

Confidence Motions

Research Paper 95/19

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This Paper seeks to provide background information on the practice of confidence motions in Parliament since 1895, the date of the last defeat of a Government with a working majority on such a motion. It lists the last four Government defeats on confidence motions (1895, 1924 (twice) and 1979), and debates on confidence motions since 1945. As well as being of general interest, and central to the British constitutional theory of the relationship between the Executive and the Legislature, the issue has received prominence recently with the confidence vote on the Social Chapter in July 1993; the highly unusual confidence vote in the Lords in December 1993, and the most recent, and interesting, Commons confidence vote last November on the European Communities (Finance) Bill.

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A. Introduction

A confidence motion is an important device, especially in a Parliamentary system on the 'Westminster model', as it will determine the fate of a Government, dependent as it must be on the support of a majority of MPs, however constructed. Yet, despite its central importance, there is no certainty about the rules on the form and applicability of confidence motions in the UK Parliament, as the most recent example demonstrates. This is not surprising, as so much of British constitutional activity is a matter of convention and practice rather than formal law, and the essential concept of Parliamentary confidence in a Government is inevitably bound up with related constitutional/political notions such as the theory and practice of the dissolution of Parliament; Government formation; parliamentary Opposition and intra-party dissent.

What is not in doubt is the extreme seriousness with which Government and Opposition treat a confidence motion, especially in circumstances where a Government defeat is possible. In such cases, where there is, say, a minority Government, or one with a fragile majority, Governments may seek understandings (formally or otherwise) with other parties, groups or Members in an effort to secure victory, and thereby remain in office. Last November's example demonstrates that a Government will be prepared to remove the whip from the members of its party (or parties) who failed to support it, even at the risk of imperilling its nominal majority.

The testing of parliamentary confidence is, at a political level, a measure of the role and power of the Prime Minister, as well as of the Government as a whole. Confidence motions are similar, in this sense, to requests for the dissolution of Parliament or even the calling of referendums, and the confidence motion of November 1994 is interesting in this respect for two related reasons: (i) the rejection by Ministers of the suggestion that confidence in a Prime Minister could somehow be decoupled from confidence in the Government as a whole, and (ii) the 'suicide pact' discussion, emphasising the 'doomsday weapon' nature of Government-initiated confidence motions, as are dissolution threats.

However confidence motions are different from dissolution requests or referendums in one crucial respect. They can be triggered not only by the Government, but also by the Opposition. In this form they are the ultimate expression of the Westminster model of 'parliamentary opposition' or, as Punnett describes it, 'office-seeking Opposition'¹ - the attempt by the Opposition to remove the present Government and, directly or otherwise, replace it by itself. Of course, while one would expect that a Government, save in the most extraordinary of circumstances, will resort to a test of Parliament's confidence only when it has the expectation of success, the majority of censure motions moved by an Opposition will be in circumstances (such as shortly after a general election) when the parliamentary arithmetic can provide it with no real prospect of winning the vote.

¹ R M Punnett, *Front-Bench Opposition*, 1973, p.4

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This Paper considers some of the constitutional and Parliamentary practice on the use of confidence motions in recent times, by seeking to provide a working definition of the term, and by listing the occasions since 1945 where motions identified as such have been debated. It highlights the four instances since 1895 where Governments have been defeated on a confidence motion, and examines, in the light of the debate of 1 December 1993, the notion of a House of Lords test of confidence in the Government.

B. Forms of Confidence Motion

There is no standard formulation of confidence motions. There are, however, certain characteristics which are usually present and which may indicate that a motion is one of confidence:

- (a) *timing*: A debate on a confidence motion will generally take precedence over the normal business for that day. As such they may be contrasted with critical motions debated, for example, on Opposition Days or Private Members' Days. Parliament may even be recalled from a recess for such a debate to take place.
- (b) *speakers*: A debate on a confidence motion will *usually* include speeches (normally the opening speeches) by the Prime Minister and the Leader of the Opposition, rather than, say, the Government and Opposition frontbenchers with responsibility for the policy area which may be the subject of that particular motion. There was much comment on the fact that the Prime Minister neither opened, nor spoke in, the confidence debate on the second reading of the European Communities (Finance) Bill last year. When asked by the Leader of the Opposition at Question Time whether he would be speaking in the debate, the Prime Minister said that, as the passage of the bill "in all its essentials" was a matter of confidence "the Cabinet considers it right that the Chancellor of the Exchequer should open."² The Leader of the Opposition also did not speak in that debate.

The list of confidence motions at the end of this Paper notes whether and where, in Commons confidence debates, the Prime Minister and/or the Leader of the Opposition spoke (excluding interventions) in each debate. Last November's debate was the first in which neither spoke since the 6 March 1972 debate. The list shows that there are quite a few permutations of front-bench speakers, which can depend on factors such as the nature of the motion and the duration of the debate. For example, the Prime Minister, Heath, wound up the 3-day debate on the second reading of the European Communities Bill in February 1972, which he had expressly declared to be an issue of confidence. The Leader of the Opposition, Wilson, opened the third day's debate.

