



RESEARCH PAPER 05/46
14 JUNE 2005

Modernisation of the House of Commons 1997- 2005

The Modernisation Committee was established in May 1997 with a remit to “consider how the practices and procedures of the House should be modernised”. Over the last two Parliaments it has put forward a number of proposals for reform, many of which have subsequently been adopted by the House.

Part I of this paper explains the background to the establishment of the Committee and the Modernisation Programme. It explains the nature of the Modernisation Committee, which is unusual in that it has been chaired by the Leader of the House. Part II goes on to outline the key changes to the practices and procedures of the House of Commons during the 1997 and 2001 Parliaments. Part III then examines some themes emerging from the modernisation process and Part IV looks forward to future developments.

Lucinda Maer

PARLIAMENT AND CONSTITUTION CENTRE

HOUSE OF COMMONS LIBRARY

Recent Library Research Papers include:

05/30	The Quango Debate	05.04.05
05/31	The <i>International Organisations Bill [HL]</i> [Bill 2 of 2004-05]	06.04.05
05/32	Unemployment by Constituency, March 2005	13.04.05
05/33	General Election 2005	17.05.05
05/34	By-election results 2001-05	11.05.05
05/35	Unemployment by Constituency, April 2005	18.05.05
05/36	The <i>Transport (Wales) Bill</i> [Bill 4 of 2005-06]	23.05.05
05/37	The <i>Consumer Credit Bill</i> [Bill 2 of 2005-06]	01.06.05
05/38	<i>Crossrail Bill</i> [Bill 1 of 2005-06]	01.06.05
05/39	The <i>Natural Environment and Rural Communities Bill</i> [Bill 3 of 2005-06]	02.06.05
05/40	Economic Indicators, June 2005	06.06.05
05/41	The <i>National Lottery Bill</i> [Bill 6 of 2005-06]	09.06.05
05/42	Parliamentary pay and allowances	09.06.05
05/43	The <i>Identity Cards Bill</i> [Bill 9 of 2005-06]	13.06.05
05/44	Social Indicators [includes articles: General Election 2005, NHS Waiting Lists and Targets in England]	13.06.05
05/45	The Future of the European Constitution	13.06.05

Research Papers are available as PDF files:

- *to members of the general public on the Parliamentary web site,
URL: <http://www.parliament.uk>*
- *within Parliament to users of the Parliamentary Intranet,
URL: <http://hcl1.hclibrary.parliament.uk>*

Library Research Papers are compiled for the benefit of Members of Parliament and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. Any comments on Research Papers should be sent to the Research Publications Officer, Room 407, 1 Derby Gate, London, SW1A 2DG or e-mailed to PAPERS@parliament.uk

Summary of main points

The Select Committee on Modernisation of the House of Commons was established in June 1997 with a remit to “consider how the practices and procedures of the House should be modernised”. After two Parliaments, during which the Committee has put forward proposals for reform many of which have been adopted by the House, assessments of the Modernisation process are beginning to be made. This paper examines the establishment and nature of the Modernisation Committee, changes made to the practices and procedures of the House during the last two Parliaments, the extent to which the Modernisation Committee itself was responsible for these changes, and various explanations and assessments of the reforms.

The establishment of the Modernisation Committee had been one of the proposals of the Joint Consultative Committee on Constitutional Reform agreed by the Labour and Liberal Democrat parties before the 1997 general election, and its creation was a Labour Party manifesto commitment. The Committee was to be chaired by the Leader of the House of Commons. It has been argued that this has been crucial to its approach, its recommendations, and their relative success at being adopted by the House of Commons. However, it is also argued that having a Cabinet Minister on the Committee has proven to be a ‘double edged sword’: although the recommendations have a good chance of being agreed to by the House, the nature of the Committee’s recommendations could be seen as reflecting the will of the Government to pass its business through the House efficiently rather than aiming to strengthen Parliament’s scrutiny role.

A number of changes to the practices and procedures of the House of Commons have occurred following recommendations of the Modernisation Committee. The way the House processes legislation has been altered with more Bills subject to pre-legislative scrutiny, the introduction of carry-over for some public bills, the programming of legislation and the introduction of deferred divisions also giving more certainty to the legislative schedule. Parliamentary questions have been reformed to allow them to be more topical. There have been a number of changes to the way that select committees operate including the agreement of core tasks for select committees. A parallel debating chamber has been established in Westminster Hall. There have also been changes to the sitting hours of the House, and the Parliamentary week and year with sitting days announced in advance. The practices of the House have also been changed in order to remove some procedures considered to be outdated and to make more use of technology and to encourage parliamentary reporting by the media. Initiatives to improve communication with the general public have been taken.

It has been argued that the sum of these reforms has done little to address what is considered to be the trend towards executive dominance of Parliament. Others have suggested that the changes were the result not of a desire to redress this balance, but to enable Members to carry-out their role as constituency representatives and caseworkers more effectively. Some changes to the way Parliament conducts its business have been argued for on the basis that they would make Parliament more understandable and reportable by the media, and hence help to address the fall in turnout witnessed at the 1997 and 2001 general elections. For

others, more importance has been placed on the working lives of Members and their ability to spend time with their families, thereby making a Parliamentary career more attractive. The failure to define 'modernisation' has led the term being interpreted differently by different people. At times, arguments have been put for and against the same proposal, with both sides arguing that they would 'modernise' Parliament.

However, the Modernisation Committee's interpretation of 'modernisation' has, it is argued, been affected by the chair being held by a Cabinet Member. It has been suggested that proposals to strengthen the scrutiny role of Parliament have not generally emerged from the Modernisation Committee. Proposals to reform select committees were originally made by the Liaison Committee and were at first rejected by the Government. Proposals for the Prime Minister to give evidence to a select committee were likewise proposed by various individual select committees and the Liaison Committee, and were at first rejected on the basis that there was no precedent. But the individuals who have chaired the Modernisation Committee have also had different approaches; reforms to select committees and the Prime Minister's agreement to give evidence to the Liaison Committee both occurring whilst Robin Cook was Leader of the House.

This paper also looks at the future of the Modernisation Committee and the prospects for further reform of House of Commons practices and procedures. Although the three major political parties did mention further reform of the House of Commons in their manifestos, none were committed to the continuation of the Select Committee on Modernisation, nor provided any detailed proposals for reform.

CONTENTS

I	The Modernisation Committee	7
	A. The Establishment of the Committee	7
	B. The Meaning of Modernisation	8
	C. The Committee's Composition	10
	D. The Chairmen of the Modernisation Committee	12
	E. The Committee's Approach	13
	F. Other Relevant Bodies	16
II	Modernisation between 1997-2005	18
	A. Legislation	18
	1. Pre-legislative Scrutiny	19
	2. Carry-Over of Public Bills	20
	3. Programming	21
	4. Deferred Divisions	23
	5. Scrutiny of European Union Legislation	24
	B. Executive Accountability	25
	1. Questions	25
	2. Accountability of the Prime Minister	26
	3. Westminster Hall	26
	4. Select Committees	28
	C. The Working Lives of Members	30
	1. Sitting Hours and the Parliamentary Week	31
	2. The Parliamentary Year	33
	D. The Style and Form of Proceedings	33
III	Evaluation	34

A.	Continuity or Change	34
B.	Efficiency or Effectiveness	35
C.	The 1997 Intake	38
D.	The Rise of the Constituency Role of MPs	40
E.	Connecting Parliament with the Public	43
IV	The Future for Modernisation?	45
A.	A Business Committee?	47
B.	Second Reading Committees?	47
C.	The routine publication of legislation in draft?	48
D.	Changes to the Parliamentary day, week and year?	49
	Appendix 2: Reports of the Modernisation Committee	51
	Appendix 2: Timeline of events	52

I The Modernisation Committee

A. The Establishment of the Committee

A political party when in opposition tends to become enthusiastic about constitutional and parliamentary reform, the more so the longer they remain in opposition. This certainly proved to be the case with Labour in the final years of its lengthy period of 18 years on the opposition benches in the House.¹

The Labour Party came to power in 1997 having made a commitment to House of Commons reform. In a 1996 speech to a Charter 88 seminar Ann Taylor, the Labour Party's official spokeswoman who went on to become Leader of the House of Commons between 1997 and 1998, stated that:

There was little in Jopling to make Parliament produce better legislation; there was nothing at all to make MPs more effective in holding the executive to account. Those tasks will be Labour's true project for Parliament and awkward though it may appear to a few on our side, a more accountable Government is a better Government and ultimately a re-electable Government.²

The creation of a Select Committee on Modernisation as a vehicle for investigating and implementing change was a manifesto pledge by the Labour Party. The manifesto stated that:

We believe the House of Commons is in need of modernisation and we will ask the House to establish a special Select Committee to review its procedures. Prime Minister's Questions will be made more effective. Ministerial accountability will be reviewed so as to remove recent abuses. The process for scrutinising European legislation will be overhauled.³

The Liberal Democrats had also published proposals for Parliamentary Reform in their manifesto.⁴ Together the two parties published a joint report on Constitutional Reform, known as the Cook-Maclennan agreement, which included detailed proposals including the use of pre-legislative scrutiny of draft bills by Parliament and enhancing the role of select committees. The document also described the special select committee approach that the parties would take in bringing about reform:

73. No one political party should dictate changes to parliamentary procedure: Parliament must own the process. Political parties must however take a lead.

¹ Blackburn and Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedures*, Second Edition, Sweet and Maxwell, London, 2003

² Ann Taylor, *New Politics, New Parliament*, transcript, 14 May 1996

³ Labour Party, *New Labour: because Britain deserves better*, 1997, p33

⁴ Liberal Democrat Party, *Make the difference*, 1997

Early in a new Parliament a special Select Committee on Modernising the House of Commons should be established. Following the example of the select committee which examined the implementation of Lord Nolan's recommendations, the membership of this special Committee should reflect the full spectrum of interests and experience in the House and could include both the Leader and Shadow Leader of the House.

74. The review undertaken by the Special Select Committee should be open to the views of others, bringing in outside advisers where appropriate and canvassing the views of MPs, organisations involved in the work of Parliament and members of the public. It is hoped that the Special Select Committee could report swiftly on those matters requiring priority, especially new legislation, so that it would be possible to implement its first recommendations early in a new Parliament.⁵

On 22 May 1997, just a matter of weeks after taking power, the Government held a debate in the House of Commons on Modernisation and soon after, on 4 June, a motion was passed establishing the Select Committee on Modernisation of the House of Commons. The Committee's terms of reference were:

That a Select Committee of fifteen members be appointed to consider how the practices and procedures of the House should be modernised, and to make recommendations thereon;

That the Committee shall seek to make a first report to the House before the summer adjournment with its initial conclusions on ways in which the procedure for examining legislative proposals could be improved.⁶

The Committee held its first meeting on 11 June 1997 and duly elected the Leader of the House, Ann Taylor, as its chairman. As dictated by its terms of reference, after receiving a memorandum from the Leader of the House, the Committee began work and reported on the Legislative Process before the Summer recess.⁷ Before outlining the main areas of work of the Modernisation Committee, it is worth considering in more detail the nature of the Committee and the modernisation project.

B. The Meaning of Modernisation

The term 'modernisation' in its application to the House of Commons is open to various interpretations. Robert Rogers and Rhodri Walters have written that:

⁵ Report of the Joint Consultative Committee on Constitutional Reform, 1997

⁶ Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC 190 1997-98, pii

⁷ Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC 190 1997-98

A great many people would say that Parliament needs ‘modernisation’ or ‘reform’. But these are words to be used with some care. To the person speaking, they really mean no more than ‘change of which I approve’. After all, the ‘Balfour’ reforms of a century ago, which entrenched the government’s control over business and time of the House of Commons, were hardly a milestone in the democratic accountability of the executive. And in the present debate over the role of Parliament, ‘modernisation’ and ‘reform’ mean different things to different people.⁸

Taken at face value, ‘modernisation’ can be said to be the process of bringing the House of Commons up-to-date, which implies reforms such as increasing the use of technology in Parliament and the abandonment of seemingly irrelevant procedures. However, the use of the term needs to be considered within the context of the new Labour Government. The Labour Party had recently ‘modernised’ itself, removing Clause 4 and introducing one-member one vote, and was promising ‘modernisation’ of public services.⁹ The modernisation programme for Parliament therefore implied something larger.

The Modernisation Committee has been criticised for failing to provide a clear definition for the term, and therefore for its objectives. Tony Wright has commented that:

If the new committee was to serve as the mechanism for a sustained process of reform, it would have been sensible at the outset to identify what the purpose of modernisation was. What would a reformed or modernised House of Commons look like? What were the key objectives to be pursued? Was reform required to enable government business to be processed more efficiently or to strengthen Parliament in relation to the executive? By not engaging with such questions initially, so that there was no underlying analysis or purpose behind particular proposals, there was no yardstick against which to measure progress. Eschewing a general framework for reform, the work of the committee inevitably lapsed into adhocery.¹⁰

Tony Wright has explained the difference between two key interpretations of modernisation:

There is an inherent ambiguity about the term ‘modernisation’, certainly as applied to Parliament. Two main meanings may be discerned, with very different (and often contradictory) implications. First there is the kind of modernisation favoured by governments (and many of their supporters) ... the kind that wants to process business more efficiently and predictably, and at more agreeable hours ... Second, there is the kind of modernisation that wants to shift the balance between

⁸ Robert Rogers and Rhodri Walters, *How Parliament Works*, Longman, Harlow, 2004, p368

⁹ See for instance, *Modernising Government*, March 1999, Cm 4310

¹⁰ Tony Wright, “Prospects for Parliamentary Reform”, *Parliamentary Affairs*, Vol. 57, No. 4, 2004, pp870-871

the executive and the legislature in significant respects, notably by strengthening Parliament's scrutiny function.¹¹

Although references have been made during the 1997-2005 period about 'modernising Parliament', the Modernisation Committee has been concerned with the House of Commons. Reform of the composition of the House of Lords has not been examined as part of these debates; reform to the practices and procedures of the House of Lords have been considered during the 2001-2005 Parliament by a cross-party group of peers.¹² Reform proposals for the Lords have not generally meshed with reform proposals for the Commons, but have been conducted separately. However, when considering the relationship between the House of Commons and the public, the Select Committee on Modernisation of the House of Commons has referred to Parliament as a whole, not just the Commons: its 2004 report was entitled *Connecting Parliament with the Public*. This has also been the case with the Committee's report on the *Scrutiny of European Business* which considered Parliament's scrutiny of EU business, not just the work of the Commons.

