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Election of a Commons Speaker (2nd Edition)

The election on 23 October 2000 of the Speaker of the House of Commons revived discussion of the election process itself. This prompted an inquiry by the Procedure Committee. Its report was published on 13 February 2001 and is due to be debated on 22 March.

This Paper examines the circumstances which give rise to the election of a Speaker. It gives a brief background to the current system, and summarises the Procedure Committee report. There is also a section on the election of Speakers/Presiding Officers in the devolved Parliaments and Assemblies.

The Paper does not seek to analyse the procedural efficacy of the current, or any proposed, system of election for the Speakership. Members seeking authoritative advice on such matters of House procedure and practice should consult the Clerks.

Please note that this Paper deals only with the issue the House's election of its Speaker. It does not deal with the parliamentary election of a Speaker as a Member of Parliament.

Pat Strickland

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Summary of main points

- The procedure for an election of a Speaker dates back to 1972
- An election arises at the meeting of a new Parliament, on the death or retirement of the Speaker, or if the Speaker ceases to be a Member for any other reason
- If the retiring Speaker is still in post, he or she will normally take the chair. Otherwise, the Father of the House presides over the proceedings
- The procedure means that, where there are multiple candidates, the order in which Members are called could affect the result, or at least could be perceived to do so. The system caused considerable controversy at the time of the election on 23 October 2000.
- In its February report, the Procedure Committee put on record its belief that the outcome of the election of the current Speaker would have been the same regardless of the particular electoral system employed.
- The Committee recommended that the present system be replaced by a secret ballot, but that this question should be the subject of a specific and separate decision of the House.
- The Committee recommended that the Exhaustive Ballot system should be used, with candidates polling less than 5% of the vote being eliminated after the first ballot. It considered that the whole process, from nomination to election, could be carried out in the course of a single sitting day.
- The Committee also recommended that there should not be an automatic ballot at the start of a Parliament where a sitting Speaker seeking re-election to the Chair has been returned to the House.
- The Scottish Parliament and the National Assembly for Wales both incorporate secret ballots in their procedures for the election of their Presiding Officers.

More general information on the Speakership is available in the House of Commons Information Office Factsheet M2, *The Speaker*, Nov 2000.¹

¹ <http://www.parliament.uk/commons/lib/fs21.pdf>

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I Procedure

The procedure for an election of a Speaker is described in Standing Order no. 1:²

The Speaker

Election of the Speaker.

1. (1) Whenever it is necessary to proceed forthwith to the choice of a new Speaker in consequence of the Speaker having ceased for any reason to be a Member of this House, the chair shall be taken by that Member, present in the House and not being a Minister of the Crown, who has served for the longest period continuously as a Member of this House.

(2) Whenever it is necessary to proceed to the choice of a new Speaker in consequence of an intimation to Her Majesty by the Speaker of her wish to relinquish that office then the Speaker shall continue to take the chair and shall perform the duties and exercise the authority of Speaker until a new Speaker has been chosen, whereupon the Speaker shall leave the chair and shall cease to perform those duties and to exercise that authority and the Speaker Elect shall take the chair accordingly:
Provided that, if when this House proceeds to choose a new Speaker the unavoidable absence of the Speaker has been announced, the Deputy Speaker shall forthwith leave the chair and the chair shall be taken in accordance with the provisions of paragraph (1) of this order.

(3) A Member taking the chair under the provisions of paragraph (1) of this order shall enjoy all those powers which may be exercised by the Speaker during proceedings under paragraph (2) thereof.

(4) When a motion has been made, in accordance with the provisions of this order, that a certain Member do take the chair of this House as Speaker, a question shall be proposed on that motion and the question on any further such motion shall be put as an amendment thereto.

The existing process was described in a letter and guidance note sent by the Father of the House, Sir Edward Heath, to all Members on 25 July 2000. His covering letter stated:

As you know, Madam Speaker has undertaken that all Members would be informed of the procedure on the election of her successor on 23 October. The enclosed note is being sent to all Members, and sets out in general how, in accordance with the Standing Orders, the election proceeds. I hope you find it helpful.

My task in the Chair would be rendered very much easier - though I emphasise that it is not essential - if colleagues who intend to propose candidates for the Speakership would informally let me know, indicating whose name they expect to put forward. It would be useful to receive such information the week before the House resumes in October. I will of course treat anything of that nature which I receive in the strictest confidence.

² S.O. 1, Public Business, 2000 - <http://pubs1.tso.parliament.uk/pa/cm200001/cmstords/pubbs--a.htm#1>

The note was in the following terms:

AN OUTLINE OF THE PROCEDURE ON THE ELECTION OF THE SPEAKER

The procedure for the election of a Speaker is governed by Standing Order No 1.

The Father of the House, in the lower Chair, first calls a senior minister to acquaint the House with Her Majesty's leave to elect a Speaker,

The Chair calls a Member to propose a candidate and then calls another Member to second that candidate. The Question "**That ... do take the Chair of this House as Speaker**" is proposed from the Chair. Debate may follow. At the end of the debate, the Member proposed will indicate his or her willingness to accept the office.

At this point, *and before any decision is taken by the House on the election of the first nominee*, the Chair may call a further Member to move, as an amendment to the first motion, to leave out the name in that motion and insert another name. The amendment is seconded. The Question "**That the Amendment be made**" is proposed from the Chair. Debate follows. At the end of the debate, the Member nominated will indicate his or her willingness to accept the office. The Question on the Amendment will then be put to the House for its decision.

If the amendment is carried, the Chair puts the Main Question as amended - that is, that the Member named in the successful amendment take the Chair as Speaker. The House may divide on that question. (Of course, if the Main Question as amended is itself defeated, the whole process starts afresh).

If the amendment is *not* carried, it will be possible for further amendments to be moved successively, and disposed of, in the manner described above.

If and when all amendments have been defeated, and no further amendments are forthcoming, the Chair will put the Main Question to the House.

Once a Speaker has been elected, the Father of the House relinquishes the Chair.

II When does an election arise?

The need for an election can arise in a number of circumstances:

- The meeting of a new Parliament
- The death or retirement of the Speaker³
- The Speaker ceasing to be a Member for any other reason⁴

Thus there will always be an election of a Speaker at the start of a new Parliament, whether or not the Speaker in the previous Parliament has been returned as a Member. If the previous Speaker has indicated a wish to continue in post, custom and practice

³ See *Erskine May* p 193

⁴ Presumably, in theory, the Speaker could not only be removed from office as Speaker on a substantive motion of the House, but also, as a Member, could be expelled from the House. Both scenarios are extremely unlikely nowadays, as, if appropriate circumstances ever arose, the Speaker would be expected to resign, either before, or as a consequence of, a substantive motion of censure.

indicates that such an election has been purely formal. Even the election of a new Speaker (whether at the start of a new Parliament or during a Parliament) will not mean a contested election, if there is only one candidate before the House. Ceasing to be a Member of the House would itself remove a Speaker from office, as the Speaker must be a Member of the House.⁵

Practice has varied as to the timing of a Speaker's retirement. The Procedure Committee had, in 1971-72, expressed its hope that Speakers would choose to retire in the middle of a session (with at least ten sitting days' notice) rather than at the end of a Parliament.⁶ This happened in 1971 (Speaker King), 1976 (Speaker Lloyd) and 2000 (Speaker Boothroyd), but not in 1983 (Speaker Thomas) or 1992 (Speaker Weatherill).

III How does an election proceed?

If the retiring Speaker is still in office, he or she will normally take the Chair during the election, as happened on 3 February 1976 when George Thomas was elected. If there is no Speaker in post, or able to preside, at the time of the election, the practice before the early 1970s was that the Clerk of the House took the Chair. Following a review by the Procedure Committee, Standing Orders agreed in 1972 required that, in such cases, "that Member, present in the House and not being a Minister of the Crown, who has served for the longest period continuously as a Member of this House" should take the Chair. That person is colloquially known as the 'Senior Member' or, more popularly, as the 'Father of the House',⁷ and presides from the Clerk's place at the Table,⁸ not in the Speaker's Chair.

The detailed procedure is set out in *Erskine May*, pp 237-41.⁹ As *S.O. no. 1(4)* states, the election proceeds by way of nomination of candidates by a motion and, if necessary, by

⁵ As is confirmed by S.O. no. 1(3): "When a motion has been made, in accordance with the provisions of this order, that a certain Member do take the chair of this House as Speaker... ". A Speaker does not cease to be a Member simply by leaving office as Speaker, although in practice, if a Speaker has stood down during a Parliament, immediate elevation to the House of Lords was traditional. Speaker Lloyd, who strongly supported the idea of a Speaker being a member elected for a real rather than fictional constituency, told the House on his retirement that "to mark the fact that I am an ordinary Member, I have decided, as is my right, to stay on as a member of this House... Although I shall stay on, it will only be for a few days" (HC Deb vol 904 c1140, 3.2.76).

