



Library Note

Select Committees in the House of Lords

This Library Note considers committees in the House of Lords which deal with public matters. These can be categorised as either ‘investigative’ committees (a select or joint committee established to consider matters of public policy—either permanent or ad hoc) or ‘legislative scrutiny’ committees (considering draft, primary or secondary legislation, including private member’s bills—either as a standing, public bill, select or joint committee). Each type of committee is composed of a limited number of members of the House.

Legislative committees should be distinguished from a committee of the whole House (which takes place in the Chamber) or a grand committee (which usually takes place in the Moses Room). Both act as the committee stage of a bill but can involve all Members of the House if they choose to participate in the proceedings. The vast majority of public bills are considered by the House in this manner. Different types of legislative committee have periodically been used either to save time on the floor of the House or to allow more detailed examination of bills.

This Note does not discuss select committees which deal with private business (including personal bills, standing orders (private bills) and hybrid instruments committees) or the domestic and procedural affairs of the House, except the Liaison Committee.

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3 November 2016
LLN 2016/057

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1. Standing Committees on Public Bills (1889–1910)

Towards the end of the 19th and for most of the first half of the 20th century, the House regularly established select committees to consider public bills and matters of public policy. The desirability of introducing standing committees to the House had been discussed as early as 1848 by a select committee.¹ However, it was not until 1889 that two standing committees were established: one to consider bills relating to law, courts of justice and legal procedure, and one to consider all other ‘general’ bills. The referral of bills to either of these committees was optional and would precede rather than replace the committee stage consideration by a committee of the whole House. The bills chosen for referral were also intended to be politically uncontroversial and any amendments made were to be regarding minor drafting points or for tidying up purposes.²

However, due to a perception that the committees were overstepping their original purpose by introducing substantive amendments, from 1891 only one committee was appointed and its powers were also curtailed. From then on, the number of bills referred to the committee varied considerably, and the length of meetings and amendments made were reduced substantially. During their operation, the House’s tradition of equal rights for all Peers led to resentment in some quarters that power was being taken away from the floor of the House. The committee concept was also still in its infancy at this point and the House was yet to experience real pressure on the time it had available to deal with its business. As a result, by 1909 the system had fallen into abeyance and in 1910 the ‘experiment’ was formally brought to an end. Thereafter, the possibility of re-establishing standing committees was occasionally revisited by the House.³

2. Select Committees on Public Matters (1900–1939)

During the first half of the 20th century, until 1939, numerous select committees were also established to consider matters of public policy including Transubstantiation (session 1901), the Church in Wales (session 1914), the design of Lambeth Bridge (session 1928), agriculture damage by rabbits (session 1936–37) and the prevention of road accidents (sessions 1937–38 and 1938–39).⁴ During the same period, approximately 40 select committees were also established to consider public bills. They mostly concerned private member’s bills and while evidence was occasionally taken, the reports that were produced were usually very short regardless of the number of amendments made to the bill in question.⁵ However, after the beginning of the Second World War, neither type of committee was appointed at all between 1940 and 1971.

¹ P A Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 114.

² In 1882 standing committees were also established in the House of Commons for the first time. They continued to exist, in varying forms, until 2006 when they became known as public bill committees.

³ R L Borthwick, ‘An Early Experiment with Standing Committees in the House of Lords’, *Parliamentary Affairs*, 1971, vol 25(1), pp 80–6. Lord Burnham proposed that they should be re-established in 1927, but his proposal was not accepted (HL *Hansard*, 1 March 1927, col 261).

⁴ For a complete list during this period see Appendix I of this Note.

⁵ R Walters, ‘The House of Lords’, in V Bogdanor (ed), *The British Constitution in the Twentieth Century*, 2003, pp 223–4.

3. White Paper on House of Lords Reform and Ad Hoc Select Committees (1968–1971)

The white paper on *House of Lords Reform* (Cmnd 3799) was published in 1968. While its main recommendations about the composition and powers of the House were not implemented, it did suggest that there might be a bigger role for the use of public bill committees and the establishment of ‘specialist’ (or investigative) committees in a reformed House.⁶ The significant number of life Peers who had joined the House since the Life Peerages Act 1958 brought a wide array of expertise and a more professional approach to their work in the House. As a result, there was enthusiasm for the suggestion, and the committee’s proposal was described as a “spar which could be rescued from the wreckage” of the white paper.⁷ It began with the establishment of the ‘ad hoc’ Select Committee on Sport and Leisure in 1971, which was the first select committee to consider matters of public policy since 1939. When Earl Jellicoe, as Leader of the House, moved the motion to establish this select committee, he expressed his hope that it would be the first of many such select committees established by the House and in his winding-up speech he concluded that:

I personally believe that in your Lordships’ House there is a pool of experience and expertise which is not properly used for the nation’s benefit. I also believe that the judicious employment of select committees is one of the ways by which that pool of experience and expertise can be more properly exploited for the benefit of the nation.⁸

Once it has performed the task for which it is established—usually the publication of a report—an ad hoc committee ceases to exist.

4. Public Bill Committees (1968)

A public bill committee is a select committee which examines a bill clause by clause and then proposes amendments. This process acts as the committee stage of the bill. Twelve to sixteen Peers are usually designated as members of such a committee, along with the Senior Deputy Speaker, but all Peers may attend the proceedings of a public bill committee and have the right to speak and move amendments, but only those appointed as members may vote in divisions. No evidence is taken by this type of committee.

Just prior to the publication of the white paper, the Procedure Committee had once again considered the case for the appointment of standing committees to consider public bills, but rejected the idea as being impractical. However, it did support the reference of a “suitable bill to a select committee should the situation seem to require it”.⁹ As a result, the Government agreed to conduct an experiment by consenting to the referral of the Gaming Bill to a public bill committee in 1968. A number of other public bill committees were established between this date and 1976, with mixed success. Initially, after each bill had been examined by such a committee, it had to be re-committed to a committee of the whole House and then progress through its remaining stages like any other public bill. From 1976 this requirement was abolished and consideration by a public bill committee replaced the committee stage of a bill.¹⁰

⁶ Cabinet Office, *House of Lords Reform*, November 1968, Cmnd 3799, Appendix II.

⁷ HL *Hansard*, 2 November 1971, cols 23–4.

⁸ HL *Hansard*, 9 December 1971, col 894.

⁹ House of Lords Procedure Committee, *Second Report*, May 1966, HL Paper 17 of session 1966–67, para 4.

¹⁰ House of Lords Procedure Committee, *Fourth Report*, May 1975, HL Paper 214 of session 1974–75.

The use of public bill committees then lapsed for ten years, but was revived to consider the Pilotage Bill in 1986. A working group that reviewed the use of this procedure deemed this instance to have been unsuccessful and noted that Peers were divided as to the merits of such committees; some considered that it saved time on the floor of the House and produced better quality bills, while others considered that the composition of the committees would always be unrepresentative of a less partisan House and only result in delays in the bill's passage. They also recommended that the procedure should only be used when there were acute time pressures on the floor of the House and that only private member's bills and technical and non-controversial government bills should be so referred.¹¹

Since then only two more public bills have been referred to this type of committee: the Charities Bill in 1991 and the Trade Marks Bill in 1994.¹² The Jellicoe Committee¹³ was of the view that the procedure had been more successful in relation to the consideration of the Charities Bill than the experience with the Pilotage Bill and cautiously recommended that, if such committees continued to be used, then one or two suitable bills should be referred to them in each session. However, no more public bill committees have been established and the greater use of grand committees since this date has also largely superseded their utility.

5. Select Committees on Public Bills (1972)

Bills are committed to a select committee when it is considered that they require detailed investigation or when the hearing of evidence is considered necessary on the bill's provisions. After finishing its deliberations the committee will decide whether or not the bill should proceed. If the committee believes that the bill should proceed, it will produce a report to the House which will include any amendments considered necessary. The bill is then re-committed to a committee of the whole House, after which it will follow the remaining stages of a public bill. If the committee believes that the bill should not proceed, then a report is made to the House accordingly, containing no amendments, and the bill will not be re-committed to a committee of the whole House. However, in any event the committee has no power to kill the bill. Bills are usually committed to a select committee after second reading but this can happen at any stage before third reading.

Earlier in the 20th century, select committees were regularly established to consider public bills. After a break of over 30 years, select committees again began to be established for this purpose following the publication of the 1968 white paper. The first bill to be considered in this way was the Anti-Discrimination (No 2) Bill in 1972.¹⁴ Government-sponsored public bills are rarely committed to select committees for consideration and are instead usually either considered by a committee of the whole House or a grand committee. However, the first government public bill to be so committed was the Hare Coursing Bill in the 1975–76 session. This did not happen again until 2004 when, because of the controversial nature of some of its provisions, the Constitutional Reform Bill was referred to a select committee.¹⁵

Select committees can also be appointed for the purpose of conducting pre-legislative scrutiny of any draft bills published by the Government, which involves taking evidence and producing a report, usually within a three to four month period. The process does not replace any stage of

¹¹ *Report by the Group on the Working of the House*, July 1987, HL Paper 9 of session 1987–88, p 9.

¹² For a complete list see Appendix 3 of this Note.

¹³ See Section 7 of this Note for background information about this committee.

¹⁴ For a complete list since this date see Appendix 4 of this Note.