C. The Committee's Composition

Select Committees of the House of Commons are generally committees of backbench MPs and most have a membership of 11. The Modernisation Committee, however, is larger than this with 15 members, and it is chaired by the Leader of the House of Commons. The Committee also contains the Shadow Leader of the House (except during 2001-2003 when Eric Forth declined membership of the Committee) and a front-bench spokesperson from the Liberal Democrats. The Committee has contained the Parliamentary Private Secretary to the Leader of the House, and the chairman of the Procedure Committee. The Committee's membership makes its method of working different from others of the House.

Writing in June 1998, Michael Ryle, a former Clerk of Committees of the House of Commons, reflected on the reasons why the Government decided to have the Committee chaired by a minister:

To assist a rapid decision, Ann Taylor, considerably influenced, I believe, by her experience as Shadow Leader of the House on the post-Nolan Select Committee on Standards in Public Life, which was chaired by the Leader of the House (and perhaps by her contrary experience of the lengthy dealings needed to secure agreement on implementing the Jopling Report) decided that she should chair the Committee herself. Backed by a sound majority on the Committee and by a massive majority in the House, this would almost certainly ensure that whatever

¹¹ *Ibid.*, pp869-870

¹² Group appointed to consider how the working practices of the House can be improved, and to make recommendations, HL 111 2001-2002

the government wanted – give or take a few details – would receive the approval of the committee and the speedy endorsement of the House.¹³

Andrew Kennon has explained the motivations for establishing such a committee, writing in 2000, that:

A common misunderstanding is that the House has the ability to reform itself. Certainly the Procedure Committee or other committees can recommend change. Change can be implemented by a vote of the House itself. But in between these two steps are the hurdles that ensure only changes acceptable to the Government of the day are put into effect.

Say, for example, the Procedure Committee has a happy dream about reforming financial procedure. It takes written and oral evidence and produces a report. First the Government decides whether or not to bother to produce a reply to that report – believe it or not, some such reports do not even receive a response from the Government – and this applies to previous governments as well. Second, they Government decides whether or not to find time for a debate – why waste the time of the House debating a report the Government has no intention of seeing put into effect? Thirdly, if there is a debate, the Government decides whether the House should be invited to approve the report or merely to debate it on a non-conclusive adjournment motion. Fourthly, even if the House has approved the report, it can only be implemented if the Government brings forward the necessary changes to standing orders – these are usually put to the House immediately after the report is proposed.

...

In these circumstances, it is entirely reasonable that the new Government in 1997 chose to lead from the front in setting up the select committee on Modernisation of the House of Commons. Not only was it chaired by Ann Taylor as Leader of the House; the inclusion of her opposition shadow, the Liberal Democrat spokesperson and the chairman of the Parliamentary Labour Party were designed to ensure that it came up with reports likely to have widespread support in the House.¹⁴

As a Select Committee, however, its recommendations had to be the result of cross-party consensus if its reports were not to have dissenting opinions. Janet Seaton and Barry Winetrobe have written that:

That much of the proposed modernisation programme is being implemented (whatever may be thought of the nature and significance of individual proposals) may be due in part to the direct role played by the government itself. The

¹³ Michael Ryle, “House of Commons Procedures” in Blackburn and Plant eds., *Constitutional Reform: The Labour Government’s Constitutional Reform Agenda*, Longman, Harlow, 1999

¹⁴ Andrew Kennon, *The Commons: Reform or Modernisation*, Constitution Unit, London, 2000

Modernisation Committee, for example, is chaired by the Leader of the House, unlike the more conventional practice of, say, the Procedure Committee or ad hoc select committees of this type being chaired by a senior backbencher. However, it may also be noted that not every Modernisation Committee proposal has reflected the evidence presented to it by the government; nor have all the changes accepted by the House reflected exactly the Committee's recommendations. Generally, these latter amendments have reflected 'usual channels' discussions, such as the proposal to increase the number of European standing committees from two to three rather than the five proposed by the committee.¹⁵

Having the Leader as chairman of the Committee, however, would have an impact on the direction of the Modernisation agenda. Oonagh Gay has explained that:

...the decisive element for change would be a new select committee, unusually chaired by the Leader of the House. This was a double-edged sword; the Leader, as a Cabinet Member, could guarantee some government buy-in for the proposals, and provide the motive force behind its work, but the close involvement of the executive would ensure that the major thrust of modernisation would be towards improving efficiency rather than achieving greater accountability.¹⁶

D. The Chairmen of the Modernisation Committee

There were five Leaders of the House between May 1997 and May 2005. Their dates are set out in the table below. Each Leader went about their business as chairman of the Committee in a different manner, placing differing emphasis on various parts of the agenda for change. As Alexandra Kelso has written:

Some have moulded their position inside the Modernisation Committee in order to secure procedural change that largely favours the executive, while others have used that same position to promote change that favours the legislature. The emphasis of each leader of the House has been determined by their view of the nature of executive-legislative relations at Westminster, and what the respective powers of government and parliament should be.¹⁷

Under Ann Taylor the Committee covered a range of issues including consideration of electronic voting to the way in which the House scrutinises legislation. Under her chairmanship of the Committee, the House of Commons made a number of reforms to its practices and procedures including introducing carry-over of public bills and changing the practices of 'spying strangers' to decisions of the House to sit in private, and the wearing of hats whilst raising points of order during divisions.

¹⁵ Janet Seaton and Barry Winetrobe, "Modernising the Commons", *Political Quarterly*, April 1999, vol. 70, no. 2, p159

¹⁶ Oonagh Gay, "Modernisation: Making the Commons fit for the twenty-first century", in Baldwin ed., *Parliament in the 21st Century*, Politico's, London, 2005

¹⁷ Alexandra Kelso, "The Modernisation Committee: Who needs it", submitted to the *British Journal of Politics and International Relations* and available on www.revolts.co.uk

Margaret Beckett succeeded Ann Taylor as Leader of the House in July 1998. Under her chairmanship, the Committee produced a number of reports on the programming of legislation and sitting hours. Whilst she was Leader of the House, the Government produced its negative response to proposals of the Liaison Committee to strengthen the Select Committee system.¹⁸ It is also of note that during her chairmanship the Modernisation Committee was divided on the programming of legislation, the consensual approach to this issue having broken down.

Under Robin Cook from 2001-2003, the Modernisation Committee addressed a number of issues including select committee reform. The Modernisation Committee put forward its own proposals based on those of the Liaison Committee which the Government had previously rejected. The sitting hours of the House were subject to further reforms, and changes to the Parliamentary week and year also took place. The Committee was also concerned with the relevance of Parliamentary practices to the outside world, a theme picked up by Peter Hain when he took over the chair of the Committee as Leader of the House after Cook's resignation over the War in Iraq in 2003. Peter Hain held the posts of Secretary of State for Wales and Leader of the House of Commons simultaneously. Before Hain's appointment, John Reid held the post for a short period during which the Committee produced no reports.

Under the chairmanship of Peter Hain the Committee focused less on procedural issues and more on the relationship of Parliament with outside bodies and the public. He continued the inquiry started by Cook into *Connecting Parliament with the Public*. Hain, as a former Minister for Europe, had a particular interest in the scrutiny of EU business by the UK Parliament, and chaired the Committee during its consideration of this issue. Peter Hain was replaced by Geoff Hoon, as Leader of the House, after the 2005 election.

Dates	Leader of the House
May 1997-July 1998	Ann Taylor
July 1998-June 2001	Margaret Beckett
June 2001-March 2003	Robin Cook
April 2003-June 2003	John Reid
June 2003-May 2005	Peter Hain
May 2005-	Geoff Hoon

E. The Committee's Approach

At the beginning of the 1997 Parliament, Ann Taylor produced a Memorandum to the Committee which informed its first report, and set out the agenda for the Committee to

¹⁸ Government response to the Liaison Committee Report, *Shifting the Balance: Select Committees and the Executive*, Cm 4737

pursue through the Parliament. Robin Cook began his chairmanship of the Committee in 2001 in a similar way, publishing a reform programme for consultation at the beginning of the Parliament.

In setting out the agenda for the first four years, Ann Taylor wrote that:

The Committee will no doubt wish to range widely over the subject matter, but the Government hopes it will give particular attention to:

- the handling of the legislative proposals, on which the Order establishing the Committee instructs it to seek to make an early first report;
- the means by which the House holds Ministers to account;
- the impact of the House's procedure and practices on the working lives of Members (building upon the changes which were made following the Jopling reforms); and
- the style and forms of proceedings.¹⁹

In his Memorandum to the Committee in 2001, Robin Cook also produced proposals for reform on similar themes, namely: modernising scrutiny of the executive; modernising the scrutiny of legislation; modernising working practices; making use of modern technology; and, making the Commons more open to public and press.²⁰ The other three chairs of the Modernisation Committee between 1997 and 2005, Margaret Beckett, John Reid and Peter Hain, did not produce such wide-ranging documents at the beginning of their tenures.

Ann Taylor and Robin Cook set out similar objectives against which the Modernisation Process should be judged. Ann Taylor wrote in 1997 that:

The Government does not seek change for change's sake, but it regards it a vital and effective House of Commons as central to the revival of confidence in politics and public life which it seeks. For all its many strengths, the House is not as effective as it might be. There have been a number of recent reviews of aspects of procedure which the Committee will wish to take into account; but in the Government's view the time has come to draw the threads together and embark on a significant programme of change.²¹

Robin Cook writing in 2001 stated that:

The health of democracy in Britain is of significance to every person on these isles. Effective democracy in our country is enhanced by the respect of the

¹⁹ Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC 190 1997-98, Appendix 1, para 3

²⁰ Select Committee on Modernisation of the House of Commons, *Modernisation of the House of Commons: A reform programme for consultation – memorandum submitted by the Leader of the House of Commons*, 12 December 2001, HC 440 2001-2002

²¹ Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC190 1997-98, Appendix 1, para 2

electorate for the Commons as a Chamber which is effective in holding Government to account, vigilant in the scrutiny of legislation, and competent at adapting itself to contemporary working practices. The objective of modernisation must be to better serve the democracy of Britain and the test of its success must be whether it increases the esteem of the public for their Parliament.²²

The Committee, when proposing changes, often recommended that they should be adopted on an experimental basis in the first instance. The Committee set out this approach in its first report:

The House is entitled to expect substantive and substantial proposals from us. At the same time, however, we recognise that it would be wrong at this stage to propose major changes on a permanent basis. Our approach therefore has been to recommend various options to be tried out on an experimental basis. We intend to monitor the outcomes of our proposed experiments and we will welcome comments from Members and others. We shall then seek to make further recommendations on an ongoing basis in the light of experience gained.²³

For example, carry-over of public bills was first authorised on an ad hoc basis in 2002 with changes to Standing Orders not made until 2004, and changes to sitting hours have been agreed by the House on a Session by Session basis. However, Blackburn and Kennon have written that the ad hoc nature in which carry-over of public bills was introduced sent a message about the government's commitment to reform:

It seems that four or five months into the life of the 1997 Parliament, a change of heart took place within the Cabinet, fearful of establishing any new structure that might threaten or obstruct the government or diminish its overall control over parliamentary proceedings. Over the legislative process, this manifested itself crucially in the decision not to convert the Modernisation Committee's recommendations into Standing Orders, but instead to proceed to treat individual bills on an ad hoc basis. This ad hoc approach set the tone for the rest of the Parliament. It clearly signaled to those involved that no schematic reform to strengthen Parliament in its dealings with the government was acceptable to the Cabinet. Thereafter, no genuine effort was made to improve the legislative process or even shift the balance of power over proceedings towards greater autonomy and influence by backbenchers or opposition.²⁴

The temporary nature of many of the changes introduced, and the Modernisation Committee's commitment to monitoring the impact of these changes and reporting on

²² Select Committee on Modernisation of the House of Commons, *Modernisation of the House of Commons: A reform programme for consultation*, 12 December 2001, HC 440 2001-2002, para 1

²³ Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC190 1997-98, para 3

²⁴ Blackburn and Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedures*, Second Edition, Sweet and Maxwell, London, 2003, s 13-016, p 753

them, has led the Committee to retread ground. For instance, the Committee produced at least five reports of the Committee which have looked at sitting hours and at least three which have examined the programming of legislation.²⁵

F. Other Relevant Bodies

The Modernisation Committee has not been the only body within Parliament which has made proposals for changes in the practices and procedures of the House. During the 1997-2005 period the Procedure Committee carried out a variety of inquiries ranging from reviews of Parliamentary Questions to the sub-judice rule of the House of Commons. The Procedure Committee has also been involved with the debates surrounding the legislative process and the sitting hours of the House. Its work has therefore, in some respects, overlapped with that of the Modernisation Committee which has similar terms of reference. (Those of the Procedure Committee are “to consider the practice and procedure of the House of Commons in the conduct of public business and to make recommendations”).

The Liaison Committee comprises 34 chairs of select committees of the House of Commons (but does not include the chair of the Modernisation Committee). Its remit is to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; and to choose select committee reports for debate in the House. The Committee actively pressed for more powers for select committees, and for the membership of committees to be taken out of the hands of the party whips.²⁶ At first their proposals were rebuffed by the Government, but in 2001 when Robin Cook took over as Leader of the House, the Modernisation Committee put forward proposals closely based on those of the Liaison Committee. The Liaison Committee also, takes evidence from the Prime Minister on matters of public policy every six months following a decision of the House in May 2002 to amend its standing orders.²⁷

The Public Administration Select Committee, chaired by Tony Wright between 1999 and 2005, has also shown interest in Parliament’s relationship with the Executive. It produces regular reports on Parliamentary Questions and their responses from Government.²⁸ It was also instrumental in efforts to call the Prime Minister before a select committee of the House. The Committee had invited the Prime Minister to give evidence on the Ministerial Code in May 2000; he refused citing precedent that the Prime Minister did not give

²⁵ On sitting hours: HC (1998-99) 60, HC (1999-2000) 954 ; HC (2001-2002) 1168; HC (2004-2005) 88. On programming of legislation: HC (1999-2000) 589; HC (2000-2001) 382; HC (2002-2003) 1222.