⁶ *Election of a Speaker*, 1st report, 1971-72, HC 111, para 22. The Committee noted the particular inconvenience caused at the start of a new Parliament when there was also a change of government at the previous general election.

⁷ see HCIO Factsheet M3, *The Father of the House* – <http://www.parliament.uk/commons/lib/fs24.pdf>

⁸ described in Sir Edward's note as 'the lower Chair'

⁹ See also Paul Evans' *Handbook of House of Commons procedure*, 2nd ed, 1997, paras 3.1.7-9, and HCIO Factsheet M2, *The Speaker*, pp 3-4 – <http://www.parliament.uk/commons/lib/fs21.pdf>

amendments to that motion. Sir Edward Heath, presiding as Father of the House, explained the procedure before the election of the Speaker in 1992:¹⁰

I shall first call for a candidate to be proposed and seconded, after which a debate may follow on that Question. At the end of the debate, the Member proposed may indicate his or her willingness to accept the office. At this point, an amendment may be proposed and seconded to leave out the first name and insert another name. A debate on that amendment may then follow, at the end of which the Member concerned may indicate his or her willingness to accept the office. The Question, That the amendment be made, will then be put. If the amendment is carried, I shall then put the main Question, as amended, on which also a Division may take place. If the amendment is defeated, it will be possible for further amendments to be moved in the same manner as I have described for the first; or, if no amendment is forthcoming, the original Question will be put to the House.

The Procedure Committee looked at the matter again in 1996, in the context of initial proceedings at the start of a new Parliament. It concluded as follows:¹¹

22. Although there are some inherent weaknesses in the system for the election of the Speaker laid down in Standing Order No. 1, in particular the burden laid on the Father of the House to decide who is to catch his eye to move the first candidate, there is in our view no better system and many worse. **We accordingly recommend no change to the current procedures for the election of the Speaker.**

In its response, the then Government supported the Committee's views and recommendations.¹²

IV The election of 23 October 2000

A. Events leading up to the election

The current election was precipitated by Madam Speaker's announcement of her retirement, and the Leader of the House's announcement of the election process, both made to the House on 12 July:¹³

Speaker's Statement

¹⁰ HC Deb 27 Apr 1992 Vol 207 c 2

¹¹ *Proceedings at the start of a Parliament*, 1st report of 1995-96, HC 386, May 1996. This report was considered in more detail in the first edition of this Research Paper, at pp10-11

¹² 4th report of the Procedure Committee, HC 397, 1996-97, March 1997, p xx, appx 5

¹³ HC Deb 12 Jul 2000 Vol 353 c 869 –

http://www.publications.parliament.uk/pa/cm199900/cmhansrd/vo000712/debtext/00712-04.htm#00712-04_head0

Madam Speaker: It has been a great honour to serve the House as its Speaker for more than eight years. As hon. Members will recall, I have undertaken on several occasions that the House would be the first to know when I decided to retire. I now wish to inform the House of my intention to relinquish the office of Speaker immediately before the House returns from the summer recess.

As recommended by the Procedure Committee in 1972, I believe that there is clear advantage in a new Speaker being elected during the course of a Parliament. In particular, it ensures that all Members are familiar with the qualities of potential successors. My decision will give my successor a run-in before the general election.

My statement today also gives notice to my constituents in West Bromwich, West that, at the same time as relinquishing the office of Speaker, it is my intention to retire as their Member of Parliament--[Hon. Members: "Oh."] Be happy for me. *[Applause.]*

I have one more thing to say. The summer recess will allow me to carry out official duties to which I am already heavily committed, and it will give me an opportunity to see my many friends in the black country who have given me loyal support for 27 years and sustained me through the ups and downs of parliamentary life.

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): Madam Speaker, the House has already made it plain that it has heard your statement with deep regret. As a House, we have taken pride and pleasure in your speakership. The whole House will wish to pay tribute to you for the services that you have rendered the House and the nation, but today is not the occasion for that. It might assist the House if I indicate the sequence of events that will now be set in train.

I understand that, following precedent, you wish to make a substantive valedictory statement to the House a few days before we rise for the summer recess, on Wednesday 26 July. On that day, immediately after your statement, the House will pay its tribute to you, on the basis of a motion that the Government will table. You will remain in office throughout the recess, representing the House at international conferences in New York, presiding over the Commonwealth Parliamentary Association annual conference in London and Edinburgh, and making official visits to the Ukraine and the Baltic states. Your retirement will come into effect immediately before the House returns from the recess.

On the first day back after the recess, 23 October, there will be no Question Time and the only business before the House will be the election of your successor. That will take place under the chairmanship of the Father of the House, as provided in Standing Order No. 1.

Madam Speaker: Thank you, Mrs. Beckett. We now proceed to our normal business.

For the purposes of the election process, several consequences of the announced timetable in this particular case are of interest including:

- Madam Speaker's retirement as Speaker (and as a Member) "immediately before the House returns from the summer recess" meant that the election on 23 October would take place with no sitting Speaker

- The date of election being the first sitting day after the summer recess meant that there was a limited amount of parliamentary time available for discussion of the election process or any possible changes to the existing process.¹⁴

Members had raised questions and concerns about the election process through, for example points of order¹⁵ and Early Day Motions. The main concerns appeared to be the limited opportunity for the House to consider the election process before the election date set, and the ability of the existing process to provide Members with a full and free choice of ‘candidates’.

Tony Benn had proposed a ballot system for the recent election,¹⁶ and had distributed a note which included a *draft* of a manuscript amendment he intended to seek the agreement of the Father of the House in the Chair at the start of business to move:

**THE ELECTION OF THE SPEAKER
PROPOSAL TO USE A BALLOT**

A Note by Tony Benn

When the House meets at 2.30 on October 23rd the only business before us will be the election of the Speaker.

The Procedure set down in the Standing Orders lays down a system which, with possibly 12 candidates standing, would be cumbersome and confusing and could lead to the election of a person who might not enjoy the full confidence of the House.

I therefore intend, when we meet, to ask Sir Edward Heath, who will be presiding as Father of the House, if he will accept a Manuscript amendment to the Standing Orders allowing for a Ballot by members followed by a division between the candidates with the highest number of votes.

Sir Edward has the power to allow this amendment to be moved and, if it is carried, a Ballot would take place.

The text of my amendment is attached together with full details as to how the Ballot would work.

Many Members from across the House, support this idea and, if you felt able to do so, could you let Sir Edward know and be in the Chamber when it comes up at 2.30.

DRAFT Manuscript Amendment

Sir Edward, I beg to move a manuscript Amendment to Standing Order No. 1 which sets out the present procedure for the election of the Speaker, and invite you to accept it before we proceed to the election in the form which now exists.

¹⁴ The House rose on Friday 28 July for the summer recess

¹⁵ Such as those on 20 July (HC Deb Vol 354 cc 567-9), 24 July (HC Deb Vol 354 cc 790-1), 25 July (HC Deb Vol 354 cc 914-6) and 27 July (HC Deb Vol 354 c 1276). The matter also arose during Business Questions on 27 July (HC Deb Vol 354 cc 1241ff)

¹⁶ See, for example, “Benn may change election of Speaker”, *Guardian*, 18.10.00 - <http://www.guardianunlimited.co.uk/speaker/story/0,7369,384167,00.html>

My amendment is as follows:

"(a) That nominations for the position of Speaker be opened immediately and be submitted to the Clerk of the House, each one to be supported by a Mover and Seconder and accompanied by a consent form signed by each person nominated.

"(b) That Ballot papers be printed immediately containing the names of all the nominated candidates together with the names of the movers and seconders of each.

"(c) That each Mover and Seconder be then invited to speak in support of their candidate, in alphabetical order by name of that candidate, followed by others who may wish to speak and ending with the candidates themselves also in alphabetical order.

"(d) That the House then adjourn to allow ballot papers to be issued in the NO Lobby and members having marked them with the name of the person for whom they wish to vote, signed with their own names, would then place them in Ballot Boxes in the AYE lobby.

"(e) That the Clerk of the House would act as the Returning Officer for the counting of the Votes and would report the result to the Father of the House showing the votes cast for each candidate and the names of those members who had voted for each.

"(f) That the House would proceed to a division to decide which of the two candidates with the largest number of votes would become Speaker.

"(g) The successful candidate would then take the Chair as Speaker Elect in the normal way."

An unofficial 'hustings' was arranged by some Members for the morning of the election in a Commons committee room, and it is understood that some of the 'candidates' participated. Some 'candidates' had also issued statements (sometimes described as a 'personal manifesto') in support of their candidature.