¹⁵ R Rogers and R Walters, *How Parliament Works*, 2006, 6th ed, pp 378–9.

the final bill once it has been introduced in the House. This has only happened once with the referral of the draft Freedom of Information Bill to a select committee in 1999. Pre-legislative scrutiny is more commonly conducted by joint committees of both Houses.¹⁶

6. Practice and Procedure Committee Report (1977)

The Practice and Procedure Committee reported in 1977 and recommended establishing a new standing committee structure of seven or eight committees to reduce legislative congestion and improve scrutiny by the House.¹⁷ Each committee would have been responsible for particular policy areas, including the consideration of all relevant bills and delegated legislation, as well as white and green papers. Public bills would have been considered by the committees in both the manner of a select committee and a public bill committee. Despite receiving support on the floor of the House and a promise from the Leader of the House to conduct an experiment with such a structure,¹⁸ this recommendation was never acted upon—possibly because in 1979 the House of Commons established a departmental-based select committee system or more probably because of limited resources.¹⁹ However, the new system in the Commons led to their pre-existing Select Committee on Science and Technology being stood down and as a result a Lords committee of the same name was appointed in January 1980 as the second sessional select committee.²⁰

7. Jellicoe Committee Report (1992)

Following concerns about pressures on the committee resources of the House, which had briefly been considered by a working group in 1987,²¹ the Jellicoe Committee was established in 1991 to conduct the first comprehensive review of the use of committees in the House. It reported in 1992 and put forward proposals for a “more balanced and structured committee system”, including a recommendation that ad hoc committees should become a regular part of the House’s work and that limited experiments should also be conducted with the use of public bill committees, special standing committees and a Delegated Powers Scrutiny Committee. For the first time, it also articulated the principle that select committees in the Lords should generally seek to complement rather than duplicate the work of those in the Commons.

The Committee considered but rejected conducting any experiment with the standing committee structure originally proposed by the Practice and Procedure Committee in 1977. It also considered whether any more permanent committees should be established, including a number which would have covered cross-departmental subject areas. A number of suggestions from Peers were also received, including a select committee on foreign affairs, one on justice and another to assess the environmental impact of bills. The Committee declined to suggest that any more committees of this nature be established and instead recommended the greater use of ad hoc committees to consider some of the subject areas which had been suggested, with at least one being established in each session. However, as a result of another

¹⁶ House of Commons Library, [Pre-Legislative Scrutiny](#), 9 April 2010; and [Pre-Legislative Scrutiny under the Coalition Government](#), 19 June 2013.

¹⁷ Select Committee of the House of Lords on Practice and Procedure, *First Report*, April 1977, HL Paper 141 of session 1976–77.

¹⁸ HL *Hansard*, 5 July 1977, col 166.

¹⁹ Select Committee on the Committee Work of the House, *Report*, 1992, HL Paper 35 of session 1991–92, para 128.

²⁰ The House of Commons re-established its Select Committee on Science and Technology in 1992.

²¹ Group on the Working of the House, *Report*, July 1987, HL Paper 9 of session 1987–88.

recommendation, a Select Committee on the Scrutiny of Delegated Powers was established later that year.²²

8. Liaison Committee

The Jellicoe Committee also recommended that a Steering Committee should be established to allocate resources between select committees, keep under review the committee work of the House, consider requests from Peers for the appointment of new permanent and ad hoc committees, ensure the effective coordination of committee work with the Commons (so as to avoid duplication), and to consider the availability of members to serve on those committees. This was duly established in November 1992 as the Liaison Committee, and is composed of the Senior Deputy Speaker, all party Leaders, the Convenor of the Crossbench Peers and six backbenchers. It usually meets around three times a year.²³

Before this committee was established, the method by which ad hoc select committees were established varied considerably, with decisions either being made on the initiative of the Government, as a result of debates in the House or within existing select committees. The Government's acquiescence was always necessary for their establishment in practice, but nevertheless the reports made by some of the committees subsequently appointed were not always to their taste.²⁴ However, despite the regularisation of the process with the establishment of the Liaison Committee, select committees can still be established on the initiative of the House. In 2001, the Select Committee on Stem-Cell Research was established in this way without recourse to the Liaison Committee. In a similar fashion, the House agreed a motion asking the Liaison Committee to consider establishing a Select Committee on Chinook ZD 576 but, despite that committee's express view that it was not appropriate to establish a committee to undertake a quasi-judicial function, the House still chose to appoint this committee in the same year. Pre-legislative scrutiny committees are often appointed without a prior report by the Liaison Committee.

9. Special Public Bill Committees (1994)

Special public bill committees operate in the same way as public bill committees, except that, before bills are considered clause by clause in the usual manner and amendments made, special public bill committees are empowered to take written and oral evidence on the bill within 28 days of their appointment, usually beginning with the responsible minister. Such committees are appointed by the Committee of Selection, with the government having a majority over the other parties and with the balance being held by the Crossbenchers. Ministers and opposition frontbench spokesmen are also typically members of such committees. Any member of the House may attend public sessions of a special public bill committee, speak and move amendments, but may not vote in the event of a division. The committee does not produce a report as such, but only a copy of the bill as amended, published alongside the evidence and committee proceedings.

The Jellicoe Committee's recommendation that an experiment should be conducted with special standing committees was also taken forward. The Committee had suggested that one or

²² Select Committee on the Committee Work of the House, *Report*, 1992, HL Paper 35 of session 1991–92, para 133.

²³ UK Parliament, '[House of Lords Liaison Committee page](#)', accessed 3 November 2016.

²⁴ R Blackburn, A Kennon and M Wheeler-Booth (eds), *Griffith & Ryle on Parliament: Functions, Practice and Procedures*, 2003, p 702.

two technical and non-controversial bills, such as Law Commission proposals, could be referred to such committees in order to expedite their passage. They expressed the hope that this procedure might be made available to other categories of bills in due course.²⁵ Following an experiment with a special standing committee during the 1993–94 session, the House adopted the procedure, renamed the Special Public Bill Committee Procedure in 1994. It was initially used, as originally foreseen, to consider two Law Commission bills during the 1994–95 session, but the procedure fell into disuse until it was revived and used for five Law Commission bills from the 2008–09 session.²⁶

The House of Commons relies upon public bill committees (which were previously called standing committees until 2006) as a matter of course for the committee stage of a bill, and these are broadly equivalent to special public bill committees in the Lords.

10. Scottish Select Committees (1995)

In 1995, the Lords Procedure Committee recommended that Scottish select committees and select committees meeting in Scotland should be empowered to take evidence in Scotland, but have no power to amend bills.²⁷ This procedure was only used on three occasions in sessions 1995–96 and 1996–97. Scottish Select Committees have fallen into disuse²⁸ although House of Lords Committees still take evidence in Scotland.²⁹

11. Wakeham Commission (2000)

The removal of the majority of the hereditary Peers in 1999, as with the introduction of life Peers from 1958 onwards, had a significant impact on the way that the House conducted its business. The Royal Commission on the Reform of the House of Lords (‘the Wakeham Commission’) was established in January 1999 and reported a year later.³⁰ It was primarily concerned with the powers, functions and constitution of a reformed House, but also declared that “specialist committee work should continue to be an important function of the reformed chamber”, and recommended that two further permanent select committees should be appointed to consider economic affairs and the constitution. The report also suggested that further select committees could be established to scrutinise international treaties and devolution, with a sub-committee of the constitution select committee established to consider human rights issues. As with the 1968 white paper, while most of the Wakeham Commission’s major recommendations on reform of the House were not implemented, the recommendations on committees proved to be more durable.

12. Reviews of Select Committee Activity (2000 and 2006)

In May and June 2000, the Liaison Committee conducted a review of select committee activity and endorsed the Wakeham Commission’s recommendations for the creation of two new permanent committees in 2001: the Select Committee on the Constitution and the Select

²⁵ R Blackburn, A Kennon and M Wheeler-Booth (eds), *Griffith & Ryle on Parliament: Functions, Practice and Procedures*, 2003, para 132.

²⁶ For a complete list see Appendix 5 of this Note.

²⁷ Select Committee of the House of Lords on the Procedure of the House, *Second Report*, 1995, HL Paper 15 of session 1995–96.

²⁸ For a complete list see Appendix 6 of this Note.

²⁹ For example the Economic Affairs Committee and the ad hoc Committee on Small and Medium Enterprises and Exports.

³⁰ Royal Commission on the Reform of the House of Lords, [A House for the Future](#), January 2000, Cm 4534.

Committee on Economic Affairs. With regard to the Wakeham Commission's other suggestions for select committees, only one of these was established in the form of the Joint Committee on Human Rights in early 2001. Devolution issues have also tended to be considered by the Select Committee on the Constitution since this date.³¹ With regard to the proposal for a committee on international treaties, the Liaison Committee postponed their consideration of this suggestion pending the outcome of similar deliberations in the House of Commons. The Commons ultimately chose not to establish a committee of this nature and, when the matter was considered again in the Lords, they also decided not to establish such a committee.

In 2006, the Liaison Committee conducted another review of select committee activity and agreed that at the beginning of every new Parliament it would review the work of select committees before their motions of re-appointment were tabled, bearing in mind the special scrutiny role of the EU Select Committee, whose appointment should not be delayed. The Liaison Committee also considered the duration of select committees and agreed that unless there was a compelling reason to the contrary it would not in future recommend the appointment of new permanent committees of open-ended duration, but instead recommend their appointment for the duration or remaining duration of the Parliament. Lastly it agreed a general set of criteria that it would apply when determining whether or not a new committee should be established on an ad hoc or permanent basis.

13. Review of Select Committee Activity (2010)

Following the 2010 general election, the Liaison Committee conducted a further review of select committee activity, as anticipated in their 2006 report.³² It concluded that no major changes were required to the existing select committees' terms of reference and that they should all be reappointed as they continued to "have a relevant and useful function". It noted that the additional marginal cost of a new unit of committee activity was estimated to be around £225,000. The Committee also reviewed the criteria it applied in determining whether a new committee should be established. It retained many of the criteria referred to in their earlier report, but restated them as follows:

- The subject matter of any new committee will be of significance and of wider interest to the House.
- Duplication with the remit of existing Lords committees should be avoided.
- Sufficient members should be likely to be available to sit on any new committee.
- Where the proposal is for a permanent committee, the extra cost and staffing and accommodation requirements should be taken into account.
- The purpose of any new committee would be of long term value in terms of its impact and effectiveness.
- That the committee's terms of reference should complement and avoid duplicating the work of select committees in the Commons (preferably cutting across departmental boundaries).