²⁶ Liaison Committee, *Shifting the Balance: Select Committees and the Executive*, 3 March 2000, HC 300 1999-2000 and Liaison Committee, *Shifting the Balance: Unfinished business*, 15 March 2001, HC 321 2000-2001.

²⁷ HC Deb 14 May 2002 c727

²⁸ Most recently on this issue: Public Administration Select Committee, *Ministerial Accountability and Parliamentary Questions*, 22 March 2005, HC 449-I 2004-2005

evidence to select committees. However, Tony Blair later agreed to give evidence on a regular basis to the Liaison Committee.²⁹

These Commons Committees have been joined by the Constitution Committee of the House of Lords, established in 2001, which under the chairmanship of Professor the Lord Norton of Louth produced an authoritative report on the legislative process.³⁰

The House of Commons Commission, the overall supervisory body of the House of Commons administration, has been involved with the modernisation agenda in terms of facilities for visitors and the Parliamentary website. The Commission produced a strategic plan for the House of Commons administration in 2001 which lists as one of its core tasks to “[provide] information and access to the public” and as one of its objectives “to improve public understanding and knowledge of the work of the House and to increase its accessibility, subject to the requirements of security”.³¹

Other Parliamentary groups with an interest in the practices of the House of Commons have also existed during this period. A cross-party group of MPs have formed within Parliament called Parliament First, chaired by Mark Fisher. The group produced a report in April 2003 entitled *Parliament’s Last Chance* which put forward proposals to strengthen Parliament in relation to the Executive, claiming that “Parliament isn’t working”.³² Other inter-Parliamentary Groups concerned with the issue of House of Commons reform include the All Party Group on Parliamentary Reform chaired by the former MP for Cambridge Ann Campbell, and the Constitution and Citizenship Associate Parliamentary Group chaired by Tony Wright MP.

In July 1999 the then Leader of the Conservative Party, William Hague, appointed Lord Norton of Louth to chair the Commission to Strengthen Parliament. The Commission was asked to “examine the cause of the decline in the effectiveness of Parliament in holding the executive to account, and to make proposals for strengthening democratic control over the Government”. The Commission reported in May 2000.³³ An Independent Commission on the scrutiny role of Parliament was also established during this period by the Hansard Society, chaired by Lord Newton. The Commission reported in June 2001.³⁴ A further Hansard Society Committee chaired by Lord Puttnam on Parliament in the Public Eye

²⁹ The Prime Minister had received four such invitations by select committees, all of which had been refused. See HC Deb 25 March 2002 c618W

³⁰ House of Lords Constitution Committee, *Parliament and the Legislative Process*, 29 October 2004, HL 173 2003-2004

³¹ House of Commons Commission Annual Report 2001-02, HC 1002 2001-02, pp9-10

³² Parliament First, *Parliament’s Last Chance*, 2003, p5

³³ Lord Norton, *Strengthening Parliament: the report of the Commission to Strengthen Parliament*, The Conservative Party, London, 2000

³⁴ Lord Newton, *The Challenge for Parliament: Making government accountable. The report of the Hansard Society Commission on Parliamentary Scrutiny*, Vacher Dod, London, 2001

reported in June 2005.³⁵ The Hansard Society is also due to publish a major study into modernisation at the end of the June, entitled *New Politics, New Parliament*.

II Modernisation between 1997-2005

This section sets out key changes to the practices and procedures of the House of Commons and the work of the Modernisation Committee using the themes Ann Taylor set out in her memorandum to the Committee in 1997 as headings (see page 16 above).

A. Legislation

As required by the motion establishing the Committee, the Modernisation Committee reported to the House before it rose for the Summer recess in 1997 on *The Legislative Process*. The Report outlined a number of possible reforms to procedures and practices which could be made. The Committee did not take oral evidence, instead drawing heavily on previous work of the Procedure Committee and the Hansard Society Commission Report *Making the Law*.³⁶ The Hansard Society had established this independent Commission under the Chairmanship of Lord Rippon in 1992 in response to increasing dissatisfaction with the legislative process.³⁷ The evidence the Commission gathered, and its subsequent report, provided the backdrop to a number of the Modernisation Committee's proposals.

In its report, the Modernisation Committee established a set of essential criteria which it believed must be met when undertaking any reforms to the legislative process. These criteria were:

- (a) The Government of the day must be assured of getting its legislation through in reasonable time (provided that it obtains the approval of the House).
- (b) The Opposition in particular and Members in general must have a full opportunity to discuss and seek to change provisions to which they attach importance.
- (c) All parts of a Bill must be properly considered.
- (d) The time and expertise of Members must be used to better effect.
- (e) The House as a whole, and its legislative Committees in particular, must be given full and direct information on the meaning and effect of the proposed legislation from those most directly concerned, and full published explanations from the Government on the detailed provisions of its Bill.

³⁵ Lord Puttnam, *Members Only? Parliament in the Public Eye*, Vacher Dod, London, 2005

³⁶ Lord Rippon of Hexon, *Making the Law: the report of the Hansard Society Commission on the legislative process*, Hansard Society, London, 1993

³⁷ There had been dissatisfaction surrounding the quality of legislation such as the Child Support Act 1991. A large number of complaints had been received by the Child Support Agency, 578 complaints were received by the Ombudsman, of which 112 were upheld.

- (f) Throughout the legislative process there must be greater accessibility to the public and legislation should, so far as possible, be readily understandable and in plain English.
- (g) The legislative programme needs to be spread as evenly as possible throughout the session in both Houses.
- (h) There must be sufficient flexibility in any procedures to cope with, for example, emergency legislation.
- (i) Monitoring and, if necessary, amending legislation which has come into force should become a vital part of the role of Parliament.³⁸

One reform proposed in this first report was the desire for clearer explanatory material for bills. The Committee received a memorandum from the First Parliamentary Counsel following the publication of the first report recommending that this could be achieved by combining the existing explanatory notes for Members and the notes on clauses which were provided to those on the Bill's Standing Committee, into one single document available to all Members and the public. The Committee endorsed this proposal in their second report *Explanatory Material for Bills* and the change came into effect.³⁹

1. Pre-legislative Scrutiny

Proposals that legislation should be published in draft with an opportunity for Parliamentary Committees to carry out scrutiny were made in the Modernisation Committee's first report. The Committee explained that:

There is almost universal agreement that pre-legislative scrutiny is right in principle, subject to the circumstances and nature of the legislation. It provides an opportunity for the House as a whole, for individual backbenchers, and for the Opposition to have a real input into the form of the actual legislation which subsequently emerges, not least because Ministers are likely to be far more receptive to suggestions for change before the Bill is actually published. It opens Parliament up to those outside affected by legislation. At the same time such pre-legislative scrutiny can be of real benefit to the Government. It could, and indeed should, lead to less time being needed at later stages of the legislative process; the use of the Chair's powers of selection would naturally reflect the extent and nature of previous scrutiny and debate. Above all, it should lead to better legislation and less likelihood of subsequent amending legislation.⁴⁰

Despite this enthusiasm by the Committee for pre-legislative scrutiny, in practice, only a minority of Bills introduced in the 1997-2001 Parliament were first published in draft (a total of 17 Bills of which 11 were subject to Parliamentary pre-legislative scrutiny). Since

³⁸ Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC 160 1997-98

³⁹ Select Committee on Modernisation of the House of Commons, *Explanatory Material for Bill*, 3 December 1997, HC 389 1997-98

⁴⁰ Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC 190 1997-98, para 20

2001 with proportion of draft bills published has increased, but the Government has indicated the increase in proportion is not set to continue.⁴¹

The way in which each draft bill is considered by Committees is essentially decided on an ad hoc basis. The options are using an existing select committee or establishing a Joint Committee of both Houses for individual draft Bills. Since 2002 the House of Commons has been assisted in its scrutiny of draft legislation by a new unit within the Committee, Office, the Scrutiny Unit, which was established to provide assistance to committees both with pre-legislative scrutiny and expenditure matters.

The Liaison Committee has expressed its frustration with the way that the pre-legislative scrutiny process has worked in practice. In its 2004 Annual Report the Committee although expressing its gratitude to the Leader of the House for establishing the practice of providing the Committee with advance notice of the possible scope and timing of the publication of draft bills, also points out some of its concerns with the process.

The main problems to which committees engaged in pre-legislative scrutiny have drawn attention are: the late publication of draft bills; delays in establishing the Committee itself; unreasonable deadlines for reporting; and the unavailability or lateness of key supporting documentation. To some extent these difficulties are all interrelated, since they reflect the over-ambitious timetable set by the Government for the completion of the pre-legislative scrutiny stage of a bill within the overall legislative programme.⁴²

2. Carry-Over of Public Bills

The Modernisation Committee first raised the issue of the carry-over of public bills from one session to another in its first report. Carry-over over of private bills was the established norm as these often take several years to pass through Parliament. The Committee explained that allowing public bills to be carried over would prevent the bunching of major legislation at certain points of the year, and would prevent legislation falling at the end of the session. Following advice from the Clerk of the House of Commons and the Clerk of the Parliaments, the Committee further reported and recommended that Bills should be carried-over on the basis of ad hoc motions. The eligibility of bills for carry-over would be settled through agreement of the usual channels; the Committee was working on the basis of its consensual and experimental approach. It stated that:

⁴¹ See House of Lords Constitution Committee, *Parliament and the Legislative Process: The Government response*, 20 April 2005, HL 114 2004-05. Three separate Library Standard Notes have been published on draft bills (SN/PC/2914 *Draft Bills 2001-*, and SN/PC/2908 *Draft Bills 1997-2001* provide details of the pre-legislative scrutiny and progress of draft bills, and SN/PC/2822 *Pre-legislative scrutiny*) provides an overview of the pre-legislative scrutiny process and procedures.

⁴² House of Commons Liaison Committee, *Annual Report for 2004*, 15 March 2005, HC 419 2004-2005, para 35

... bills should only be carried over to meet the general convenience of the House and with the general agreement of the House. Carry-over should not be a device by which the Government imposes its will on the minority.⁴³

The report of the Committee was agreed by the House on 4 June 1998. Just one Bill was subject to this ad hoc carry-over procedure (the *Financial Services and Markets Bill 1998-99*). In its first report of the 2001 Parliament, the Modernisation Committee reconsidered carry-over and proposed a temporary change in Standing Orders which was accepted on 29 October 2002. During the debate, Eric Forth set out the main opposition argument against a more routine approach to carry-over:

The current end-of-session buffer provides some form of discipline on the Government of the day. It forces them to prioritise their legislation, and to propose only those Bills that they believe are important. The Leader of the House wants to remove that discipline, so that the Government can legislate as much as they want, unconstrained by the end-of-session buffer. That is our principal objection to the idea of roll-over. That good example shows that the right hon. Gentleman's argument – that this proposal will somehow enhance the role of the House simply – cannot be sustained.⁴⁴

Bills which have been subject to carry-over during the 2001-2005 Parliament include the *European Parliament and Local Elections (Pilots) Bill 2002-03*, the *Planning and Compulsory Purchase Bill 2002-03*, the *Mental Capacity Bill 2003-04*, the *School Transport Bill 2003-04*, the *Gambling Bill 2003-04* and the *Disability Discrimination Bill 2003-04*. On 26 October 2004 the House of Commons agreed to make the Standing Order permanent.⁴⁵

3. Programming

The timetabling or 'programming' of legislation in order to give more certainty to the legislative process was not a new concept. Allocation of time orders (guillotine motions) were first used in 1887 and the more routine timetabling of legislation had been examined in 1985 by the Procedure Committee, and again in 1991 and 1992 by the Jopling Committee and the Hansard Society Rippon Commission respectively. In its first report of 1997 on *The Legislative Process* the Modernisation Committee recommended an approach for the timetabling of legislation that was "more formal than the usual channels but more flexible than the guillotine".⁴⁶ The approach the Committee recommended was based on agreement of the bills to be programmed across the parties through the usual channels. Programme motions were to be subject to 45 minutes of debate after the second

⁴³ Select Committee on Modernisation of the House of Commons, *Carry-Over of Public Bills*, 2 March 1998, HC 543 1997-98, para 9

⁴⁴ HC Deb 29 October 2002 c706

⁴⁵ HC Deb 26 October 2004 c1308

⁴⁶ Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC 190 1997-98, para 89

reading. Programming sub-committees of the relevant standing committees would be established to guide the legislation through its committee stage drawing up a detailed timetable for consideration of the legislation within the set outdate.

However, during the course of the following two Parliaments, programming of legislation became an issue of contention between the political parties, and cross-party consensus on the issue has broken down. In 2000, the Modernisation Committee reviewed the operation of its 1997 recommendations. It recommended changes in the Sessional Orders. The report was agreed without the support of the Conservative Members of the Committee. The Opposition view, given by Angela Browning as Shadow Leader of the House of Commons during the debate on the Modernisation Committee's proposals was that:

...the proposals on the Order Paper tonight would not strengthen Parliament – they would weaken it. They would give the Government more power to get their business through more quickly.⁴⁷

During the 2000-2001 session the Government began timetabling almost all public Government bills and almost all of the 19 Programme Motions introduced that session were resisted by the Official Opposition. In the 2003-04 Session a total of 63 Programme Motions were introduced.

