traditional boundary between the two Houses on fiscal policy.
- The House should return to four starred (oral) questions each day, with a limit of 30 minutes. The number of topical questions should be reduced to three, one each on Tuesday, Wednesday and Thursday. This would allow two of each week's topical questions to be tabled in the week they were to be asked, in the hope that this might encourage greater topicality.
- The issue of whether each minister should be allowed one day a week free of starred (oral) questions should not be re-opened.
- The arrangements for bills going to Grand Committees were broadly acceptable and should be continued, with decisions about commitment of a bill being made after discussion in the usual channels and a motion being moved after second reading of each bill.
- Grand Committees should continue to sit for the times agreed in advance, irrespective of the rising of the House.
- Other types of business could be taken in the Moses Room, including some other delegated legislation and debates of some select committee reports.

⁴⁸ HL *Hansard*, 26 May 2004, col 53WS.

⁴⁹ Leader's Group, [Review of Working Practices](#) (September 2004), HL Paper 162 of session 2003–04.

⁵⁰ *Ibid*, p 3.

- The increased use of Grand Committees had greatly contributed to increased success in meeting the target rising time, such that the House would no longer find it acceptable routinely to sit late into the night, although the need for some flexibility remained. Current arrangements for the target 10pm rising time should continue.
- Committee chairmen should be rigorous in recommending reports either for debate or information. Recommendations for debate could be confined to subjects likely to attract interest from the wider House with fewer debates on specialist select committee reports.
- The House should continue to sit at 11am on Thursdays with starred questions as first business, and aim to rise at around 7pm. The House might wish to revisit the issue of swapping Wednesday and Thursday business in future (see section 5 above).
- The House should be willing to sit in September, but this should be reconsidered if the House of Commons discontinued September sittings.⁵¹

The Procedure Committee endorsed all the recommendations made by the Leader's Group, with the result that: "Broadly speaking we recommend that the experimental package should be adopted permanently".⁵² The only change not retained was that at the end of the trial period, the House returned to four starred (oral) questions in 30 minutes each day, rather than five questions in 40 minutes as had been trialled during the experimental period. The Procedure Committee also recommended: "That the clerks should not accept more than one question on a subject for inclusion in the ballot for topical questions, and that priority should be given to the first which is tabled".⁵³ The Procedure Committee's recommendations were debated on 10 November 2004 and agreed to without amendment.⁵⁴

7. Speakership of the House (June 2003–June 2006)

In June 2003, the Labour Government unveiled proposals for far-reaching constitutional reforms, including the creation of a new Department for Constitutional Affairs, abolition of the post of Lord Chancellor, the creation of a new Supreme Court and reform of the Speakership of the House of Lords. The Government press release announcing these reforms stated that "the Leader of the House of Lords will consult with the other parties, and the House as a whole, on changes to Standing Orders enabling a new Speaker—who is not a Minister—to be in place after the recess, subject to the wishes of the House".⁵⁵

Doing away with the post of Lord Chancellor required changes to the Speakership of the House because, under the Standing Orders, the Lord Chancellor was the Speaker of the House of Lords. Standing Order No 18, dating back to 1660, stated that "It is the duty of the Lord Chancellor ordinarily to attend the Lords House of Parliament as Speaker of the House". The House agreed on 3 July 2003 to establish a Select Committee to consider the future arrangements for the Speakership of the House in light of the Government's

⁵¹ This author's summary of the report.

⁵² Procedure Committee, [Third Report](#) (October 2004), HL Paper 184 of session 2003–04, p 3.

⁵³ *Ibid*, p 4.

⁵⁴ HL *Hansard*, 10 November 2004, cols 894–928.

⁵⁵ Downing Street press release, "[Modernising Government—Lord Falconer appointed Secretary of State for Constitutional Affairs](#)", 12 June 2003.

intention to reform the office of Lord Chancellor.⁵⁶ The House of Lords Select Committee on the Speakership of the House published its report, *The Speakership of the House of Lords*, in November 2003, and it was debated in the House on 12 January 2004.⁵⁷ A press release accompanying the report set out the main recommendations as follows:

- The Speaker of the House of Lords should be elected from among the existing Members of the House of Lords for a period of five years (with the possibility of renewal) and be known as Lord Speaker.
- The Member elected as Lord Speaker should give up party politics for life.
- The Speaker should be the guardian of the self-regulating ethos of the House of Lords and uphold the rules of the House of Lords as set out in the *Companion to the Standing Orders*... taking on some of the Lord Chancellor's current responsibilities and some of the current Leader's responsibilities.⁵⁸

The Constitutional Reform Act 2005, which received Royal Assent on 24 March 2005, modified rather than abolished the office of Lord Chancellor. Schedule 6 contained some provisions amending the wording of a number of earlier Acts, substituting references to the 'lord high chancellor' or 'the Lord Chancellor' with 'the Speaker of the House of Lords' "for the time being", leaving open the possibility of further reform to the Speakership. In the Queen's Speech for the 2005–06 session, the Government announced that it would "bring forward proposals to continue the reform of the House of Lords".⁵⁹ In the debate on the humble Address, Baroness Amos updated Peers on the issue of the Speakership:

This session the House also has unfinished business concerning the Speakership of this House... It remains the Government's view that the Speaker of this House should not be appointed by the Prime Minister. We believe that the House will be stronger if it seizes the opportunity to take the Speakership into its own hands. This House needs a presiding officer of its own, and I will resume discussions with the usual channels to explore the scope for consensus. I will then bring the issue before the House.⁶⁰

On 12 July 2005 the House resolved "that this House should elect its own presiding officer; [and] that a Select Committee on the Speakership of the House be appointed to consider further how to implement this resolution with full regard to the House's tradition of self-regulation".⁶¹ The new Select Committee, with very similar membership to the

⁵⁶ HL *Hansard*, 3 July 2003, cols 983–1002.

⁵⁷ House of Lords Select Committee on the Speakership of the House, *The Speakership of the House of Lords* (November 2003), HL Paper 199 of session 2002–03, and HL *Hansard*, 12 January 2004, cols 377–456.

⁵⁸ House of Lords Select Committee on the Speakership of the House press release, 'What is the future of the Speakership of the House of Lords?', 18 November 2003.

⁵⁹ HL *Hansard*, 17 May 2005, col 7.

⁶⁰ HL *Hansard*, 17 May 2005, col 23.

⁶¹ HL *Hansard*, 12 July 2005, cols 1000–32.

previous Speakership Committee, published its report on *The Speakership of the House of Lords* on 19 December 2005.⁶² Its findings may be summarised as follows:

- The primary role of the Speaker is to preside over proceedings in the chamber; an elected Speaker would be expected to spend much more time in the chamber than the Lord Chancellor, usually not less than three hours per sitting day.
- The Speaker should be empowered to take the chair in Committee of the whole House in the chamber as well as to sit on the Woolsack.
- Views differed as to how well self-regulation works at question time, but the Committee accepted the evidence it had received which supported the conclusion that the role of assisting the House at question time should remain with the Leader and not be transferred to the Speaker.
- While the Speaker's role would therefore be purely ceremonial at question time, at other times the Speaker could play a procedural role by reminding Members of the relevant parts of the *Companion*.
- The Speaker should become Chairman of the House Committee and a member of the Procedure Committee.
- The Speaker should have a wide role representing the House at home and overseas.
- The Speaker should be elected by a single secret ballot using the alternative vote system, with candidates to be proposed and seconded by two Members.
- The Speaker should be elected for a period of five years, with the possibility of one renewal.⁶³

The Select Committee's report was approved by the House on 31 January 2006.⁶⁴ It was agreed that an election for the Lord Speaker be held no later than 30 June 2006.

The Procedure Committee subsequently produced two reports with a view to implementing the Select Committee's recommendations. The first made recommendations about election arrangements, changes to standing orders, defining the Speaker's role in the chamber, and Private Notice Questions.⁶⁵ The second recommended that the Lord Speaker be required to lay aside party affiliation and certain financial interests. It also outlined a scheme of processions for the Lord Speaker and recommendations on the Lord Speaker's dress.⁶⁶

An election was duly held on 28 June 2006. After seven transfers of vote, the voting for the final two candidates was: Baroness Hayman (Labour) 263; Lord Grenfell (Labour) 236. Baroness Hayman thus became the first elected Speaker of the House of Lords.

⁶² Select Committee on the Speakership of the House of Lords, [The Speakership of the House of Lords](#) (December 2005), HL Paper 92 of session 2005–06.

⁶³ This author's summary.

⁶⁴ HL *Hansard*, 31 January 2006, cols 134–82.

⁶⁵ Procedure Committee, [Third Report](#) (March 2006), HL Paper 153 of session 2005–06.

⁶⁶ Procedure Committee, [Fourth Report](#) (May 2006), HL Paper 172 of session 2005–06.

8. Labour Peers' Working Group (July 2004)

In July 2004, a Working Group of Labour Peers chaired by Lord Hunt of Kings Heath published a report on its work “to consider what should be the functions of a reformed second chamber and what should be its powers, procedures and conventions; whilst recognising the primacy of the House of Commons”.⁶⁷ While much of the report (also known as the Hunt Report) was concerned with the powers of the House of Lords, the working group argued that there was a close relationship between the House’s powers and its procedures:

The powers of the Lords need urgent clarification. We believe that the Lords should operate within transparent rules which define both its relationship with the Commons and how it exercises its powers. Such rules would be expressed through a combination of statutory change, agreement between the two Houses and procedural decisions of the Lords. Far from undermining the role of the Lords, we believe that the House is likely to have greater influence if it is confident in both the limits and use of its powers and procedures.⁶⁸

The group’s key conclusions were as follows:

- A second chamber should complement the work of the elected House of Commons and concentrate on the scrutiny and revision of legislation.
- There should be major reform of the legislative process in the Lords to replace much of the current repetition and enable a better focus on the main issues with a bill.
- A new Parliament Act should be enacted.
- The House of Lords should continue to be able to exercise a delaying power on primary legislation.
- A reasonable time limit should be set for all bills to complete their passage in the Lords.
- Bills starting in the Lords should be subject to the new Parliament Act.
- Reconciliation machinery should be established to help resolve differences between the Commons and the Lords.
- Key conventions—principally the Salisbury Doctrine—should be codified.
- Secondary legislation should be subject to Lords delaying power as recommended by the Royal Commission on Lords Reform and the Government white paper on the Lords (2001).
- Post-legislative review of the effects of Acts of Parliament should be undertaken.

⁶⁷ Lords Labour Working Group on House of Lords Reform, *Reform of the Powers, Procedures and Conventions of the House of Lords—Report to the Lords Labour Group* (July 2004), p 1.

⁶⁸ *Ibid*, p 6.

- A Speaker should be elected by the House.
- Members of the House should become more disciplined and abide by its rules and procedures.
- Voting on legislation in the main chamber should take place in prime time.
- Select Committee system should be reviewed.
- Administrative and working practices should be streamlined.
- Enhanced support should be given to back-bench Members of the House to fulfil their role more effectively.
- Opposition front-bench should be properly resourced to meet their obligations to the House.⁶⁹

Additionally, the group called for “a review of the current committee and working practices of the House”, arguing that “a comprehensive rather than a piecemeal approach should be adopted to ensure that the facilities of the House fully support Members’ ability to play an effective role”.⁷⁰

The report recommended that the Leader of the House should convene a small working group to take its recommendations forward; although this did not happen, some of the changes recommended by the Labour Peers were subsequently implemented as part of other reform packages. The report was debated in the House on 26 January 2005.⁷¹

9. Review of Select Committee Activity (October 2006)

In October 2006, the Liaison Committee considered its own role in fulfilling its remit to “review the select committee work of the House”.⁷² The Liaison Committee noted that it had hitherto performed this role by deciding what new committees should be established, but had not conducted a review of existing committees. The Liaison Committee “therefore agreed that at the beginning of every parliament, it will meet to review the work of policy select committees before the motions of re-appointment are tabled”. The *Companion to the Standing Orders* was amended to reflect this undertaking, so that the chapter on select committees states that:

A committee may be given continuing existence by being reappointed session by session (a “sessional select committee”); but the continued existence of such committees may be reviewed, particularly at the start of a parliament.⁷³

The Liaison Committee also considered the general question of the duration of appointment of select committees. It found that “Sessional select committees, although re-appointed sessionally, were in effect permanent committees” and that there was a presumption that they would be re-appointed in each session. As a result, the Committee had “in the past expressed reluctance to appoint new sessional committees in view of

⁶⁹ Ibid, pp 2–3.

⁷⁰ Ibid, p 20.

⁷¹ HL *Hansard*, 26 January 2005, cols 1330–84.

⁷² Liaison Committee, *Third Report* (October 2006), HL Paper 251 of session 2005–06.

⁷³ Paragraph 10.03 in the 2007 edition (the first to include this change), paragraph 11.03 in the 2010 edition.

the permanent commitment of resources that this represents". The Committee stated that it was:

Attracted by the idea of appointing any new committee other than an ad hoc committee for a fixed period so as to avoid the presumption that it will automatically be re-appointed every session. The Committee has agreed that unless there is a compelling reason to the contrary it will not in future recommend the appointment of new sessional committees of open-ended duration. Instead, we will recommend the appointment of such committees for the duration or remaining duration of the parliament.