³¹ The Economic Affairs Committee has also considered the economic consequences of Scottish independence.

³² House of Lords Liaison Committee, [First Report](#), June 2010, HL Paper 6 of session 2010–11.

The Committee reaffirmed the principle that no more than one ad hoc committee should be established at any one time to complement the activities of the permanent select committees. They also stated that while proposals for new committees would always be welcome, decisions would be made on the strength of the case for their establishment in each instance and that the presumption that any ad hoc committee so appointed may be the forerunner of a more permanent committee should be avoided. Lastly, with reference to their 2006 report, the Committee reaffirmed their view that new committees should normally be appointed on a time-limited basis.

14. Leader's Group on Working Practices / Goodlad Report (2011)

Within one year of the 2010 general election, more than 100 new Peers entered the Lords, which led to concerns about increased physical and procedural strain on the House. Some new Peers felt they had limited opportunities to contribute to the business of the House, whether through committees or in the Chamber. There was also a desire to make better use of the “range and depth of expertise” of the Peers. In response, a Leader's Group was appointed on 27 July 2010 “to consider the working practices of the House and the operation of self-regulation; and to make recommendations”. The Group was chaired by Lord Goodlad and reported on 26 April 2011.³³

Its deliberations followed a number of significant changes to Commons select committees, which were recommended by the Select Committee on the Reform of the House of Commons, chaired by Dr Tony Wright MP.³⁴ These changes took effect from the beginning of the 2010–12 session and included the election of select committee chairs by a secret ballot of the whole House, the election of committee members by party groups and the appointment of a Backbench Business Committee to schedule backbench debates and other decisions. Just under a year later the Goodlad report included the following recommendations regarding the committee functions of the House:

- A presumption that all substantive bills, particularly constitutional ones, should be subject to pre-legislative scrutiny.
- The establishment of a Legislative Standards Committee, either as a joint committee or as a select committee of the House, to report on all government bills before second reading regarding their compliance with standards of best practice in bill preparation. It would also be tasked with advising the House whether an evidence-taking stage was required, either by a one-day hearing with the Government or, if the prior government consultation was considered to be inadequate, by committal to a public bill committee. This committee would be empowered to take evidence over a 14-day period and would replace the existing, obsolete, public bill committee procedure.

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

³⁴ House of Commons Reform Committee, [Rebuilding the House](#), November 2009, HC 1117 of session 2008–09.

- The appointment by the House of a Post-Legislative Scrutiny Committee, to review up to four selected Acts of Parliament each year.³⁵
- The establishment of a Backbench Business Committee.
- The establishment of two additional sessional select committees, to enhance the capacity of the House to scrutinise government policy. A further recommendation stated that the work of all investigative select committees should be subjected to regular and systematic review and that following the appointment of the two additional committees, any further sessional committees should only be appointed to replace existing committees, without creating extra demands on resources.
- That select committees should, in future, be charged with electing their own chairmen for three sessions and that the Chairman of Committees (now referred to as the Senior Deputy Speaker) and Principal Deputy Chairman of Committees (now referred to as the Chairman of the European Union Committee) should also be elected by secret ballot of the whole House.
- One day a month in Grand Committee should also be aside for debates on committee reports in order to assist in planning timely debates. In order to promote wider interest among Peers in the work of select committees, the scheduled publication of reports should be listed in the Order Paper and, for a trial period, up to five minutes at the end of oral questions should be made available for committee chairmen to draw the House's attention to newly published reports.

Regarding the long-standing principle, as established by the Jellicoe Committee, that Lords select committees should complement rather than duplicate the work of Commons select committees, the Goodlad report stated:

We believe that it is now time, almost 20 years after the Jellicoe Committee, to reconsider these criteria. We accept that the availability of sufficient members to serve on a committee must be a fundamental criterion; however, this needs to be qualified by acknowledgement of the clear public interest in making best use of the expertise of the House's members. Moreover, the requirement that there should be "no major overlap" with the Commons does not stand up to examination. In many respects—not least in the scrutiny of legislation—there is extensive overlap between the two Houses. Such overlap is inevitable in any bicameral legislature. There is also marked overlap in committee work—not only do both Houses have European Committees, but there are also two Science and Technology Committees.

³⁵ A report by the Constitution Committee—[Parliament and the Legislative Process](#), October 2004, HL Paper 173 of session 2003–04—recommended that most acts, other than Finance Acts, should be subject to some form of post-legislative scrutiny by a select committee. The Government asked the Law Commission to develop this concept further and after a consultation process, it published a [report](#) in October 2006 that recommended the establishment of a joint committee on post-legislative scrutiny. The [Government's response](#) to this report, published in March 2008, did not endorse the creation of such a committee. However, since that date, government departments now regularly produce post-legislative scrutiny memorandums on acts, after three to five years have elapsed since their enactment, which cover specific elements of the act's implementation and operation. These are submitted to the relevant Commons departmental select committee for consideration. This approach broadly reflects other recommendations in the Constitution Committee's report.

The essential point is not that the two Houses should not overlap, but that they should work in a complementary fashion, the elected chamber providing the primary means of holding the executive, particularly ministers and senior officials, to account, while the revising chamber brings to bear the expertise and experience of its members, its less partisan nature, and the time that its members, without constituencies to attend to or re-election to worry about, can devote to analysing government policy and action. Co-ordination is of course vital—the real danger of overlap is that if committees of the two Houses reach different conclusions on the same subjects, the Government has an opportunity to pick and choose, to play off one committee against another. In reality, however, this has rarely happened, even though the two Houses have for many years both had committees operating in the two areas mentioned above.³⁶

The Jellicoe Committee concluded that the low number of Peers available prevented any significant increase in select committee activity being possible. The Group considered that this was no longer a restraining factor due to the present size of the House and instead observed that the lack of select committee vacancies posed difficulties due to the number of active Peers now seeking such opportunities. The Group concluded that it was time for a thorough review of committee work, in order to enhance the House's ability to scrutinise the Government. In future it also stated that the following principles should be applied when considering the establishment of new committees:

- Make best use of the expertise of members of the House.
- Complement the work of Commons departmental select committees.
- Address areas of policy that cross-departmental boundaries.

However, it did not specify what the remit of the two new sessional committees should be, but instead listed the policy areas that had been suggested by members as being appropriate for Lords select committee work.³⁷

When the House debated the Goodlad report on 27 June 2011,³⁸ the Leader of the House indicated that his preference was for an ad hoc committee to conduct post-legislative scrutiny of particular Acts rather than a new sessional committee. Regarding the proposed Legislative Standards Committee, he stated that it would call “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”. On the proposed increase in the use of public bill committees he also considered that this could detract from the principle that every Peer can contribute to scrutiny and amendment at every stage of a bill, as well as the potential for such a procedure to cause delays in the passage of legislation that would be inconvenient for the Government. He also signalled a strong preference that any of recommendations for new committee activity taken forward should be resource neutral, where possible. Lastly, he confirmed that specific recommendations in the Goodlad report would be taken forward by the Procedure and Liaison Committees; with their requisite reports being considered by the House in due course.

³⁶ 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 226 and 227.

³⁷ These were: public services, national infrastructure, welfare, social policy, education and culture, health, regulators, security and foreign affairs.

³⁸ [HL Hansard, 27 June 2011, col 1551](#).

15. Review of Select Committee Activity (2012)

In March 2012, the Liaison Committee considered the committee proposals of the Goodlad report, by reviewing existing committee activity in the light of its recommendations and publishing a report recommending the creation of new committees contingent on the reduction of existing committee activity (due to resource restraints), as well as an additional unit of committee activity.³⁹ While they shared the view of the Goodlad report that new committees should make the best use of the knowledge and experience of Peers, they considered that this could best be achieved if new committees were appointed on an ad hoc rather than a sessional basis for a fixed term of one session to conduct a specific inquiry. However, the ad hoc committees would have the option of bidding for reappointment at the end of their term. As a result, they departed from the principle that no more than one ad hoc committee should be established at any one time, alongside the work of the permanent committees.

The report recommended the following:

- A reduction in the number of sub-committees of the European Union Committee from seven to six.
- The Science and Technology Committee should be allocated the resources of a single select committee, retaining the powers to appoint a sub-committee and to co-opt additional members for particular inquiries, but those powers should not be exercised in such a way as to increase the workload of the committee beyond that of a single unit.
- The Communications Committee should be re-appointed as an ad hoc committee in the next session, with a further review to take place at the end of the 2012–13 session.
- The appointment of three ad hoc committees; two to consider matters of public policy and another to conduct post-legislative scrutiny; the latter for the first time.
- The appointment of an ad hoc post-legislative scrutiny committee to examine the Children and Adoption Act 2006 and the Adoption and Children Act 2002, to report in a timely manner, so as to allow for evaluation of the committee's work by the Liaison Committee before the end of the 2012–13 session. If time allowed, then the resources of this committee could be deployed on another Act during the same session.
- An invitation for the Procedure Committee to consider the reduction of the rotation rule relating to length of service on such committees from four to three years, with a more regular turnover of membership providing a wider range of Peers with the opportunity to participate in the committee functions of the House.⁴⁰

³⁹ House of Lords Liaison Committee, [Review of Select Committee Activity and Proposals for New Committee Activity](#), March 2012, HL Paper 279 of session 2010–12.

⁴⁰ This suggestion was not taken forward.

The House debated the report and approved its recommendations on 26 March 2012.⁴¹

The proposal for a Legislative Standards Committee was not pursued any further by the House, but its establishment as a joint committee was later endorsed by the then Political and Constitutional Reform Select Committee in the Commons.⁴² The Goodlad report's recommendation concerning the election of select committee chairs, has not yet been considered by the Procedure Committee.