In written evidence to the Modernisation Committee's second report of session 2001-2002 the Chairman of Ways and Means submitted a memorandum which explained the importance of the break-down in consensus:

There is little difference between a programme and a guillotine if there is no shred of agreement between the two sides of the House. Programming without consensus (reluctance or otherwise) could be argued to be meaningless. If at the same time there has been no increase in the proportion of a bill which actually receives detailed scrutiny, the benefits of the previous deliberations of the Modernisation Committee appear extremely meager when measured against stated purpose.⁴⁸

During the debate on the Modernisation Committee's report Eric Forth, then Shadow Leader of the House argued that:

... We have gone badly wrong with the systematic timetabling or programming of Bills. Many Members have argued that one of our prime duties is the scrutiny of legislation. The Conservatives contend – I think I speak for most, if not all, of my colleagues in this – that the Government's ruthless approach to restricting time available for the scrutiny of Bills both in Standing Committee and on Report has diminished our effectiveness as a House of Commons and the opportunities

⁴⁷ HC Deb 7 November 2000 c225

⁴⁸ Select Committee on Modernisation of the House of Commons, *Modernisation of the House of Commons: A reform programme*, HC 1168 2001-02, Appendix 42

that we as Members of Parliament have properly to scrutinize legislation. That is why I will ask my hon. Friends to vote against the motion to validate systematic timetabling of Bills. It has ill served the House as a legislature and we should reconsider it.⁴⁹

However, the House voted to extend the Sessional Orders into 2003. The Modernisation Committee re-examined the issue producing a report, *Programming of Bills*, in November 2003.⁵⁰ This report endorsed the continued use of programme motions, but recommended changes in the operation of the system. The report outlined the benefits and drawbacks of programming. It recognized that the government bore responsibility for ensuring programming worked effectively, but called on the Opposition and backbench Members to engage constructively in the process. A minority report was produced by Richard Shepherd which called for the use of a more consensual approach to timetabling legislation, recommending that Business Committee set the timetable. Programming was also the subject of a report by the Procedure Committee during the 2003-04 Parliament. The report recommended that programme motions should be subject to debate, unless there was cross-party agreement.⁵¹ However, on 26 October 2004 the House voted to make programming permanent and that the Sessional Orders should become Standing Orders of the House of Commons.

4. Deferred Divisions

Along with publishing their initial proposals for the programming of legislation in 1997, the Modernisation Committee also reported on the timing of votes. This issue was closely related to that of sitting hours, on which reforms are discussed below, as these would give more certainty to the timing of votes.

The Committee proposed that a distinct class of free-standing motions, without associated amendments, should be deferred if a division would otherwise occur after the moment of interruption until the following Wednesday. These included:

- motions to approve statutory instruments, whether debatable or decided without debate;
- ‘prayers’ against statutory instruments;
- freestanding Money and Ways and Means resolutions;
- debatable motions on the membership of select committees.

The House approved the recommendations in November 2000, although there was some fierce opposition to the innovations.⁵² In cases where divisions have been deferred, the

⁴⁹ HC Deb 29 October 2002 c757

⁵⁰ Select Committee on Modernisation of the House of Commons, *Programming of Bills*, 3 November 2003, HC 1222 2002-03

⁵¹ House of Commons Procedure Committee, *Programming of Legislation*, 14 July 2004, HC 325 2003-2004

⁵² HC Deb 7 November 2000 c284

questions to be decided are listed on a pink ballot paper in the Wednesday's Vote Bundle, and Members may vote in the No Lobby at any time from 12.30pm to 2pm. The Opposition opposed deferred decision-making, arguing that this divorced debate from decision. In the first deferred vote which took place on European Union Fish quotas on 13 December 2000 the Conservative front-bench instructed their Members to spoil their ballot papers by voting both for and against the motion and were reprimanded by the Speaker for doing so.⁵³

5. Scrutiny of European Union Legislation

The way in which the House of Commons considers legislation emanating from Brussels had been considered before 1997 by both the European Legislation Committee in 1995-96 and the Procedure Committee in 1996-97. The Modernisation Committee turned its attention to the scrutiny of European legislation in its seventh report of session 1997-98 which largely endorsed the proposals of the European Legislation Committee to allow the Committee to scrutinise the two new pillars of the European Union following the Maastricht Treaty. The Modernisation Committee recommended that the European Legislation Committee be re-named the European Scrutiny Committee, to more accurately reflect the work which it carried out as it did not deal exclusively with European legislation. The House agreed to rename the Committee on 17 November 1998. The Committee further recommended increasing the number of European Standing Committees from two to five, and the establishment of a National Parliament Office in Brussels. In the event, the Government motion proposed increasing the number of European Standing Committees to three, not five, and this was also agreed by the House.

The Modernisation Committee next considered European Scrutiny in 2004. Peter Hain, previously Minister for Europe and the then Leader of the House of Commons, issued a memorandum to the Committee in which he stated that:

... the sad fact is that European Scrutiny is something of a minority interest: the great majority of Members take little interest in the reports of the European Scrutiny Committee or in the debates which it recommends. Meetings of the European Standing Committees to which it refers some documents are badly attended and seen to be irrelevant. European issues are seen as something separate and avoidable, while they should be in the mainstream of our political life. This is reflected in the media's coverage of European matters, and in the views of the public. There is a worrying and widening gap between our citizens and the institutions of the European Union; and this is not good for our democracy. [FN Select Committee on Modernisation of the House of Commons, *Scrutiny of European Matters in the House of Commons: Government Memorandum from the Leader of the House of Commons*, 1 April 2004, HC 508 2003-2004, para 2]

⁵³ HC Deb 19 December 2000 c207

Hain proposed a new Joint European Grand Committee as a successor to the Committee on the Convention and its follow-on Committee on the Inter-governmental Conference. He suggested that the new Committee may include UK members of the European Parliament, along the lines of the Joint Committee on Indian Constitutional Affairs in 1933, and that the new Committee might be able to put questions to and accommodate statements by European Commissioners or other senior EU Officials. He also proposed that the Modernisation Committee consider reform of the European Standing Committees system, suggesting a number of possible changes which could be made. These ranged from making reforms to the existing system to increase links between the European Standing Committees and the European Scrutiny Committee, to abolishing the Standing Committees altogether, with their duties to be taken on by departmental select committees instead.

The Modernisation Committee agreed that a Joint European Grand Committee should be established, to be called the Parliamentary European Committee, which would meet usually not more than four times a year. On the European Standing Committees, the Committee proposed an increase in their number from three to five. Having five committees, it was argued, would allow for more specialism by the Committees, and enable them to be named by their specialism rather than by letter as was the case. It was felt that this would encourage more Members to attend. The membership of these committees was to be reduced from 13 to nine.

The House did not debate the report, which was published shortly before the 2001 Parliament was dissolved, but changes may be brought to Standing Orders at the beginning of this Parliament.

B. Executive Accountability

The Modernisation Committee and Ann Taylor as Leader of the House had both made early comments on the need to strengthen ministerial accountability to Parliament. However, proposals have generally first arisen from reports of the Liaison Committee and the Procedure Committee. Possible explanations for this are examined below (see pages 37-39). This section restricts itself to a brief examination of the work of the Modernisation Committee in this area and the changes which took place as a result.

1. Questions

Oral and Written Parliamentary Questions are a key method in which the government of the day is held to account by individual Members of Parliament. In the 2003-04 session a total of 54,875 questions were tabled for written answer and a further 3,687 were tabled for oral answer (with 2,060 reached for answer in the House) Consideration of the procedure for asking questions during the 1997 and 2001 Parliaments has led to four reforms:

- The electronic tabling of questions;
- A reduction in the number of days notice required to table both written and oral questions;

- Private Notice Questions have been renamed as ‘urgent questions’; and
- From January 2003 there has been provision for cross-cutting question sessions to be held in Westminster Hall, with Ministers from several departments answering questions on a common theme.

Proposals for making provision for the electronic tabling of questions originated with the third report of the Procedure Committee in 2001-2002, which was followed-up and endorsed by the Modernisation Committee in their report *Modernisation of the House of Commons: A reform programme*.⁵⁴ In the same report the Modernisation Committee also concluded that the title ‘Private Notice Questions’ was “technical and obscure to the uninitiated” and recommended that they be renamed ‘urgent questions’ and also proposed that occasional sessions of cross-cutting questions be held in Westminster Hall.⁵⁵ Together with proposals to allow Members to table questions electronically, these changes were agreed by the House in October 2002.⁵⁶ There was some opposition to the electronic tabling of questions on the basis that if Members were able to table questions from other locations, there would be less incentive to spend time in Westminster holding the executive to account.

2. Accountability of the Prime Minister

Although these changes to parliamentary questions required the agreement of the House, the changes made to Prime Minister’s Questions in May 1997 came with no consultation with the Procedure or Modernisation Committees, or vote. Having pledged in their manifesto to making Prime Minister’s Questions “more effective”, on taking power the Labour Government announced that traditional two fifteen minute question sessions each week on Tuesdays and Thursdays would be replaced by one half hour session on Wednesdays.

As already commented on pages 18-19 above, the Prime Minister has given evidence on a regular basis to the Liaison Committee following a decision of the House in May 2002. This followed his refusal to give evidence to the Public Administration Select Committee on the Ministerial Code, citing precedent and explaining that he felt he might be called as a result to a large number of committees on a wide range of issues.

3. Westminster Hall

The establishment of a parallel debating Chamber, modelled on the Main Committee in the Australian House of Representatives, was first proposed by the Modernisation Committee in their report on the Parliamentary Calendar in 1998. The Committee argued

⁵⁴ House of Commons Procedure Committee, *Parliamentary Questions*, 26 June 2002, HC 622 2001-2002 and Select Committee on Modernisation of the House of Commons, *Modernisation of the House of Commons: A reform programme*, 5 September 2002, HC 1168-I 2001-2002

⁵⁵ *Ibid.*

⁵⁶ HC Deb 29 October 2002 c805

that such a parallel chamber could only ever work if there was to be consensus on proceedings with agreement as to the business to be transacted there with no formal votes. The Modernisation Committee further reported on the issue in April 1999 after consulting widely with Members and House of Commons officials, and recommended the establishment of a debating chamber in Westminster Hall on an experimental basis.⁵⁷ The report explained that the envisaged purpose of the new chamber would be to offer backbenchers a new forum for debate, and more opportunities for select committee reports to be debated. The report stated that:

The sittings in Westminster Hall will offer fresh opportunities to back-bench Members and enable the House to hold the Government to account on a wider range of issues. We see Westminster Hall as a venue for business for which there is a substantial demand but an insufficient supply of time on the floor, and for business which cannot be taken at all at present, rather than as a place to which portions of the House's existing business would simply be transferred.⁵⁸

The House of Commons approved the report and agreed a temporary change in Standing Orders to establish Westminster Hall in May 1999. Speaking in the debate, the then Leader of the House of Commons, Margaret Beckett, explained that the idea for the parallel chamber had emanated from the former MP Sir Peter Emery, and she highlighted that the chamber would be established on an experimental basis in the first instance. The arguments against the establishment of the chamber included that it would detract from the business on the floor of the House, and would provide an opportunity for the Government to expand its legislative business, and that it would make it more difficult for select committees of the House to get a quorum. The House divided 145 in favour of establishing the chamber and 36 against.⁵⁹ The first sitting on Westminster Hall took place on 30 November 1999.

The Committee examined the working of the new chamber in a November 2000 report which was approved by the House later that month.⁶⁰ The seating arrangement for the chamber was rearranged as a result. Westminster Hall was made permanent on 29 October 2002. This was recommended by the report *Modernisation of the House of Commons: A Reform Programme*, which also recommended that cross-cutting questions be introduced in Westminster Hall on an experimental basis, the first of which took place on youth policy on 23 January 2003.⁶¹

⁵⁷ Select Committee on Modernisation of the House of Commons, *Sittings of the House in Westminster Hall*, 24 March 1999, HC 194 1998-99

⁵⁸ *Ibid.*, para 23

⁵⁹ HC Deb 24 May 1999 c81

⁶⁰ Select Committee on Modernisation of the House of Commons, *Sittings in Westminster Hall*, 8 November 2000, HC 906 1999-2000

⁶¹ HC Deb 23 January 2003 c143WH

4. Select Committees

Reforms to select committees during the last two Parliaments have sought to achieve a number of ends. Not only have select committees been seen as a way of holding the executive to account, they have also been the focus of attempts to provide an enhanced role for backbench Members of Parliament, a career path separate to that of the government pay-roll, and a way in which Parliament can connect with the public on issues of concern.

The Liaison Committee reported on the issue of strengthening select committees in their March 2000 report *Shifting the Balance*.⁶² This set out a programme of reform of the committee system including taking the nomination of select committee members out of the hands of the party whips. Membership of Committees was decided by the Committee of Selection; but in practice the Committee nominated members largely on the basis of lists supplied by the whips. The Liaison Committee argued that:

12. This has had three unwelcome results:

- On some occasions there have been long delays – whatever their cause – in setting up some select committees at the beginning of Parliament, at the very time when committees need to put in maximum effort to establish their approach, plan their programme and begin work. These delays are of course convenient for the government of the day.
- When a Member decides to leave a committee there have been long delays – for no good reason – in making the change in membership. Some committees have been as many as three Members short for a matter of months, when there has been no shortage of volunteers.
- Members have undoubtedly been kept off committees, or removed from them, on account of their views. Oppositions as well as governments have been guilty of this, but of course if committees are to be effective scrutineers of government it is the influence of the governing party that causes us the greater concern.⁶³

The Liaison Committee proposed that in the early weeks of a Parliament, the House should appoint a Chairman of Committees and two Deputy Chairmen of Committees. The Chairman of Committees would not serve as a chairman of any other committee. Immediately upon appointment, the Chairman and Deputy Chairmen would invite names for membership of committees, with a deadline for submissions. They would propose to the House the membership of each committee. Once the committees were established, it would be then up to the Liaison Committee – which would be renamed and reconstituted as the Select Committee Panel, to propose names of Members to sit on select committees when vacancies arose.