The Liaison Committee also reviewed the criteria it applied in determining whether or not to recommend that a new committee should be established, and if so, whether on an ad hoc, sessional or parliament-long basis—namely, the significance of the subject matter; that there should be no duplication with Commons committees or existing Lords committees; whether the subject matter was cross-cutting; the resource implications in terms of cost, staffing, accommodation and Members to serve on the committee; and long-term value. A table showing how the Liaison Committee applied these criteria to different types of select committees was published in the report.

10. Information Committee Report, *Are the Lords Listening?* (July 2009)

In July 2009, the House of Lords Information Committee published its report *Are the Lords listening? Creating Connections Between People and Parliament*, which examined ways of making the House more open and transparent.⁷⁴ Amongst many recommendations aimed at increasing engagement with the public and improving the availability of parliamentary material online, it recommended some changes to the House's working practices:

We recommend that other pre-legislative scrutiny committees should invite the public to submit comments via the parliamentary website on the draft bill being scrutinised.⁷⁵

We recommend that there should be a trial period in the Lords in the 2009–10 parliamentary session during which divisions are recorded.⁷⁶

We recommend that all public meetings of Lords committees be webcast with video as well as audio.⁷⁷

We recommend a review of the parliamentary language used in the House of Lords to make it easier for people outside the House to understand our proceedings... Our Chairman will, after our report has been considered by the House, seek to initiate a separate debate in the chamber on the language and terminology used in the House.⁷⁸

⁷⁴ Information Committee, [*Are the Lords Listening? Creating Connections Between People and Parliament*](#) (July 2009), HL Paper 138 of session 2008–09.

⁷⁵ *Ibid*, para 60.

⁷⁶ *Ibid*, para 83.

⁷⁷ *Ibid*, para 92.

⁷⁸ *Ibid*, para 104.

The report was debated in Grand Committee on 10 March 2010.⁷⁹ Lord Brabazon of Tara, Chairman of Committees, encouraged Members to put specific proposals for changes in parliamentary language directly to the Procedure Committee for consideration.⁸⁰ However, he accepted “the importance of some of our apparently arcane terminology and ceremonies, and I agree that we must not throw the baby out with the bathwater”.⁸¹

11. Lord Speaker’s Speech on Strengthening Parliament (December 2009)

On 9 December 2009, Baroness Hayman, the Lord Speaker, delivered a keynote address to the Hansard Society on strengthening parliament in which she mentioned some ideas for reforming the House:

In the Lords we also have no shortage of good ideas as to how we could up our game. Many were apparent in the recent debate on the Queen’s Speech when Robin Butler, Jeff Rooker, Bruce Grocott, Paul Tyler and others came up with a range of proposals⁸²:

- The use of select committees for all bills that start their life in the Lords;
- The certification of bills leaving the Commons of which parts had not received any scrutiny;
- A new role for the Lords in undertaking post legislative scrutiny;
- For sharpening up Question Time and for new select committees on regulators and on treaties;
- We are adopting proposals for new formats for holding Lords’ Secretaries of State to account—an issue also being explored by the Commons. And Members here, too, are interested in taking more control over the agenda of the House.

What we need now, I believe, is to take up the idea that has been put forward for a committee of our own, so that we can take a comprehensive and coherent approach to our own ‘Strengthening Parliament agenda’.

... And in taking on that aspiration, we need to explore how we achieve a bicameral approach. Parliament comprises two Houses and we need to look at ways in which we can complement and add value to each other’s work, not just providing checks and balances. When one House changes its way of working, it has an effect on the other—timetabling of legislation in the Commons leading to the Lords taking on its line by line scrutiny role, is a prime example. Close working between the Commons and the Lords needs to go beyond the current joint committees. Too often, relations between the two Houses are not an

⁷⁹ HL *Hansard*, 10 March 2010, cols GC93–134.

⁸⁰ *Ibid*, col GC131.

⁸¹ *Ibid*, col GC133.

⁸² See HL *Hansard*, 23 November 2009, cols 163–5 (Lord Rooker), cols 167–70 (Lord Tyler), cols 170–1 (Lord Butler of Brockwell) and cols 173–5 (Lord Grocott).

example of creative tension, but simply a failure to take a whole parliament approach.⁸³

12. Oral Questions for Secretaries of State (December 2009–November 2011)

In December 2009, the Procedure Committee considered a proposal from Baroness Royall of Blaisdon (Labour), then Leader of the House, that in addition to normal oral questions addressed to Her Majesty's Government, time should be allotted for oral questions specifically addressed to Secretaries of State sitting in the House of Lords. The Procedure Committee supported the proposal and therefore recommended that on one Thursday each month when the House was sitting, 15 minutes should be set aside for three oral questions addressed to the Secretary of State, immediately following the existing 30 minutes for oral questions.⁸⁴ When there was more than one Secretary of State in the House of Lords, they would answer questions on different Thursdays within any given month. The three questions would be chosen by a ballot held the preceding Monday. Each Member would be entitled to enter one question into the ballot, which would be opened in the Table Office one week earlier. This was intended as an additional opportunity for scrutiny, with no impact upon existing procedures for oral questions.

The Procedure Committee noted that Baroness Royall had undertaken to schedule questions to the Secretaries of State from January 2010 until the end of that parliament. The Procedure Committee proposed that in the first instance it should be for the usual channels to decide whether or not to continue the arrangements in the first months of the new parliament, pending a formal review by the Procedure Committee before the summer 2010 recess. This would enable the House to decide whether to put these arrangements on to a more permanent footing. If there were to be no Secretary of State sitting in the House of Lords, the Committee expected that the arrangements would fall into abeyance, to be revived when necessary. The Procedure Committee report was agreed by the House on 15 December 2009.⁸⁵ Lord Adonis (Labour), then Secretary of State for Transport, answered three questions in the first session of questions to a Secretary of State on 14 January 2010.⁸⁶

In November 2011, the House agreed to a proposal from the Procedure Committee to make oral questions for Secretaries of State a permanent practice (see section 17.2 below). However, since there are currently no Secretaries of State sitting in the Lords, in practice no such oral question sessions have been held since the 2010 general election.

13. Backbench Peers' Informal Group on Strengthening Parliament (March 2010)

Following a seminar on strengthening parliament hosted by the Lord Speaker in October 2009, three informal cross-party groups were assembled under the chairmanship of Lord Filkin (Labour), Lord Butler of Brockwell (Crossbench) and Baroness Murphy (Crossbench) to consider respectively the House's scrutiny of primary legislation, its non-

⁸³ Baroness Hayman, keynote speech to the Hansard Society, '[Ethics, ermine and engagement: evolution in the House of Lords](#)', 9 December 2009.

⁸⁴ Procedure Committee, *First Report* (December 2009), HL Paper 13 of session 2009–10.

⁸⁵ HL *Hansard*, 15 December 2009, col 1404.

⁸⁶ HL *Hansard*, 14 January 2010, cols 611–16.

legislative procedures and its governance and accountability arrangements. The groups produced three discussion papers in March 2010.⁸⁷

The group examining how to improve the scrutiny of primary legislation in the House of Lords concluded that: “If the legislative process were rationalized and prioritised it would be possible to make the approach to scrutiny both more efficient and effective”.⁸⁸ To this end, the group made fifteen recommendations for reform in six areas, which may be broadly summarised as follows:

- Committee on Legislative Standards—A committee should be established to advise the House on whether bills met agreed criteria for legislative preparation.
- Pre-legislative scrutiny—A (Joint) Business Liaison Committee could determine whether draft bills should be scrutinised by the House of Commons, the House of Lords or both.
- Flagging of clauses—Bills passing from the Commons to the Lords should be flagged to identify any clauses not already debated.
- Public evidence hearings—For all bills originating in the Lords public evidence hearings should be adopted, unless the bill had already received pre-legislative scrutiny. Such bills should be referred to a temporary select committee after second reading which would decide whether to take oral evidence. Any Member of the House would be entitled to attend a meeting of the temporary Select Committee but only members of the evidence-taking Group would deliberate and vote on any report emerging from the evidence session(s). Such a report would clearly flag up the issues that Committee members wish to draw to the attention of the whole House.
- Committee stage—Grand Committee should become the default mechanism for consideration of all bills, although on the recommendation of the temporary select committee bills could be subject to a split committal, with more contentious clauses dealt with in the chamber and the remainder of the bill in Grand Committee.
- Post-legislative scrutiny—A Joint Committee for Post Legislative Review should be established and empowered to look at any legislation that a departmental select committee declines to look at. If this were not agreed to, then the House of Lords should initiate a process to choose selected Acts for post-legislative scrutiny which have not been scrutinised by Commons select committees.⁸⁹

The second sub-group sought to suggest improvements to the House’s non-legislative procedures that would maximise the efficient use of time in the chamber whilst maintaining self-regulation, the lack of a guillotine and the informal conventions that

⁸⁷ DEP 2010-0788, 24 March 2010, also available at: <http://www.hansardsociety.org.uk/files/folders/2597/download.aspx>.

⁸⁸ Ibid.

⁸⁹ Ibid, Cross-Party Group on Improving Scrutiny of Primary Legislation in the House of Lords. This author’s summary, based on the longer summary at the end of the group’s report.

allow all sections of the House to be fairly represented in debate. The group drew up a list of suggestions, the main points of which may be summarised as follows:

- Committee stages of bills—More frequent use of Grand Committees.
- Statements—Ministerial statements made in the Commons could be repeated in Grand Committee to avoid interrupting main chamber business in prime time. Answers given in the House of Commons to Urgent Questions should be given the same time allocation as Private Notice Questions when repeated as statements in the Lords.
- Questions—Oral questions should be balloted to prevent a small number of Members dominating the tabling of questions. Following the first exchange, there should be a convention that each subsequent question and answer should be completed within a minute by the House clock. To speed up questions, questioners and answerers should refrain from thanking each other.
- Debates—The list for balloted debates should lapse after each ballot to increase topicality; there could be a ballot for a one-hour weekly topical debate; there should be a website on which the public could suggest general subjects for debate.
- Planning of business—There should be a trial period of a weekly question time for questions to the Leader of the House.
- Timing of sittings—Consideration should be given to starting business at 2pm on Mondays and Tuesdays, 2.30pm on Wednesdays and 10am on Thursdays to provide more time for business.
- Select committees—The Liaison Committee should review the structure of select committees at the start of a new parliament; the Chairman and Principal Deputy Chairman of Committees should be elected by the House; pre- and post-legislative scrutiny, any Committee on Legislative Standards and the review of the effectiveness of regulations might be suitable areas for joint committees with the House of Commons; more consideration of EU documents (as required by the Lisbon Treaty) would best be done by joint committees; select committee chairmen should be given a five-minute slot at the end of oral questions to ‘trail’ their committee’s report on the day of publication.
- Miscellaneous—The Procedure Committee should report every proposal by Members for changes in procedure; any Member should be able to draw attention to a document by giving notice that it has been placed in the Library of the House; some members of the group considered that the practice of wearing robes for the State Opening of Parliament and the introduction of new Members should be discontinued.⁹⁰

The final sub-group focused on the means by which governance and accountability systems support the House, keeping in mind “the desire to enhance and strengthen the self-governing collaborative traditions of the House and the urgent necessity to

⁹⁰ Ibid, Sub-Group on Non-Legislative Procedure. This author’s summary.

demonstrate to the public that the House is modernising itself”.⁹¹ This group’s proposals may be summarised as follows:

- Management Board and the House Committee—These bodies should be renamed (the group suggested they should become the Executive Board and the Supervisory Board respectively) and both should consider taking on external advisors. The House Committee should be restructured to reflect the balance between party and parliamentary interests. Backbench members should be elected through an open and explicit process. The Lord Speaker should chair the House Committee.
- Role of the Lord Speaker—The Lord Speaker should have a more formalised role in internal governance, take the lead in speaking for the House on issues that directly affect its reputation, and be the leader of this House of Parliament. There should be clear accountability structures between the Leader of the House, the usual channels (which both play a crucial role in the management of government business, but which cannot provide longer-term strategic vision for the House), the Lord Speaker and the Management Board.
- Domestic, and conduct and privileges committees—These committees should be strengthened with a more transparent system of nomination/election, more powers and a clarification of lines of responsibility. This would engage backbenchers more and allow the committees to look at issues strategically. It might be advisable for the Privileges Committee to be supplemented by external independent advisors.
- Chairman of Committees—The remit of this post should be examined with a view to splitting the role between several, perhaps three, elected Deputy Speakers accountable to the Lord Speaker. The three roles could be responsibility for the domestic and administration committees; responsibility for conduct and privileges; responsibility for procedures.⁹²

Lord Norton of Louth (Conservative) was a member of all three sub-groups, and many of the issues and suggestions covered in the groups’ discussion papers were reflected in his debate “to call attention to the case for enhancing the means available to the House of Lords to scrutinise legislation and public policy” on 25 February 2010.⁹³

Baroness Royall’s response as Leader of the House was that these discussion papers merited wider consideration by all Members, preferably through the mechanism of a Leader’s Group.⁹⁴ In the new parliamentary session following the 2010 general election, Baroness Murphy wrote in her blog that:

I confess that I half expected our reports to be shelved by the new Government, but was delighted to receive an invitation from Lord Strathclyde, the new Leader of the House, to join my co-chairs to discuss taking the ideas further.⁹⁵

⁹¹ Ibid, Strengthening Parliament Sub-Group: Governance and Accountability.