16. Review of Select Committee Activity (2013)

In March 2013, the Liaison Committee reviewed the select committee activity of the House in the light of the changes made at the start of the 2012–13 session, including the new ad hoc committees. It concluded that they had worked well and recommended the appointment of an additional unit of committee activity as a result.⁴³

The report recommended the following:

- The appointment of four ad hoc committees; two to consider matters of public policy (one considering two separate matters in succession—otherwise known as ‘short ad hoc committees’) and two to conduct post-legislative scrutiny of specific Acts.
- The appointment of the Communications Committee as a permanent, sessional, committee from the beginning of the 2013–14 session.
- That the Joint Committee on the National Security Strategy's orders of reference should not be extended to enable it to appoint a sub-committee and that its resources should not be increased. Instead it suggested that further thought be given to the size and composition of the Joint Committee's membership.
- The Science and Technology Committee should be reappointed at the beginning of the 2013–14 session with the resources of a single select committee.

The House debated the report and approved its recommendations on 21 March 2013.⁴⁴

17. Review of Select Committee Activity (2014)

In March 2014, the Liaison Committee reviewed the existing select committee activity of the House, including the three ad hoc committees and two post-legislative scrutiny committees appointed in the 2013–14 session, which it concluded had worked well.⁴⁵

⁴¹ [HL Hansard, 26 March 2012, col 1158.](#)

⁴² House of Commons Political and Constitutional Reform Committee, [Ensuring Standards in the Quality of Legislation](#), May 2013, HC 85 of session 2013–14.

⁴³ House of Lords Liaison Committee, [Review of Select Committee Activity and Proposals for New Committee Activity](#), March 2013, HL Paper 135 of session 2012–13.

⁴⁴ [HL Hansard, 21 March 2013, col 673.](#)

⁴⁵ House of Lords Liaison Committee, [Review of Select Committee Activity and Proposals for New Committee Activity](#), March 2014, HL Paper 145 of session 2013–14.

The report recommended the following:

- Not to appoint any short ad hoc committees during the 2014–15 session.
- That in future it would be desirable to identify the Chairmen, and so far as possible the members, of ad hoc committees at the end of the previous session so as to enable the Committee Office to make better use of the recess period to scope the new inquiries and thus enable the new committees to start their work earlier.
- That future ad hoc committees should be invited to identify clearly the issues which they wish to be followed up roughly a year after they have reported.
- The appointment of four ad hoc committees; three to consider matters of public policy and one to conduct post-legislative scrutiny.

The House debated the report and approved its recommendations on 27 March 2014.⁴⁶

On 29 July 2014, the Liaison Committee published, for the first time, a report on the activity of the House's investigative select committees during the previous session.⁴⁷

18. Review of Select Committee Activity (2015)

In March 2015, the Liaison Committee conducted a further light touch review of committee activity. Having received an unprecedentedly high number of proposals for ad hoc committees to be appointed in the first session of the new Parliament, it recommended that the same level of committee activity should be maintained in the first session of the new Parliament.⁴⁸

The House debated the report and approved its recommendations on 12 March 2015.⁴⁹

On 15 June 2015, the Liaison Committee published a report on the activity of the House's investigative select committees during the previous Parliament.⁵⁰

19. Review of Select Committee Activity (2016)

On 18 July 2016, the Liaison Committee published a report on the activity of the House's investigative select committees during the previous session.⁵¹

⁴⁶ [HL Hansard, 27 March 2014, col 593.](#)

⁴⁷ House of Lords Liaison Committee, [Investigative Select Committee Activity in Session 2013–14](#), July 2014, HL Paper 25 of session 2014–15.

⁴⁸ House of Lords Liaison Committee, [Review of Select Committee Activity and Proposals for New Committee Activity](#), March 2015, HL Paper 127 of session 2014–15.

⁴⁹ [HL Hansard, 12 March 2015, col 763.](#)

⁵⁰ House of Lords Liaison Committee, [Investigative Select Committees in the 2010–15 Parliament](#), June 2015, HL Paper 5 of session 2015–16.

⁵¹ House of Lords Liaison Committee, [Investigative Select Committee Activity in Session 2015–16](#), July 2016, HL Paper 26 of session 2016–17.

20. Review of the House's Investigative Committee Work (2017)

A full review of the House's investigative committee work will take place during the 2017–18 session.

21. Permanent Select Committees

The following committees are also referred to as 'sessional' committees because their terms of reference remain in force during prorogation and they are automatically reappointed at the beginning of each new session within a Parliament, whereas other committees, including ad hoc select committees, cease to exist after they have reported.

21.1 Select Committee on the European Union

Following the UK's entry into the then European Economic Community (EEC) in early 1973, the Maybray-King Committee was appointed to consider how the House should carry out scrutiny of EEC legislation. It reported in 1973 and recommended the creation of a Select Committee on the European Communities for this purpose.⁵² It was duly established in May 1974 and continues to exist as the Select Committee on the European Union. It is the largest of the permanent Lords select committees and is responsible for scrutinising the most important draft EU legislation (after conducting a regular 'sift') deposited by the Government, and it also examines the broader aspects of EU policy.⁵³ With regard to its former role, it is assisted by the scrutiny reserve resolution.⁵⁴ Its work is currently supported by six sub-committees which involve more than 70 Peers in total. The number of sub-committees has fluctuated since the Committee was established⁵⁵ and ad hoc sub-committees have also been appointed in the past.⁵⁶ The Chairman of the European Union Committee is formally appointed by the House as Principal Deputy Chairman of Committees.⁵⁷

21.2 Select Committee on Science and Technology

The Committee was established in 1980 and considers all science and technology matters by undertaking cross-departmental inquiries into a range of different activities, including public policy areas which ought to be informed by scientific research, technological challenges and opportunities, and public policy towards science itself.⁵⁸

21.3 Select Committee on Delegated Powers and Regulatory Reform

This Committee was initially established in 1992 as the Select Committee on Delegated Powers, but was rechristened as the Select Committee on Delegated Powers and Regulatory

⁵² House of Lords Select Committee on Procedures for Scrutiny of Proposals for European Instruments, *Second Report*, 1973, HL Paper 194 of session 1972–73.

⁵³ UK Parliament, '[House of Lords EU Select Committee page](#)', accessed 3 November 2016.

⁵⁴ Passed by the House on 10 March 2010.

⁵⁵ For more information see Appendix 12 of this Note.

⁵⁶ Including on the Future Financing of the Community (session 1983–84); on European Union (session 1984–85); on Staffing of the Community Institutions (session 1985–86); on Fraud Against the Community (session 1988–89); on Economic, Monetary and Political Union (session 1989–90); and on Intergovernmental Conferences (session 1996–97).

⁵⁷ House of Lords House Committee, *Implementing the Recommendations of the Leader's Group on Governance*, July 2016, HL Paper 19 of session 2016–17.

⁵⁸ UK Parliament, '[House of Lords Science and Technology Committee page](#)', accessed 3 November 2016.

Reform in 1994, when scrutiny of regulatory reform orders was added to its remit. It aims to examine all public bills (except consolidation, money and supply bills) and reports to the House before the bill's committee stage regarding the appropriateness of powers proposed to be delegated to ministers and whether the bill proposes to subject the exercise of those delegated powers to an appropriate degree of parliamentary scrutiny.⁵⁹ The Committee may also report on government amendments, time permitting, if they contain significant delegated powers. It restricts its consideration to the delegation in question rather than the merits of the overall policy. The report may invite the House to make changes to the bill or seek clarification from the Government about their intent. The Committee also scrutinises draft orders laid under the Legislative and Regulatory Reform Act 2006. From the end of 2011 it also assumed responsibility for the scrutiny of draft orders laid under the Localism Act 2011.

21.4 Select Committee on the Constitution

The Committee was established in 2001 and is responsible for scrutinising the constitutional implications of all public bills, as well as investigating broader issues in order to keep the operation of the constitution under review.⁶⁰

21.5 Select Committee on Economic Affairs

The Committee was also established in 2001 and is responsible for considering economic affairs.⁶¹ It evolved from an ad hoc select committee established in 1998 to monitor the Bank of England's Monetary Policy Committee. While it mainly conducts inquiries into topical areas of economic policy, since 2003 the Committee has also established a sub-committee every year (except in 2010, as a result of the general election, and in 2012, when the timing of the draft Finance Bill was changed) to inquire into selected aspects of the draft Finance Bill, including technical issues of tax administration, clarification and simplification rather than rates or the incidence of tax. Each year the Committee aims to publish a report drawn up by the 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.

21.6 Select Committee on Secondary Legislation Scrutiny

The Secondary Legislation Scrutiny Committee was established in 2004. Until the end of session 2010–12 it was known as the Merits of Statutory Instruments Committee. It considers the policy aspects of all statutory instruments (SIs) and draws to the special attention of the House anything that it considers to be interesting, flawed or inadequately explained by the Government.⁶² These may include instances where the SI is important or gives rise to issues of public policy likely to interest the House; where the SI may imperfectly achieve its policy objectives; and where it may inappropriately implement EU legislation. At the end of 2011, it also assumed responsibility for the scrutiny of draft orders laid under the Public Bodies Act 2011. The Committee normally comments on SIs within a fortnight of their being laid before Parliament. Broader inquiries may also be conducted from time to time. Following a recommendation by the Procedure Committee, the Committee's terms of reference were amended at the end of the 2013–14 session to add two new grounds on which the Committee

⁵⁹ UK Parliament, '[House of Lords Delegated Powers and Regulatory Reform Committee page](#)', accessed 3 November 2016.

⁶⁰ UK Parliament, '[House of Lords Constitution Committee page](#)', accessed 3 November 2016.

⁶¹ UK Parliament, '[House of Lords Economic Affairs Committee page](#)', accessed 3 November 2016.