- (c) *terms of the motion*: A confidence motion will usually include terms such as 'confidence' or 'censure', and a substantive motion may refer, in critical or supportive terms, to an issue of current political importance or to one central to the Government's policy. However, apparently innocuous motions, such as the adjournment motions of 11 March 1976 and 20 July 1977, can also be issues of confidence.

² HC Deb vol 250 c725, 24.11.94. See also the opening portion of the Shadow Chancellor's speech in the 28 November debate, HC Deb vol 250 c950, 28.11.94.

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Motions can be ones of 'confidence', that is, supportive of the Government, or of 'no-confidence'. The latter can be particularly difficult to distinguish from other forms of Opposition motion, many of which would normally be critical of the Government or its policies. No-confidence motions are often described nowadays, even by *Erskine May*, as 'censure motions', although 'censure motion' is perhaps better thought of as a broader category of motion which may have some of the characteristics of a confidence motion described above, but which does not appear from all the circumstances to have the essential aim of a confidence motion, that is, the intention of bringing about directly, by its passing, the removal of the Government.

Sometimes the terms of a censure motion acknowledge this, as on 28 October 1981 where, after stating that "this House has no confidence in the economic policies of Her Majesty's Government", the motion concluded by calling upon the Government "*to present to Parliament before the end of the year*" new economic policies (emphasis added). This motion demonstrates the risks inherent in regarding all motions expressed in 'confidence' terms as being necessarily confidence motions.

This suggests that there are two forms of confidence motion, in modern times. There is the clear, unambiguous confidence motion, which can be defined as a motion upon which the House of Commons, by its vote, knowingly and directly determines the continued existence of the Government. This includes bare motions of confidence or no-confidence in the Government itself (or, in many cases, in the policies of the Government), and any motion *whatever its terms*, where the House of Commons has been made aware that it is voting on the immediate fate of the Government.

The second, broader category includes 'censure motions' as described above, as well as the perhaps rarer examples of motions supportive of the Government and its policies which betray similar characteristics.

The list at the end of this paper includes both the narrow and broader forms of confidence motion of the following type:

- (i) *motions of confidence put down by the Government*,
 - in bare terms 'That this House has confidence in Her Majesty's Government' (no direct examples since 1945, although the 14 December 1978 motion did express confidence plus a reference to policy), or
 - in relation to a particular policy or issue (eg 24 September 1992, 23 July 1993);

(ii) *motions of no confidence put down by the Opposition:*

- in bare terms, classically 'That this House has no confidence in Her Majesty's Government' (four examples since 1945: 9 June 1976, 23 March 1977, 28 March 1979, 22 November 1990). Other motions essentially express the same sentiment but in different wording, sometimes with elaboration: 26 July 1962, 2 February 1965, 2 August 1965, 29 July 1980, 27 July 1981, 27 March 1991, or
- in relation to a particular policy or issue (eg 28 February 1980);

(iii) *other motions put down by the Government or the Opposition treated by the Government (whether expressly declared as such or not) as, or because of the particular circumstances can be regarded as, motions of censure or confidence. This category includes:*

- substantive motions (eg 1 November 1956 and 5-6 December 1956 on Suez; February 1972, 2R European Communities Bill);
- motions to reduce a minister's salary (eg 21 June 1895, but note that SNP motion to reduce the Prime Minister's salary by half, HC Deb vol 934 cc890ff, 4 July 1977 was not treated as a motion of censure, presumably because it did not emanate from the Official Opposition).
- technical motions such as Government motions to adjourn (eg 11 March 1976, where both the Leader of the House and the Prime Minister stated that the House's rules did not, in the circumstances, permit a substantive motion to be put down in time for a debate the day after the defeat giving rise to the motion).

In addition, both Government and Opposition may put amendments to such motions (see below), which may themselves be regarded as confidence motions according to the above criteria. Governments have amended Opposition motions on 3 occasions since 1945 - 1 November 1956, 2 February 1965 (censuring the *previous* Government), 31 January 1985. Oppositions have amended Government motions on 2 occasions - 5&6 November 1956, 24 September 1992 - as well as one occasion, 10 November 1964, by an amendment to the Loyal Address.

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Erskine May describes the parliamentary treatment of censure motions³:

"From time to time the Opposition put down a motion on the paper expressing lack of confidence in the Government - a 'vote of censure' as it is called. By established convention the Government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of such a motion. In allotting a day for this purpose the Government is entitled to have regard to the exigencies of its own business, but a reasonably early day is invariably found. This convention is founded on the recognised position of the Opposition as a potential Government, which guarantees the legitimacy of such an interruption of the normal course of business. For its part, the Government has everything to gain by meeting such a direct challenge to its authority at the earliest possible moment."

Confidence motions may be debated on any sitting day, although rarely on a Friday (traditionally a Private Members' day). The list at the end of this Paper notes the day of each debate.

Sir Ivor Jennings noted how this treatment emphasises the constitutional importance of the concept of parliamentary opposition⁴:

"The absurdity of a system in which the Government postpones its own business in order to let the Opposition threaten death and damnation is only apparent. The Opposition is not just a nuisance to be tolerated, but a definite and essential part of the Constitution."