⁹² Ibid. This author’s summary.

⁹³ HL *Hansard*, 25 February 2010, cols 1096–133.

⁹⁴ HL *Hansard*, 23 March 2010, col 837.

⁹⁵ Baroness Murphy, ‘[The way we govern ourselves](#)’, Lords of the Blog, 28 May 2010.

During a debate on reform of the House of Lords on 29 June 2010 (which largely concentrated on reform of the composition of the House), Lord Filkin said that the chairs of the sub-groups were pleased to have had a good discussion with Lord Strathclyde (Conservative), the new Leader of the House, and his deputy Lord McNally (Liberal Democrat) on the issues raised in their reports.⁹⁶ Lord Filkin said that he had received the impression that Lord Strathclyde was “minded to establish a Leader’s Group after proper consultations”.

14. Labour Peers’ Committee on Procedures and Practices (March 2010)

In March 2010, a Labour Peers’ Committee on Procedures and Practices presented a report to the Labour Peers Group. The members of the Committee, chaired by Lord Grocott, were appointed by the Labour Peers Group in December 2009 “to consider possible reforms of the procedures and practices of the House of Lords”. The Committee’s key conclusions were as follows:

(A) Question Time:

The role currently performed by the Leader of the House (or other member of the Government front bench) at Question Time should be transferred to the Lord Speaker for a trial period.

(B) Statements:

As with Question Time, the role currently performed by the Leader of the House (or other member of the Government front bench) during statements should be transferred to the Lord Speaker for a trial period.

The allocation of time for statements should be reformed so that if the front benches take less than their allotted 20 minutes, the balance of available time could be used for backbench contributions.

The *Companion* should make clear that Members can ask no more than two questions in their contribution, as is the case for Question Time. Paragraph 5.07 of the *Companion* should be re-written accordingly and should emphasise the point that any preamble, as well as the questions themselves, should be brief.

(C) Grand Committee:

The *Companion* should be amended so that bills automatically go into Grand Committee unless a motion committing the bill to a Committee of the Whole House is put on the Order Paper and carried within three days of the second reading.

(D) Committee Stage of Bills:

For a trial period of one parliamentary session and for those bills starting in the Lords there should be an opportunity at the start of the committee stage for outside witnesses, ministers and officials to give evidence to, and take questions from, Members of the House.

⁹⁶ HL *Hansard*, 29 June 2010, cols 1686–7.

(E) Policing the Code of Conduct:

On the daily “House of Lords Business” sheet, the following message should be printed:

Peers are reminded of Section 15 of the Code of Conduct agreed by the House:

Members of the House should be especially cautious in deciding whether to speak or vote in relation to interests that are direct, pecuniary and shared by few others.

(F) Post-legislative Scrutiny:

That a House of Lords Post-legislative Scrutiny Committee should be established for a trial period.⁹⁷

The Committee recommended that, if the report were endorsed by the rest of the Labour Peers Group, it should be taken forward for consideration by the Procedure Committee and then to the House.⁹⁸

15. Review of Select Committee Activity (May–June 2010)

At the start of the new parliament following the 2010 general election, the Liaison Committee met to conduct a review of the work of policy select committees.⁹⁹ The Committee had agreed in 2006 that it would undertake such a review before the motions to re-appoint the select committees for the new parliament were tabled (see section 9 above).

Working on the basis that the criteria it had set out in 2006 for the setting up of new committees applied equally to the continuation of existing committees, the Liaison Committee began by reviewing those criteria to see if they remained appropriate. The Liaison Committee concluded that it remained important there should be no duplication of areas covered by Commons committees and no internal duplication between Lords committees. The Liaison Committee undertook to “keep resource requirements closely under review to ensure that committee work provides value for money, and can be supported by Members”. The Liaison Committee declared it would welcome proposals for new ad hoc committees, but cautioned that there should be no presumption that an ad hoc committee might be the forerunner of a more permanent committee. It remained of the view that new committees should normally be appointed on a time-limited basis.

The Liaison Committee invited the chairmen of the policy committees in the previous parliament to make written submissions about the activity, attendance and impact of their committees, potential forward work programmes and the case for any adjustments in the

⁹⁷ Labour Peers Group, *Reform of the Procedures and Practices of the House of Lords* (March 2010), pp 2–3.

⁹⁸ *Ibid*, p 9.

⁹⁹ Liaison Committee, *First Report* (10 June 2010), HL Paper 6 of session 2010–11. The Committee took the review to cover the European Union, Science and Technology, Constitution, Communications and Economic Affairs committees, but it excluded the Delegated Powers and Regulatory Reform Committee, the Merits of Statutory Instruments Committee, the Joint Committee on Human Rights and the technical legislative scrutiny committees. It also excluded the Joint Committee on the National Security Strategy, as it was first appointed only in February 2010.

committee's composition or orders of reference. The Liaison Committee concluded that "Each of [the sessional] committees continues to have a relevant and useful function, and we recommend their reappointment". It also recommended that the Communications Committee, which had been appointed as a fixed-term committee in April 2007 for the remainder of the last parliament, should be reappointed in the current session.

16. Debate on the Case for Reviewing the Working Practices of the House of Lords (July 2010)

Prior to the 2010 general election, several Members had tabled questions asking about the prospects for further reform of the House of Lords' working practices, particularly in the light of the work of the Modernisation Committee, also known as the Wright Committee, in the House of Commons.¹⁰⁰ Baroness Royall said in February 2010 that she would establish a Leader's Group if she were still Leader of the House after the 2010 general election, but that she did not think it appropriate to do so with only six or eight weeks of the parliament remaining.¹⁰¹ Following the 2010 general election, Lord Strathclyde, the new Leader of the House, indicated that he believed the time was right to look afresh at the House's working practices.¹⁰²

On 12 July 2010, Lord Strathclyde moved a [debate](#) to take note of the case for reviewing the working practices of the House of Lords.¹⁰³ He declared his intention that "this debate should pave the way for a systematic review of our working practices to be conducted by a Leader's Group that I will appoint before the House rises for the summer".¹⁰⁴ He suggested that the Group could consider issues such as the use of Grand Committee; legislative scrutiny by select committees; taking evidence on Bills; ensuring the scrutiny of clauses that had not been debated in the Commons; avoiding duplication with the Commons in the repetition of ministerial statements and urgent questions; and making procedures more accessible and transparent to backbenchers. Baroness Royall, the Leader of the Opposition, welcomed the review of working practices, describing it as "not just about more efficient and effective practices [but] about the health of our political system [and] about good governance".¹⁰⁵

17. Leader's Group on Working Practices (July 2010–March 2012)

17.1 Leader's Group—The Goodlad Report (July 2010–June 2011)

On 27 July 2010, Lord Strathclyde appointed a group of twelve Peers, chaired by Lord Goodlad, to "consider the working practices of the House and the operation of self-regulation; and to make recommendations".¹⁰⁶ The Group invited submissions from Members of the House of Lords, Members' staff, House staff, lobby correspondents and the public on what changes to working practices would enable the House to perform its functions better.¹⁰⁷

¹⁰⁰ Eg HL *Hansard*, 25 November 2009, col 376; HL *Hansard*, 9 December 2009, col 1077; HL *Hansard*, 7 January 2010, col 202.

¹⁰¹ HL *Hansard*, 10 February 2010, col 726.

¹⁰² HL *Hansard*, 25 May 2010, col 22 and 14 June 2010, col 816.

¹⁰³ HL *Hansard*, 12 July 2010, cols 514-528 and 542-598.

¹⁰⁴ *Ibid*, col 514.

¹⁰⁵ *Ibid*, col 518.

¹⁰⁶ HL *Hansard*, 27 July 2010, col 147WS.

¹⁰⁷ Parliamentary website, "[Leader's Group on the Working Practices of the House of Lords seeks views](#)", 26 October 2010. A summary of submissions received from Members of the House and

The [Report of the Leader's Group on Working Practices](#), also known as the Goodlad Report, was published in April 2011. The report made 55 recommendations, structured around the House's three core functions—holding the executive to account; scrutinising legislation; and providing a forum for public debate and inquiry—and the over-arching issue of the operation of self-regulation. The report noted that the efficacy of self-regulation had been challenged in recent months, with the influx of new Members since the 2010 general election, placing the House under strain both physically and procedurally.¹⁰⁸ The Group stated that: “Our aim has been to find ways in which the House can best use its resources to deliver more benefits to the public, such as better legislation, and more accountable and transparent government”.¹⁰⁹ Some of the notable innovations proposed by the Group include:

- Giving consideration to conferring a greater role on the Lord Speaker at question time and after oral statements, so that she, and not the Leader of the House, would assist the House when two or more Members wish to ask a question and are not willing to give way.
- Establishing a Legislative Standards Committee to assess whether government bills comply with standards of best practice in bill preparation, to report on all government bills before second reading, and to advise whether an evidence-taking session is required.
- Extending the sitting hours of Grand Committee and making greater use of it by introducing a rule that all government bills introduced in the Commons should be considered in Grand Committee, apart from major constitutional bills, emergency legislation and other exceptionally controversial bills, and by committing all private Members' Bills to Grand Committee.
- Appointing a Post-Legislative Scrutiny Committee to manage the process of reviewing up to four selected Acts of Parliament each year.
- Establishing a Backbench Business Committee charged with selecting certain types of backbench business.¹¹⁰

Full details of all the Group's recommendations and follow-up actions taken to date are given in [Appendix 2](#) of this Note.

The Group's report was [debated](#) on 27 June 2011.¹¹¹ Lord Strathclyde noted that the purpose of the debate was to “provide an opportunity for noble Lords on all sides of the House to comment on the Group's recommendations”. He stated that:

I am fully seized of your Lordships' appetite for urgent, incremental reforms... and I believe that the report from the Leader's Group offers ample scope for such progress. It contains many straightforward ideas that could be implemented immediately should they find favour with the House. I therefore intend to ensure that a large number of the group's recommendations are considered promptly by

written evidence received from outside organisations are included in Appendices 3 and 4 of the Leader's Group report.

¹⁰⁸ Leader's Group on Working Practices, [Report of the Leader's Group on Working Practices](#) (April 2011), HL Paper 136 of session 2010–12, para 5.

¹⁰⁹ Ibid, para 7.

¹¹⁰ This author's summary. This is not an exhaustive list.

¹¹¹ HL *Hansard*, 27 June 2011, cols 1552–1628.

the relevant committees of the House so that the House may take a view on them at the earliest opportunity.¹¹²

At the conclusion of the debate, Lord Strathclyde noted that “different Members have taken different views on some of the details, but the broad thrust has been basically supportive”. However, he pointed out that “Even the Leader’s Group recognised... that only a subset of its recommendations could be implemented with immediate effect”; others, he said, “could not be put into practice without further detailed consideration being given to their practical ramifications, including costs and possible unintended consequences”.¹¹³

17.2 Procedure Committee Response (November 2011–March 2012)

To date, the Procedure Committee, the Liaison Committee and the House Committee have all considered aspects of the Leader’s Group report. In November 2011, the Procedure Committee published a [report](#) setting out a number of initial proposals from Lord Strathclyde and the Clerk of the Parliaments, drawing on the Group’s recommendations.¹¹⁴ The Procedure Committee did not express a view on the merits—or otherwise—of the proposals, and not all members of Committee, including Lord Strathclyde himself, supported all of them. The report simply set the proposals out in neutral terms for the House to consider. Some of the Committee’s proposals varied from the recommendations made by the Leader’s Group.

On 8 November 2011, the House agreed to the following changes:

- The practice of holding ministerial question time for Secretaries of State in the Lords, introduced in 2010 (see section 12 above) was made permanent (Procedure Committee Proposal 2, based on Leader’s Group Recommendation 2). Lord Williams of Horton tabled an amendment to the motion to approve this proposal, to ensure that “the time allowed for the three oral questions should be up to 20 minutes in total instead of up to 15 minutes”. The motion, as amended, was agreed without division.¹¹⁵
- New guidance would be added to the *Companion to the Standing Orders* stating that: “Members should not take up the time of the House during question time by making trivial declarations of non-financial and non-registrable interests. Questioners should not thank the Government for its answers, nor ministers thank questioners for their questions” (Procedure Committee Proposal 4, based on Leader’s Group Recommendations 6 and 7).¹¹⁶
- Where a statement of exceptional length has been made in full to the House of Commons and made available in the Printed Paper Office before it is due to be repeated in the House of Lords, the Minister in the Lords would (with the agreement of the usual channels) be able to draw the attention of the House to the statement made earlier without repeating it; and proceed immediately to the period for exchanges with the Opposition

¹¹² Ibid, col 1552.

¹¹³ Ibid, col 1621.

¹¹⁴ Procedure Committee, [Eighth Report—Proposals Arising from the Report of the Leader’s Group on Working Practices](#) (November 2011), HL Paper 213 of session 2010–12.

¹¹⁵ HL *Hansard*, 8 November 2011, col 151.