⁶² UK Parliament, '[House of Lords Merits of Statutory Instruments Committee page](#)', accessed 3 November 2016.

may draw the special attention of the House to an SI: that the explanatory material laid in support of the SI provides insufficient information to gain a clear understanding about its policy objective and intended implementation, and that there appear to be inadequacies in the consultation process which relates to the SI.⁶³

21.7 Select Committee on Communications

The Committee was established in 2007 and is responsible for considering the media and creative industries.⁶⁴ It was set up in the wake of the House of Lords ad hoc Committee on BBC Charter Renewal. The Committee was appointed on a fixed-term basis for the remainder of the 2005–10 Parliament, but was not a sessional committee. After the general election in 2010, the Committee was re-established on a temporary basis for the duration of the 2010–12 session and again, on the same basis, for the 2012–13 session. From the 2013–14 session it became a permanent select committee.⁶⁵

21.8 Select Committee on International Relations

The Committee was established in May 2016 and is responsible for considering the United Kingdom’s international relations,⁶⁶ following the House’s agreement in November 2015 of a report by the Liaison Committee.⁶⁷ The same report recommended that the new Committee should coordinate its work with the EU Committee in order to avoid any overlap and duplication.

22. Joint Committees

Joint Committees of both Houses are formally composed of separate select committees appointed by each House to join together and operate as a single committee making decisions jointly, with members from both Houses but with a single chairman (which the joint committee is always given the power to appoint) from one of the Houses. Joint committees generally follow Lords procedure, unless they agree otherwise, including the use of the chairman’s vote and the outcome in the case of equality of votes. Joint committee reports are generally made to both Houses, except the report of a joint committee on a public bill, which is made to the House in which it was introduced.

Their appointment usually begins with a motion moved in one House (traditionally the Lords, but this does not need to be the case) that it is expedient for a joint committee of both Houses be appointed to consider some particular subject, which is then communicated to the other House by way of a message. If the other House concurs they will reply accordingly.⁶⁸ The initiating House will then appoint a committee of its members and inform the other House

⁶³ House of Lords Procedure Committee, *Fifth Report*, 31 March 2014, HL Paper 167 of session 2013–14.

⁶⁴ UK Parliament, ‘[House of Lords Communications Committee page](#)’, accessed 3 November 2016.

⁶⁵ House of Lords Liaison Committee, *First Report*, March 2013, HL Paper 135 of session 2012–13, para 12.

⁶⁶ UK Parliament, ‘[House of Lords International Relations Committee page](#)’, accessed 3 November 2016.

⁶⁷ House of Lords Liaison Committee, *An International Relations Committee*, October 2015, HL Paper 47 of session 2015–16.

⁶⁸ Although very unusual, it is perfectly possible for one House to refuse to agree to the establishment of a joint committee. In 1979, for example, the Government tried to set up a joint committee to be known as “the Special Commission on Oil Sanctions” with a remit to decide whether Parliament or ministers had been intentionally misled by “those concerned in the development and application of the policy of oil sanctions against Rhodesia”. After a lengthy debate, the House of Lords voted against the motion by 102 to 58. The Joint Committee was never established.

inviting them to do the same. The number of members drawn from each House is generally the same, but does not need to be. A quorum is required from both Houses, and the quorum for Lords members is three (except for the Joint Committees on Human Rights and Statutory Instruments where it is two). Lords members are usually appointed by the House on the recommendation of the Committee of Selection.

Joint committees may be appointed permanently to conduct investigative or scrutiny work,⁶⁹ to consider specific public policy matters (such as parliamentary privilege and Lords reform),⁷⁰ public bills and draft bills.

Joint committees on public bills used to be appointed fairly regularly in the past, but the last one was appointed in 1959 on the Highways Bill.⁷¹ On the other hand, joint committees on draft bills have become increasingly common since 1997, and are appointed on an ad hoc basis to consider the policy in draft bills, which are published by the government.⁷² At least three to four months (excluding long recesses) is normally required to hear evidence and report. Their deliberations, including any evidence received, frequently results in substantial changes being made to the bill before it is eventually introduced in final form.⁷³ Draft bills may also be considered by a Commons departmental select committee or Lords select committees.

In 2003, the Government stated that it would “proceed on the presumption that bills will be published in draft for pre-legislative scrutiny unless there is good reason otherwise”,⁷⁴ but this has not proved to be the case, with the number of bills being produced in draft form before they are introduced into subsequent parliaments declining from 2003 onwards. In January 2011, Lord McNally told the Lords that the Government were “committed to simplifying and improving the quality of legislation”, and would do so “by publishing [bills] in draft for pre-legislative scrutiny where possible”.⁷⁵ The Constitution Committee has consistently endorsed the use of pre-legislative scrutiny by Lords select committees and joint committees, where appropriate, and has regretted that the procedure has not been relied upon to a greater extent.⁷⁶

Over time, proposals have been considered for the creation of additional joint committees for a variety of purposes. The 1968 white paper tentatively suggested that joint committees could be established, although not necessarily with equal membership, to consider matters such as the arts, law reform, draft bills and to monitor government departments. The use of joint committees to reconcile differences between the two Houses regarding public bills was first suggested by the Bryce Conference in 1918⁷⁷ and again by the Wakeham Commission in 2000,⁷⁸

⁶⁹ For a complete list see Appendix 9 of this Note.

⁷⁰ For a complete list see Appendix 10 of this Note. The Parliamentary Commission on Banking Standards, which was appointed during the 2012–13 session, is a joint committee under a different name.

⁷¹ Between 1900 and 1959, 32 joint committees were established to consider public bills.

⁷² Between 1992 and 1997, the Government published 18 draft bills for consultation but none were subjected to Parliamentary scrutiny. For a complete list of joint committees established to consider draft bills since 1997 see Appendix 11 of this Note.

⁷³ Jennifer Smookler, ‘Making a Difference? The Effectiveness of Pre-legislative Scrutiny’, *Parliamentary Affairs*, July 2006, vol 59 no 3, pp 522–35.

⁷⁴ [HC Hansard, 4 February 2003, col 134W.](#)

⁷⁵ [HL Hansard, 17 January 2011, cols 2–3.](#)

⁷⁶ House of Lords Constitution Committee, [Parliament and the Legislative Process](#), 29 October 2004, HL Paper 173 of session 2003–04; [Pre-Legislative Scrutiny in the 2006–07 Session](#), 28 January 2008, HL 43 Paper of session 2007–08; [Pre-Legislative Scrutiny in the 2006–07 Session: Follow-up](#), 23 June 2008, HL Paper 129 of session 2007–08; and [Pre-Legislative Scrutiny in the 2008–09 and 2009–10 Sessions](#), 8 March 2010, HL Paper 78 of session 2009–10.

⁷⁷ *Conference on the Reform of the Second Chamber*, 1918, Cd 9038, p 23.

which also recommended that a joint committee should be established to sift statutory instruments.⁷⁹

22.1 Joint Committee on Consolidation Bills

The Joint Committee on Consolidation Bills was established in 1894, and considers the form rather than the merits of bills that consolidate the law, by repealing and re-enacting existing provisions in other Acts relating to one area, without amending it, although they occasionally contain minor corrections and improvements.⁸⁰ It will examine bills to ensure that the provisions only consolidate and that any amendments made are within the limits allowed. These include public and private consolidation bills, statute law revision bills, ‘consequential provisions’ bills and Law Commission bills that promote the reform of statute law by repealing moribund enactments, all of which are referred to the joint committee after second reading. This type of bill is usually introduced in the Lords rather than the Commons. The Committee consists of twelve members from each House (with the Lords members being exempt from the rotation rule) and meets only when a bill is referred to it.⁸¹ The Joint Committee takes evidence from the parliamentary draughtsman responsible for the bill, as well the relevant government department and other witnesses as it sees fit. The bill is then reported to the Lords, with or without amendment, before being re-committed to a Committee of the whole House, after which it proceeds through its remaining stages as normal.

22.2 Joint Committee on Statutory Instruments

Following a recommendation of the Joint Committee on Delegated Legislation in 1972, the Joint Committee on Statutory Instruments was established to consider the technical and legal aspects of statutory instruments, rather than their merits or policy, made in exercise of powers granted by Act of Parliament.⁸² Instruments not laid before Parliament are included within the Committee’s remit; but local instruments are not considered by it unless they are subject to parliamentary procedure, and instruments made by devolved administrations are not to be considered by it unless they are required to be laid before Parliament. Motions to approve most types of affirmative instrument may not be moved until a report on the instrument from the Joint Committee has been laid before the House.

The Joint Committee is empowered to draw the special attention of both Houses to an instrument on any one of a number of grounds specified in the standing orders under which it works; or on any other ground which does not impinge upon the merits of the instrument or the policy behind it. These grounds include that an SI imposes a charge on the public revenues, is made under an enactment excluding it from challenge in the courts, purports to be retrospective when the parent act does not so provide, its publication has been delayed or being laid before Parliament, it has not been notified in proper time to the Speaker or Lord Speaker, whether it is *intra vires*, whether it makes unusual use of powers conferred by the parent act, requires elucidation or is properly drafted. Before drawing Parliament’s attention to an instrument it must allow the relevant government department to make oral or written explanations. Unlike other committees it cannot request written evidence or hear oral

⁷⁸ Royal Commission on the Reform of the House of Lords, *A House for the Future*, January 2000, cm 4534, recommendation 8.

⁷⁹ *ibid*, recommendation 38.

⁸⁰ UK Parliament, ‘[Joint Committee on Consolidation Bills page](#)’, accessed 3 November 2016.

⁸¹ Before the Supreme Court was established in 2009, a Law Lord chaired the joint committee by convention.

⁸² UK Parliament, ‘[Joint Committee on Statutory Instruments page](#)’, accessed 3 November 2016.

evidence. It consists of seven members from each House and the chairman is normally an opposition MP.