B. Proceedings on 23 October

The proceedings on 23 October,¹⁷ the first day after the summer recess, contained many contributions, from candidates, their proposers and seconders, and from other Members, discussion the election process itself and the important parliamentary role of the Speakership. The House met at 2.30, and the Father of the House, Sir Edward Heath, took the Chair. He explained the procedure for the day's business (c1):

The House may be assisted if I make a short statement about the procedure this afternoon. The first business of the House must be to elect a Speaker. Under Standing Order No. 1, whenever it is necessary to proceed forthwith to the choice of a Speaker, it falls to the Member with the longest continuous service in the House to preside. It is

¹⁷ HC Deb 23 Oct 2000 Vol 355 c 1-106 – http://www.publications.parliament.uk/pa/cm199900/cmhansrd/cm001023/debtext/01023-01.htm#01023-01_head0

also laid down that when a motion has been made that a certain Member do take the Chair, further nominations are to be made in the form of amendments to that motion. The Standing Order therefore means that all I can preside over is the election of a Speaker by the means laid down in the Standing Order. Although that procedure may sound complex, it is exactly the same as that adopted by the House in deciding on any motion to which amendments are offered. First, the motion is moved. If there are amendments, they are then moved and decided on. Once an amendment has been carried, the main question, as amended, is put to the House for decision. If no amendment is carried and no more are forthcoming, the main question is put for decision. I hope that that will be helpful.

Tony Benn then tried to move his motion to run the election by ballot (cc2-3):

We are in some difficulty today. We do not know the names of the candidates because they have never been put on the Order Paper. We do not know who will move them or second them. We did not know what statement you would make until you made it. Officially, we will not know of any proposal of the kind that I hope you will allow me to make until I have the chance to make it.

I draw your attention, Sir Edward, to paragraph (3) of Standing Order No. 1, which says,

A Member taking the chair--
that is yourself, Sir Edward—

under the provisions of paragraph (1) of this order shall enjoy all those powers which may be exercised by the Speaker during proceedings . . .

Therefore you have absolute power, as the Speaker has, to accept an amendment if you choose to do so.

I am not asking you, Sir Edward, to support the proposal, but the House should have the opportunity to do so. There was very wide consultation at a meeting this morning and out of 150 people, only one was opposed to the idea of a ballot. We are a sovereign body, and when the House wishes it can pass an Act though both Houses in a single day and get Royal Assent, and there is no reason why we should not tackle the question now.....

I am not suggesting that that is a perfect system--some Members have suggested alternative votes and exhaustive ballots--but it is practical.

I have given the Clerk nomination forms and ballot papers and know that he has prepared them in case the proposal is carried. I hope that you, Sir Edward, will allow the House to decide. The House must have the Speaker it wants and the Speaker must enjoy the authority that he or she needs to do the job that we are about to elect him or her to do.

His proposal was supported by a number of Members from both sides of the House, citing, in particular the unusually large number of apparent candidates (12). Responding, Sir Edward said (cc 2-3):

I quite understand the anxiety that many Members have about the present system. I not only understand but have considerable sympathy with it. On the other hand, I believe

that my powers under the Standing Order do not extend to presiding over a debate and a decision on other possible methods of election. In any case, even if I had the authority to act in that way, I believe that we would become very confused if we tried to change the rules in the middle of our proceedings. However, as I am sympathetic to the concern of Members, there may be a way in which I can help without straining the limits of my powers.

It may assist the House if I announce in advance the order in which I shall call Members to propose candidates--that is, the order of all those who have notified me that they wish to take part in the debate. I do so with two provisos. First, if any amendment is carried and the main question as amended thereafter is agreed to, no subsequent amendments can be proposed. Secondly, the list that I am about to read out is not necessarily exhaustive. If no amendment moved by a Member whose name is on the list is carried, other Members may catch my eye to put forward other candidates.

Members continued to press Sir Edward in favour of Mr Benn's motion, and Tam Dalyell asked Sir Edward how he had decided the order of candidates which he had just announced. Sir Edward replied (c5):

It was done at my discretion. That has always been the case, but my predecessors have never announced in advance who has been chosen and where they are placed. I was hoping that my doing so would be helpful to the House.

Further points of order followed, and Sir Edward responded (c8):

Some of the complications of the proposed system are now emerging clearly. For us to go over to a new system will take considerable time and a great deal of investigation. What has been proposed so far as a simple solution is not simple at all. On the other hand, providing the names of those who wish to be considered and their proposers and seconders, as I have done, gives the House far more information than it has ever had in the past and provides a foundation for taking decisions today. Therefore, I cannot accept the proposals that have been made from various quarters. We should get on with our business, and I call Mr. Snape to propose Mr. Martin.

After almost half an hour the election process itself began, and continued until approximately 9.15 (with a 15 minute break around 6pm). Michael Martin (Lab)¹⁸ was proposed in the main motion, and the divisions on the amendments proposing other candidates were as follows:

¹⁸ First Deputy Chairman of Ways and Means. Proposed by Peter Snape (Lab); seconded by Ann Keen (Lab)

Sir Alan Haselhurst (Con) ¹⁹	140-345
Alan Beith (Lib Dem) ²⁰	83-409
Gwyneth Dunwoody (Lab) ²¹	170-341
Sir George Young (Con) ²²	241-317
Menzies Campbell (Lib Dem) ²³	98-381
David Clark (Lab) ²⁴	192-257 ²⁵
Nicholas Winterton (Con) ²⁶	116-340
John McWilliam (Lab) ²⁷	30-309
Michael Lord (Con) ²⁸	146-290
Sir Patrick Cormack (Con) ²⁹	130-287
Richard Shepherd (Con) ³⁰	136-282

All the amendments having been negatived, the main motion was put to the House, and on a division, Michael Martin was elected by 370-8. During his speech accepting nomination as a candidate, Mr Martin had said (c14):

Modernisation has been talked about a lot in the current Parliament. I will match the hours that any hon. Member keeps in the House because, when hon. Members leave, the Deputy Speakers still have half an hour of Adjournment debate to go, but I am not proud of the fact that, when we go to New Palace yard, men and women who work for us in this building go to their homes and many of them as parents know that their sleep will be broken because they have to get their children out to school. Whenever we talk about hours, we must always consider the staff who work for us so well in the House. There are new proposals from the Administration Committee to look at creche facilities. The Modernisation and Procedure Committees are looking at our voting system. Back Benchers should fight for these changes. I as Speaker will never interfere with those matters. I give the assurance that I will embrace the democratic decisions of the House. Change for the sake of change is no way in which to conduct our affairs, but, by the same token, to oppose change for the sake of tradition is equally wrong.

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- ¹⁹ Chairman of Ways and Means. Proposed by David Winnick (Lab); seconded by Peter Brooke (Conservative)
- ²⁰ Proposed by Dafydd Wigley (PC); seconded by Jackie Ballard (LD)
- ²¹ Proposed by David Davis (Con); seconded by a Cabinet Minister, Marjorie Mowlam, speaking from the back-benches (cc32-33)
- ²² Who had stepped down as Shadow Leader of the House to be a candidate. Proposed by John MacGregor (Con); seconded by Helen Jackson (Lab)
- ²³ Proposed by Martin O'Neill (Lab); seconded by Derek Wyatt (Lab)
- ²⁴ Proposed by John Maxton (Lab); seconded by Joan Ruddock (Lab)
- ²⁵ The 'No' vote was originally declared as 296, but corrected at the end of the election process.
- ²⁶ Proposed by John Wilkinson (Con); seconded by Stephen Pound (Lab)
- ²⁷ Proposed by Jamie Cann (Lab); seconded by Helen Brinton (Lab)
- ²⁸ Second Deputy Chairman of Ways and Means. Proposed by Tom King (Con); seconded by Andrew Reed (Lab)
- ²⁹ Who had stepped down as Shadow Deputy Leader of the House to be a candidate. Proposed by Gillian Shephard (Con); seconded by Tam Dalyell (Lab)
- ³⁰ Proposed by Martin Bell (Ind); seconded by Tony Wright (Lab)

A Speaker has a clear duty to every section of the House, especially to Back Benchers, the minority parties and the Opposition parties. The House must hold the Executive to account. I am firmly of the view that the Speaker's duty is to serve the House, not the Executive power.

It says much for the House--and, indeed, for the political system to which we all belong--that someone from the poverty of Glasgow can stand before you seeking the great office of Speaker. My origins should be no reason for me being elected; nor should they be a reason to debar me. I submit myself to the House.

As Speaker-Elect, he said (c99):

Before I assume the Chair as Speaker-Elect, I thank the House once again for its confidence in me. I pray that I shall prove worthy of that confidence and that all of us will maintain the high tradition of this place. I also ask hon. Members for their prayers.

Following a further suspension from 9.44pm to 11.18pm, the House went to the Lords to hear of the Queen's approval of their choice of Speaker, adjourning at 11.35pm.

V The Procedure Committee's February 2001 Report³¹

The Procedure Committee announced its inquiry into the election process on 31 October 2000.³² As well as taking evidence, it sent a questionnaire to all Members, and received 130 replies.