¹¹⁶ Ibid, col 155.

front benches (Procedure Committee Proposal 5, based on Leader's Group Recommendation 8).¹¹⁷

- Guidance in the *Companion* would be amended to indicate that: "ministerial statements are made for the information of the House, and although brief questions from all quarters of the House are allowed, statements should not be made the occasion for an immediate debate" (Procedure Committee Proposal 5, based on Leader's Group Recommendation 10).¹¹⁸
- From the start of the 2012–13 session, Members would be limited to one Question for Short Debate (QSD) in *House of Lords Business* at any one time. Each QSD would indicate the date on which it was tabled, and after six months, it would be removed from the list. The guidance in the *Companion* would be clarified to read: "Questions for short debate last for a maximum of 1½ hours and should therefore be limited in scope" (Procedure Committee Proposal 6, based on Leader's Group Recommendations 33 and 38).¹¹⁹
- The *Companion* would be updated to clarify that the House of Commons may be referred to in the House of Lords by name, rather than as 'the other place' or 'another place' (Procedure Committee Proposal 7, based on Leader's Group Recommendation 39).¹²⁰
- The practice of debating "motions for papers" would be discontinued. In future all general debates not inviting the House to reach a positive decision would take place on "take note" motions, which would be short, neutrally phrased and not subject to amendment (Procedure Committee Proposal 8, based on Leader's Group Recommendation 41).¹²¹ The House subsequently approved a consequential technical amendment to Standing Order 37.¹²²

Other proposals put forward through the Procedure Committee were not agreed to by the House. It was proposed that the role currently performed by the Leader of the House during oral questions and after oral statements (that of arbitrating between groups within the House if two or more Members wish to speak and neither is willing to give way), should be transferred to the Lord Speaker for a trial period (Procedure Committee Proposal 1, based on Leader's Group Recommendations 1 and 12). The Leader's Group argued that in order to "address the decline in standards of behaviour at question time", it was time to consider conferring this role on the Lord Speaker "with a view to encouraging the greatest range of the House's Members to participate in question time, asking the greatest range of questions in an atmosphere more conducive to dialogue and to effective scrutiny of government".¹²³ However, when the proposal was debated, many Members shared Lord Wakeham's opinion that it was "unfair on the Lord Speaker... bad

¹¹⁷ Ibid, col 159.

¹¹⁸ Ibid, col 159.

¹¹⁹ Ibid, col 159.

¹²⁰ Ibid, col 159.

¹²¹ Ibid, col 160.

¹²² Procedure Committee, [Tenth Report](#) (December 2011), HL Paper 231 of session 2010–12 and HL *Hansard*, 20 December 2011, col 1670.

¹²³ Leader's Group on Working Practices, [Report of the Leader's Group on Working Practices](#) (April 2011), HL Paper 136 of session 2010–12, paras 34–5.

for the House and would be the end of self-regulation”.¹²⁴ The House voted against the proposal by 233 votes to 169.¹²⁵

The Leader’s Group observed in its report that: “The confusion of question time is compounded by the use of wordy and unnecessarily obscure procedures”. The Group therefore recommended that instead of Members seeking leave to ask the questions “standing in their name on the Order Paper”, which made it difficult for observers without the Order Paper to follow proceedings, Members should use the formula “My Lords, I beg leave to ask Her Majesty’s Government...” followed by the text of the question. The Group recommended a mandatory limit of 40 words for oral questions, excluding the opening formula (Leader’s Group Recommendation 5). The Leader of the House’s proposal, put forward through the Procedure Committee, was for a limit of 25 words, since the current average length of questions was 21–23 words (Procedure Committee Proposal 3). When the proposal was debated, several Members commented that reading out the question would take more time than the current arrangements, and suggested that it would be better to show the question on screen for people watching proceedings without an Order Paper. The proposal was rejected without a division.¹²⁶

The final proposed change rejected by the House was for a simplification in the appellations Members use to refer to each other in the chamber. The Leader’s Group had recommended this in view of its finding that “the range of possible appellations inevitably confuses new (and some more experienced) Members [and] takes up time and adds an unnecessary layer of quaintness to the House’s proceedings” (Leader’s Group Recommendation 40).¹²⁷ The Procedure Committee set out proposals for a simplified system of appellations which the Clerk of the Parliaments had drawn up at Lord Strathclyde’s request (Procedure Committee Proposal 9). When the House divided on this proposal, 173 Peers voted in favour, and 173 voted against.¹²⁸ The proposal was therefore rejected, as there was no majority in favour.

The Procedure Committee also addressed Recommendation 43 of the Leader’s Group report, which had recommended abolishing the procedure for presenting public petitions to the House of Lords, as it had fallen into disuse. The Leader’s Group considered that in the longer term, it might be desirable to introduce a more effective procedure for the public to initiate business in the House of Lords, but, pending developments in the House of Commons on public petitions, the Group made no specific recommendations in this regard. By the time of the Procedure Committee’s report in November 2011, a public petition had been presented in the House of Lords, and the Leader of the House of Commons had announced that public petitions which secured the backing of 100,000 signatures via the Government’s e-petitions website would be eligible to be considered for debate in the Commons.¹²⁹ The Procedure Committee therefore considered that the Group’s recommendation on petitions should not be taken forward and it made no proposal to the House regarding petitions.¹³⁰

In December 2011, following the changes in the arrangements for tabling Questions for Short Debate (QSD) already agreed in November, and in response to the Leader’s

¹²⁴ HL *Hansard*, 8 November 2011, col 129.

¹²⁵ *Ibid*, col 147.

¹²⁶ *Ibid*, col 154.

¹²⁷ Leader’s Group on Working Practices, [Report of the Leader’s Group on Working Practices](#) (April 2011), HL Paper 136 of session 2010–12, para 203.

¹²⁸ HL *Hansard*, 8 November 2011, col 167.

¹²⁹ Office of the Leader of the House of Commons, “[Public petitions website could lead way to Commons debates](#)”, 29 July 2011.

¹³⁰ Procedure Committee, [Eighth Report—Proposals Arising from the Report of the Leader’s Group on Working Practices](#) (November 2011), HL Paper 213 of session 2010–12, para 25.

Group recommendation 35, the Procedure Committee published another [report](#) recommending that a ballot should be conducted to determine the order in which QSDs tabled on the day of State Opening were entered in *House of Lords Business*.¹³¹ (The Government Whips Office schedules QSDs in order of entry on the Order Paper.¹³²) This was agreed by the House on 20 December 2011.¹³³ The Leader's Group had also recommended that a Backbench Business Committee should be established, one of the responsibilities of which would be the scheduling of some QSDs. However, to date, this recommendation has not been taken forward.

In January 2012, a separate Procedure Committee [report](#) made a series of recommendations relating to Grand Committee, based on recommendations from the Leader's Group report.¹³⁴ The Leader's Group had noted that despite successive recommendations that greater use should be made of Grand Committee for considering bills, and despite "widespread, though not unanimous, agreement that Grand Committee procedure leads to better scrutiny of primary legislation", the number of bills taken in Grand Committee had been falling over recent years.¹³⁵ The Group concluded that:

... reducing the time taken in Committee of the Whole House, and proportionally increasing the amount of time taken on bills in Grand Committee, would on the one hand release time in the chamber, which could be used to debate topical or other important issues of the day, and on the other would improve the quality of the House's scrutiny of legislation.¹³⁶

The Leader's Group also recommended that "a rule be established, and included in the *Companion*, that all government bills introduced in the Commons should be considered in Grand Committee, apart from major constitutional bills and emergency legislation and other exceptionally controversial bills" (Leader's Group Recommendation 20). To accommodate this, the Group considered that longer and more regular sitting hours would be needed for Grand Committee. It recommended that Grand Committee should normally sit from 10.30am to 12.30pm, and from 2.30pm to 6.30pm, Tuesdays to Thursdays (Leader's Group Recommendation 22).

The Leader of the House made alternative proposals on these points to the Procedure Committee. He suggested that rather than a firm "rule", there should be a "presumption" that government bills introduced in the Commons should be committed to a Grand Committee, except where the usual channels agreed otherwise. Opinions within the Procedure Committee differed as to whether the Leader's Group approach or Lord Strathclyde's approach was preferable. However, the Committee put forward a recommendation for the House's consideration that, for a trial period during the 2012–13 parliamentary session, Lord Strathclyde's approach should be adopted.¹³⁷ Lord Strathclyde also suggested changing the timings of Grand Committee to extend sittings on primary legislation whilst avoiding morning sittings and leaving unchanged the timings of Grand Committee sittings on other business, such as statutory instruments or general debates. In response to this proposal, the Procedure Committee recommended that, for a trial period during the 2012–13 session of parliament, Grand Committees on primary

¹³¹ Procedure Committee, [Tenth Report](#) (December 2011), HL Paper 231 of session 2010–12.

¹³² Leader's Group on Working Practices, [Report of the Leader's Group on Working Practices](#) (April 2011), HL Paper 136 of session 2010–12, Figure 6.

¹³³ HL *Hansard*, 20 December 2011, col 1670.

¹³⁴ Procedure Committee, [Eleventh Report](#) (January 2012), HL Paper 253 of session 2010–12.

¹³⁵ Leader's Group on Working Practices, [Report of the Leader's Group on Working Practices](#) (April 2011), HL Paper 136 of session 2010–12, paras 111–5.

¹³⁶ *Ibid*, para 117.

¹³⁷ Procedure Committee, [Eleventh Report](#) (January 2012), HL Paper 253 of session 2010–12, para 10.

legislation should rise no later than 10pm on Mondays-Wednesdays, and no later than 7pm on Thursdays, with a one-hour dinner or tea break.¹³⁸

The House Committee produced a report outlining the potential additional costs that would be involved in extending Grand Committee sitting hours, such as additional *Hansard* reporters, procedural support from clerks and technical support for broadcasting. The House Committee calculated that some of these costs could be offset by a resulting reduction in sitting hours in the chamber and—if Grand Committee reports were published separately—lower printing costs for the main volume of *Hansard*.¹³⁹ The Administration would calculate the actual costs of any changes the House agreed and present a package of savings to make them cost-neutral overall.¹⁴⁰ In order to make the best use of time in the chamber, the Leader's Group had recommended that on days when more than one oral statement needed to be taken, the option should be available to take the second and subsequent statements in the Moses Room (Leader's Group Recommendation 9). While the Leader of the House supported this, he suggested that there would be practical difficulties with allowing statements to take precedence over other Grand Committee business scheduled in the Moses Room. He therefore proposed that on days when more than one oral statement was to be made and a Grand Committee on primary legislation was due to sit, the option should be available to take one statement during the Grand Committee's tea or dinner break, subject to agreement in the usual channels. The Procedure Committee recommended adopting this for a trial period during the 2012–13 session.¹⁴¹

When the House [debated](#) the Procedure Committee report in March 2012, Baroness Royall, now Shadow Leader of the House, moved an amendment to reinstate the original recommendation of the Leader's Group that all government bills introduced in the Commons, apart from major constitutional bills, emergency legislation and other exceptionally controversial bills, should be considered in Grand Committee. She argued that Lord Strathclyde's proposal sought to "increase the power of the executive, altering the balance between the executive and your Lordship's House in favour of the executive".¹⁴² Lord Laming, the Convenor of the Crossbench Peers, among others, pointed out the difficulty of defining which bills were "exceptionally controversial".¹⁴³ Lord Strathclyde argued that the proposals would "provide the necessary extra opportunities for Members to take part, and in doing so would ease the pressure on time in this chamber, thus making it easier for the House to rise on time".¹⁴⁴

Baroness Royall withdrew her amendment in the hope that the House would vote in favour of an alternative amendment by Lord Cormack, to refer all the recommendations relating to Grand Committee back to the Procedure Committee for further consideration.¹⁴⁵ The House voted in favour of Lord Cormack's amendment by 319 votes to 96, and thus none of the recommendations was implemented.¹⁴⁶

¹³⁸ Ibid.

¹³⁹ House Committee, [Grand Committee and Select Committee Resources](#) (March 2012), HL Paper 282 of session 2010–12 (paras 5–9).

¹⁴⁰ Ibid, (para 13).

¹⁴¹ Procedure Committee, [Eleventh Report](#) (January 2012), HL Paper 253 of session 2010–12, para 10.

¹⁴² HL *Hansard*, 26 March 2012, col 1135.

¹⁴³ Ibid, col 1143.

¹⁴⁴ Ibid, col 1149.

¹⁴⁵ Ibid, col 1155.

¹⁴⁶ Ibid, col 1155.

17.3 Liaison Committee Response: Review of Select Committee Activity (March 2012)

On the same day, the House [debated](#) a [report](#) by the Liaison Committee which followed up some of the Leader's Group recommendations on select committee activity.¹⁴⁷ The Leader's Group had considered whether the House's select committee work struck the right balance between scrutiny, debate and inquiry. In particular, it questioned whether the long-standing principle that Lords committees should not duplicate the work of House of Commons select committees was still applicable. The Group argued that there was in fact extensive overlap between the two Houses—not least in the scrutiny of legislation—and both Houses had Science and Technology Committees and European Committees. In the Group's opinion, the desire to avoid overlap with the Commons left "major areas of government activity which are not currently considered at all by Lords committees".¹⁴⁸ Furthermore, one of the reasons why the Jellicoe Committee had originally recommended in 1992 that Lords committees should not duplicate those of the Commons was because of the limited number of Peers then available to take part in committee work. The Leader's Group pointed out that this was no longer a problem; rather, "the difficulty we face is the shortage of select committee vacancies, given the number of active Members".¹⁴⁹

The Leader's Group therefore believed that "it is time for a thorough review of committee work... As part of this review, it is essential that the criteria first established by the Jellicoe Committee in 1992, and since endorsed by the Liaison Committee, be revisited", although it did not make a formal recommendation to this effect.¹⁵⁰ The Group recommended that the House should establish two additional sessional select committees, with particular regard to be paid to the need to:

- Make best use of the knowledge and experience of Members of the House;
- Complement the work of Commons departmental select committees;
- Address areas of policy that cross departmental boundaries.