It does not assess the merits of any instrument or the underlying policy, which is the responsibility of the Secondary Legislation Scrutiny Committee in the Lords. The Commons members of the Joint Committee sit separately, as the Commons Select Committee on Statutory Instruments, when they consider statutory instruments that are only required to be laid in the Commons, such as those concerning financial matters.

22.3 Joint Committee on Human Rights

The Joint Committee on Human Rights was established in 2001 to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases), proposals for remedial orders, draft remedial orders and remedial orders made under the Human Rights Act 1998; and in respect of draft remedial orders and remedial orders, whether the special attention of the House should be drawn to them on any of the grounds specified in HC Standing Order No 151 (Statutory Instruments (Joint Committee)).⁸³ It consists of a maximum of six members from each House and the quorum is two members from each House.

In practice the Joint Committee has chosen to examine each bill introduced into either House and to report on whether any of its provisions raise issues of compatibility with the Human Rights Act 1998. Similarly, it also considers issues of compatibility with other international human rights instruments to which the United Kingdom is a signatory. Apart from this scrutiny function, it also acts in an investigative manner by conducting inquiries into matters of public policy.

22.4 Joint Committee on the National Security Strategy

The Joint Committee on the National Security Strategy was established in 2010 to consider the National Security Strategy.⁸⁴ This followed the publication, in March 2008, of the Government's (first ever) National Security Strategy (NSS), following which they undertook to publish an annual update of the NSS. One of the priorities identified in the 2008 NSS was "consulting on a joint Parliamentary National Security Committee to help monitor the implementation and development of this strategy". Following the change of government in 2010, a new NSS was published in October of that year, which confirmed the previous Government's intention to produce an annual report on progress on implementation for scrutiny by the Joint Committee. In 2015 the Government published a new NSS and Strategic Defence and Security Review. The Committee consists of 12 members from the Commons and 10 from the Lords.

22.5 Joint Committee on Tax Law Rewrite Bills

This Joint Committee on Tax Law Rewrite Bills was first appointed in the 2000–01 session as the Joint Committee on Tax Simplification, later becoming the Joint Committee on Tax Law Rewrite Bills from the 2001–02 session, to consider bills that simplify the law on taxation while preserving the substance of that law.⁸⁵ The introduction of 'tax law rewrite bills' followed an undertaking by HMRC to engage in a comprehensive programme of simplifying the statutory language of direct taxation bills.

⁸³ UK Parliament, '[Joint Committee on Human Rights page](#)', accessed 3 November 2016.

⁸⁴ UK Parliament, '[Joint Committee on the National Security Strategy page](#)', accessed 3 November 2016.

⁸⁵ UK Parliament, '[Joint Committee on Tax Law Rewrite Bills page](#)', accessed 3 November 2016.

Unlike most joint committees, the Joint Committee followed Commons procedure. It consisted of seven members from each House, of which the Lords members were exempted from the rotation rule, and was chaired by an opposition MP (most recently Kenneth Clarke), who also had the power to select amendments. The bills were usually introduced in the Commons, where they were usually certified as ‘Money Bills’ by the Speaker, before being referred to the Joint Committee after they had received second reading. After the Joint Committee reported on each bill it then continued its progress through the Commons, before passing to Lords where the committee stage was usually negated due to the bills usually being money bills.

In total seven bills were considered by the Joint Committee and toward the end of the 2009–10 session the Government announced that the final bill under the project had been considered. As a result, the Joint Committee was not reappointed at the beginning of the 2010–12 session.

23. Statutory Committees

23.1 Ecclesiastical Committee

The Ecclesiastical Committee is appointed under the Church of England Assembly (Powers) Act 1919.⁸⁶ The Act provides for the Committee to have 30 members, 15 from each House. The Peers are appointed by the Lord Speaker. Appointments to the Committee are generally made early in a Parliament. Unless the Lord Speaker decides otherwise, Peers appointed by them remain on the Committee for the life of the Parliament. The Lord Speaker can also fill casual vacancies that arise by nominating Peers. The powers and duties of the Committee may be exercised and discharged by any twelve members thereof.

While its powers are those laid down by the Act, its procedures are those of a joint select committee. The Committee examines draft measures presented to it by the Legislative Committee of the General Synod of the Church of England. It reports to Parliament on whether or not it considers the measures to be expedient. It will generally ask members of the General Synod to assist it in its deliberations. In some circumstances, a conference of the Ecclesiastical Committee and the Legislative Committee may be convened.

23.2 Intelligence and Security Committee of Parliament

The Intelligence and Security Committee of Parliament was first established by the Intelligence Services Act 1994 to examine the policy, administration and expenditure of the Security Service, Secret Intelligence Service and the Government Communications Headquarters.⁸⁷ The Justice and Security Act 2013 made a number of changes to the Committee: making it a Committee of Parliament (from 2014–15 session onwards); providing it with greater powers; and increasing its remit (including oversight of operational activity and the wider intelligence and security activities of Government). Other than the three intelligence and security agencies, the Committee examines the intelligence-related work of the Cabinet Office including: the Joint Intelligence Committee; the Assessments Staff; and the National Security Secretariat. The Committee also provides oversight of Defence Intelligence in the Ministry of Defence and the Office for Security and Counter-Terrorism in the Home Office.

⁸⁶ UK Parliament, ‘[Ecclesiastical Committee page](#)’, accessed 3 November 2016.

⁸⁷ [Intelligence and Security Committee of Parliament page](#), accessed 3 November 2016.

Members of the Committee are appointed by Parliament, having first secured the nomination of the Prime Minister (in consultation with the Leader of the Opposition), and reports directly to Parliament. The 2013 Act provides for the Committee to have nine members, with none permitted to be a Minister of the Crown. At present, seven of the members are MPs (including the Chairman) and two are Peers. The Committee may also make reports to the Prime Minister on matters which are national security sensitive. The members are subject to section 1(1)(b) of the Official Secrets Act 1989, and have access to highly classified material in carrying out their duties.

24. Appointment, Membership and Powers

24.1 Appointment

Recommendations for the appointment of new committees are normally made by the Liaison Committee. Committees are formally appointed by the House on a motion from the Senior Deputy Speaker, which will set out the new committee's orders of reference, including its remit, powers and the names of its members (including the chairman). Any committee may meet during a recess, but not during prorogation or dissolution. Apart from permanent committees and their sub-committees, the other committees cease to exist at prorogation; and all committees cease to exist on the dissolution of Parliament.

24.2 Membership

The membership of a committee is cross-party and is agreed by the House on the basis of a report from the Committee of Selection (which invariably acts on the advice of the 'usual channels' or party whips). There is no formal rule concerning the political balance of committee membership. In order to ensure a regular turnover, a 'rotation rule' operates in relation to the membership of most committees, and in the majority of cases after a Peer has served on a committee for three sessions they may not be reappointed during the following session although they will become eligible for reappointment after the lapse of one session.⁸⁸ The Senior Deputy Speaker may also propose Peers to fill casual vacancies in committees with the approval of the House but without needing to consult the Committee of Selection. The Principal Deputy Chairman of Committees (now referred to as the Chairman of the European Union Committee) is exempt from this rule.⁸⁹ The quorum of a committee is three unless the House orders otherwise, and while committee chairmen have a vote it is not a deciding one. Peers who are not members of the committee may still attend and speak at meetings when evidence is being taken, but may not attend any deliberations of the committee unless invited to do so. However, they cannot vote and do not count towards the quorum.

24.3 Powers

All committees have powers to send for papers or persons.⁹⁰ Committees are free to choose which subjects they conduct inquiries into, provided that they fall within the scope of their orders of reference. Committees can only appoint and delegate powers to a sub-committee if

⁸⁸ Until the end of the 2014–15 session, the number of sessions in relation to the rotation rule was four. See: House of Lords Procedure Committee, *Fifth Report*, 31 March 2014, HL Paper 167 of session 2013–14.

⁸⁹ Now known simply as the Chairman of the European Union Committee.

⁹⁰ These automatic powers were only conferred on all select and joint committees in the Lords from the beginning of session 2009–10 onwards, already being established practice for Commons committees. See: House of Lords Procedure Committee, *First Report*, February 2009, HL Paper 39 of session 2008–09.

given that power by an order of the House, and the maximum number of members on a sub-committee is usually twelve (except the European Union Committee), including other members of the House who may be co-opted if the committee is given such a power. Committees may be given the power to appoint a specialist adviser to support their inquiries and to travel ('adjourn from place to place') in order to receive evidence. Lords select committee reports reflect the decision of the majority, usually arrived at by consensus. Members of a committee are not permitted to make a minority report if they disagree with its findings. Reports produced by a sub-committee must be approved by the parent committee, whose name they will be published under. The reports will be made to the House, and time will usually be found to debate the more significant ones (as decided by the committee concerned) on the floor of the House or in Grand Committee. As most of a report's recommendations will be directed at the Government, the Government has undertaken to provide a written response to all reports within two months of publication, after which any debates—usually on a motion to take note—will then take place.

The Government presented a green paper on parliamentary privilege⁹¹ to both Houses in April 2012, which considered the case for codifying parliamentary privilege. With respect to select committee powers, it mooted two possible future approaches: legislating to give the two Houses enforceable powers by codifying their existing powers or the creation of criminal offences of committing contempts of Parliament. Before codifying their powers—to reprimand, fine or imprison—the Government suggested that the two Houses would need to review their procedures for punishing non-members to ensure that sufficient safeguards were in place to ensure that individuals received a fair hearing.

A Joint Committee on parliamentary privilege was subsequently appointed by both Houses to examine the green paper⁹² and published its report on 3 July 2013.⁹³ In general terms, it considered that the case for codifying parliamentary privilege had not been made, and with respect to select committee powers it recommended that the two Houses should set out clearly the powers they reserve the right to exercise, what is expected of witnesses and the means by which they will consider allegations of contempt, including procedural safeguards to ensure that witnesses are treated fairly. It was considered preferable for these arrangements to be set out in standing orders as was customary for Commons select committees. To date these recommendations have not been implemented.