The Committee set out the object of any system of election of the Speaker as follows:³³

We have attempted not to lose sight of the fact that in the choice of Speaker, the outcome matters more than the details of the process. Our recommendations will be judged not merely by whether they enable the will of the House to be more effectively ascertained, but also by whether they assist the House to choose persons who will uphold the high traditions of the Speakership; in particular the paramount tradition of complete and transparent political impartiality. Our proposals are designed to achieve both of these ends.

The Committee made the point that, although it was recommending changes, it believed that the outcome of the election of the current Speaker would have been the same regardless of the system used:³⁴

³¹ Procedure Committee, Second Report, *Election of a Speaker*, 13 February 2001, HC 40 2000-2001 <http://www.publications.parliament.uk/pa/cm200001/cmselect/cmproced/40/4002.htm>

³² Inquiry into the rules governing the election of the Speaker, PN no. 13 of 1999-2000, 13.11.00 <http://www.parliament.uk/commons/selcom/propt13.htm>

³³ *ibid.* paragraph 4

³⁴ *ibid.* paragraph 3

We conclude that some, though not all, of the criticisms of the present system of electing a Speaker are justified. We believe it is right to make a change, and to put before the House proposals for an alternative system. We also wish to put on record, however, our belief that the outcome of the election on 23 October 2000 would have been the same regardless of the particular electoral system employed

The report also stated that the Father of the House had been correct to argue that his powers did not extend to presiding over a debate and decision on other possible methods of election.³⁵

35. We have no doubt that Sir Edward Heath acted correctly in declining to accept Mr Benn's proposed motion. Standing Order No. 1 grants the Father of the House during a Speakership election some of the usual powers of the Speaker. It is clear—both from the wording of the Standing Order itself and from the recommendations by the Procedure Committee in 1972 which it implements—that these powers are conferred solely in order to assist the Chair in conducting the election of a new Speaker according to the provisions of the Standing Order. It would be a perverse construction of that Order to suppose that it entitled the Chair or the House to proceed with a debate on setting aside the other provisions of the Order, or indeed with any other business.

36. Nevertheless, we understand the sense of frustration felt by many Members that the timing of the election last October did not allow the House at that time to conduct a debate on the rules governing the Speakership election. It is in order to allow the House to conduct that debate, and to do so on a well-informed basis, that we have carried out the present inquiry. We have sought to answer two questions. Is there a case for replacing the 1972 system of election? And if so, with what alternative system should it be replaced?

Perceived problems with the current system were set out as follows:³⁶

38. Some Members expressed themselves strongly about the perceived defects of the 1972 rules and how they operated on 23 October 2000. The chief argument advanced against the 1972 system was that the order in which Members are called by the Father of the House may help to determine the outcome, or at least may be perceived so to do; that this imposes an unfair burden on the Father of the House; and that Members accordingly have to make tactical decisions as to whether to vote for candidates higher up the 'list' who are not their first choice, in case a candidate is elected before a vote is taken on their first choice. Other criticisms of the 1972 arrangements were that they are unnecessarily complex, and that the process is unduly time-consuming.

³⁵ *ibid.*

³⁶ *ibid.*

39. A claim made by several witnesses was that the 1972 arrangements worked reasonably well in the context for which they were designed, that of an election involving at most two candidates, but that they broke down under the pressure of multiple candidatures. However, it was widely acknowledged that over a period of decades there has been a shift in the attitude taken by the House collectively which makes it increasingly unlikely that elections can be confined to a small number of candidates.

The Committee reached the following conclusions about the existing system:³⁷

(i) **No special veneration is due to the existing rules on grounds of antiquity or tradition.** Contrary to the assumption made by many Members and others, the existing, complex electoral system is of recent origin. It is only 28 years old, and replaced a system which was procedurally simpler (though one which had its own serious drawbacks). The election on 23 October 2000 was in fact only the second time on which a contest had been held under the 1972 rules.

(ii) **Not all the criticisms made of the existing system are justified. In particular, we do not consider that the length of time taken to elect a Speaker ought to be an over-riding factor.** The decision is a sufficiently important one to merit the House devoting a whole sitting day to it, when this is found to be necessary.

(iii) **The 1972 system is based on the assumption that the Government of the day and the 'usual channels' will operate behind the scenes in order to present the House with a single candidate, or at most a choice between two or three. Since at least 1983 it has become clear that this assumption is no longer correct.** It is clear that the House is no longer willing to entrust the choice of candidates to the party machines. This means that (except in the special circumstances of the start of a Parliament when the sitting Speaker has been returned to the House) multi-candidate elections are likely to become the norm.

(iv) **Where there are more than two candidates, the 1972 system is fundamentally flawed. The order in which candidates are called may indeed help to determine the outcome.** This weakness of the system was in fact disguised in the recent election because of the strength of support for Mr Martin (which made the Father of the House's decision to call his name first a relatively easy one), and because none of his challengers was able to command a majority of those voting, which meant that all challengers were able to have their support tested in a division. These are circumstances which may very well not recur. In a contest with no clear front-runner, a future presiding Member may well miscalculate the potential support for the various candidates, and the House may end up with a Speaker who has less support than some of his challengers whose names could not be put before the House. We note Mr Dalyell's claim that such circumstances may in fact already have arisen, in the 1992 election.

³⁷ *ibid.*

It therefore recommended a new ballot-based system:

(vi) For the above reasons we accept the view of the great majority of our witnesses, and **recommend that the 1972 system for electing the Speaker be replaced by a ballot-based system.**

The report stated that the most difficult decision in relation to the new system was whether the ballot should be secret or open.³⁸ Of the responses to the questionnaire sent to all Members, 86% supported a ballot-based system,³⁹ and 63% supported a secret ballot.⁴⁰ On balance, the Committee recommended that the ballot should be secret, but that this question should be the subject of a specific and separate decision of the House:⁴¹

60. We have considered carefully the arguments for and against a secret ballot. On balance, we are persuaded that the advantages outweigh the disadvantages. We note that over many years the House has regarded the election of its Speaker as an occasion quite apart from the usual run of parliamentary events, requiring special and unusual procedures. We do not believe there is any danger of setting a precedent which would be carried over into other areas of parliamentary activity. We also note the long-developing tradition that this pre-eminently is a matter for the House and not for the Government or the party leaderships, and believe that the institution of a secret ballot would represent a desirable culmination of that tradition. Finally, we note that major parliaments elsewhere in the world, both within and without the Westminster tradition, have regarded this procedure as appropriate to the election of their presiding officers. For these reasons **we recommend that the ballot be secret.**

61. We hope that the House will accept our recommendation. However, we are conscious that this is an issue on which there are strong views in the House on both sides of the argument. Although we have sampled the opinion of Members through our questionnaire and by taking evidence, we are not confident that we know what the majority view in the House is. We therefore recommend that **the question of whether the ballot be secret or open should be the subject of a specific and separate decision by the House.**

The Committee proposed no changes to the system of either the outgoing Speaker or Father of the House presiding over the election. It recommended that the Clerk should supervise the conduct of the ballot.⁴² Other recommendations included the following:

³⁸ *ibid.* paragraph 55

³⁹ *ibid.* paragraph 37

⁴⁰ *ibid.* paragraph 59

⁴¹ *ibid.*

⁴² *ibid.* paragraphs 46 and 47

- Each candidate's nomination should have the support of 12 other Members, of whom at least three should not be members of his or her party⁴³
- There should be no formal role for manifestos or hustings, but they should not be formally prohibited.⁴⁴
- There should not be an automatic ballot at the start of a Parliament where a sitting Speaker seeking re-election to the Chair has been returned to the House.⁴⁵

The Committee had received a memorandum from the Electoral Reform Society (ERS) about the various possible voting systems. This had concluded that the two most suitable ones were the Alternative Vote (AV) system and the Exhaustive Ballot. The Committee summarised these systems as follows:⁴⁶

Under the AV system, voters rank candidates in an order of preference, putting '1' next to their first choice, '2' next to their second, and so on. If a candidate receives more than 50% of the first-choice votes, he or she is elected. If no candidate does so, the candidate with the least number of votes is eliminated and their votes redistributed according to the second preferences. The process of elimination and redistribution continues until one candidate receives more than half the votes or only two candidates remain.

Under the Exhaustive Ballot system, voters place an 'X' next to the candidate of their choice. If a candidate receives more than 50% of the votes, he or she is elected. If no candidate does so, the candidate with fewest votes, as in AV, is eliminated. However, unlike in AV, the House would then vote again on the reduced slate of candidates, and would continue doing so until one candidate receives more than half the votes or only two candidates remain.

The ERS set out four criteria for assessing the fairness of a Speakership electoral system:

- (i) the winning candidate should have the support of more than 50% of those voting;
- (ii) Members should be able to vote for the candidate of their choice without fear of their vote being wasted;
- (iii) all candidates should be treated equally; and
- (iv) the procedure should be transparent and efficient.