(Leader's Group Recommendation 45)

The Group further recommended that: "all investigative select committees of the House should be subject to regular and systematic review, and that, following the appointment of the two additional committees recommended above, any further sessional committees should only be appointed to replace existing committees, without creating extra demands on resources" (Leader's Group Recommendation 46).

The Liaison Committee accordingly undertook a review of existing committee activity in light of the Leader's Group report, although it did so on the basis of the existing principles last agreed by the House in 2010 (see section 15 above).¹⁵¹ Rather than appointing two new sessional committees as recommended by the Leader's Group (ie committees that would be reappointed every session), the Liaison Committee recommended that "new investigative select committees should be appointed for a fixed

¹⁴⁷ Liaison Committee, [Review of select committee activity and proposals for new committee activity](#), HL Paper 279 (March 2012), Third Report of session 2010–12.

¹⁴⁸ Leader's Group on Working Practices, [Report of the Leader's Group on Working Practices](#) (April 2011), HL Paper 136 of session 2010–12, para 228.

¹⁴⁹ Ibid, para 230.

¹⁵⁰ Ibid, para 232.

¹⁵¹ Liaison Committee, [Review of select committee activity and proposals for new committee activity](#), HL Paper 279 (March 2012), Third Report of session 2010–12.

term of up to one session to conduct a specific inquiry”.¹⁵² The Liaison Committee felt that fixed terms would better allow for committee activity to be kept under regular review, as recommended by the Leader’s Group. The Liaison Committee recommended the appointment of two new ad hoc committees, one on public service provision in the light of demographic change, and one on small and medium sized enterprises exporting goods and services, both to report by the end of the 2012–13 session.¹⁵³ Compared to the House’s typical practice of appointing one ad hoc committee per session, this represented an additional unit of committee activity. The House Committee agreed to additional funding for the Committee Office of up to £225,000—the estimated annual marginal cost of an additional unit of committee activity—if the House agreed to the Liaison Committee’s recommendation; the Administration would make savings elsewhere to make it cost-neutral overall.¹⁵⁴

In order to free up further resources for new committee activity, the Liaison Committee recommended that from the start of the 2012–13 session, the number of sub-committees of the European Union Committee should be reduced from seven to six, and the Science and Technology Committee should be allocated the resources of a single select committee.¹⁵⁵ With the resources thereby released, the Liaison Committee recommended that the House should plan on the basis of supporting another pre-legislative scrutiny committee, in addition to the one unit of pre-legislative scrutiny activity for which resources were currently provided.¹⁵⁶ The Leader’s Group had recommended that “there should be a presumption that all bills embodying important changes of policy (particularly constitutional bills) should be subject to pre-legislative scrutiny” (Leader’s Group Recommendation 14). However, it recognised that “in many cases the appropriate body to scrutinise draft legislation may be the appropriate [Commons] departmental select committee”, and its report contained no specific recommendations about pre-legislative scrutiny committees in the Lords.

The Liaison Committee also recommended that committee resources could be redirected towards post-legislative scrutiny. The Leader’s Group had argued that “the case for more post-legislative scrutiny is widely acknowledged” and it recommended “that the House of Lords appoint a Post-Legislative Scrutiny Committee, to manage the process of reviewing up to four selected Acts of Parliament each year” (Leader’s Group Recommendation 26).¹⁵⁷ The Leader of the House put a variant proposal to the Liaison Committee, namely that it would make better use of the expertise of Members to establish an ad hoc committee on a particular Act or Acts.¹⁵⁸ The Liaison Committee agreed that post-legislative scrutiny was potentially an important new area of select committee activity for the House of Lords. It identified the Children and Adoption Act 2006 and the Adoption and Children Act 2002 as legislation suitable for post-legislative scrutiny that was not already being considered by a House of Commons committee.¹⁵⁹ It accordingly recommended the appointment of an ad hoc post-legislative scrutiny

¹⁵² Ibid, para 11.

¹⁵³ Ibid, paras 32 and 34.

¹⁵⁴ House Committee, [Grand Committee and Select Committee Resources](#) (March 2012), HL Paper 282 of session 2010–12 (paras 10–13).

¹⁵⁵ Liaison Committee, [Review of select committee activity and proposals for new committee activity](#), HL Paper 279 (March 2012), Third Report of session 2010–12, paras 16 and 18. The Science and Technology Committee was previously allocated two units of committee activity, which it used to run two inquiries in parallel (ibid, Appendix 3).

¹⁵⁶ Ibid, para 28.

¹⁵⁷ Leader’s Group on Working Practices, [Report of the Leader’s Group on Working Practices](#) (April 2011), HL Paper 136 of session 2010–12, para 134.

¹⁵⁸ Liaison Committee, [Review of select committee activity and proposals for new committee activity](#), HL Paper 279 (March 2012), Third Report of session 2010–12, para 35.

¹⁵⁹ Ibid, para 36.

committee to examine these two Acts and to report in time to allow the outcome of this first post-legislative scrutiny committee to be evaluated by the Liaison Committee before the end of the 2012–13 session.¹⁶⁰

These changes were agreed by the House on 26 March 2012.¹⁶¹ Committees on Public Service and Demographic Change, Small and Medium Sized Enterprises, and Adoption Legislation were appointed on 29 May 2012.¹⁶²

18. Use of Electronic Devices (January 2011–July 2012)

In January 2011, the Administration and Works Committee reviewed the rules regarding the use of mobile phones and other electronic devices in the House of Lords, as it considered that the existing rules were “incomplete, outdated and contradictory”. The Committee recommended that, for a one-year trial period, Members should be able to use hand-held electronic devices to access parliamentary papers and other documents which are “clearly and closely relevant” to the business before the House or Grand Committee. Members would be allowed to use hand-held electronic devices in silent mode, for any purpose not related to proceedings before the House or Grand Committee, provided that they did not distract other Members. However, the Committee recommended some restrictions on the use of technology in the chamber and in Grand Committee: “electronic devices must not be used to send or receive messages for use in proceedings”, and “Members should not be permitted to use the internet to search for material that might be used in the course of proceedings, but which is not generally available to participants by other means”.¹⁶³

The House agreed to the Committee’s recommendations in March 2011, although a number of Members expressed reservations about the practicality of forbidding internet searches during debates.¹⁶⁴

At the end of the year’s trial, the Committee reviewed the use of electronic devices. It noted that most Members seemed to have accepted their use in the chamber and Grand Committee, but that there remained some confusion about the wording of the rule preventing internet searches “for information for use in debate which is not generally available to participants by other means”. The Committee therefore considered that the rules on accessing information for use in debate should be relaxed and simplified, along similar lines to rules that had already been adopted in the House of Commons. It recommended that:

Members should be able to use handheld electronic devices (not laptops) in the chamber and Grand Committee, for any purpose, provided they are silent and are used with discretion. This includes using such devices to send or receive messages for use in proceedings, or to access information for use in debate.

¹⁶⁰ Ibid, para 38.

¹⁶¹ HL *Hansard*, 26 March 2012, col 1185.

¹⁶² HL *Hansard*, 29 May 2012, col 1081.

¹⁶³ Administration and Works Committee, [Use of electronic devices in the House](#) (January 2011), HL Paper 92 of Session 2010–12.

¹⁶⁴ HL *Hansard*, 10 March 2011, [cols 1758–67](#).

Similar rules for the use of handheld devices by officials (including civil servants, opposition advisers and House officials) were also recommended.¹⁶⁵ The House agreed to the new rules in July 2012.¹⁶⁶

¹⁶⁵ Administration and Works Committee, *Use of electronic devices in the House: Follow-up report* (April 2012), HL Paper 298 of Session 2010–12.

¹⁶⁶ HL *Hansard*, 12 July 2012, [cols 1253–7](#).

Appendix 1: Responses to the Leader’s Group Review of Working Practices (2001–02)

The first column in the table below shows the changes proposed by the Leader’s Group review of working practices, published in April 2002.ⁱ The second column summarises the response to each proposal. References to the Procedure Committee are to the Committee’s *Fifth Report* of session 2001–02, produced in response to the Leader’s Group review, unless otherwise specified.ⁱⁱ

Leader’s Group Proposal	Response
<p>a) Virtually all major government bills should as a matter of course be subject in draft to pre-legislative scrutiny by parliament.</p>	<p>In its 2004 report on <i>Parliament and the Legislative Process</i>, the Constitution Committee recommended that “publication of bills in draft form should be the norm and that those bills should normally be subject to pre-legislative scrutiny”.ⁱⁱⁱ The report also contained a number of more detailed recommendations on how the pre-legislative scrutiny procedure should work.</p> <p>The Government’s response to the Constitution Committee’s report was published in April 2005. The Government confirmed that it “continue[d] to be committed to pre-legislative scrutiny” and responded in turn to each of the Committee’s more detailed recommendations.^{iv}</p> <p>The Constitution Committee subsequently undertook to publish an annual report looking at the volume of pre-legislative scrutiny in each parliamentary session and analysing trends.^v</p>
<p>b) Subject to the right of the House of Commons to determine its own procedures, bills that have received pre-legislative scrutiny in either House should, on a motion moved in the House in possession of the bill at the end of the session, be allowed to be carried-over into the next session; but if a bill that has been carried over does not reach the statute book by the end of the session following carry-over it should fall, as now.</p>	<p>The <i>Companion to the Standing Orders</i> was amended to include the statement that: “The House of Lords has also agreed that it should be possible for bills in their second House to be carried over if they have been the subject of pre-legislative scrutiny”.^{vi}</p>

ⁱ [Report by the Group Appointed to Consider How the Working Practices of the House Can Be Improved and to Make Recommendations](#) (April 2002), HL Paper 111 of session 2001–02.

ⁱⁱ Procedure Committee, [Fifth Report](#) (July 2002), HL Paper 148 of session 2001–02.

ⁱⁱⁱ Constitution Committee, [Parliament and the Legislative Process](#) (October 2004), HL Paper 173 of session 2003–04, para 72.

^{iv} Constitution Committee, [Parliament and the Legislative Process: Government’s Response](#) (April 2005), HL Paper 114 of session 2004–05, para 11.

^v See Constitution Committee, [Pre-Legislative Scrutiny in the 2006–07 Session](#) (January 2008), HL Paper 43 of session 2007–08; [Pre-Legislative Scrutiny in the 2006–07 Session: Follow-up](#) (June 2008), HL Paper 129 of session 2007–08; [Pre-Legislative Scrutiny in the 2007–08 Session](#) (April 2009), HL Paper 66 of session 2008–09; [Government Response to a Report on Pre-legislative Scrutiny in the 2007–08 Session](#) (October 2009), HL Paper 160 of session 2008–09; and [Pre-legislative Scrutiny in the 2008–09 and 2009–10 Sessions](#) (March 2010), HL Paper 78 of session 2009–10.

^{vi} Paragraph 8.08 in the 2010 edition of the *Companion*.

<p>c) While we do not intend in any way to encroach upon the financial privileges of the Commons, a procedure should be established to enable the House to deal more effectively with Finance Bills.</p>	<p>In response to the Leader’s Group recommendation, the Procedure Committee proposed that the Committee on Economic Affairs should be given the power to establish a sub-committee to undertake the task of considering the Finance Bill and a power to co-opt additional members to the sub-committee exclusively for its consideration of the Finance Bill.</p> <p>In 2003 the Economic Affairs Committee first appointed a Sub-Committee to inquire into selected aspects of that year’s Finance Bill. Each year the Economic Affairs Committee aims to publish a report drawn up by its Sub-Committee in time to enable members of the House of Commons, if they so wish, to draw on its recommendations in moving amendments to the Bill at the report stage. The report should also inform the second reading debate of the Bill in the House of Lords.^{vii}</p>
<p>d) A new Lords select committee should be established to examine the merits of every statutory instrument subject to parliamentary scrutiny.</p>	<p>In February 2003, the Liaison Committee agreed that, with effect from the next session of parliament, a select committee should be established to consider the merits of statutory instruments.^{viii} The House agreed a motion to approve the report on 27 February 2003.^{ix} On 16 June 2003, the House agreed the terms of reference for the Merits of Statutory Instruments Committee, as proposed by the Procedure Committee.^x</p>
<p>e) On Tuesdays and Wednesdays, the time for starred questions should be extended to 40 minutes; the number of starred questions on these two days should be increased from four to five; and the additional questions on these two days should be topical questions.</p>	<p>This change was later reversed, following the 2004 Leader’s Group Review—see section 6.3 above.</p>
<p>f) The House authorities, in consultation with the Government, should draw up and make available to the House a timetable that would allow each Minister one sitting day a week free of starred questions.</p>	<p>The Procedure Committee did not endorse this recommendation.</p>
<p>g) As a package of measures (a) the House should normally rise not later than 10pm; (b) this should be coupled with greater use of Grand Committees for the kind of bills considered suitable by the Rippon group; and (c) after second reading there should be a motion in the House to commit each bill to the appropriate committee, usually a</p>	<p>The Procedure Committee endorsed recommendation (g)(a), but pointed out that as the House can sit at any convenient time, there was no procedural issue in the sitting and rising times of the House. The <i>Companion to the Standing Orders</i> states that: “It is a firm convention that the House normally rises by about 10pm on Mondays to Wednesdays and by about 7pm on Thursdays”.^{xi}</p>

^{vii} Web pages of the [Economic Affairs Sub-Committee on the Finance Bill](#).