⁶² House of Commons Liaison Committee, *Shifting the Balance*, 3 March 2000, HC 300 1999-2000

⁶³ *Ibid.*, para 11-12

The Government rejected these proposals in their response to the report but the Liaison Committee repeated their proposals in *Shifting the Balance: Unfinished Business*. Pressure for change gathered with the publication of further proposals for reform. The *Commission to Strengthen Parliament* set up by William Hague as Leader of the Conservative Party and chaired by Lord Norton, supported the notion that appointment be taken out of the hands of the party whips, as did the cross-party group Parliament First and the Hansard Society Commission on the scrutiny role of Parliament. In 2001 the issue resurfaced. The whips apparently attempted to manipulate the system for the nomination of select committee members by not nominating two previous committee chairmen, Gwyneth Dunwoody and Donald Anderson, to their re-established Committees. The House of Commons rebelled.⁶⁴

The Modernisation Committee then carried out an inquiry on the select committee system and reported in February 2002 proposing a number of reforms.⁶⁵ On the nomination of members of committees, the Modernisation Committee rejected the Liaison Committee proposal of a panel of three senior Members. They argued that three Members would not be sufficient to have the necessary knowledge of the qualifications and interests of Members, that it would be undesirable to place excessive power in the hands of some form of 'select committee establishment'. Instead, the Modernisation Committee proposed the establishment of a Committee of Selection under the Chairman of Ways and Means, with the majority of its members being drawn from the Chairman's panel and its membership set by Standing Order. The report explains the process that would then take place:

18. The Chairman of Ways and Means would issue a standard form for parties to circulate inviting their Members to indicate the select committees on which they would be interested in serving. These forms would be returned to the political parties who in turn would submit proposals to the Committee of Nomination, based as far as possible on the preferences expressed by individual Members. It is for the parties to develop their proposals for nominations through a process which is acceptable to their Members. Members would be free to make their own individual representations on the party nominations.

19. We start from the presumption that the political parties will wish to submit nominations which fairly reflect the preference, gender and experience of their Members. We therefore would not anticipate that it would be necessary for the Committee of Nomination to vary the party nominations in other than exceptional circumstances where it was clear that a fundamental problem had arisen. In those exceptional circumstances the Committee of Nomination would have access to all the relevant forms returned by Members. In the event that the Committee of Nomination remained concerned we would expect it in the first instance to refer back the nominations to that specific committee for further consideration. If that

⁶⁴ HC Deb 16 July 2001 c35

⁶⁵ Select Committee on Modernisation of the House of Commons, *Select Committees*, 6 February 2002, HC 224-I 2001-2002

failed to produce a satisfactory explanation or solution the Committee of Nomination would have the power and authority to make any amendments it thought fit before submitting that list of nominations to the House.⁶⁶

Other proposals in the report included:

- Increased resources: the establishment of a specialist unit of staff to assist committees with consideration of departmental expenditure and pre-legislative scrutiny, and increased staff for select committees;
- Core tasks: a list of principal objectives for select committees with annual reports reporting performance against these tasks;
- An alternative career structure: an additional salary should be paid to the chairmen of select committees and a term limit on holding the chair.
- An increased role for back-benchers: the number members of select committees should be increased to 15 to give more members select committee posts;
- Connecting with the public: select committees should be renamed as ‘scrutiny committees’ and their reports redesigned to make them attractive to readers.

On 14 May 2002 the House of Commons approved the Modernisation Committee report and agreed motions to invite the Liaison Committee to establish common objectives for select committees and the Senior Salary Review Board to look at pay for select committee chairmen. A term limit for chairmen of 8 years or two Parliaments, whichever is longer, was also agreed. The motion relating the nomination of members of select committees passing to a Committee of Nomination was rejected by a vote of 209 against to 195 for. Despite assurances from Robin Cook that these matters would be decided on a free vote, concerns were raised that the whips were at work.⁶⁷ Other proposals of the Modernisation Committee on which no motions were put to the House and therefore were not implemented included increasing the size of select committees, and renaming them as scrutiny committees.⁶⁸

C. The Working Lives of Members

In her memorandum to the Modernisation Committee at the beginning of the 1997 Parliament, Ann Taylor had asked the Committee to give particular attention to “the impact of the House’s procedure and practices on the working lives of members”. In practice during the 1997 and 2001 Parliaments, this has meant changes to the Parliamentary day, week and year, and the publication of a House of Commons calendar indicating sitting days and recesses published at the beginning of each session of Parliament. However, the arguments for these reforms were not only based on making the

⁶⁶ *Ibid.*, paras 18-19

⁶⁷ HC Deb 14 May 2002 c720

⁶⁸ The Library has produced a number of publications on select committees including SN/PC3161 *Modernisation: Select Committees – core tasks*, SN/PC/2725 *Modernisation: Select Committees – pay for chairmen*, and Research Paper 02/35 *Departmental Select Committees*.

working lives of Members easier alone, but connecting Parliament with the media and the public, and MPs with their constituents.

1. Sitting Hours and the Parliamentary Week

The hours which the House of Commons sits has become one of the most contentious Modernisation issues. The Modernisation Committee has approached the issue in a way which is consistent with their experimental and consultative approach.

In 1997 the House sat from 2.30-10pm on Mondays to Thursdays and on Wednesday mornings, although on occasion the House will sit through the moment of interruption at 10pm. For the 1997 Parliament, the focus for the debate on sitting hours was Thursday sittings. The Modernisation Committee's report *The Parliamentary Calendar: Initial Proposals* was published in December 1998. It included a memorandum from Ann Taylor as Leader of the House, which indicated the Government's support for advancing Thursday sitting by three hours to finish the main business at 7pm. The report stated the benefit would be "enabling most (though not all) Members to devote a full Friday to constituency business".⁶⁹ The change to Thursday Sittings was put into effect in January 1999 on a temporary basis until the end of the Session. In July 1999 the Modernisation Committee reported on the issue in order to assist the House with its decision later in the year. After seeking the views of the Chairman of Ways and Means and the Board of Management, the Committee recommended that the new Thursday sitting hours be extended for a further session. A further report on the issue in November 2000 recommended a further extension until the beginning of the next Parliament.⁷⁰

In 2001, Robin Cook as Leader of the House made more fundamental proposals to changing the sitting times of the House. In its first report of the 2001 Parliament, the Modernisation Committee put forward proposals based on his memorandum to the Committee for the House to sit at 11.30am with main business finishing at 7pm on Tuesdays and Wednesdays and at 6pm on Thursdays. Constituency work would take precedence on Fridays with the practice of Government motions on the adjournment on Fridays being discontinued. The full background to the proposals contained in the Modernisation Committee's report is given in Library Research Paper 02/41, *Modernisation of the House of Commons: Sitting Hours*.

These proposals were debated in the House on 29 October 2002. Proposals for Tuesdays were passed by 274 votes to 267.⁷¹ An amendment tabled by Greg Knight proposing sittings on Tuesday and Wednesdays from 9.30am-1pm and 2pm-7pm, with a 6pm finish on Thursdays was negatived by 411 votes to 94. The Modernisation Committee proposals for Wednesdays, Thursdays and Fridays were agreed by 311 votes to 234. An amendment

⁶⁹ Robin Cook, *The Point of Departure*, Simon and Schuster, London, 2003, para 45

⁷⁰ Select Committee on Modernisation of the House of Commons, *Thursday Sittings*, 1 November 2000, HC 954 1999-2000

⁷¹ *Votes and Proceedings*, 29 October 2002

tabled by Chris Mullin to leave Wednesday unchanged was negated by 265 votes to 288. The changes came into effect in January 2003 and would lapse at the end of the 2001 Parliament.

Over the following two sessions of Parliament, there was considerable pressure for a review of the new arrangements. An early day motion in 2002-2003 calling for a review attracted 220 signatures (EDM 1759) and another in 2003-04 gained 243 signatures (EDM 262). The Procedure Committee initiated a review of the 2003 arrangements. They canvassed the opinion of Members through issuing a questionnaire, publishing the results of the survey in March 2004.⁷² They recommended that the Modernisation Committee should, during their review of sitting hours, take account of the following points:

- There does not appear to be a single option which will achieve a large amount of cross-party support, although a possible compromise would be to change back to the previous hours on one day (presumably Tuesday);
- In considering hours, it is essential to consider not only the Chamber but also when committees meet (even accepting that this depends party on the wishes of individual committees) and other calls on Members' time;
- As we mention above, not many other jobs involve a heavy workload in two places hundreds of miles apart, and it is not surprising that a working pattern which would suit the average office is unlikely to suit the House of Commons;
- Decisions should be taken in full knowledge of the impact for staff working patterns and enough notice should be given for these to be changed if necessary;
- Using Tuesday or Wednesday evenings for extra business (e.g. private Members' bills, transferred from Fridays) would require more staff and would be dependent on the time concerned being regularly available (as it is not at the moment).⁷³

The Modernisation Committee conducted a review of the sitting hours drawing on the work of the Procedure Committee. The Committee recommended that the changes to Tuesday and Wednesday agreed in 2002 should be made permanent in the new Parliament, with sittings on Thursdays brought forward one hour to begin at 10.30am in order to ensure a full day of business takes place. These proposals were put to the House of Commons on 26 January 2005. The House agreed the motions relating to Wednesday and Thursday. However, the House also passed an amendment to the motion regarding Tuesday for sittings to begin at 2.30pm as on Mondays. This meant that Tuesdays reverted to the same sitting hours on Mondays- viz 2.30pm-10pm.

⁷² Procedure Committee, *Results of Sitting Hours Questionnaire*, 30 March 2004, HC 491 2003-04

⁷³ *Ibid.*, para 6

2. The Parliamentary Year

The Modernisation Committee 1998 report *The Parliamentary Calendar: Initial Proposals* recommended a ‘constituency week’ in February, the first of which took place in 1999. This report also raised the possibility of introducing an October constituency week although this was never adopted by the House.⁷⁴ Further changes were recommended by the Modernisation Committee under the stewardship of Robin Cook in its 2002 report *Modernisation of the House of Commons: A Reform Programme*. This recommended September sittings of the House, and the publication of the Commons calendar a year in advance. Both of these changes came into effect the following year.

D. The Style and Form of Proceedings

Speaking during the debate on Modernisation of the House of Commons in May 1997 Ann Taylor stated that:

There is a feeling that, while it is good to reinforce our parliamentary traditions, we might be able to modify some aspects of them without any loss of ceremony or dignity.⁷⁵

The Modernisation Committee began to address these issues in its report *Conduct in the Chamber*. The report recommended that the term ‘spying strangers’, and the practice of being “both seated and covered” (wearing a hat) to raise a point of order during a division, should cease. Of the latter, the report stated that “This particular practice has almost certainly brought the House into greater ridicule than almost any other, particularly since the advent of television”.⁷⁶ Other changes recommended by the Committee and adopted by the House included allowing, at the discretion of the Speaker, shorter maximum lengths on speeches but allowing extra time for interventions, and adding the name of the constituency to the name of the Member speaking displayed on the annunciators. This report was agreed by the House on 4 June 1998.⁷⁷

The paper has already discussed the establishment of Westminster Hall as a parallel debating chamber on pages 29-30 above, but it is worth noting here that this chamber was designed to be a place where the style and format of proceedings would differ from the Chamber of the House of Commons. The lay-out of the chamber is more along the lines of a select committee than a standing committee or the floor of the House. Discussing the

⁷⁴ Select Committee on Modernisation of the House of Commons, *The Parliamentary Calendar: Initial Proposals*, 2 December 1998, HC 60 1998-99, para 76

⁷⁵ HC Deb 22 May 1997 c1064

⁷⁶ Select Committee on Modernisation of the House of Commons, *Conduct in the Chamber*, 4 March 1998, HC 600 1997-98, para 64

⁷⁷ HC Deb 4 June 1998 c551

various options for seating arrangements the Modernisation Committee explained that it wanted to facilitate a “non-confrontational style of debate”.⁷⁸

The Committee has also addressed the relationship of Parliament with the public and the media. This can be seen as a theme which has run through a number of the Committee’s reports and as such is discussed on pages 45-47 below. However, the Committee also produced two reports which focussed on these issues. In 2000 the Committee published a short report on improving facilities for the media which allowed changes to take place such as a television point in central lobby where broadcasters could hold interviews with the public. The Committee carried out a wider-ranging inquiry entitled *Connecting Parliament with the Public* which reported in May 2004. Its recommendations were less about the practices and procedures of the House of Commons, and more focused on improving communication between Parliament and the people including improving facilities for visitors, especially young people, and the media. Amongst its recommendations were a major upgrading of the Parliamentary website, the provision of dedicated educational facilities for the use of the Education Unit, and that the term ‘strangers’ should no longer be used for those who visit Parliament.⁷⁹

III Evaluation

A. Continuity or Change

After two Parliaments, various assessments of the impact of the modernisation process are beginning to appear. In a forthcoming paper the Hansard Society has argued that:

...a glance at the Modernisation Committee’s work over the last eight years... illustrates that, at least for the duration of the 1997 Parliament, its focus was generally on legislation and procedural issues... timetabling and the upgrading of media facilities, rather than the more fundamental matter of shifting power back to the legislature.⁸⁰

Blackburn and Kennon have also commented that the actual achievements of the modernisation process have been limited:

The reality is that not nearly as much procedural reform occurred as a result of the Modernisation Committee in 1997-2001 might have been expected by readers of Labour’s pre-election proposals in 1996-97. Changes that did occur would quite likely have taken place anyway, whichever party had been in government.

⁷⁸ Select Committee on Modernisation of the House of Commons, *Sittings of the House in Westminster Hall*, HC 194 1998-99

⁷⁹ See SN/PC/3359 *House of Commons: providing information and access for the public*

⁸⁰ Alex Brazier, Matthew Flinders and Declan McHugh, *New Politics, New Parliament? A review of the modernisation of parliamentary procedures and practices since 1997*, Hansard Society, London June, 2005

The idea of programming legislation and extending the work of the European standing committees, for example, already had cross-party approval. Most of the procedural proposals by the Modernisation Committee had already been inquired into and recommended in successive reports of the Procedure Committee or other select committee reports, as well as from authoritative bodies such as the Hansard Society, but the previous (Conservative) government had baulked at implementing them. Indeed, the authority to put new procedures into practice that would strengthen the processes of Parliament already existed over several matters, for example the institution of special standing committees but was rarely invoked. Other subjects relating to government accountability simply required ministerial action, for example, the issue of government bills in draft form.⁸¹

There are a number of reforms discussed by the Modernisation Committee which have not come to fruition. These include:

- enlarging the membership of select committees so that 15 becomes the norm, thereby giving more backbenchers the opportunity to carry out committee work;⁸²
- establishing second reading committees to take evidence on bills which have not been introduced in draft form.⁸³

Other reforms which have been proposed by the Committee have failed to win the support of Parliament. These are:

- the proposals to take the nominations of select committee members out of the hands of party whips which were voted down by the House in October 2002;
- the proposals to make the sitting hours of the House agreed in January 2003 permanent in January 2005 (changes not recommended by the Modernisation Committee to Tuesday sittings were agreed by the House).