⁴³ *ibid.* paragraph 48

⁴⁴ *ibid.* paragraph 52

⁴⁵ *ibid.* paragraph 76

⁴⁶ *ibid.* paragraphs 63-65

In its Memorandum to the Committee, the ERS stated that the present system did not meet these criteria.⁴⁷ From the various voting systems which it examined, it concluded that both AV and the Exhaustive Ballot did satisfy them.⁴⁸

While the Exhaustive Ballot involves a series of separate ballots, and so is more time consuming, the Committee concluded that this was the system which should be adopted: However, candidates with less than 5% of the vote should be eliminated after the first ballot.⁴⁹

We consider that the benefits brought by the Exhaustive Ballot are sufficiently great as to outweigh the inconvenience in terms of time brought by the need to have multiple ballots. We therefore prefer the Exhaustive Ballot to AV and recommend that it be the system adopted. In order to reduce the overall time taken, however, we also recommend that, as in Canada, candidates polling less than 5% of the total votes cast should be eliminated after the first ballot.

The Committee's overall conclusions were as follows:⁵⁰

87. The election of a Speaker is one of the most important decisions taken by the House. It has become clear that the system of election introduced in 1972 is no longer satisfactory as a means of making this decision. Our proposed alternative system is a fairer and simpler mechanism for enabling the will of the House to be expressed. We believe that, using this system, the House will continue to elect Speakers who will maintain the high traditions of their office, in particular those of complete political impartiality and devotion to the service of the House.

⁴⁷ Memorandum by the Electoral Reform Society, *Choosing a voting system for the election of the Speaker*, Appendix 3 to the Minutes of Evidence, Procedure Committee, Second Report, *Election of a Speaker*, 13 February 2001, HC 40 2000-01, p 71 –76
<http://www.publications.parliament.uk/pa/cm200001/cmselect/cmproced/40/40ap04.htm>

⁴⁸ *ibid.* paragraph 6

⁴⁹ *ibid.* paragraph 69

⁵⁰ *ibid.*

VI Recent elections

12 January 1971	(Speaker Lloyd)	HC Deb Vol 809 cc 2-34
(contested ⁵¹ , Clerk of the House in the Chair)		
3 February 1976	(Speaker Thomas)	HC Deb Vol 904 cc 1151-70
(uncontested, Speaker Lloyd in the Chair)		
15 June 1983*	(Speaker Weatherill)	HC Deb Vol 44 cc 2-18
(uncontested, James Callaghan in Chair as FoH)		
27 April 1992*	(Speaker Boothroyd)	HC Deb Vol 207 cc 2-26
(contested ⁵² , Sir Edward Heath in Chair as FoH)		
7 May 1997^{53*}	(Speaker Boothroyd)	HC Deb Vol 294 cc 2-12
(uncontested, Sir Edward Heath in Chair as FoH)		
23 October 2000	(Speaker Martin)	HC Deb Vol 355 cc 1-106
(contested, Sir Edward Heath in Chair as FoH)		

Note:

* = start of new Parliament

⁵¹ Sir Geoffrey de Freitas was nominated and seconded, although he had not been consulted in advance, was a supporter of Selwyn Lloyd's candidacy and asked for his name to be withdrawn. The motion in favour of Lloyd was immediately moved and carried (294-55)

⁵² Peter Brooke was nominated first, and then Betty Boothroyd as an amendment. The amendment was carried 372-238, and the amended motion agreed to formally

⁵³ Re-election of an incumbent. Included as most recent example of election of that category.

VII Election of Speakers since 1895 by Party of Speaker and of Government

There has been much discussion in the media and elsewhere as to the appropriate conventions about the party provenance of a new Speaker – whether, in particular, the Speakership does or should alternate between the two major parties in the House, or should be related to which party is in power at the time of a Speaker’s first election. Different views can be taken, for example, whether a trend with one or more exceptions can be regarded as a ‘convention’. Much can depend on the relevant time-period used, and the impact and effect of the contemporary constitutional and parliamentary situation should be borne in mind.⁵⁴ The following table provides some background to 20th century practice:

Date of first election	Speaker	Party on election	Government on election	Other Governments during Speakership
10.4.1895	Gully ⁵⁵	Lib	Lib	Con 1895-
20.6.05	Lowther ⁵⁶	Con	Con	Lib 1905-16, Coalition 1916-
28.4.21	Whitley ⁵⁷	Co. Lib	Coalition	Con 1922-23, 1924- , Lab 1924
21.6.28	Fitzroy ⁵⁸	Con	Con	Lab 1929-31, National/Coalition 1931-
9.3.43	Clifton Brown ⁵⁹	Con	Coalition	Lab 1945-51, Con 1951-
1.11.51*#	Morrison ⁶⁰	Con	Con	
21.10.59*	Hylton-	Con	Con	Lab 1964-

⁵⁴ For example, Speaker Boothroyd in 1992 was the first example of the election of a Member from a non-governing party since 1835. However the circumstances in 1835 can be viewed as rather unusual. The incumbent Speaker, Manners Sutton, a Tory, had been in the Chair since 1817 (and re-elected six times), and had intended to retire in 1833, but had been persuaded to stay in post by the Whigs in the first post-Reform Act Parliament, because they feared the effect of an inexperienced Speaker in such a potentially volatile House. The Whigs were dismissed by the King in 1834, but retained a majority in the House even after a subsequent general election in January 1835. When Peel’s Tory government proposed Manners Sutton again for the Chair in February 1835, the Whigs exacted revenge by voting against him and in favour of James Abercromby. These events, and the following elections in 1837, 1839 and 1841, helped to create the modern perception of a non-partisan Speakership. See further, P Laundy, *The office of Speaker*, 1964, pp22-25 and 296-301.

⁵⁵ Speaker Gully held no ministerial office prior to his election as Speaker

⁵⁶ Speaker Lowther had held junior ministerial office, and was Chairman of Ways and Means immediately prior to his election as Speaker

⁵⁷ Speaker Whitley had been a whip, and was Chairman of Ways and Means immediately prior to his election as Speaker

⁵⁸ Speaker Fitzroy was Deputy Chairman of Ways and Means immediately prior to his election as Speaker

⁵⁹ Speaker Clifton Brown had been a PPS, and was Chairman of Ways and Means immediately prior to his election as Speaker

⁶⁰ Speaker Morrison had been a cabinet minister, but held no ministerial or ‘speakership’ office immediately prior to his election as Speaker

	Foster ⁶¹			
26.10.65	King ⁶²	Lab	Lab	Con 1970-
12.1.71	Lloyd ⁶³	Con	Con	Lab 1974-
3.2.76	Thomas ⁶⁴	Lab	Lab	Con 1979-
15.6.83*	Weatherill ⁶⁵	Con	Con	
27.4.92*	Boothroyd ⁶⁶	Lab	Con	Lab 1997-
23.10.00	Martin ⁶⁷	Lab	Lab	--

Notes:

* = elected at start of new Parliament

= elected at start of new Parliament where change of government

VIII Relevance of a Speaker's religion

In passing, it may be convenient to note that the new Speaker has been described in the media and elsewhere, as the “first Catholic Speaker since the Reformation.” Some press reports have suggested that the last Catholic Speaker was Sir Thomas More (1523). Identifying an office-holder's religion is not always straightforward, especially during periods where disclosure of a person's religion may not have been politic, even when there was no statutory bar on particular religions. There appears to be no reference to a Catholic Speaker since members of that religion were able again to be MPs early in the 19th century. This suggests that the last acknowledged Roman Catholic Speaker was in Reformation times, and could well be Sir William Cordell, Speaker in 1558, which was Queen Mary's last Parliament.⁶⁸

The question of religion appeared to arise, because of suggestions in the media that a Catholic holding the Speakership could have constitutional and legal implications. It is always dangerous to speculate on such hypothetical matters, in the absence of any relevant parliamentary or legal authority, but there appear to be no formal or necessary implications for the role of the Speaker on that ground. Virtually all constitutional

⁶¹ Speaker Hylton-Foster was Solicitor-General immediately prior to his election as Speaker

⁶² Speaker King was Chairman of Ways and Means immediately prior to his election as Speaker

⁶³ Speaker Lloyd had been a cabinet minister, but held no ministerial or ‘speakership’ office immediately prior to his election as Speaker

⁶⁴ Speaker Thomas had been a cabinet minister, and was Chairman of Ways and Means immediately prior to his election as Speaker

⁶⁵ Speaker Weatherill had been a whip, and was Chairman of Ways and Means immediately prior to his election as Speaker

⁶⁶ Speaker Boothroyd had been a whip, and was Second Deputy Chairman of Ways and Means immediately prior to her election as Speaker

⁶⁷ Speaker Martin was First Deputy Chairman of Ways and Means immediately prior to his election as Speaker

⁶⁸ Laundy comments on that Parliament: “It was thoroughly Roman Catholic in its allegiance, care having been taken to ensure that the sheriffs returned only ‘men given to good order, Catholic, and discreet’” (P Laundy, *The office of Speaker*, 1964, p 164)

disabilities on Catholics have been removed, other than the notable exception of the succession to the Crown.⁶⁹

The Speaker does have some statutory functions of a constitutional nature, where some may argue that his or her religion could be a factor. However, as with the similar constitutional functions of the Prime Minister or Lord Chancellor, there appears to be no legal reason why appropriate administrative arrangements could not be made if that was thought necessary or expedient. Examples of such statutory powers are:

- *Regency Act 1937, s2*: The Speaker is one of the office-holders who is empowered, along with two or more of the others so empowered, to declare the total incapacity of the Sovereign so that a Regent can be appointed.
- *Church of England Assembly (Powers) Act 1919, s2*: The Speaker nominates the 15 Commons members of the Ecclesiastical Committee, including the filling of any Commons vacancies on the Committee. This statutory committee of MPs and peers considers Church of England measures, and can (and does) comprise non-Anglican Members.
- *Church Commissioners Measure 1947, sch 1, para 1*: The Speaker is a Church Commissioner, along with a number of others by virtue of their office, and lay Commissioners appointed by the General Synod etc.. *Para 6* of the Schedule requires that “every lay Commissioner *not being a Commissioner in right of office* shall ... declare in writing before an officer of the Commission that he is a member of the Church of England” (emphasis added).