^{viii} Liaison Committee, [First Report](#) (February 2003), HL Paper 57 of session 2002–03.

^{ix} HL *Hansard*, 27 February 2003, cols 426–35.

^x HL *Hansard*, 16 June 2003, cols 527–9; Procedure Committee, [Third Report](#) (June 2003), HL Paper 115 of session 2002–03.

^{xi} Paragraph 3.01 of the 2010 edition of the *Companion to the Standing Orders*.

<p>Grand Committee or a Committee of the Whole House.</p>	<p>The Procedure Committee endorsed recommendation (g)(b), but recommended that only one Grand Committee to consider a bill should sit on any one day. This is made clear in paragraph 3.15(a) of the <i>Companion to the Standing Orders</i>.</p> <p>The Procedure Committee endorsed recommendation (g)(c) and Standing Order 47, paragraph (1) was amended to read: “After second reading, Bills are committed to a committee on a Motion in the name of the Lord in charge of the Bill (except that in case of a Bill of Supply or a Bill certified by the Speaker as a Money Bill the House may order that the Bill be not committed)”^{xii}.</p>
<p>h) A new standing order should be adopted to provide that no new item of business (which would include a new group of amendments) could begin after 10pm.</p>	<p>The Procedure Committee did not endorse this recommendation.</p>
<p>i) Urgent steps should be taken to correct the Moses Room shortcomings [to do with acoustics and ambience] and consideration should be given to holding Grand Committees and other business in the Robing Room where the House has sat in the past.</p>	<p>In 2006/07 the Moses Room was refurbished to fit it for its new role as the Grand Committee Chamber.^{xiii}</p>
<p>j) Three additional Wednesdays should be allotted for backbench debates in each session, and more debates on select committee reports and on general topics should be held in prime time on the floor of the House.</p>	<p>The general debate day was moved from Wednesday to Thursday in 2005 (see section 5 above).</p> <p>The <i>Companion to the Standing Orders</i> states that: “One Thursday in each month up to the Whitsun recess is set aside for two balloted debates” and that: “These debates may be initiated only by backbench and Crossbench Members and a Member may initiate only one balloted debate per session”.^{xiv}</p> <p>The Procedure Committee noted that under Standing Order 40, debates on select committee reports already have the same priority as proceedings on public bills. The <i>Companion</i> was amended to state that: “The House has agreed that it is desirable that there should be regular debates on select committee reports in prime time”.^{xv}</p>
<p>k) On Thursdays the House should sit at 11.00am and adjourn not later than about 7pm.</p>	<p>The Procedure Committee suggested a timetable whereby the House would sit for public business between 11am and 1.30pm, then adjourn between 1.30pm and 3pm. The House would then resume at 3pm, starting with starred (oral) questions and sit until 7.30pm at the latest, at which point (or earlier depending on business), an unstarred question could be debated for 1½ hours if desired.</p>

^{xii} [SO 47](#)

^{xiii} House of Lords, [Business Plan 2007](#) (March 2007), HL Paper 87 of session 2006–07, p 9.

^{xiv} Paragraph 6.56 in the 2010 edition of the *Companion to the Standing Orders*.

^{xv} Paragraph 11.36 in the 2010 edition of the *Companion to the Standing Orders*.

	<p>However, the Procedure Committee reviewed and changed these timings in 2003 (see section 6.2 above), and the general debate day was moved from Wednesday to Thursday in 2005 (see section 5 above).</p>
<p>l) The House of Lords should be willing to sit in September, and in return the House should have longer recesses at Christmas, Easter or Whitsun, or rise earlier for the summer recess.</p>	<p>The Procedure Committee concluded that the House should not rule out the possibility of September sittings, but that any proposal for the House to meet during September should be put to the House with clear guidelines early in the parliamentary session.</p>
<p>m) Grand Committees may sit in September, whether or not the House is sitting.</p>	<p>The Procedure Committee pointed out that a number of procedural issues would arise if Grand Committees were to sit in September without the House sitting at the same time. They invited the Clerk of the Parliaments to consider what issues would need to be resolved to enable such sittings and to propose any amendments to the Standing Orders and the <i>Companion to the Standing Orders</i> for the Procedure Committee's consideration.</p>
<p>n) There should be a review of the House's scrutiny of European legislation, including the appropriate balance between the scrutiny of general policy and that of specific legislative proposals, and the desirability of a greater number of shorter and more focussed reports.</p>	<p>The EU Select Committee undertook a review of the House's scrutiny of European legislation and published a number of related reports.^{xvi}</p>

^{xvi} EU Select Committee, [Review of Scrutiny of European Legislation](#) (November 2002), HL Paper 185 of session 2001–02; [Review of Scrutiny of European Legislation](#) (December 2002), HL Paper 15 of session 2002–03; and [Government Responses: Review of Scrutiny; Europol's Role in Fighting Crime; and EU-Russia Relations](#) (April 2003), HL Paper 99 of session 2002–03.

Appendix 2: Responses to the Leader’s Group Review of Working Practices, the Goodlad Report (2010–2012)

The first column in the table below shows the changes recommended in the [Report of the Leader’s Group on Working Practices](#), also known as the Goodlad Report, published in April 2011. The second column summarises the response to each recommendation to date, where an outcome has been publicised, for example, where a recommendation has been discussed on the floor of the House, in a Select Committee report or in a Select Committee meeting the minutes of which have been published. Other recommendations may still be under consideration.

Leader’s Group Recommendation	Response
<i>Oral questions</i>	
<p>1. We recommend that consideration be given to conferring upon the Lord Speaker the role currently performed during question time by the Leader of the House, for a one-year trial period in the first instance, beginning no sooner than 5 September 2011. In the event of the Lord Speaker’s unavoidable absence from the House, we recommend that the same task be performed by the Chairman of Committees.</p>	<p>The Procedure Committee proposed:</p> <ul style="list-style-type: none"> • That the role currently performed by the Leader of the House or Government front bench during oral questions and oral statements be transferred for a trial period to the Lord Speaker, or, in her absence, the Chairman of Committees or another Deputy Speaker; • That the role thus transferred includes the responsibility to arbitrate between groups within the House, but not any responsibility to arbitrate between individual Members by name; • That the trial begin at the start of the 2012–13 session of parliament, and continue until the start of the summer recess 2012; • That following completion of the trial, the procedure at question time and during oral statements should revert to its current form, pending a review by the Procedure Committee. <p>(Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 1)</p> <p>The House voted against this proposal by 233 votes to 169, and it was therefore not implemented (HL <i>Hansard</i>, 8 November 2011, col 147).</p>
<p>2. We recommend that the procedure adopted in early 2010, whereby Secretaries of State sitting in the Lords should answer three oral questions, on one Thursday each month, directed to them in their ministerial capacity, should be made permanent, with a view to its revival as appropriate.</p>	<p>The Procedure Committee put forward this proposal to the House (Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 2).</p> <p>Lord Williams of Horton tabled an amendment to the motion to approve this proposal, to ensure that “the time allowed for the three oral questions should be up to 20 minutes in total instead of up to 15 minutes” (HL <i>Hansard</i>, 8 November 2011, col 150).</p> <p>The motion, as amended, was agreed without division (HL <i>Hansard</i>, 8 November 2011, col 151).</p>

<p>3. We further recommend that there should be a monthly question time dedicated to questions on House of Lords matters addressed to the Leader of the House.</p>	
<p><i>Private notice questions</i></p>	
<p>4. We recommend that the Lord Speaker interpret the criteria for allowing Private Notice Questions more liberally. We believe that the presumption should be that if an issue is an urgent matter of national importance, the application should be granted.</p>	<p>Lord Strathclyde noted that this proposal was directed to the Lord Speaker, rather than requiring the House to agree to any change (HL <i>Hansard</i>, 25 July 2012, col WA164).</p>
<p><i>Saving time</i></p>	
<p>5. We recommend that instead of Members seeking leave to ask the questions “standing in their name on the Order Paper”, Members should read out the text of the question, using the formula “My Lords, I beg leave to ask Her Majesty’s Government...” To ensure that this does not take up too much time, we further recommend a mandatory limit of 40 words for oral questions (excluding the introductory formula given above).</p>	<p>The Procedure Committee noted that analysis of recent questions had shown that the average length of questions was 21–23 words. The Leader of the House therefore suggested a word limit of 25 words should be imposed. The Procedure Committee therefore proposed that Members should read out the text of oral questions, using the formula “My Lords, I beg leave to ask Her Majesty’s Government” followed by the text of the question; and that there should be a mandatory word limit of 25 words (excluding the introductory formula) for all oral questions (Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 3).</p> <p>The proposal was disagreed to without division (HL <i>Hansard</i>, 8 November 2011, col 154).</p>
<p>6. To ensure best use of question time, we re-affirm the existing guidance in the <i>Companion</i> on the conduct of question time, while recommending that it be supplemented by the following guidance, based on that already found in the <i>Guide to the Code of Conduct</i>:</p> <ul style="list-style-type: none"> • Members should not take up the time of the House making trivial declarations of non-financial and non-registrable interests. 	<p>The Procedure Committee proposed that the following new guidance be added to the <i>Companion to the Standing Orders</i>: “Members should not take up the time of the House during question time by making trivial declarations of non-financial and non-registrable interests. Questioners should not thank the Government for its answers, nor minister thank questioners for their questions” (Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 4).</p> <p>The proposal was agreed to without division (HL <i>Hansard</i>, 8 November 2011, col 155).</p>
<p>7. We recommend the addition of the following new guidance:</p> <ul style="list-style-type: none"> • Questioners should not thank the Government for its answers, nor ministers thank questioners for their questions. 	
<p><i>Statements</i></p>	
<p>8. We recommend that the usual channels should, in deciding whether to repeat a statement in the Lords, also consider whether it would be a good use of the House’s time for the statement to be read out. In exceptional cases (for instance a long statement, which has been publicly</p>	<p>The Procedure Committee proposed that where a statement of exceptional length has been made in full to the House of Commons and made available in the Printed Paper Office before it is due to be repeated in the House of Lords, the Minister in the Lords may (with the agreement of the usual channels) draw the</p>

<p>available for some hours) it may be appropriate for the text of the statement to be reproduced in the Official Report without being read out; the remaining oral exchanges would take place in the chamber as at present.</p>	<p>attention of the House to the statement made earlier without repeating it; and proceed immediately to the period for exchanges with the Opposition front benches. The text of the statement would be reproduced in the Official Report (Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 5).</p> <p>The proposal was agreed to without division (HL <i>Hansard</i>, 8 November 2011, col 159).</p>
<p>9. We recommend that, on days when more than one oral statement needs to be taken, the option should be available to take the second and subsequent statements in the Moses Room. Such statements would take precedence over other business scheduled in the Moses Room.</p>	<p>Following a proposal from the Leader of the House, the Procedure Committee recommended, that on a trial basis, for the duration of the 2012–13 parliamentary session, on days when more than one oral statement is to be made or reported, and a Grand Committee on primary legislation is due to sit, the option should be available to take one of the statements in the Grand Committee’s dinner or tea break, subject to agreement in the usual channels (Procedure Committee, <i>Eleventh Report</i> of session 2010–12, para 10).</p> <p>This recommendation was debated along with other recommendations that addressed the Leader’s Group Proposals 20 and 22, also on the subject of Grand Committees. The House voted by 319 votes to 96 in favour of an amendment moved by Lord Cormack to refer all the recommendations back to the Procedure Committee for further consideration (HL <i>Hansard</i>, 26 March 2012, col 1155).</p>
<p>10. We recommend that the guidance on backbench contributions on oral statements be clarified, by removing the reference to “brief comments”. To avoid speech-making, and with a view to increasing the number of Members who can intervene on statements, we recommend that backbench contributions should be limited to questions to the Minister.</p>	<p>The Procedure Committee proposed that the guidance in the <i>Companion</i> on backbench contributions on oral statements should be amended to indicate that “ministerial statements are made for the information of the House, and although brief questions from all quarters of the House are allowed, statements should not be made the occasion for an immediate debate” (Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 5).</p> <p>The proposal was agreed to without division (HL <i>Hansard</i>, 8 November 2011, col 159).</p>
<p>11. We support the practice of increasing the time available for backbench questions to 30 or 40 minutes in exceptional circumstances.</p>	<p>Lord Strathclyde noted that this proposal endorsed the status quo (HL <i>Hansard</i>, 25 July 2012, col WA164).</p>
<p>12. We recommend that consideration be given to conferring upon the Lord Speaker the role currently performed during oral statements by the Leader of the House or the Government front bench, for a one-year trial period in the first instance, beginning no sooner than 5 September 2011. In the event of the Lord Speaker’s unavoidable absence from the House, this task would</p>	<p>The House voted against a proposal that would have implemented this recommendation – see Recommendation 1 for full details.</p>