B. Efficiency or Effectiveness

As noted on pages 9-10, ‘modernisation’ means different things to different people. It has been argued that, for the Modernisation Committee, modernisation has been about efficiency rather than as effectiveness. Phil Cowley wrote in 2001 that:

Of its 15 substantive reports, only two – the first (on the legislative process) and the seventh (on the Scrutiny of European Business) helped enhance the power of the Commons in relation to the Executive. The others were designed for cosmetic or tidying up purposes, or for the convenience of members... When changes were

⁸¹ Blackburn and Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedures*, Second Edition, Sweet and Maxwell, London, 2003, s13-015, p752-3

⁸² Select Committee on Modernisation of the House of Commons, *Select Committees*, 6 February 2002, HC 224, para 47

⁸³ Note that there Standing Order 90 allows for second reading committees on legislation but these take the form of standing committees rather than evidence taking committees. Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC 190 1997-98

proposed to enhance the power of the Commons – such as the report by the Liaison Committee entitled *Shifting the Balance* that proposed enhancing select committees – the government gave them short shrift.⁸⁴

It has been suggested that under Margaret Beckett in particular, modernisation meant ‘efficiency’ - ensuring the passage of legislation through Parliament:

... [Margaret Beckett’s] concerns did not appear to include the accountability agenda of modernisation. Her focus was on the processing of legislation, and her viewpoint was straightforward. The Labour government had been given a mandate from the electors to carry out its manifesto – legislation should pass through both Houses as smoothly as possible. So programming passed from being a consensual planning instrument to a refinement of the ‘guillotine’ deplored by parliamentary reformers.⁸⁵

Commenting on the programming of legislation, Michael Ryle (a former Clerk of Committees of the House of Commons) has written that:

The government has defied the clearly expressed wishes of the House. It has also been selective in choosing what reforms to adopt, by making changes that secure for the government the advantages of programming its legislation but not giving the House or its Members the opportunities for improved scrutiny that programming was designed to permit. The package deal has been broken.⁸⁶

Phil Cowley and Mark Stuart have also written that:

The government’s approach to legislative modernisation always owed more to its desire to secure the passage of its business than to a desire to improve the effectiveness of parliamentary scrutiny.⁸⁷

There have been some reforms which have led to the capacity of the House of Commons to scrutinize the Government. For instance, the more routine publication of draft bills allowing Parliament to conduct detailed scrutiny has been widely welcomed for this reason. Appearing before the Procedure Committee, a senior House of Commons clerk stated that:

One of my colleagues who sat through the marathon of the Joint Select Committee on the Draft Communications Bill, and also was Clerk of the standing committee on the same bill in the following session, commented to me that there

⁸⁴ Phil Cowley, “The Commons: Mr Blair’s Lapdog?” in *Parliamentary Affairs*, October 2001, p817

⁸⁵ Oonagh Gay, “Modernisation: The Commons”, in Nicholas Baldwin ed., *Parliament in the 21st Century*, Politics, London, 2005, p374

⁸⁶ Michael Ryle, “House of Commons Procedures”, in Blackburn and Plant eds., *Constitutional Reform*, Longman, Harlow, 1999

⁸⁷ Phil Cowley and Mark Stuart, “Parliament: A Few Headaches and a Dose of Modernisation”, in *Parliamentary Affairs*, 2001, vol. 54, p238

was less need for time to be taken up with probing amendments designed to elicit the Government's intentions. Those sort of amendments, where a Member could not understand why the Bill had been drafted in one way rather than another, were perhaps fewer at standing committee stage. But, of course, since a lot of Members who had been on the joint committee were then on the standing committee, and other Members on the standing committee had read the joint committee's report, he notes that there was a much higher degree of knowledge of the bill, and so much greater interest in it and a greater degree of expertise which in itself brought forth more amendments. In the case of that bill, he would say it led to better scrutiny rather than quicker scrutiny.⁸⁸

It is often asserted that matters of Parliamentary reform are for Parliament itself to decide. Ann Taylor stated in her 1996 speech to Charter 88 that:

I should preface my remarks by making clear that I am not suggesting Labour in Government can dictate change: Parliament must own the process. Reform motivated by the need to re-establish the proper balance between a Parliament and the executive cannot simply be imposed by a new executive even if it is to the benefit of Parliament. Parliament must change itself.⁸⁹

Speaking in an Opposition Day debate in 2000 on Parliament and the Executive, which was opened by the then Leader of the Conservative Party William Hague, Tony Blair stated that:

...I emphasise that the procedures of the House are not matters for the Government or the official opposition. I want to make one thing clear: they are matters for individual Members of Parliament who exercise their own judgement on a free vote. They are truly matters for the House.⁹⁰

However, as already commented, during the votes of 29 October 2002 on reform of select committees, it has been alleged that despite assurances of a free vote on the proposals to remove nominations from the hands of the whips, the whips were at work. Tony Wright, commenting on the failure of the House to pass these reforms states that:

It should never be forgotten by those who parrot the glories of parliamentary sovereignty, or denounce wicked government for blocking reforms to strengthen Parliament, that when a Leader of the House provided MPs with an opportunity to decide on a free vote whether they wanted the composition and chairs of their select committees chosen by the whips and the party machines (as at present) or by themselves, they voted for the former option. This is more revealing about the real obstacles to serious reform than innumerable texts on the subject or routine polemics on the tyranny of the executive.⁹¹

⁸⁸ Procedure Committee, *Programming of Legislation*, 14 July 2004, HC 325 2003-04, Q12

⁸⁹ Ann Taylor, *New Parliament, New Politics*, transcript, 14 May 1996

⁹⁰ HC Deb 13 July 2000 c1099

⁹¹ Tony Wright, "Prospects for Parliamentary Reform", *Parliamentary Affairs*, Vol. 57, No. 4, 2004, p870

Andrew Kennon has commented that:

Those who have studied past Government replies to unwanted Procedure Committee reports will have come across the phrase “This is a matter for the House to decide”. It implies a degree of free initiative for the House which does not exist.⁹²

C. The 1997 Intake

Many of the changes introduced during the 1997 Parliament aimed to make the House of Commons an easier place to understand for those working within it, as well as for the public and the press. The production of explanatory material for bills, the minor changes to the Order Paper introduced in the first autumn of the new Parliament, and the changes which took place as a result of the report ‘Conduct in the Chamber’ can all be placed in this category. It has been suggested that the catalyst for this group of changes could have been the relatively large number of new Members returned in May 1997. During the debate on Modernisation held just three weeks after the Labour Party’s election victory Ann Taylor stated that:

After only two or three weeks in this place, many new members are bewildered by some of the practices of the House and are keen to see changes.⁹³

Commenting on the impact of the new membership of the House, Andrew Kennon has written that:

Normally an election brings about 100-120 new MPs to the House – about a fifth or sixth of the total. The 1997 harvest of 240 meant that over a third of the House were unfamiliar with it. It is arguable that this raised expectations of modernising the most obviously strange practices and diverted attention from more serious reform.⁹⁴

Robin Cook, explaining in his memoirs why he was able to bring about his wide ranging programme of reform in the House in October 2002 commented that:

A major reason why the House was willing to think so radically about its procedures was the large intake of new members in 1997. They came from work environments in which information technology was taken for granted, flexible working practices were commonplace and the hours were sane. Many of them reacted with incredulity to the discovery of how they were expected to work in Westminster.⁹⁵

⁹² Andrew Kennon, *The Commons: Reform or Modernisation*, Constitution Unit, London, 2000, p3

⁹³ HC Deb 22 May 1997 c901

⁹⁴ Andrew Kennon, *The Commons: Reform or Modernisation*, Constitution Unit, London, 2000, p5

⁹⁵ Robin Cook, *The Point of Departure*, Simon and Schuster, London, 2003, p234

It has also been argued that the 1997 intake was of a ‘different sort’ of Member. A number of Labour Members were returned relatively unexpectedly due to the swing in the party’s favour. More women were returned to the House than ever before with the number of female MPs increasing from 63 to 120 at the 1997 election. The impact of these new Members is said to have put pressure on the House to modernise its working practices to make them more “family friendly” by reforming the sitting hours and trying to align recesses with school holidays more closely. When the House decided to return to late night sittings on Tuesday evenings, Helen Jackson announced that she would be standing down at the General Election. She told the Guardian newspaper that:

What I felt is that we were missing such a huge opportunity as a Labour government with a big majority, having come into power on the grounds of equality, having argued and sweated over it through the party, having brought the party along wholeheartedly towards family-friendly policies, not to be arguing and pushing it through Parliament with the backing of the whips office. It was letting down a lot of people who have struggled on this issue.⁹⁶

Gwyneth Dunwoody, however, argued that:

Let us get rid of the idea that these proposals are intended to benefit the female of the species. Nothing proposed by male parliamentarians is for the benefit of the female of the species, no matter which political party those males represent. Changing the hours will do nothing to change the representation of women in this place; no artificial means will do that. We belong to a voluntary party, and the only way to get good female candidates is to persuade the people whom they want to represent that they are capable of doing the job. They have had no difficulty doing so in the past, and they will have no difficulty in future.⁹⁷

Jack Straw in his memorandum to the Modernisation Committee argued that:

Of course I am aware of the concern of some colleagues about the effect on their families of sitting until 10.00 pm. But the old hours were very far, in my personal experience, from being family-unfriendly. Both my children were born after I went into the House in 1979. The old hours, with the later formal start of Committee's etc, meant that I would take the children to school, attend school assembly and deal with hospital appointments first thing in the morning: and combine this with an active role on Labour's front bench. The less compressed early evening meant that I could serve on the Government Body of our children's secondary school (from 1994-2001) and Chair the Governing body for four years.

⁹⁶ *The Guardian*, 2 February 2005, Features Pages, p14

⁹⁷ HC Deb 29 October 2002 c758

All of these parental activities would have been made more, not less, difficult by the new hours.⁹⁸

For others, the reforms to sitting hours were not intended for the purposes of making Parliament more family friendly but more ‘voter friendly’. (See section below on Connecting Parliament with the Public).

It has also been suggested that the size of the Government majority returned both in 1997 and again in 2001 led to a reconsideration of the role of a backbench MP, leading to interest in developing alternative career paths and the constituency role of Members. Speaking in a debate on Modernisation on 22 May 1997 Ann Taylor commented that:

The role of Back Benchers and new Members of Parliament have changed over the years. When I first came to the House in the mid-1970s – I must admit that it is a long time ago – Back Benchers could adopt two distinct roles. The first was to climb the ministerial ladder, starting as a parliamentary private secretary; the second, very legitimate and respected role was to become a senior Back Bencher. That group dominated many debates and question times. It may be that, with many Back Benchers on one side of the House, more hon Members will be interested in developing the role of the Back Bencher. I think that it is in the interests of the House to recreate and re-evaluate that role. We should have regard to that point when considering possible changes.⁹⁹

Paul Tyler also commented during the debate that “it is particularly important to address the concerns of current backbenchers, a great many of whom would otherwise feel frozen out of the true business of Parliament”.¹⁰⁰

Attempts to provide an alternative career path for MPs were pursued with the reforms to select committees with pay for select committee chairmen and proposals to take the nominations of committee members out of the hands of the party whips. Reforms to sitting hours, the Parliamentary calendar, the introduction of deferred divisions and the removal of all business bar private members bills from Fridays can all be seen as allowing the constituency role of backbench members to develop.

D. The Rise of the Constituency Role of MPs

The role of backbench MPs as advocates and caseworkers for their constituents has greatly increased in recent years.¹⁰¹ A recent article in *Political Quarterly* summarises the rise of constituency correspondence of MPs:

⁹⁸ Select Committee on Modernisation of the House of Commons, *Sitting Hours*, 11 January 2005, HC 88 2004-2005, Ev 75

⁹⁹ HC Deb 22 May 1997 c902

¹⁰⁰ *Ibid.*, c925

¹⁰¹ For a discussion of the constituency role of MPs see Greg Power, *Representatives of the People*, Fabian Society, London, 1998

The rapid growth in constituency case-work is a post-war phenomenon. In 1970 Barker and Rush found that 75 per cent of MPs received between 27 and 75 letters per week. Around 10,000 letters a week came into the Commons in 1964 but by 1997 this had increased to 40,000. Norton and Wood cited a survey from the Letter Writing Bureau indicated that approximately 6 million letters were sent to MPs each year in 1986 – half of these from constituents, representing more than 30 letters per day per MP, and ten times the equivalent of the 1950s. The advent of email makes the volume of correspondence almost impossible to measure and may itself encourage a more professional marketing approach to constituency work.¹⁰²

This has been linked this to the changes made to the way in which the House of Commons conducts its business. The article continues:

What strain does this impose on the traditional role of MPs? Parliamentary reformers have expressed concern that the legislative and scrutiny role is being put under pressure. In general, MPs are more stressed as they have more to do. The decline in private members' business in the last twenty years is evident, as members use Fridays for constituency surgeries. The practice of non-sitting Fridays developed as constituency surgeries drew members away from parliamentary business. The parliamentary week has been foreshortened further since 2001 to cope with the changing role following recommendations from the Modernisation Committee.¹⁰³

Reports of the Modernisation Committee, and debates on their proposals, have often cited making more time for constituency work as a motivation for reform. In making the case for a constituency week during February, and for bringing forward sittings on Thursday mornings, the Modernisation Committee argued that:

1. The purpose of reform is to make Parliament more effective. This means allowing Members to make the best use of their time, and to balance their various commitments in the House and its Committees with the increasing workload and demands in their constituencies

...