⁹¹ HM Government, [Green Paper on Parliamentary Privilege](#), April 2012, Cm 8318.

⁹² A former Joint Committee on Parliamentary Privilege reported in 1999 and called for a comprehensive parliamentary privilege bill to be introduced.

⁹³ Joint Committee on Parliamentary Privilege, [Parliamentary Privilege](#), July 2013, HL Paper 30 of session 2013–14.

Appendix I: Select Committees on Public Policy

Name of Committee	Session(s)
Select Committee on Steamship Subsidies	1901
Select Committee on Early Closing of Shops	1901
Select Committee on the Declaration Against Transubstantiation	1901
Select Committee on Betting	1901 and 1902
Select Committee on Savings Banks Funds	1902
Select Committee on Light Load Line	1903
Select Committee on the Chantrey Trust	1904
Select Committee on the Registration of Nurses	1905
Select Committee on Foreign Ships (Statutory Requirements)	1905
Select Committee on Workmen's Trains	1905
Select Committee on Life Insurance Companies	1906
Select Committee on Home Work	1907
Select Committee on the House of Lords	1908
Select Committee on the Church in Wales	1914
Select Committee on Premium Bonds	1917–18
Select Committee on the Prices Fixed by the Ministry of Food for Milk Production	1919
Select Committee on the Women's Royal Air Force's Inquiry on Miss Violet Douglas-Pennant	1919
Select Committee on Irish Land Purchase (Pledges by Ministers of the Crown)	1926
Select Committee on Lambeth Bridge (Design)	1928
Select Committee upon Auctioneers', House Agents' and Valuers' Licences	1934–35
Select Committee on Agriculture (Damage by Rabbits)	1936–37
Select Committee on Gas, Electricity and Water Undertakings	1938–39
Select Committee on the Prevention of Road Accidents	1937–38 and 1938–39

Appendix 2: Ad Hoc Select Committees

Name of Committee	Session(s)
Select Committee on Sport and Leisure	1971–72 and 1972–73
Select Committee on Commodity Prices	1975–76 and 1976–77
Select Committee on a Bill of Rights	1976–77 and 1977–78
Select Committee on Unemployment	1981–82
Select Committee on Overseas Trade	1984–85
Select Committee on Murder and Life Imprisonment	1988–89
Select Committee on Medical Ethics	1992–93 and 993–94
Select Committee on Sustainable Development	1993–94 and 1994–95
Select Committee on Relations between Central and Local Government	1995–96
Select Committee on the Public Service	1995–96, 1996–97 and 1997–98
Select Committee on the Monetary Policy Committee of the Bank of England	1998–99 and 2000–01
Select Committee on Chinook ZD 576	2001–02
Select Committee on Stem Cell Research	2001–02
Select Committee on Animals in Scientific Procedures	2001–02
Select Committee on Religious Offences in England and Wales	2002–03
Select Committee on the Speakership of the House	2002–03 and 2005–06
Select Committee on the BBC's Charter Review	2005–06
Select Committee on Regulators	2006–07
Select Committee on Intergovernmental Organisations	2007–08
Select Committee on the Barnett Formula	2008–09
Select Committee on HIV and AIDS in the United Kingdom	2010–12
Select Committee on Public Service and Demographic Change	2012–13
Select Committee on Small and Medium Sized Enterprises	2012–13
Select Committee on Soft Power and the UK's Influence	2013–14
Select Committee on Olympic and Paralympic Legacy	2013–14
Select Committee on Personal Service Companies	2013–14
Select Committee on Affordable Childcare	2014–15
Select Committee on the Arctic	2014–15
Select Committee on Digital Skills	2014–15
Select Committee on National Policy for the Built Environment	2015–16
Select Committee on Sexual Violence in Conflict	2015–16
Select Committee on Social Mobility	2015–16
Select Committee on Trade Union Political Funds and Political Party Funding	2015–16
Select Committee on Charities	2016–17
Select Committee on Financial Exclusion	2016–17
Select Committee on Long-Term Sustainability of the NHS	2016–17

Appendix 3: Public Bill Committees

Name of Committee	Session(s)
Public Bill Committee on the Gaming Bill	1967–68
Public Bill Committee on the Development of Tourism Bill	1968–69
Public Bill Committee on the Highways Bill	1970–71
Public Bill Committee on the Civil Aviation Bill	1970–71
Public Bill Committee on the Lotteries Bill	1974–75
Public Bill Committee on the Licensing (Scotland) Bill	1975–76
Public Bill Committee on the Pilotage Bill	1986–87
Public Bill Committee on the Charities Bill	1991–92
Public Bill Committee on the Trade Marks Bill	1993–94

Appendix 4: Select Committees on Public Bills

Name of Committee	Session(s)
Select Committee on the Anti-Discrimination (No 2) Bill	1971–72 and 1972–73*
Select Committee on the Hare Coursing Bill	1975–76
Select Committee on a Bill of Rights	1976–77 and 1977–78*
Select Committee on the Foreign Boycotts Bill	1977–78*
Select Committee on the Laboratory Animals Protection Bill	1979–80*
Select Committee on the Parochial Charities (Neighbourhood Trusts) Bill and Small Charities Bill	1983–84*
Select Committee on the Infant Life (Preservation) Bill	1986–87 and 1987–88*
Select Committee on the Dangerous Dogs (Amendment) Bill	1995–96*
Select Committee on the Constitutional Reform Bill	2003–04
Select Committee on the Assisted Dying for the Terminally Ill Bill	2004–05*

* Private member's bill

Appendix 5: Special Public Bill Committees

Name of Committee	Session(s)
Special Standing Committee on the Law of Property (Miscellaneous Provisions) Bill	1993–94
Special Public Bill Committee on the Private International Law (Miscellaneous Provisions) Bill	1994–95
Special Public Bill Committee on the Family Homes and Domestic Violence Bill	1994–95
Special Public Bill Committee on the Perpetuities and Accumulations Bill	2008–09
Special Public Bill Committee on the Third Parties (Rights against Insurers) Bill	2009–10
Special Public Bill Committee on the Trusts (Capital and Income) Bill	2012–13
Special Public Bill Committee on the Inheritance and Trustees' Powers Bill	2013–14
Special Public Bill Committee on the Insurance Bill	2014–15
Special Public Bill Committee on the Intellectual Property (Unjustified Threats) Bill	2016–17

Appendix 6: Scottish Select Committees

Name of Committee	Session(s)
Scottish Select Committee on the Deer (Amendment) (Scotland) Bill	1995–96
Scottish Select Committee on the Education (Scotland) Bill	1995–96
Scottish Select Committee on the Transfer of Crofting Estates (Scotland) Bill	1996–97

Appendix 7: Permanent (or ‘Sessional’) Select Committees

Name of Committee	Session(s)
Select Committee on the European Union (previously European Communities)	from session 1973–74
Select Committee on Science and Technology	from session 1979–80
Select Committee on Delegated Powers and Regulatory Reform	from session 1997–98
Select Committee on the Constitution	from session 2001–02
Select Committee on Economic Affairs	from session 2001–02
Select Committee on Secondary Legislation Scrutiny (previously called the Select Committee on the Merits of Statutory Instruments)	from sessions 2003–04 to 2010–12
Select Committee on Communications (previously appointed from 2007 on a temporary basis but became permanent from session 2013–14)	
Select Committee on International Relations	from session 2016–17

Appendix 8: Ad Hoc Post-Legislative Scrutiny Committees

Name of Committee	Session(s)
Select Committee on Adoption Legislation	2012–13
Select Committee on the Mental Capacity Act 2005	2013–14
Select Committee on the Inquiries Act 2005	2013–14
Select Committee on Extradition Law	2014–15
Select Committee on Equality Act 2010 and Disability	2015–16
Select Committee on Licensing Act 2003	2016–17

Appendix 9: Permanent Joint Committees

Name of Committee	Session(s)
Joint Committee on Consolidation Bills	from session 1894
Joint Committee on Statutory Instruments	from session 1972–73
Joint Committee on Human Rights	from session 2000–01
Joint Committee on Tax Law Rewrite Bills (sessions 2002–03, 2004–05, 2006–07, 2008–09, 2009–10) [previously the Joint Committee on Tax Simplification in session 2000–01]	
Joint Committee on the National Security Strategy	from session 2009–10

Appendix 10: Joint Committees on Public Policy

Name of Committee	Session(s)
Joint Committee on Municipal Trading	1900 and 1903
Joint Committee on the Queen Anne's Bounty Board	1900 and 1901
Joint Committee on Charitable Agencies for Relief of Widows and Orphans of Soldiers and Sailors	1901
Joint Committee on London Underground Railways	1901
Joint Committee on the Presence of the Sovereign in Parliament	1901
Joint Committee on the Housing of the Working Classes	1902
Joint Committee on Sunday Trading	1906
Joint Committee on Lotteries and Indecent Advertisements	1908
Joint Committee on the High Court of Justice (King's Bench Division)	1909
Joint Committee on Government Works at Cippenham	1919
Standing Joint Committee on Indian Affairs	1921, 1923, 1924, 1925
Joint Committee on the Nationality of Married Women	1923
Joint Committee on the Sittings of Parliament	1923
Joint Committee on the Suspension of Bills	1928–29
Joint Committee on Closer Union in East Africa	1930–31
Joint Committee on Gas Undertakings (Powers of Investment)	1932
Joint Committee on Gas Undertakings (Basic Prices)	1932–33
Joint Committee on Indian Constitutional Reform	1932–33 and 1933–34
Joint Committee on the Petition of the State of Western Australia	1934–35
Joint Committee on Water Resources and Supplies	1934–35 and 1935–36
Joint Committee on the Measurement of Gas	1935–36
Joint Committee on Public Sewers (Contributions by Frontagers)	1935–36
Joint Committee on Gas Prices	1936–37
Joint Committee on the Breaking up of Streets by Statutory Undertakers	1938–39
Joint Committee on House of Lords Reform	1962–63
Joint Committee on Censorship of the Theatre	1966–67
Joint Committee on the Publication of Proceedings in Parliament	1969–70
Joint Committee on Delegated Legislation	1971–72 and 1972–73
Joint Committee on Parliamentary Privilege	1997–98 and 1998–99
Joint Committee on House of Lords Reform	2001–02 and 2002–03
Joint Committee on Conventions	2005–06
Joint Committee on Privacy and Injunctions	2010–12
Joint Committee on Parliamentary Privilege	2012–13 and 2013–14
Parliamentary Commission on Banking Standards	2012–13 and 2013–14 ⁹⁴
Joint Committee on the Palace of Westminster	2015–16 and 2016–17

⁹⁴ Unusually this joint committee was given the power to appoint counsel as specialist advisers to examine witnesses. It was also give the power to appoint sub-committees.