<p>be performed by the Chairman of Committees or by another Deputy Speaker.</p>	
<p><i>Who speaks for the executive?</i></p>	
<p>13. We recommend that renewed consideration be given, possibly by the Procedure Committees of the two Houses, to the means whereby ministers sitting in either House may be enabled to make statements to and answer questions in the other House.</p>	
<p><i>Pre-legislative scrutiny</i></p>	
<p>14. We recommend that there should be a presumption that all bills embodying important changes of policy (particularly constitutional bills) should be subject to pre-legislative scrutiny. Where such bills have not previously been the subject of wide consultation, by means of green and white papers, this presumption should be a requirement. If the Government does not publish a bill in draft, it should formally explain and justify its approach to the House.</p>	<p>The Liaison Committee recommended that the House should plan on the basis of supporting another pre-legislative scrutiny committee, in addition to the one unit of pre-legislative scrutiny for which resources were already provided (Liaison Committee, <i>Third Report of session 2010–12</i>).</p> <p>The Committee Office planned to allocate resources to enable the House of Lords to take the staffing lead on an additional unit of pre-legislative scrutiny committee activity from the start of the 2012-13 session.</p>
<p>15. We recommend that the Leader of the House, along with the Leader of the House of Commons, explore ways in which the process for reaching decisions on pre-legislative scrutiny can be improved, so as to make best use of the knowledge and experience of Members of the House of Lords.</p>	
<p><i>Legislative standards</i></p>	
<p>16. We recommend the establishment of a Legislative Standards Committee, either as Joint Committee or as a Select Committee of the House of Lords, to assess, immediately after introduction and before second reading, the technical and procedural implications of government bills with standards of best practice in bill preparation, on which we have made proposals in paragraph 94 of this report. We recommend that the Committee be appointed for the remainder of the current parliament in the first instance, and that its effectiveness be reviewed towards the end of the parliament.</p>	<p>During the debate on the Leader's Group report, Lord Strathclyde said: "A legislative standards committee needs further investigation. I do not give the idea full marks, although I give its underlying intention full marks. Why is that?... There is a tension between the House's role as a revising chamber... and the idea that one of its committees, composed of a small group of Members, should have the right to "block"... the progress of a government bill. The idea that the Government need to present a business case for their legislation calls into question the basic constitutional principle that a government with a majority in the House of Commons can expect to have their programme considered by parliament" (HL <i>Hansard</i>, 27 June 2011, col 1624).</p>
<p>17. We recommend that the Legislative Standards Committee should report on all government bills before second reading. If the Committee were set up as a Lords-only Committee, it would report only on bills introduced in this House. If the Committee reported that a bill was not compliant without good reason, it would be for the House to decide whether or not to grant a</p>	<p>Lord Filkin, a member of the Group, stated that all the report recommended was for the same standards currently applied to secondary legislation—compliance with standards for good legislation as defined by the Cabinet Office—also to be applied to primary</p>

<p>second reading.</p>	<p>legislation. The Legislative Standards Committee would not consider matters of policy (col 1625).</p> <p>Lord Strathclyde suggested that the clerks should be invited to put a proposal to the Procedure Committee. Consideration would have to be given to whether a Legislative Standards Committee should be a Joint Committee or a Lords committee, and if the former, discussions with the House of Commons would also be necessary (col 1625).</p> <p>In January 2012, Lord Strathclyde told the Procedure Committee that he did not propose to bring forward the Group’s proposal on a Legislative Standards Committee at that time, as the House of Commons Political and Constitutional Reform Committee was currently conducting an inquiry into ensuring standards in the quality of legislation (Minutes of Procedure Committee meeting, 30 January 2012).</p>
<p><i>Taking evidence on Lords bills</i></p>	
<p>18. We recommend that the Legislative Standards Committee be tasked with advising the House, in respect of each government bill introduced in the Lords, whether an evidence-taking session is required, and, if so, whether it should be in the form of a one-day hearing with the Government or committal to a Public Bill Committee. We suggest that the last option should be used only on those occasions where consultation has been inadequate, or major elements of policy have not been fully explained.</p>	<p>During the debate on the Leader’s Group report, Lord Strathclyde observed: “We already have procedures that allow the House to send Bills for evidence-taking—to Special Public Bill Committees or to select committees—but we have thus far used them sparingly, not least because wider use of these procedures would detract from the principle, which I value, that every Peer can contribute to scrutiny and amendment at every part of every stage of a Bill. Although I believe the Leader’s Group was right to explore ways in which the House might enhance the way it conducts the scrutiny of legislation, I doubt it will come as a surprise to noble Lords if I suggest that government support for such measures is likely to hinge on whether they extend the overall length of time a Bill spends in this House” (HL <i>Hansard</i>, 27 June 2011, cols 1533–4).</p>
<p>19. We have used the term “Public Bill Committee” to describe a 14-day evidence-taking procedure, as this term is familiar both in the Commons and beyond parliament. We recommend that, with a view to simplifying the House’s procedures, the existing, obsolete, Public Bill Committee procedure be abolished and replaced by the procedure outlined above. The Special Public Bill Committee Procedure would continue to be used for consideration of Law Commission Bills.</p>	
<p><i>Grand Committee</i></p>	
<p>20. We recommend that a rule be established, and included in the <i>Companion</i>, that all government bills introduced in the Commons should be considered in Grand Committee, apart from major constitutional bills and emergency legislation and other exceptionally controversial bills. In the case of such bills, the minister in charge of the bill should, when moving the committal</p>	<p>The Leader of the House proposed that instead of a firm “rule” subject to certain defined exceptions, there should simply a “presumption” that government bills introduced in the Commons should be committed to a Grand Committee, except where the usual channels agree otherwise. The Procedure Committee accordingly recommended that this arrangement should be adopted on a trial basis</p>

<p>motion to Committee of the Whole House, make a brief statement explaining to the House why the bill was deemed unsuitable for Grand Committee.</p>	<p>for the duration of the 2012–13 parliamentary session (Procedure Committee, <i>Eleventh Report</i> of session 2010–12, para 10).</p> <p>This recommendation was debated along with other recommendations that addressed the Leader’s Group Recommendations 9 and 22, also on the subject of Grand Committees.</p> <p>Baroness Royall of Blaisdon moved an amendment to reinstate the Group’s original recommendation that all government bills introduced in the Commons should be considered in Grand Committee, with certain defined exceptions. She then withdrew her amendment in the hope that the House would vote in favour of an alternative amendment by Lord Cormack, to refer all the recommendations relating to Grand Committee back to the Procedure Committee for further consideration. Lord Cormack’s amendment was agreed by 319 votes to 96 (HL <i>Hansard</i>, 26 March 2012, col 1155).</p>
<p>21. We recommend that all private Members’ bills be committed to Grand Committee. At the same time, the rule that only one bill per day may be considered in Grand Committee should be lifted, allowing private Members’ bills to be scheduled after other business, which might include government bills. If no amendments were tabled by the deadline of 5pm the previous day, it would be open to the Member in charge of the bill to move a motion in the chamber to discharge the order of commitment.</p>	
<p>22. We recommend that the sitting hours of the Grand Committee should in future be more predictable and longer. We propose that, with the exception of a period of around two weeks at the start and end of each session, there should be a presumption that the Grand Committee will sit on Tuesday, Wednesday and Thursday of each sitting week, from 10.30 am to 12.30pm and from 2.30 until 6.30pm.</p>	<p>The Leader of the House supported the Group’s recommendations that the Grand Committee sitting hours should be longer, but proposed, as an alternative to morning sittings, that Grand Committees on primary legislation should sit from 3.30pm to 10pm on Mondays and Tuesdays, from 3.45pm to 10pm on Wednesdays, and from 12 noon to 7pm on Thursdays, with a one-hour break. He proposed no changes to Grand Committee sitting times on other types of business.</p> <p>The Procedure Committee accordingly recommended:</p> <ul style="list-style-type: none"> • That for the duration of the 2012–13 session of parliament [as a trial period], Grand Committees on primary legislation should rise no later than 10pm on Mondays, Tuesdays and Wednesdays, no later than 7pm on Thursdays; • That these extended sitting times should include provision for a one-hour dinner or tea break.

	<p>(Procedure Committee, <i>Eleventh Report of session 2010–12</i>, para 10)</p> <p>This recommendation was debated along with other recommendations that addressed the Leader’s Group recommendations 9 and 20, also on the subject of Grand Committees. The House voted by 319 votes to 96 in favour of an amendment moved by Lord Cormack to refer all the recommendations back to the Procedure Committee for further consideration (HL <i>Hansard</i>, 26 March 2012, col 1155).</p>
<i>Clauses not considered by the Commons</i>	
<p>23. We recommend that, in cases where clauses or parts of a government bill are not debated in the Commons, the Government should submit a memorandum to the Legislative Standards Committee, flagging up which clauses have been affected. The Legislative Standards Committee should review the Government’s memorandum, and report its findings to the House in order to assist Members in subsequent scrutiny of the bill.</p>	
<i>Speaking times</i>	
<p>24. We recommend that the guidance in Chapter 4 of the <i>Companion</i> on speaking limits should be repeated in Chapter 8, and thereby extended unambiguously to proceedings on legislation.</p>	<p>In January 2012, Lord Strathclyde proposed to the Procedure Committee that in debates on amendments, an advisory time limit of 15 minutes should generally apply to the mover of an amendment and to the Opposition frontbench spokesmen, and an advisory limit of 7 minutes to backbench contributions. As an enforcement mechanism, the motion that the noble Lord be no longer heard would, in proceedings on Government bills, become non-debatable, and its effect would be to bar the Member concerned from speaking again that day on the same item of business on the order paper.</p> <p>There was general support amongst members of the Procedure Committee that advisory time limits should be introduced. However, concerns were expressed that the time limits proposed were too short, and some support was expressed for the Leader’s Group recommendation, which would have the effect of limiting the mover to 20 minutes and other speakers to 15 minutes. Other members of the Procedure Committee proposed either 15 minutes for everyone, 15 minutes and 10 minutes, or supported the Leader’s proposal of 15 minutes and 7 minutes.</p> <p>There was opposition amongst the Procedure Committee to the Leader’s proposals on the “no longer heard” motion, where it was argued that the change was not necessary if Members, and the Whips in particular, were enabled to do</p>

	<p>their job by means of clearer guidance.</p> <p>Lord Strathclyde withdrew his proposals regarding the motion “that the noble Lord be no longer heard”. He noted the Procedure Committee’s general support for advisory time limits and undertook to discuss the options further before returning with a further proposal (Minutes of the Procedure Committee meeting, 30 January 2012).</p>
<p>25. We further recommend, as the chamber clocks are currently used to time debates on amendments rather than individual speeches, that consideration be given to improving the number and visibility of annunciator screens in the chamber, so that Members can more easily keep track of the length of individual contributions.</p>	<p>Additional annunciators have been installed in the Moses Room. Discussions are ongoing between the Leader’s Office and the Administration regarding other changes to the annunciators.</p>
<p><i>Post-legislative scrutiny</i></p>	
<p>26. We recommend that the House of Lords appoint a Post-Legislative Scrutiny Committee, to manage the process of reviewing up to four selected Acts of Parliament each year.</p>	<p>The Leader of the House proposed to the Liaison Committee that it would make better use of Members’ expertise to establish an ad hoc post-legislative scrutiny committee on a particular Act(s). The Liaison Committee identified the Children and Adoption Act 2006 and the Adoption and Children Act 2002 as legislation suitable for post-legislative security, and accordingly recommended the appointment of an ad hoc committee, which was to report in time to allow the Liaison Committee to evaluate the outcome of this first post-legislative scrutiny committee before the end of the 2012–13 session (Liaison Committee, <i>Third Report of session 2010–12</i>).</p> <p>The House agreed to this on 26 March 2012 (HL <i>Hansard</i>, col 1185) and a committee on Adoption Legislation was appointed on 29 May 2012 (HL <i>Hansard</i>, col 1081).</p>
<p><i>Delegated legislation</i></p>	
<p>27. We recommend that the House should adopt a resolution asserting its freedom to vote on delegated legislation, and affirms its intention to use such votes to delay, rather than finally to defeat, such legislation. Such a resolution would establish the House’s role as a revising chamber in respect of delegated as well as primary legislation.</p>	
<p>28. We recommend that the resolution should contain the following elements:</p> <ul style="list-style-type: none"> • That the House asserts its freedom to decline to approve any draft affirmative instrument, or to pass a prayer to annul any negative instrument, laid before it by the Government; 	