There have even been suggestions in the media⁷⁰ that the Speaker is, however distantly, in the line of succession to the Crown, or at least would become Head of State “if the entire royal family were wiped out”. As presented, this assertion appears to be mistaken. The statutory rules on succession are so drafted as not to set a limit to the line of succession, however remote that could become in theory, and the Speaker appears nowhere in that line. It may be that this apparently erroneous view has arisen because of the Speaker’s statutory duties in relation to a Regency (as already mentioned), or, more likely, because of the Speaker’s position near the top of the Order of Precedence.⁷¹ Perhaps there has

⁶⁹ Similar implications are sometimes alleged from time to time in relation to other offices, such as that of Prime Minister and of Lord Chancellor. This is considered in more detail in two Parliament & Constitution Centre standard notes, *Roman Catholics and Parliament*, and *Coronation Oath*, available to Members and their staff from the Library. See also the Scottish Parliament Research Paper 99/17, on the *Act of Settlement*, prepared for its debate on that subject last year - http://www.scottish.parliament.uk/whats_happening/research/pdf_res_papers/rp99-17.pdf

⁷⁰ See *Sunday Times* of 30 July 2000, “Party loyalties falter as MPs battle to be Betty”

⁷¹ Indeed, according to one leading work on the Speakership, until 1919 the Speaker ranked immediately after the peers, thereby being known as the ‘first commoner’ (P Laundy, *The office of Speaker*, 1964, p 250).

been some confusion with the American position, where the Speaker of the House of Representatives is in line for succession to the Presidency directly after the Vice President.

IX Appointment of the Speaker's deputies⁷²

The Speaker is assisted nowadays by three deputies – the Chairman of Ways and Means,⁷³ the First Deputy Chairman of Ways and Means⁷⁴ and the Second Deputy Chairman of Ways and Means.⁷⁵

These three officers are appointed by the House, as vacancies arise, on a motion by a Minister of the Crown,⁷⁶ and their appointment lasts for the duration of a Parliament. The appointment of the two deputies is expressly prescribed in S.O. no 2⁷⁷ as being “at the commencement of every Parliament, or from time to time, as necessity may arise”. It is usual for all the three offices to be covered by a single motion early in a new Parliament, and such motions are generally agreed to formally, without debate or division.⁷⁸ However it may be (perhaps because of continuing discussions between the parties) that motions will only cover one or two of the offices, with another motion following shortly afterwards.⁷⁹

All three deputies in the Chair abstain from party controversy, including participation in debates and divisions, as does the Speaker. Thus, since the creation of the third post in 1971, it has been the practice that two of the four occupants of the Chair are from the Government benches and two from the non-Government benches, with the Speaker and the Chairman of Ways and Means coming from different sides of the House. Thus the net effect of their withdrawal from party controversy, in terms of the political balance of the House, is nil. Maintenance of the balance between the two sides of the House, both in terms of the equal numbers of ‘Speaker/Deputy Speakers’ and between the Speaker and

⁷² A list of Speakers and their deputies, with dates of election/appointment and party affiliation, is contained in D Butler & G Butler, *Twentieth century British political facts 1900-2000*, 2000, p 185 The 2001 Procedure Committee report did not consider this matter because of time constraints, but hoped that it would be considered, along with other related issues, by its successor Committee in the next Parliament (para 86)

⁷³ Empowered as Deputy Speaker by standing order since 1855 (now *S.O. No. 3*), and under the *Deputy Speaker Act 1855*. While the Chairman is popularly known as the Deputy Speaker, strictly this title describes a range of functions rather than a discrete parliamentary office.

⁷⁴ The office of Deputy Chairman of Ways and Means was created in 1902

⁷⁵ This office was created in 1971. The two deputies are sometime colloquially described as the Second and Third Deputy Speakers

⁷⁶ Nowadays this is usually the Leader of the House, but has been other ministers (including, as in 1964 and 1976, the Prime Minister)

⁷⁷ <http://pubs1.tso.parliament.uk/pa/cm200001/cmstords/pubbs--a.htm#2>

⁷⁸ See, for example, the motions on 6 May 1992, HC Deb Vol 207 c 49, and on 14 May 1997, HC Deb Vol 294 c 40.

⁷⁹ As happened in 1983 (Second Deputy Chairman nominated by motion on 22 June, followed by the Chairman and First Deputy Chairman by motion the following day), and in 1987 (Chairman and First Deputy Chairman on 26 June and the Second Deputy Chairman – now Madam Speaker – on 7 July).

the Chairman of Ways and Means, would presumably be a relevant factor in the choices of any ‘Deputy Speakers’, if that became necessary following an election of a new Speaker.

As the new Speaker elected on 23 October was first Deputy Chairman of Ways and Means, a vacancy arose. On 2 November⁸⁰ the House agreed formally, without debate or division, to a motion, proposed by the Leader of the House, that Sylvia Heal be first Deputy Chairman of Ways and Means. The matter of this process arose during Business Questions on 14 November:⁸¹

Mr. Baker: I intend no discourtesy to you, Mr. Speaker, or to your colleagues, but is it not appropriate for the Modernisation Committee to consider the method of election of the Speaker--and, perhaps more importantly, of the Deputy Speakers? Yesterday a Deputy Speaker emerged--Vatican-style, with white smoke--into the Chair. I make no comment on her appropriateness, but I think that hon. Members should have an opportunity to vote on such matters.

Mr. Tipping: As always, Mr. Speaker, Vatican-style elections yield the correct result. The hon. Gentleman will know that the Procedure Committee is currently considering the matter and taking evidence. The proposal is for a joint meeting of the Procedure Committee and the Modernisation Committee.

X Election of Speakers/Presiding Officers of the Devolved Parliaments and Assemblies

By way of comparison, this section briefly notes the method of appointment of the occupants of the chair in the three new devolved bodies. .⁸²

▪ *Scottish Parliament:*

The Presiding Officer and Deputy Presiding Officers are elected under the procedures set out in *Rules 3.2, 3.3 and 11.9* of the Parliament’s Standing Orders.⁸³ These were summarised in a guidance note for the media in advance of the first meeting of the Parliament.⁸⁴

⁸⁰ HC Deb 2 Nov 2000 Vol 355 c 864 – http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmhansrd/cm001102/debtext/01102-14.htm#01102-14_snew20

⁸¹ HC Deb 14 Nov 2000 Vol 356 c 800 – http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmhansrd/cm001114/debtext/01114-05.htm#01114-05_sbhd0

⁸² See Annex 2 of the 2001 Procedure Committee report for a description of the election process in these, and in s.⁸²ome other parliaments around the world.

⁸³ These are reproduced in full in Appendix 2 of this Note.

⁸⁴ 1999 Media Briefing Note 2 - A Guide to the Election of the Presiding Officer and Deputy Presiding Officers (May 12 - Afternoon), *Scottish Parliament press release 3/99*, 6.5.99

The Scotland Act 1998 requires the Parliament to elect a Presiding Officer and two deputies at its first meeting. These elections, by secret ballot, are scheduled to take place from 2.30pm on Wednesday, May 12. It is possible the first business of the afternoon session will be oath or affirmation taking by any member who was unable to do so in the morning session.

Presiding Officer

The first election will be for Presiding Officer. Members will be able to submit nominations to the Clerk in the Chamber Office in Scottish Parliament Headquarters, George IV Bridge during the lunchtime adjournment between 12.30pm and 2.15pm only.

Nominees can only be nominated by members who have taken the oath or affirmation.