7. So far as the duties of Members outside the House are concerned, every Member is aware that the demands of constituency work have grown by leaps and bounds. Members are no longer expected to visit their constituencies only occasionally in the recess, and are expected to provide – as the majority do – regular advice bureaux for constituents, as well as taking a keen interest in local

¹⁰² Oonagh Gay, 'MPs Go Back to their Constituencies', *Political Quarterly*, January 2005, vol 76, no. 1, p58

¹⁰³ *Ibid.*, p61

issues and building up good working relationships with statutory and voluntary organisations in their constituencies.¹⁰⁴

Arguing for fixing the House of Commons calendar were also centred around the need for MPs to make more productive use of their time in the constituency. The Committee stated that:

It is a strength of the British House of Commons that its Members represent clearly defined local constituencies. It is essential to the health of parliamentary democracy that Members of Parliament should have adequate opportunity to be among the constituents whom they represent. It is only that first hand contact with the electors that enables MPs to speak with authority in the Commons, to seek redress of grievances of individual constituents and to hold Ministers to account for the impact of their policies and legislation...¹⁰⁵

Speaking during the debate on 29 October 2002 Robin Cook stated that:

...there are two distinct parts to the job of a Member. So far, I have dealt with our role of providing scrutiny at Westminster. The other equally important task is our representative function in our constituencies. The two complement each other. It is an immense strength of this place that Members can bring to it their direct contact with the opinions and the interests of the communities that they represent, among whom most of them live, and all of them work. The package before the House will help colleagues to be more effective in their work for their constituencies. The motion provides a mandate for an annual calendar of the sitting dates and the recess dates for Parliament for a year ahead. It will help Members immensely to make more effective use of their time in their constituencies if they can plan their engagements a year ahead.¹⁰⁶

Arguing for earlier starts on Thursdays the Committee made the point that the proposals “would have the obvious benefit of enabling most (though not all) Members to devote a full Friday to constituency business, having left London at or soon after 7pm the previous evening”.¹⁰⁷

The introduction of more routine programming of legislation and deferred divisions have also served to provide more certainty of the hours needed to be spent in Westminster. The amount of time MPs spend in their constituencies was also an issue for Members when debating the introduction of electronic tabling of Parliamentary Questions. Nick Hawkins asked during the debate on 29 October 2002:

¹⁰⁴ Select Committee on Modernisation of the House of Commons, *The Parliamentary Calendar: Initial Proposals*, 2 December 1998, HC 60 1998-99

¹⁰⁵ Select Committee on Modernisation of the House of Commons, *Modernisation of the House of Commons: A reform Programme*, HC 1168-I 2001-02, para 70

¹⁰⁶ HC Deb 29 October 2002 c694

¹⁰⁷ Select Committee on Modernisation of the House of Commons, *Sitting Hours*, 11 January 2005, HC 88 2004-05

Does the right hon. Gentleman not share my concern that the opportunity for Members to table questions from their constituencies will simply lead to many Labour Members failing to attend the Chamber at all. They are more interested in being absentee MPs than in doing the job of parliamentary scrutiny here.¹⁰⁸

Despite the early promises by the 1997 Government that it would strengthen the role of backbenchers at Westminster, it can be argued that it has instead brought forward reforms which have encouraged them to spend less time on Parliamentary business and more time in their role as constituency MPs. Or, alternatively, that they have failed to address the backbench role in Parliament as opposed to in their constituencies sufficiently. An article in *Political Quarterly* commented that:

Although in 1996 Ann Taylor, then the Shadow Leader of the House, promised a new emphasis on parliamentary scrutiny, in practice, the Modernisation Committee has had little effect on longer term trends reducing the formal role of the backbencher in Parliament.¹⁰⁹

E. Connecting Parliament with the Public

A number of the reforms made to the way the House of Commons conducts its business have been presented as ways of making Parliament easier to understand for the public, and encouraging the media to report on proceedings. Robin Cook has written that this was his most pressing reason to modernise the House of Commons:

The most pressing case for modernisation, though, is not the balance between Parliament and government but the growing gulf between Parliament and public...

He continues:

The Commons does not help itself to bridge this widening gulf when it lovingly preserves the image and the working methods of a bygone age (do not even start me on how the House of Lords appears to anyone under seventy). Our constituents live in a world of rapid changes in working practices and dramatic advances in technology. To them veneration for hallowed procedures does not express an admirable respect for tradition but a stubborn refusal to move with the times. Parliament is not going to reconnect with the electorate of tomorrow unless it addresses the perception of the young voter of today who see it as stuffy, formal and out of date.¹¹⁰

¹⁰⁸ HC Deb 29 October 2002 c690

¹⁰⁹ Oonagh Gay, 'MPs Go Back to their Constituencies', *Political Quarterly*, January 2005, vol 76, no. 1, p61

¹¹⁰ Robin Cook, *The Point of Departure*, Simon and Schuster, London, 2003, p25

Connecting Parliament with the public became a key theme of the Committee during the 2001 Parliament. In its report, *Modernisation of the House of Commons: A reform programme*, the Committee began by linking the practices and procedures of the House of Commons to the declining trust and interest in politics and politicians found from opinion polling and attitudinal research. The Committee stated that:

1. The House of Commons is the heart of British democracy. Whether that democracy is healthy depends in part on whether the public we serve has respect for our proceedings as relevant to their lives and has confidence that our scrutiny of both the executive and its legislation is effective.

2. The most compelling reason for modernisation of the Commons is its decline in public esteem. Participation in parliamentary elections have fallen from nearly 80% to less than 60%. Successive surveys of social attitudes have charted the ebb tide of public respect for Parliament.

...

15. MPs are masters in our own House. We are responsible for procedures and practices that are often seen by our electors as archaic, formulaic and abstruse. The society we are supposed to represent prizes brevity and informality, but we ourselves do not demonstrate those virtues in our working methods. As the BBC research concluded, “for younger groups, time-honoured procedures communicate not revered tradition, but a refusal to accept that times change”. In the following sections we set out a programme for modernisation to make the Commons more topical, more effective, more accessible and better able to set the media agenda.

Making the House of Commons more accessible and more likely to be reported by the press by bringing the Parliamentary day forward was proposed by the Committee in this report. It was also an argument presented by those in favour of retaining the sitting hours adopted in 2003 during January 2005. Writing in the *Guardian*, Douglas Alexander and David Miliband commented that:

Late night debates and votes would mean even less public scrutiny of our deliberations. Evening bulletins would miss our decisions, and morning papers would manage even more limited reports of our debates.

The vote also matters because, in a climate of disengagement from party politics and falling turnout in the last election, we must not make ourselves more distant from the lives and experiences that we represent.¹¹¹

Paul Tyler, then Liberal Democrat Spokesperson, questioning Peter Hain on the sitting hours of the House asked:

¹¹¹ *The Guardian*, 26 January 2005, p23

Does the Leader of the House recall that a principal purpose of the present arrangements and sitting hours was to try and make our business more voter and media friendly, rather than just MP friendly?¹¹²

However, this argument regarding sitting hours has been questioned by others. Eric Forth has argued that:

I do not accept the analysis so often presented to us – the suggestion that if only we can change the image of the House, the electors will come flocking back to the polling booth. I think we can dismiss straight away any notion that if we turn up at 11.30am instead of 2.30pm, or 9.30am, and install glass corridors along which people can walk and see what we are doing, the electorate will be enthused and turn out to vote more often. We must find some other solution.¹¹³

Connecting Parliament with the public was the theme of an entire report by the Modernisation Committee in 2004. Rather than focusing on procedural issues, however, it looked into the accessibility of Parliament, the facilities for visitors (especially young people), the provision of information for the public, and the House of Commons' own approach to media and communications. As part of its inquiry, the Committee commissioned the Hansard Society to run an on-line consultation on its behalf, held a public meeting in Reading and met with members of the public in Birmingham and Cardiff. The report's introduction set out its approach to the subject:

It serves no-one if we make it difficult for voters to understand what their elected representatives are doing. Too often the impression is given that the House of Commons is a private club, run for the benefit of its Members, where members of the public are tolerated only on sufferance. It is beyond the influence of the House of Commons, let alone this Committee, to arrest international trends of declining participation and trust. However, the Commons can make itself more accessible to those outside, both as interested visitors and citizens wishing to become more involved in proceedings, it can do more to make it easier for people to understand the work of Parliament, and it can do more to communicate its activity to the world outside.¹¹⁴

IV The Future for Modernisation?

The Labour Party mentioned the Modernisation Committee and further Parliamentary reforms in its 2005 manifesto:

¹¹² HC Deb 26 October 2004 c1290

¹¹³ HC Deb 29 October 2002 c705

¹¹⁴ Select Committee on Modernisation of the House of Commons, *Connecting Parliament with the Public*, 16 June 2004, HC 368 2003-2004, para 9

Labour will also continue to support reforms that improve Parliamentary accountability and scrutiny led by a successful Modernisation Committee.¹¹⁵

The other two major political parties also raised the issue of Parliamentary reform, especially strengthening of the select committee system, in their manifestos, but did not commit themselves to using the Modernisation Committee as the main vehicle for proposing changes. The Conservative Party pledged that:

The House of Commons needs to be made more capable of standing up to the executive. We will strengthen select committees and make time for proper scrutiny of all legislation.

As part of our drive for efficiency across Whitehall and Westminster, we will cut the number of MPs by 20 per cent. We will seek cross-party consensus for a substantially elected House of Lords.¹¹⁶

The Liberal Democrats wrote that:

We will also strengthen the powers of Parliament to scrutinise the actions of the Government, enhancing the select committee system.¹¹⁷

In answer to a written Parliamentary Question tabled by Greg Knight asking whether the Modernisation Committee and the Procedure Committee would be merged into one new select committee, the new Leader of the House, Geoff Hoon, replied that he had “no plans to do so”.¹¹⁸ The former chairman of the Procedure Committee, Sir Nicholas Winterton, has also asked about a possible merger:

Sir Nicholas Winterton (Macclesfield) (Con): I fully support the question put by the hon. Member for Cannock Chase (Dr. Wright) and the views so far expressed by the Leader of the House. Does he accept that, if the Select Committee structure is to have the integrity and credibility that the people of this country expect, every Select Committee should be chaired by a Back Bencher? He has been kind enough to agree to meet me, as I was the Chairman of the Procedure Committee in the last two Parliaments, but will he discuss the possibility of merging the Modernisation Committee, currently chaired by a Cabinet Minister, and the Procedure Committee, which I had the honour of chairing in the last two Parliaments? If so, and he accepts that argument, I believe that the joint Committee would carry much greater authority, integrity and independence than the current situation.

¹¹⁵ Labour Party, *Britain: Forward not Back*, April 2005

¹¹⁶ Conservative Party, *Are you thinking what we're thinking? It's time for action*, April 2005

¹¹⁷ The Liberal Democrat Party, *The Real Alternative*, April 2005

¹¹⁸ HC Deb 24 May 2005 c52W

Mr. Hoon: The hon. Gentleman has appropriately declared his own interests and he declared my interest for me. That is why it is important that we should have a conversation before we reach conclusions on this important question.¹¹⁹

No select committees has yet been established in the new Parliament and the question of a new Modernisation Committee remains open at the time of writing, although there are indications that the new Leader of the House favours such a mechanism.¹²⁰

A. A Business Committee?

A specific area where pressure for reform remains is the establishment of a Business Committee in the sense of a Parliamentary Bureau which would agree the timetable of Parliamentary Business, replacing the ‘usual channels’.¹²¹ Robin Cook has commented that he “still believe[s] that the balance of power between the Executive and Parliament will remain too firmly tilted in favour of government until MPs win a say on the agenda of their proceedings through some form of collective business committee”.¹²² However, the Government’s response to the Constitution Committee’s report *Parliament and the Legislative Process* appeared to rule this possibility out:

The Government notes the Committee's recommendation. The option of a business committee in the House of Commons has been considered over the years. The Government does not believe it would offer significant advantage over current arrangements.¹²³

B. Second Reading Committees?

The Modernisation Committee has also in the past given thought to establishing second reading committees with the power to take evidence from witnesses. However, again responding to recommendations of the Constitution Committee the Government ruled this development out:

27. The Government has already significantly increased the number of bills which are subject to detailed scrutiny by an evidence-taking committee, by publishing more bills in draft. The Government is not convinced that it would be appropriate to commit all bills which have not been scrutinised in draft to an evidence-taking committee after Second Reading but we are ready to consider this option in exceptional circumstances (and have done in the past). Some bills have already been widely consulted upon; on others there is no time. On some

¹¹⁹ HC Deb 7 June 2005 c1125

¹²⁰ See for example his comments in Business Questions HC Deb 9 June 2005 c1397

¹²¹ For a description of the ‘usual channels’ see Michael Rush and Clare Ettinghausen, *Opening Up the Usual Channels*, Hansard Society, London, 2002

¹²² Robin Cook, *The Point of Departure*, Simon and Schuster, London, 2003, p237

¹²³ House of Lords Constitution Committee, *Parliament and the Legislative Process: The Government response*, 20 April 2005, HL 114 2004-05, para 40

bills the issues are essentially partisan; evidence-taking would be difficult to do objectively and would be unlikely to affect the outcome.

28. We note that there are a number of Committees in the House of Lords, the Joint Committee on Human Rights, and the departmental Committees in the House of Commons that are able to take evidence on any bill about which they have concerns. Some of these Committees already take evidence on bills before Parliament.¹²⁴

C. The routine publication of legislation in draft?

The Government has also come under pressure to routinely publish legislation in draft. The Constitution Committee's 2004 report on *Parliament and the Legislative Process* recommended that:

34. ...the Government should move from deciding which bills should be published in draft each session to deciding which bills should *not* be published in draft. Where the decision is taken not to publish a bill in draft, then the reasons should appear in the Explanatory Notes to the bill.

35. We also recommend that there should be a rolling legislative programme, with Departments gaining slots in specified future sessions subject to the bills having first been published in draft. The presumption should be that no bill should be allocated a slot without being published in draft unless a compelling case has been made to the contrary.¹²⁵

The Government responded that:

11. The Government continues to be committed to pre-legislative scrutiny. Whilst it will not be possible nor necessarily desirable to sustain the recent year-on-year increase for an indefinite period, we will seek at least to maintain the proportion of bills published in draft.