<ul style="list-style-type: none"> • That the purpose of the House's use of this power is to enable the Government of the day to reconsider the policy set out in the instrument; • That in the event that the House has declined to approve an affirmative instrument, and the Government has laid a substantially similar draft instrument, and this instrument has been approved by the House of Commons, the House will agree to the approval motion without amendment; • That in the event that the House has passed a prayer to annul a negative instrument, and the Government has laid a substantially similar instrument the House will not vote on a prayer to annul the second instrument. 	
<p><i>The tabling and scheduling of debates</i></p>	
<p>29. We recommend the establishment of a House of Lords Backbench Business Committee. We recommend that the committee be charged with selecting specific types of backbench business, which are set out in detail below.</p>	
<p>30. We recommend that the Committee be made up of 12 Members, all sitting on the backbenches. It would be for the parties and the Crossbenchers to determine the mode of appointment, though we see merit in parties and groups electing representatives, as they have done to the House Committee. Membership should be subject to regular rotation (or re-election).</p>	
<p>31. We believe that the Committee will strengthen self-regulation, by bringing greater transparency and accountability to the process whereby backbench business is scheduled. The aim of the Committee would be to take account of the views of all Members, as well as the concerns of the public, in selecting topical or important subjects for debate. In so doing, it would consider applications from any Member or Members of the House, and might invite those Members to present their applications in person.</p>	
<p>32. In particular, we recommend that the Backbench Business Committee should, initially, be tasked with selecting:</p> <ul style="list-style-type: none"> • Subjects for debate on those Thursdays (from autumn 2011, one each calendar month up until the end of January in any given session) currently set aside for balloted debates. • A one hour topical Question for Short 	

<p>Debate each week. We suggest that the Committee should select the Question for Short Debate on Thursday, from a list of suggestions submitted to the Committee by Members in the course of that week. The question would be asked the following Tuesday or Wednesday.</p> <ul style="list-style-type: none"> • Questions for Short Debate to be taken in Grand Committee on a predictable day set aside for such debates (for instance, the first Monday of each month). 	
<p>33. We recommend that Members be limited to one Question for Short Debate in <i>House of Lords Business</i> at any one time. We further recommend that each Question for Short Debate should indicate the date on which it was tabled; after six months it should be removed from the list.</p>	<p>The Procedure Committee proposed that, with effect from the start of the 2012–13 session:</p> <ul style="list-style-type: none"> • Members be limited to one Question for Short Debate in <i>House of Lords Business</i> at any one time; • Each Question for Short Debate should indicate the date on which it was tabled; • After six months it should be removed from the list. <p>(Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 6).</p> <p>This proposal was agreed to without division (HL <i>Hansard</i>, 8 November 2011, col 159)</p>
<p>34. We recommend that, in allocating those Questions for Short Debate for which it is responsible, the Backbench Business Committee should give priority to Members who have not previously asked a Question for Short Debate in the current session.</p>	
<p>35. We recommend that a ballot, on the day of State Opening, should be conducted to determine the order of priority of those Questions for Short Debate tabled at the start of the session.</p>	<p>The Procedure Committee considered a proposal from the Clerk of the Parliaments to change the arrangements for the tabling of QSDs on State Opening Day, echoing the Leader’s Group recommendation. The Procedure Committee supported this change and recommended that a ballot should be conducted to determine the order in which QSDs tabled on the day of State Opening are entered into <i>House of Lords Business</i> (Procedure Committee, <i>Tenth Report</i> of session 2010–12, para 3).</p> <p>The House agreed to this on 20 December 2011 (HL <i>Hansard</i>, col 1670).</p>
<p><i>Neutral wording</i></p>	
<p>36. We endorse the principle that motions for debate should normally be worded neutrally. However, we note that substantive motions for resolution, incorporating statements of opinion, are already admissible, and therefore recommend that, in selecting topics for</p>	

<p>debate, the Backbench Business Committee should also consider proposals for such motions, whose purpose would be to allow the House to express an opinion on important issues of the day.</p>	
<p>37. We suggest that, during the trial period short debates on motions for resolution, held either in the dinner break, or at the end of business on Mondays, Tuesdays or Wednesdays, might be appropriate. It would be for the Committee, in discussion with the usual channels, to consider this matter further.</p>	
<p><i>Time-limits and speakers' lists</i></p>	
<p>38. We recommend that the guidance in the <i>Companion</i> on the wording of Questions for Short Debate should be clarified as follows: "Questions for the short debate last for a maximum of 1½ hours and should therefore be limited in scope".</p>	<p>The Procedure Committee proposed incorporating the suggested wording in the <i>Companion</i> (Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 6). This proposal was agreed to without division (HL <i>Hansard</i>, 8 November 2011, col 159).</p>
<p><i>Simple language</i></p>	
<p>39. We recommend that the next edition of the <i>Companion</i> incorporate guidance confirming that the House of Commons may be referred to by name rather than as "the other place".</p>	<p>The Procedure Committee proposed that the following text be inserted prior to paragraph 4.42 of the <i>Companion to the Standing Orders</i>: "The House of Commons may be referred to by name, rather than as 'the other place' or 'another place' (Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 7). This proposal was agreed to without division (HL <i>Hansard</i>, 8 November 2011, col 159).</p>
<p>40. We recommend that the current convention on appellations be discontinued. Instead, we recommend that Members should refer to other Members by title ("Baroness xxx", "Lord xxx", "the Bishop of xxx"); where Members do not know or choose not to use the title, they should refer simple to "the noble Lord", "the noble Baroness", "the right reverend Bishop" or "the minister". Members of the same party or group could still be referred to as "my noble friend".</p>	<p>The Procedure Committee proposed adopting a system of appellations suggested by the Clerk of the Parliaments:</p> <p>Members should address the House as a whole, and they should never use the second person when addressing other Members in debate. A Member may refer to any other Member, without specifying his or her title, as "the noble Lord", "the noble Lady", "the noble Duke", "the right reverend Bishop" or "the most reverend Archbishop". Members may also, if they so wish, use the appropriate rank—for example "the noble Earl" or "the noble Baroness"—but there is no obligation to do so. When referring to another Member by name, the correct form is "Lord W", "Lady X", "the Duke of Y", "the Bishop/Archbishop of Z". Members may also use the term "my noble friend" to refer to fellow members of a political party. When referring to a Minister of the Crown, Members may refer to "the Leader of the House", "the Minister" or "the Secretary of State", as appropriate.</p>

	<p>(Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 9)</p> <p>When the House divided on this proposal, there were 173 votes in favour and 173 votes against it. The proposal was therefore disagreed to, as Standing Order 56 requires there to be a majority of votes in favour for a motion to be agreed to (HL <i>Hansard</i>, 8 November 2011, col 167).</p>
<p>41. We recommend that the practice of debating “motions for papers” be discontinued, and that in future all general debates not inviting the House to reach a positive decision take place on “take note” motions.</p>	<p>The Procedure Committee proposed that the practice of debating “motions for papers” be discontinued, and that in future all general debates not inviting the House to reach a positive decision take place on “take note” motions, which should be short, neutrally phrased, and not subject to amendment (Procedure Committee, <i>Eighth Report</i> of session 2010–12, Proposal 8).</p> <p>The proposal was agreed to without division (HL <i>Hansard</i>, 8 November 2011, col 160).</p> <p>The Procedure Committee subsequently recommended a technical amendment to Standing Order 37, as the existing wording presupposed that motions for debate would be withdrawn at the end of a time-limited debate, whereas take note motions are always agreed to (Procedure Committee, <i>Tenth Report</i> of session 2010–12, para 6). This recommendation was agreed to on 20 December 2011 (HL <i>Hansard</i>, col 1670).</p>
<p><i>Measuring influence</i></p>	
<p>42. We recommend that, instead of ministers offering to write to participants in debate and to place copies of such letters in the Library of the House, there should be an obligation on ministers to publish written responses to all substantial points raised in House of Lords debates (and not answered orally) in <i>Hansard</i>, as Written Ministerial Statements. Such responses should be signed by the minister who replied to the debate.</p>	
<p><i>Public initiation of debate: petitions</i></p>	
<p>43. We recommend the abolition of the procedure for public petitions to the House of Lords, which is archaic and has fallen into disuse. We consider that in the longer term it may be desirable to introduce a more effective procedure for public initiation of business in the House of Lords, but, in view of recent developments in the Commons, we make no recommendation in that regard.</p>	<p>The Procedure Committee noted that in September 2011, Lord Touhig presented a public petition on welfare reform on behalf of Community Housing Cymru, the first public petition to be presented to the House of Lords since 2000. It also noted that the House of Commons had begun scheduling debates on topics raised on the Government’s e-petitions website. In light of these developments, the Procedure Committee considered that the Leader’s Group recommendation should not be</p>
<p>44. In the interim, we recommend that evidence of support from outside bodies,</p>	

<p>such as non-governmental organisations and the voluntary sector, be adopted by the Backbench Business Committee as one of its criteria in selecting subjects for debate in the House of Lords.</p>	<p>taken forward at this time (Procedure Committee, <i>Eighth Report</i> of session 2010–12, paras 23–5).</p>
<p>Committees</p>	
<p>45. We recommend that the House establish two additional sessional select committees, with the intention of enhancing its capacity to scrutinise government policy. In determining the remit of these committees, we recommend that particular regard be paid to the need for Lords committees to:</p> <ul style="list-style-type: none"> • Make best use of the knowledge and experience of Members of the House; • Complement the work of Commons departmental select committees; • Address areas of policy that cross departmental boundaries. 	<p>The Liaison Committee undertook a review of committee activity and recommended that new investigative committees should be appointed for a term of up to one session to conduct a specific inquiry, rather than being sessional committees which would be reappointed each session, as this would better allow for committee activity to be kept under regular review.</p> <p>The Liaison Committee recommended the appointment of two new ad hoc committees, one on public service provision in light of demographic change, and the other on exports by small and medium sized enterprises (Liaison Committee, <i>Third Report</i> of session 2010–12). This was approved by the House on 26 March 2012 (HL <i>Hansard</i>, col 1185), and the Committees were appointed on 29 May 2012 (HL <i>Hansard</i>, col 1081).</p> <p>The House Committee agreed that the Administration would make savings to make the increase in committee activity cost-neutral overall (House Committee, <i>Third Report</i> of session 2010–12).</p>
<p>46. We recommend that in future the work of all investigative select committees of the House should be subject to regular and systematic review, and that, following the appointment of the two additional committees recommended above, any further sessional committees should only be appointed to replace existing committees, without creating extra demands on resources.</p>	<p>The House Committee agreed that the Administration would make savings to make the increase in committee activity cost-neutral overall (House Committee, <i>Third Report</i> of session 2010–12).</p>
<p>Committee chairmen: mode of appointment</p>	
<p>47. We recommend that House of Lords select committees be charged with electing their own chairmen. Chairmen of sessional select committees would be elected for three sessions, unless before completion of that term they either resigned or the Committee passed a formal vote of no confidence.</p>	
<p>Chairman of Committees and Principal Deputy Chairman of Committees</p>	
<p>48. We recommend that the Chairman of Committees and Principal Deputy Chairman of Committees should in future be elected by secret ballot of the whole House. The detailed rules governing such elections should be embodied in Standing Orders.</p>	
<p>Debates on committee reports</p>	
<p>49. We welcome the willingness of committees to hold debates on committee reports in the Moses Room, and recommend that, in order to assist in planning timely debates, one day a month in Grand Committee be set aside for such debates.</p>	

<p>50. We recommend that, in order to promote wider Member interest in select committee work, the scheduled publication of committee reports be listed on the Order Paper, and that, for a trial period, up to five minutes after the end of oral questions should be made available for committee chairmen to draw Members' attention to newly published reports.</p>	
<p><i>Business management and self-regulation</i></p>	
<p>51. We reaffirm the longstanding convention that the House should consider government business in "reasonable time". This convention creates obligations for all. The Government should allow the House a "reasonable" time to consider any bill—that is to say, an amount of time proportionate to the complexity and importance of the bill, so that the House can scrutinise it thoroughly. In so doing they should respect the minimum intervals between stages of legislation. In exchange, the House, in particular the main opposition parties, should respect the convention that the Government is entitled to have its business considered in reasonable time.</p>	<p>This recommendation endorses existing conventions.</p>
<p>52. We urge the Leader of the House to consider ways in which the work of the usual channels could be made more accessible to the House as a whole. There should be a more clearly defined role for the Convenor of the Crossbench Peers, and also a role for the Chairman of the Backbench Business Committee.</p>	
<p>53. We recommend that the usual channels communicate information on business scheduling more widely. They could do so, for instance, by indicating in <i>Forthcoming Business</i> the number of days (possibly within a range discussed by the usual channels) anticipated for stages of government bills. Such indications would not be binding, but would assist the House in judging what, in the context of each bill, constituted "reasonable time".</p>	<p><i>Forthcoming Business</i> now indicates the number of days expected to be taken on stages of Bills (Minutes of Procedure Committee meeting on 7 December 2011).</p>
<p>54. We remind all Members of the "firm convention" that the House should normally rise by around 10pm on Mondays, Tuesdays and Wednesdays; target rising times should reflect this convention. Whenever there is a reasonable expectation that the House will sit significantly later, we recommend that the Government Chief Whip should make a business statement, explaining the reason for the late sitting, after oral questions.</p>	

<p>55. We recommend also that the House should in future sit at 2pm on Mondays, Tuesdays and Wednesdays, so allowing up to an additional two hours sitting time each week.</p>	
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