Ballot papers for the first round of the election for Presiding Officer will be printed between 2.15pm and 2.30pm. The election will start at 2.30pm with the oldest qualified member (defined as the oldest member who does not intend to stand as a candidate for Presiding Officer or First Minister and who is not a leader of a party with more than five members) resuming the chair and announcing the nominations.

Each member may collect a ballot paper from one of the clerks. Three voting booths and a ballot box will be situated in the Chamber for members to cast their votes.

After the voting has taken place, the ballot box will be emptied out and the ballot papers unfolded and counted by two counting clerks. Each candidate may appoint a member to act as scrutineer to oversee the count on his or her behalf.

Once the clerks counting the votes have recorded the result it will be announced by the oldest member. If a candidate wins more votes than the total number received by all other candidates and a quorum is achieved, i.e. the total number of votes cast is more than a quarter of the total number of seats in the Parliament, that candidate will be elected. Where there is only one candidate members will be asked to vote for or against that candidate or to abstain. A sole nominee will be elected if he or she obtains a simple majority in his or her favour and a quorum is achieved.

If there is no outright winner then successive rounds of voting will be held with the candidate receiving the fewest votes in each round being eliminated. This will continue until one candidate is left or until one candidate wins more votes than the total won by the other candidates. In each round new ballot papers will be printed and members will be invited to follow the same voting procedures as outlined above.

In the event of a tie at any stage there will be a brief adjournment before new ballot papers are printed and another vote taken.

Once a candidate is elected he or she will be invited by the oldest member to take the chair as Presiding Officer. The oldest member will return to his or her seat in the Chamber and the newly elected Presiding Officer will have the opportunity to address the Parliament to accept his or her election. He or she will then adjourn the sitting to enable nominations for the two deputy Presiding Officer positions to be submitted.

Deputy Presiding Officers

Members who wish to make nominations for the positions of Deputy Presiding Officers will be able to collect nomination papers from the clerk in the Presiding Officer's office in the Assembly Hall only after the election for the Presiding Officer has been completed. The time period during which nominations can be collected and submitted will be announced by the newly elected Presiding Officer before the sitting is adjourned.

Nomination papers for the Deputy Presiding Officer posts must be signed by the nominee as well as the members who are nominating and seconding. Completed papers must be handed to one of the clerks in the Presiding Officer's office.

The ballot papers for the first round of the first election for Deputy Presiding Officer are scheduled to be printed in the quarter hour following the close of nominations. When these have been placed in the Chamber the Presiding Officer will re-enter the Chamber. He or she does not have a vote or any casting vote in the elections for Deputy Presiding Officer.

The elections for the Deputy Presiding Officers will be conducted in the same way as the Presiding Officer election. There will be one nomination list for both posts and consecutive elections will be

held for each deputy Presiding Officer position. All candidates for deputy Presiding Officer will be included on the ballot paper for the first election.

All except the candidate elected as a deputy Presiding Officer in the first election will then proceed to the second election *unless* the Presiding Officer and the first deputy elected represent the same political party. In that event any remaining candidates from that party will be excluded from the second election in accordance with Rule 11.9 of the Standing Orders of the Parliament.

The second election follows on immediately from the first. Once elected the Deputy Presiding Officers retain their seats in the Chamber. They do not have the opportunity to speak but the Presiding Officer may express the congratulations of the Parliament on their election.

The Parliament's first Presiding Officer and Deputy POs were elected, using these procedures, on 12 May 1999.⁸⁵

▪ *National Assembly for Wales:*

The Presiding Officer of the Assembly is elected under the procedure set out in Standing Order 1:⁸⁶

STANDING ORDER 1 - Presiding Officer and Deputy

Election of Presiding Officer and Deputy

1.1 At its first meeting after an ordinary election, the Assembly shall elect a Presiding Officer and a Deputy.

1.2 Until the Presiding Officer is elected, the Assembly shall be chaired

(i) after its first ordinary election, by the Secretary of State for Wales or a person nominated by him or her; and

(ii) after subsequent elections, by the Clerk.

1.3 At the election of a Presiding Officer or a Deputy, the chair shall invite nominations. A nomination shall in the first instance be valid only if seconded by a Member who is not a member of the political group to which the nominating Member belongs. If it appears that no Member is likely to be nominated and seconded by members of different political groups, the chair shall adjourn the meeting and may, on its resumption, accept nominations which are seconded by members of the same political group as the nominating Members.

1.4 If there is only one nomination, the chair shall propose that the Member nominated be elected as Presiding Officer (or Deputy as the case may be). If that is opposed, or if there are two or more nominations, the chair shall make arrangements for an election to take place by secret ballot.

1.5 If two Members have been nominated, the chair shall declare elected the Member who has secured the greater number of votes in the ballot.

⁸⁵ http://www.scottish.parliament.uk/official_report/session99-00/or010104.htm#Col7. There was some criticism that the election was required to be by secret ballot, but no change was made by the Parliament when it agreed a new set of standing orders in late 1999 to replace the initial set which had been provided in a UK statutory instrument.

⁸⁶ Both the PO and DPO were elected unanimously at the first meeting of the Assembly on 12 May 1999, with no other candidates nominated - <http://www.wales.gov.uk/assemblydata/3986F34C000EB0C0000053400000000.pdf>

1.6 If more than two Members have been nominated and no Member receives more than half of the votes cast in a ballot, the candidate who has received the smallest number of votes shall be excluded and further ballots held until one candidate obtains more than half of the votes cast; and if there is an equality of votes between the two remaining candidates (or the only two candidates) a further ballot shall take place.

1.7 The Member elected as Presiding Officer shall immediately take the chair.

1.8 A Member may not be nominated to be the Deputy if he or she is a member of the same political group as that of the Presiding Officer.....

Vacancies

1.14 If either the office of Presiding Officer or that of the Deputy becomes vacant the Assembly shall as soon as may be elect a Member to fill the vacancy. The election of a Presiding Officer shall normally take precedence over all other business, and shall be conducted in accordance with this standing order.

▪ *Northern Ireland Assembly:*

The Initial Presiding Officer was to be appointed by the Secretary of State,⁸⁷ and Lord Alderdice of Knock was so appointed on 29 June 1998.⁸⁸ When the New Northern Ireland Assembly met for the first time on 1 July 1998, he remained in the Chair as there were no proposals for election of an Initial Presiding Officer on a cross-community basis.⁸⁹ Following the implementation of devolution, the Presiding Officer has been known as 'the Speaker'⁹⁰, as permitted by the Standing Orders of the Northern Ireland Assembly:

(1) A Presiding Officer of the Assembly elected under Section 39 of the Northern Ireland Act 1998 may be called "Mr Speaker", "Madam Speaker" or "Speaker", and is referred to in the remaining provisions of these Standing Orders as "the Speaker".

The method of election is provided by s39 of the *Northern Ireland Act 1998*:

39. - (1) Each Assembly shall as its first business elect from among its members a Presiding Officer and deputies.

(2) A person elected Presiding Officer or deputy shall hold office until the conclusion of the next election for Presiding Officer under subsection (1) unless-

(a) he previously resigns;

(b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or

(c) the Assembly elects from among its members a person to hold office as Presiding Officer or deputy in his place.

⁸⁷ *Northern Ireland (Elections) Act 1998*, Sch 1, para 3–

<http://www.hmso.gov.uk/acts/acts1998/19980012.htm#sch>

⁸⁸ See the Secretary of State's letter, reproduced in the Official Report of the NNIA's first meeting,

<http://www.ni-assembly.gov.uk/record/980701.htm>

⁸⁹ <http://www.ni-assembly.gov.uk/record/980701.htm> (1 Jul 1998)

⁹⁰ and the deputy presiding officer as 'Deputy Speaker': Standing Order 1,

<http://www.ni-assembly.gov.uk/standingorders.htm>

- (3) If the Presiding Officer or a deputy ceases to hold office (otherwise than under subsection (2)(c)) before the Assembly is dissolved, the Assembly shall elect another from among its members to fill his place.
- (4) The Presiding Officer's functions may be exercised by a deputy if the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act.
- (5) The Presiding Officer may (subject to standing orders) authorise a deputy to exercise functions on his behalf.
- (6) Standing orders may include provision as to the participation (including voting) of the Presiding Officer and deputies in the proceedings of the Assembly.
- (7) A person shall not be elected under subsections (1) to (3) without cross-community support.