Appendix II: Joint Committees on Draft Bills

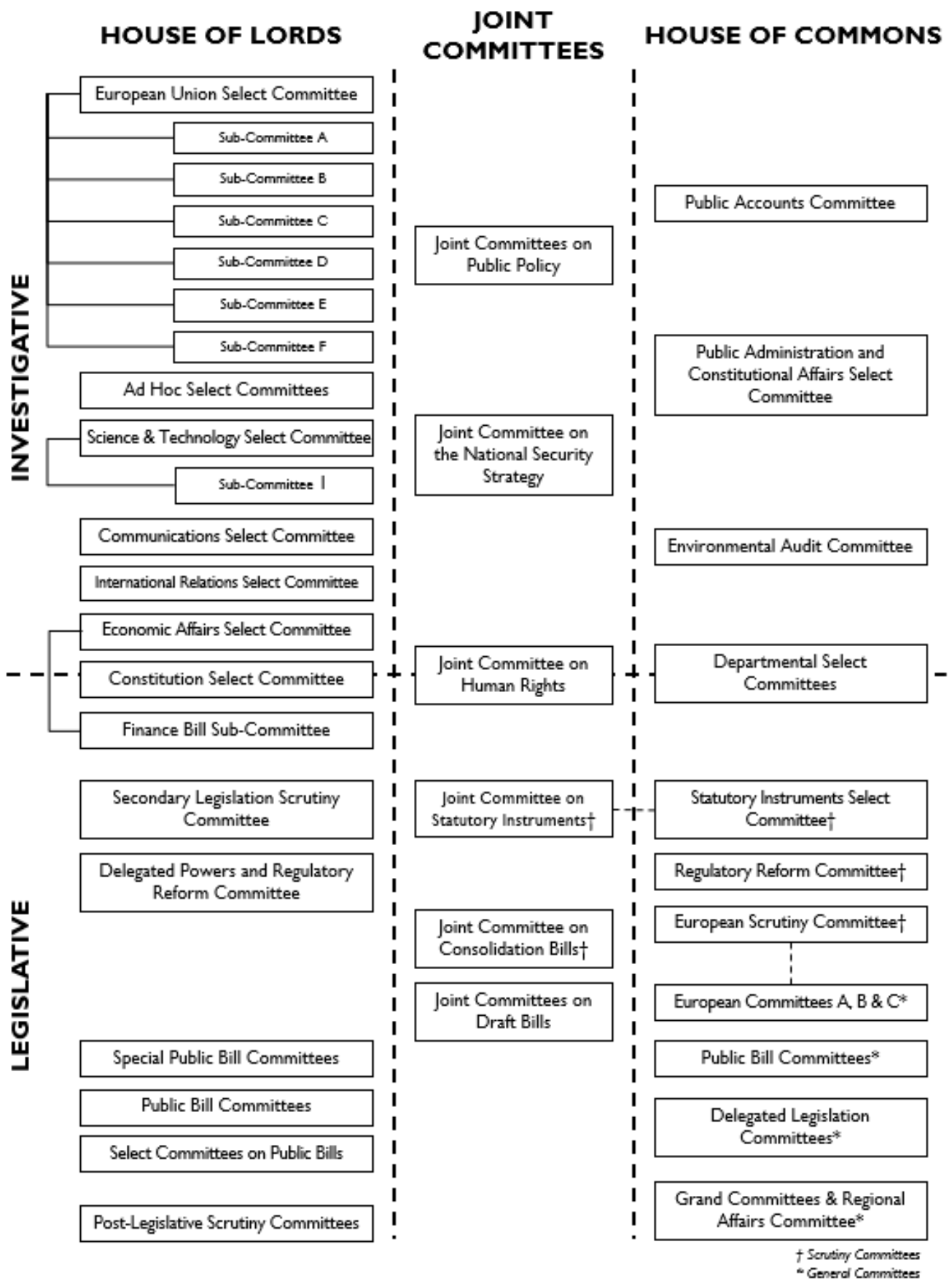
Name of Committee	Session(s)
Joint Committee on the Draft Financial Services and Markets Bill	1998–99
Joint Committee on the Draft Local Government (Organisation and Standards) Bill (session 1998–99)	
Joint Committee on the Draft Communications Bill	2001–02
Joint Committee on the Draft Civil Contingencies Bill	2002–03
Joint Committee on the Draft Corruption Bill	2002–03
Joint Committee on the Draft Mental Incapacity Bill	2002–03
Joint Committee on the Draft Gambling Bill	2002–03 and 2003–04
Joint Committee on the Draft Gambling Bill (Regional Casinos)	2002–03 and 2003–04
Joint Committee on the Draft Charities Bill	2003–04
Joint Committee on the Draft Disability Discrimination Bill	2003–04
Joint Committee on the Draft Mental Health Bill	2003–04 and 2004–05
Joint Committee on the Draft Children (Contact) and Adoption Bill	2004–05
Joint Committee on the Draft Legal Services Bill	2005–06
Joint Committee on the Draft Climate Change Bill	2006–07
Joint Committee on the Draft Human Tissue and Embryos Bill	2006–07
Joint Committee on the Draft Constitutional Renewal Bill	2007–08
Joint Committee on the Draft Marine Bill	2007–08
Joint Committee on the Draft Bribery Bill	2008–09
Joint Committee on the Draft Defamation Bill	2010–12
Joint Committee on the Draft Detention of Terrorist Suspects (Temporary Extension) Bills	2010–12
Joint Committee on the Draft Financial Services Bill	2010–12
Joint Committee on the Draft House of Lords Reform Bill	2010–12
Joint Committee on the Draft Communications Data Bill	2012–13
Joint Committee on the Draft Enhanced Terrorism Prevention and Investigation Measures Bill	2012–13
Joint Committee on the Draft Care and Support Bill	2012–13
Joint Committee on the Draft Voting Eligibility (Prisoners) Bill	2013–14
Joint Committee on the Draft Deregulation Bill	2013–14
Joint Committee on the Draft Modern Slavery Bill	2013–14
Joint Committee on the Draft Protection of Charities Bill	2014–15
Joint Committee on the Draft Investigatory Powers Bill	2015–16

Appendix 12: Evolution of EU Sub-Committees

Session	Sub-Committee						
	A	B	C	D	E	F	G
Session 1973–74	Finance, Economics & Regional Policy	External Trade & Treaties	Environment, Social, Health, Employment, Education & Research	Agriculture, Fisheries, Food, Environment & Transport	Law		
Session 1974–75	Finance, Economics, Regional Policy & Institutions	Trade & External Treaties	Health, Social, Employment & Education	Agriculture & Consumer Affairs	“	Environment, Energy, Transport & Research	
Session 1975–76	Finance, Economics & Regional Policy	Trade & Treaties	Health, Employment, Education & Social Affairs	“	“	Energy, Transport & Research	Environment
Session 1977–78	“	“	Education, Employment & Social Affairs	“	“	“	“
Session 1979–80	“	“	Education, Employment, Consumer & Social Affairs	Food & Agriculture	“	“	“
Session 1980–81	“	External Relations, Trade & Industry	Education, Employment & Social Affairs	Agriculture, Food & Consumer Affairs	“	Energy, Transport, Technology & Research	“
Session 1986–87	Finance, Trade and Industry & External Relations	Energy, Transport & Technology	Social & Consumer Affairs	Agriculture & Food	Law & Institutions	Environment	
Session 1993–94	Finance, Trade & External Relations	Energy, Industry & Transport	Environment & Social Affairs	“	“		
Session 1994–95	Economic and Financial Affairs, Trade & External Relations	Energy, Industry, Transport & the Working Environment	Environment, Public Health & Education	Agriculture, Fisheries & Consumer Protection	“		

Session	Sub-Committee						
	A	B	C	D	E	F	G
Session 1996–97	“	Energy, Industry & Transport	“	Agriculture, Fisheries & Food	“		
Session 1997–98	“	“	Environment, Public Health & Consumer Protection	“	“	Social Affairs, Education & Home Affairs	
Session 1999–2000	“	“	Common Foreign & Security Policy	Environment, Agriculture, Public Health & Consumer	“	“	
Session 2003–04	Economic and Financial Affairs & International Trade	Internal Market	Foreign Affairs, Defence & Development Policy	Environment & Agriculture	“	Home Affairs	Social Policy & Consumer Affairs
Session 2010–12	“	Internal Market, Energy & Transport	“	Agriculture, Fisheries & Environment	Justice & Institutions	“	Social Policies & Consumer Protection
Session 2012-13	Economic & Financial Affairs	Internal Market, Infrastructure & Employment	External Affairs	Agriculture, Fisheries, Environment & Energy	Justice, Institutions & Consumer Protection	Home Affairs, Health & Education	
Session 2015-16	Financial Affairs	Internal Market	“	Energy and Environment	Justice	Home Affairs	

Appendix 13: Parliament Committee Structure



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