12. The Government is not persuaded by the recommendation that the reasons for not having published a bill in draft should be outlined in the explanatory notes to a bill. In the case of emergency legislation the reasons for not publishing a bill in draft will be self-evident. In other cases, the reasons may include pressure of time, demands of Parliamentary Counsel, the priority of other bills. On that basis, any explanation in the notes would likely to be formulaic and would not add to the transparency of decision making. The Government notes that if Members of Parliament wish to question why a particular bill has not been published in draft, there are already a number of available means of so doing; for example by raising

¹²⁴ *Ibid.*, paras 27-28

¹²⁵ House of Lords Constitution Committee, *Parliament and the Legislative Process*, 29 October 2004, HL 173, 2003-2004, paras 34-35

issues during debates on the bill and by tabling oral and written parliamentary questions.¹²⁶

D. Changes to the Parliamentary day, week and year?

One area on which there may be further changes is to the Parliamentary day and week. The votes which took place in January 2005 which set the sitting hours for the beginning of the next Parliament were close. With 160 new MPs taking up their seats, and a record number of women amongst them, the Modernisation and Procedure Committees may come under pressure to review the hours again. Pressure may also come from those who want to move away from morning sittings; support for this has been evident from the closeness of votes on the issue and the number of signatories to EDMs calling for change (see pages 32-34 above).

On the Parliamentary week, the Modernisation Committee has in the past considered scheduling Private Members' Bills on Tuesday evenings, designating Friday as a constituency day.¹²⁷ The Committee concluded that:

It seems certain to us that private Members' bills, if they were taken on a weekday evening, would often become whipped business. Not only would this lead to a day with 11 hours or more of whipped business, it would fundamentally change the character of the proceedings, with the intrusion of whipping into time which has so far been at the free disposal of backbenchers; there might also be other, less predictable changes. It could result in legislative business being settled very late in the evening on those occasions when Government business continued much beyond 7pm. Our judgement is that it would not be right for such a major overhaul of private Members' bills procedure to happen as a by-product of changes to the sitting hours of the House. We recommend that private Members' bills should retain their place on 13 Fridays each year for the time being, until we have had an opportunity to carry out a comprehensive review of the purpose of private Members' bills and of PMB procedure, consulting with the Procedure Committee which has investigated this matter.¹²⁸

The Parliamentary year may also be subject to change. When considering sitting hours during the 2004-05 Session the Modernisation Committee explained that:

For members with school-age children, ensuring the maximum possible congruence between Parliamentary recess dates and school holidays is a high priority. The current arrangements do not always provide this, especially with regard to schools in Scotland. We are concerned that the current recess

¹²⁶ House of Lords Constitution Committee, *Parliament and the Legislative Process: the Government's response*, 20 April 2005, HL 114 2004-05, paras 11-12

¹²⁷ Select Committee on Modernisation of the House of Commons, *Sitting Hours*, HC 88 2004-2005, 11 January 2005

¹²⁸ *Ibid.*, para 15

arrangements might make it very difficult for Members and staff living in certain areas to take family holidays or to arrange childcare for school holiday periods. The structure of the academic year is currently under review. The Local Government Association has proposed a Standard School Year of six terms, which it is urging local authorities to adopt. It might be necessary to revisit the relationship between the Parliamentary and academic years in a year or two, as the Standard School Year is more widely adopted. We hope that it will be possible to ensure that the recesses correspond as closely as possible to the Standard Year, without disadvantaging unduly those Members who live in LEA areas which have not adopted the new arrangements.¹²⁹

¹²⁹ *Ibid.*, para 44

Appendix 2: Reports of the Modernisation Committee

	Title	HC Ref	Date of publication
Session 1997-98			
First Report	The Legislative Process	HC 190	29 July 1997
Second Report	Explanatory Material for Bills	HC 389	9 December 1997
Third Report	The Carry-over of Public Bills	HC 543	9 March 1998
Fourth Report	Conduct in the Chamber	HC 600	9 March 1998
Fifth Report	Consultation paper on Voting Methods	HC 699	29 April 1998
Sixth Report	Voting Methods	HC 779	5 June 1998
Seventh Report	The Scrutiny of European Business	HC 791	17 June 1998
Session 1998-1999			
First Report	The Parliamentary Calendar: Initial Proposals	HC 60	7 December 1998
Second Report	Sittings of the House in Westminster Hall	HC 194	13 April 1999
Third Report	Thursday sittings	HC 718	19 July 1999
First Special Report	Work of the Committee: Second progress report	HC 865	1 November 1999
Session 1999-2000			
First Report	Facilities for the Media	HC 408	10 April 2000
Second Report	Programming of Legislation and the Timing of Votes	HC 589	6 July 2000
Third Report	Thursday Sittings	HC 954	6 November 2000
Fourth Report	Sittings in Westminster Hall	HC 906	13 November 2000
Session 2000-2001			
First Report	Programming of Legislation	HC 382	2 April 2001
Session 2001-2002			
First Report	Select Committees	HC 224	12 February 2002
Second Report	Modernisation of the House of Commons: A Reform Programme	HC 1168	5 September 2002
Session 2002-2003			
First Report	Modernisation of the House of Commons: Programming of Bills	HC 1222	3 November 2003
Session 2003-2004			
First Report	Connecting Parliament with the Public	HC 368	16 June 2004
Session 2004-2005			
First Special Report	Connecting Parliament with the Public: The House of Commons Commission's Response to the First Report of Session 2003-2004	HC69	2 December 2004
First Report	Sitting Hours	HC 88	11 January 2005
Second Report	Scrutiny of European Business	HC 465	22 March 2005

Appendix 2: Timeline of events

May 1997	Government announced changes to format of Prime Ministers' Questions
May 1997	House of Commons debate on Modernisation (HC Deb 22 May 1997 c901)
June 1997	Motion passed establishing the Modernisation Committee (HC Deb 4 June 1997 c500)
June 1997	Publication of Modernisation Committee, First Report of Session 1997-98, <i>The Legislative Process</i> , HC 190
June 1997	Extra desk placed in the division lobbies
July 1997	Naming of tellers (end to two minute rule)
Oct 1997	Simplified Order Paper introduced
Nov 1997	House of Commons agrees Modernisation Committee Report HC 190 (HC Deb 13 Nov 1997 c1061)
Dec 1997	Publication of Modernisation Committee, Second Report of Session 1997-98, <i>Explanatory Material for Bills</i> , HC 389
March 1998	Publication of Modernisation Committee, Third Report of Session 1997-98, <i>The Carry-Over of Public Bills</i> , HC 543
March 1998	Publication of Modernisation Committee, Fourth Report of Session 1997-98, <i>Conduct in the Chamber</i> , HC 600
June 1998	Publication of Modernisation Committee, Sixth Report of Session 1997-98, <i>Voting Methods</i> , HC 779 – The report contains the results of consultation on voting methods
June 1998	House of Commons agrees Modernisation Committee Reports HC 543 and HC 600 (HC Deb 4 June 1998 c551)
June 1998	Opposition Debate on Private Members' Bills HC Deb 25 June 1998 c1199
June 1998	Publication of Modernisation Committee Seventh Report of Session 1997-98, <i>The Scrutiny of European Business</i> , HC 791
July 1998	Opposition Day debate on Government and Parliament (HC Deb 21 July 1998 c932)

- July 1998 Margaret Beckett succeeds Ann Taylor as Leader of the House of Commons
- Nov 1998 House of Commons approves the Modernisation Committee Report, *The Scrutiny of European Business*, HC 791 (HC Deb 17 Nov 1998 c778)
- Nov 1998 Queen's Speech includes six bills in draft form
- Dec 1998 Publication of Modernisation Committee First Report of Session 1998-99, *The Parliamentary Calendar: Initial Proposals*, HC 60
- Dec 1998 House of Commons approves the Modernisation Committee Report, *The Parliamentary Calendar: Initial Proposals*, HC 60. The House of Commons also agrees a motion on Thursday sittings.
- April 1999 Publication of Modernisation Committee Second Report of Session 1998-99, *Sittings of the House in Westminster Hall*, HC 194
- May 1999 House of Commons approves Modernisation Committee Report, *Sittings of the House in Westminster Hall*, HC 194 and agrees a change to Standing Orders allowing for the establishment of Westminster Hall as a parallel debating chamber (HC Deb 24 May 1999 c81)
- July 1999 Publication of Modernisation Committee Third Report of Session 1998-99, *Thursday Sittings*, HC 718
- July 1999 William Hague establishes the Commission on Strengthening Parliament, chaired by Lord Norton of Louth
- Sept 1999 Hansard Society launches the Commission on the Scrutiny Role of Parliament
- Oct 1999 House of Commons agrees a motion on Thursday sittings (HC Deb 25 Oct 1999 c738)
- Nov 1999 Publication of Modernisation Committee First Special Report of Session 1998-99, *Work of the Committee: Second Progress Report*, HC 865
- Nov 1999 Sittings of Westminster Hall begin on 30 November 1999
- March 2000 Liaison Committee First Report of Session 1999-2000, *Shifting the Balance*, HC 300
- April 2000 Publication of Modernisation Committee First Report of Session 1999-2000, *Facilities for the Media*, HC 408

- July 2000 Government publishes its response to the Liaison Committee report *Shifting the Balance* (HC 748)
- July 2000 Publication of the Norton Commission Report on Strengthening Parliament
- July 2000 Opposition Day debate on Parliament and the Executive. (HC Deb 13 July 2000 c1099)
- July 2000 Liaison Committee Report Second Report of Session 1999-2000, *Independence or Control: The Government's reply to the Committee's First Report of Session 1999-2000 – Shifting the Balance: Select Committees and the Executive*, HC 748
- July 2000 Publication of Modernisation Committee Second Report of Session 1999-2000, *Programming of Legislation and the Timing of Votes*, HC 589
- Oct 2000 Election of new Speaker following Speaker Boothroyd's resignation
- Nov 2000 House of Commons agrees motion introducing Programming of Bills by 296 to 147 (HC Deb 7 November 2000 c208)
- Nov 2000 Publication of Modernisation Committee Third Report of Session 1999-2000, *Thursday Sittings*, HC 954
- Nov 2000 Publication of Modernisation Committee Fourth Report of Session 1999-2000, *Sittings in Westminster Hall*, HC 954
- Nov 2000 House of Commons approves Reports of the Modernisation Committee on Thursday Sittings HC 954 and Sittings in Westminster Hall HC 906 and agrees changes to Standing Orders (HC Deb 20 November 2000 c22)
- Nov 2000 Adjournment debate on Liaison Committee proposals for select committee reform (HC Deb 9 November 2000 c473)
- Feb 2001 House of Commons Opposition Day debate on the Liaison Committee report "*Shifting the Balance*" (HC Deb 12 February 2001 c80)
- Feb 2001 Procedure Committee, Second Report of Session 2000-2001, *Election of a Speaker*, HC 40
- March 2001 Publication of Liaison Committee First Report of Session 2000-2001, *Shifting the Balance: Unfinished Business*, HC 321
- June 2001 Robin Cook replaces Margaret Beckett as Leader of the House of Commons

- June 2001 House of Commons agrees motion on Programming of Bills and Deferred Divisions (HC Deb 28 June 2001 c812)
- July 2001 Motion to appoint select committees. The House of Commons votes to reinstate Gwyneth Dunwoody and Donald Anderson as chairs of the Transport and Foreign Affairs Committees respectively, against the wishes of the Government (HC Deb 16 July 2001 c35)
- Feb 2002 Publication of Modernisation Committee First Report of Session 2001-2002, *Select Committees*, HC 224
- March 2002 Publication of Liaison Committee Second Report of Session 2001-2002, *Select Committees: Modernisation Proposals*, HC 692
- May 2002 House of Commons approves Modernisation Committee Report *Select Committees* HC 224 and agrees several motions relating to select committees, but proposals to establish a Committee of Nomination fail (HC Deb 14 May 2002 c648)
- July 2002 The Liaison Committee takes oral evidence from the Prime Minister of the first time (HC (2001-02) 1095)
- Sept 2002 Publication of Modernisation Committee Second Report of Session 2001-2002, *Modernisation of the House of Commons: A Reform Programme*, HC 1168
- Oct 2002 House of Commons approves the Modernisation Committee's Report *Modernisation of the House of Commons: A Reform Programme* and endorsed its proposals. The Sessional Orders relating to Carry-Over and Deffered Divisions were passed. (HC Deb 29 October 2002 c689)
- March 2003 John Reid replaces Robin Cook as Leader of the House of Commons
- June 2003 Peter Hain replaces John Reid as Leader of the House of Commons
- Nov 2003 Publication of Modernisation Committee First Report of Session 2002-2003, *Modernisation of the House of Commons: Programming of Bills*, HC 1222
- Nov 2003 House of Commons agrees motion allowing the Sessional Orders relating to programming and carry-over of public bills, and another motion on the Sessional Orders relating to deferred divisions, both to continue to have effect in the following session of Parliament (HC Deb 6 November 2003 c949)

- June 2004 Publication of Modernisation Committee First Report of Session 2003-04, *Connecting Parliament with the Public*, HC 368
- July 2004 Procedure Committee Report on Programming of Legislation
- Oct 2004 House of Commons agrees to make the temporary Standing Order allowing Carry-Over of Bills permanent (HC Deb 26 Oct 2004 c1398)
- Oct 2004 House of Lords Constitution Committee publishes Fourteenth Report of Session 2003-2004, *Parliament and the The Legislative Process*, HL 173
- Dec 2004 Publication of House of Commons Commissions' Response to *Connecting Parliament with the Public* as First Special Report of the Modernisation Committee, Session 2004-05, HC 69
- Jan 2005 Publication of Modernisation Committee First Report of Session 2004-05, *Sitting Hours*, HC 88
- Jan 2005 Change to sitting hours agreed combined with approval of *Connecting Parliament with the Public* (HC Deb 26 January 2005 c327)
- March 2005 Publication of Modernisation Committee Second Report of Session 2004-05, *Scrutiny of European Business*, HC 465