Appendix: Procedure for election of Presiding Officers of the Scottish Parliament under Standing Orders

Rule 3.2 Election of Presiding Officer

1. The Parliament shall, at its first meeting following a general election, elect from among its members a Presiding Officer.
2. If the Presiding Officer ceases to hold office before the Parliament is dissolved, the Parliament shall elect another from among its members.
3. In the case of the election of the Presiding Officer under paragraph 1, the voting period at the election ("the voting period") shall take place at such time during the first meeting as may be notified in the Business Bulletin or as may be appointed by the person chairing the meeting.
4. In the case of the election of a Presiding Officer under paragraph 2, the voting period shall take place on the day and at the time appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than fourteen days after the date on which the Presiding Officer ceased to hold office. If this is not possible because the Parliament is in recess at that time, the voting period shall take place on the day and at the time notified in the Business Bulletin.
5. For the purposes of paragraph 4, the date on which the Presiding Officer ceased to hold office shall be-
 - (a) in the case where he or she resigns, the date on which the resignation takes effect;
 - (b) in the case where he or she is removed from office by resolution of the Parliament, the date on which he or she is so removed; or
 - (c) in the case where he or she ceases to be a member of the Parliament, the date on which a vacancy is to be treated as occurring for the purposes of section 9 (constituency vacancies) or 10 (regional vacancies) in accordance with Rule 1.5.
6. A member may, at any time during the period which is not earlier than 2 hours and not later than 15 minutes before the time appointed for the beginning of the voting period, nominate a candidate for appointment as the Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.
7. Where there are 2 elected deputy Presiding Officers who represent the same political party, a member representing that party is not eligible for nomination as a candidate for appointment as Presiding Officer. The person chairing the meeting shall reject any such nomination as being invalid.
8. A person nominated as a candidate must take the oath of allegiance or make a solemn affirmation before for the beginning of the voting period. If he or she has not done so, the person chairing the meeting shall reject his or her nomination.
9. At the beginning of the voting period, the person chairing the meeting shall announce the name or names of the candidate or candidates validly nominated and an election shall be held in accordance with Rule 11.9.
10. After the person chairing the meeting has declared the result of the election of the Presiding Officer, the elected Presiding Officer shall take the chair.

Rule 3.3 Election of deputy Presiding Officers

1. The Parliament shall, at its first meeting following a general election, elect from among its members two deputy Presiding Officers.
2. If a deputy Presiding Officer ceases to hold office before the Parliament is dissolved, the Parliament shall elect another deputy Presiding Officer from among its members.
3. Where there is a vacancy in the office of Presiding Officer and in the office of a deputy Presiding Officer, the election of the Presiding Officer shall precede the election of the deputy Presiding Officer.
4. Where there are vacancies in the offices of both deputy Presiding Officers, consecutive elections shall be held for the offices.
5. In the case of the election of deputy Presiding Officers under paragraph 1, the voting period for the election of the first deputy Presiding Officer ("the first voting period") shall take place at such time during the first meeting as may be appointed by the Presiding Officer, which shall be not earlier than 30 minutes after the Presiding Officer informed the Parliament as to when the first voting period is to take place. The voting period for the election of the second deputy Presiding Officer shall take place immediately after the completion of the first voting period.

6. Paragraph 5 shall also apply in any other case where there are vacancies in the offices of both deputy Presiding Officers except that, where the Parliament is not dissolved or is not in recess, the date and time for the first voting period shall be appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than 14 days after the date on which both those offices became vacant. If this is not possible because the Parliament is in recess at that time, the date and time for the first voting period shall be appointed by the Presiding Officer.

7. In the case of an election under paragraph 5 or 6, the candidates in the election for the second deputy Presiding Officer shall be the candidates not elected in the election for the first deputy Presiding Officer, except that, where the Presiding Officer and the first deputy Presiding Officer represent the same political party, any candidate representing that party shall not be a candidate for election as the second deputy Presiding Officer.

8. In the case where there is a vacancy in only one of the offices of deputy Presiding Officer, the voting period for the election of the deputy Presiding Officer shall take place on the date and at the time appointed by the Parliament on a motion of the Parliamentary Bureau. That date shall not be later than 14 days after the date on which the office became vacant. If this is not possible because the Parliament is in recess at that time, the date and time for the voting period shall be appointed by the Presiding Officer.

9. In the case of an election under paragraph 8, where the elected Presiding Officer and a deputy Presiding Officer represent the same political party and there is a vacancy in the office of the other deputy Presiding Officer, a member representing that party is not eligible for nomination as a candidate for election as that other deputy Presiding Officer.

10. For the purposes of paragraphs 6 and 8, the date on which the deputy Presiding Officer ceased to hold office shall be-

- (a) in the case where he or she resigns, the date on which the resignation takes effect;
- (b) in the case where he or she is removed from office by resolution of the Parliament, the date on which he or she is so removed; or
- (c) in the case where he or she ceases to be a member of the Parliament, the date on which a vacancy is to be treated as occurring for the purposes of section 9 (constituency vacancies) or 10 (regional vacancies) in accordance with Rule 1.5.

11. The following paragraphs apply to an election in any of the cases mentioned in paragraphs 5, 6 and 8.

12. A member may at any time during the period which is not earlier than 30 minutes before and not later than 15 minutes before the beginning of the first voting period in the cases mentioned in paragraphs 5 and 6 and the voting period in the case mentioned in paragraph 8, nominate a candidate for appointment as deputy Presiding Officer by submitting a written nomination to the Clerk. A nomination shall be valid only if it is seconded by another member.

13. A person nominated as a candidate must take the oath of allegiance or make a solemn affirmation before the time appointed for a voting period. If he or she has not done so, the Presiding Officer shall reject his or her nomination.

14. At the beginning of a voting period, the Presiding Officer shall announce the name or names of the candidate or candidates validly nominated and an election shall be held in accordance with Rule 11.9.

Rule 11.9 Election of Presiding Officer and deputy Presiding Officers

1. This Rule applies to any election of the Presiding Officer or any deputy Presiding Officer to be held by virtue of Rule 3.2 or 3.3.

2. The vote at an election shall be by secret ballot and shall be held during the voting period appointed under Rule 3.2 or 3.3. Where there is more than one candidate, there may be more than one round of voting in accordance with paragraphs 7 to 12.

3. The result of any vote under this Rule is valid only if the number of members who voted is more than one quarter of the total number of seats for members. For this purpose, in calculating the number of members who voted-

- (a) account shall be taken not only of those voting for or against a candidate, but also of those voting to abstain; and
- (b) where there is more than one round of voting the result of each round of voting shall be treated

as a separate result and the number of members who voted shall be taken to be the total number who voted in that round.

If the result of any vote at an election is invalid under this Rule, no candidate shall be elected at that election.

- 4.** Each candidate may appoint a member to act as a scrutineer on his or her behalf. Each scrutineer may monitor the counting of votes by the Clerk and may request the Clerk to perform a count again. The Clerk may refuse such a request only if he or she considers it unreasonable.
- 5.** Any member may, at the beginning of a round of voting, obtain a ballot paper from the Clerk. Any member who obtains a ballot paper shall immediately mark his or her vote on that ballot paper and then put the ballot paper in the ballot box provided for that purpose by the Clerk. That member may not thereafter obtain another ballot paper or vote during that round of voting.
- 6.** Where there is only one candidate in a round of voting, a member may vote for or against that candidate or to abstain. At the completion of that round of voting the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for the candidate, against the candidate or to abstain. The candidate shall be elected if he or she obtains a simple majority of votes in his or her favour.
- 7.** Where there is more than one candidate in a round of voting, a member may vote for one of those candidates or to abstain. At the completion of each round of voting in which there is more than one candidate, the Clerk shall count the votes and inform the person chairing the meeting of the number of votes for each candidate and the number of votes to abstain.
- 8.** Where there are two candidates in a round of voting, a candidate shall be elected if he or she obtains a simple majority of votes in his or her favour.
- 9.** Where there are more than 2 candidates in a round of voting and the number of votes for one candidate exceeds the total number of votes for all the other candidates, that candidate shall be elected.
- 10.** Where there are more than 2 candidates in a round of voting but no candidate is elected under paragraph 9, the candidate or candidates with the smallest number of votes shall be eliminated and there shall then be a further round or rounds of voting until-
 - (a) a candidate is elected in accordance with paragraphs 6, 8 or 9;
 - (b) paragraph 11 applies; or
 - (c) the result of any vote is invalid under this Rule.
- 11.** Where in any round of voting the candidates all receive the same number of votes no candidate shall be elected at that election.
- 12.** A candidate may withdraw his or her candidature at any stage between the rounds of voting mentioned in paragraphs 7 to 10.
- 13.** In counting the votes, the Clerk may disregard any ballot paper if, in his or her opinion, it does not clearly indicate the voter's choice.
- 14.** When a candidate has been elected in accordance with this Rule the person chairing the meeting shall announce the name of the candidate who has been elected. He or she shall also announce-
 - (a) after the count in a case where the provisions of paragraph 6 apply, the number of votes for and against the candidate and the number of votes to abstain; and
 - (b) after the count in any other case, the number of votes for each candidate, the number of votes to abstain and the name of any candidate who has been eliminated at that round.
- 15.** Where no candidate is elected at an election held in accordance with this Rule, the person chairing the meeting shall announce that fact and arrange for another election to be held as soon as possible. The Clerk shall notify members of the day and time appointed for the voting period at that election.
- 16.** Following a declaration that a candidate has been elected or that no candidate has been elected, the Clerk shall destroy all the ballot papers.