The position of the official Opposition in censure debates is neatly demonstrated in the 28 March 1979 debate. The SNP put down a censure motion on 22 March condemning the Government's policy following the devolution referendum [EDM 349, 1978-9, NQM 6076, 22 March 1979]. However it was the official Opposition's no-confidence motion, put down later that day, which was debated on 28 March.

At the start of the 9 June 1976 debate, the Speaker emphasised the special position of the official Opposition when refusing to call a Liberal amendment to the motion of no confidence⁵:

"I gave considerable and careful thought to this question, but I must tell the House that if the Government give time for the discussion of a motion of no confidence or censure put down by the official Opposition the Government themselves do not table an amendment to the motion, and any amendment tabled by any other party or group in the House is not called."

³ 21st ed, 1989, p.272

⁴ *Parliament*, 2nd ed, 1970 reprint, p.158

⁵ HC Deb vol 912 c1445, 9 June 1976

I take it that the purpose of that convention is to allow an unimpeded and clear decision to be taken for and against the motion. Although it has weighed in my mind that in the present Parliament the number of smaller opposition parties is somewhat larger than it has been in other Parliaments for many years past, that does not affect the principle which I have stated. Therefore, I am unable to accept the amendment today."

Note that in this statement the Speaker said that it was "a long-standing convention" that "the Government themselves do not table an amendment to the motion". However the Government of the day did move an amendment to the censure motion of 31 January 1985.

C. Constitutional Practice on Significant Government Defeats

Some academic descriptions of the British constitution claim that until relatively recent times a Government was obliged to resign or seek a dissolution following a clear defeat on an issue central to its policy, but that current practice appears to require a Government to resign or seek a dissolution following a defeat in Parliament only when it is clearly on a confidence motion. A defeat on any other procedural or substantive motion *may* lead to a confidence motion being tabled by either the Government itself (eg 23 July 1993) to demonstrate the House's confidence in the Government notwithstanding the defeat, or by the Opposition seeking to prove that the defeat demonstrated the removal of the House's confidence in the Government.

There was an interesting exchange on this, on a point of order, between the Leader of the Opposition and the Leader of the House about the 23 March 1977 debate⁶:

Mrs Margaret Thatcher: "... As a result of the events last night I invited the Prime Minister to follow the precedent set by his predecessor and face the House with a motion of confidence put down in his own name. He has declined to do so or to come to the House this morning. I have therefore handed in a motion 'That this House has no confidence in Her Majesty's Government.'

Mr Michael Foot: "... I can say that in the statement issued last night by my right hon. Friend the Prime Minister, immediately after he had the representations from the right hon. Lady, he indicated that he thought the proper course was for the right hon. Lady, if she wished - and it was her choice - to put down a motion of no confidence, and we would provide the facilities according to the normal methods. That is what we propose."

Marshall has neatly summarised this academic view of a developing convention. He noted that "as to what constitutes a loss of confidence there seems ... to have been a development of the doctrine. The books used to say that defeat on major legislative measures or policy proposals as well as on specifically worded confidence motions was fatal to the continuance of the Government. But this no longer seems to be believed or acted on In the 1960s and 1970s, in any event, governments seem to have been following a new rule, according to which only votes specifically stated by the Government to be matters of confidence, or votes of no confidence by the Opposition are allowed to count"⁷. Philip Norton has also considered this issue in detail in the light of the experience of the 1970s⁸.

⁶ HC Deb vol 928 c767, 18 March 1977

⁷ G Marshall, *Constitutional conventions*, 1984, pp55-56. See also the fascinating statement (and subsequent debate thereon) by Balfour on 24 July 1905 following a Commons defeat inflicted on his Government, Parl Deb vol 150 cc49-124.

⁸ see *The constitution in flux*, 1982, pp67-69

It may be that this perceived constitutional development is simply a confirmation that what is involved is essentially a Government's ability to carry on in office, and that that ultimately must depend on it maintaining the confidence of the House of Commons. A confidence motion is a device which directly tests that confidence. If the result demonstrates that the Government has indeed lost the confidence of the House, and cannot therefore continue to govern effectively, it must resign or seek a dissolution of Parliament (on which choice, see the following section). No other parliamentary event *requires* such an outcome, and suggestions that various obviously important occasions such as, say, the Queen's Speech or the second reading of the Finance Bill, are tantamount to confidence motions must, in modern circumstances, remain speculative. Yet it must always be remembered that a Government may choose to resign or seek a dissolution for other reasons, including one or more defeats on motions that are not in themselves confidence motions, or even where it still retains the numerical confidence of the House but has suffered a significant rebellion from within its own ranks (as in the May 1940 vote which led to Chamberlain's resignation).

It is always for the Government to decide when and under what circumstances an issue of confidence arises, unless its opponents choose to put down a motion of no-confidence in unambiguous terms. This is of particular importance during periods of minority government, and in the past Prime Ministers faced with this situation have indicated which issues they would regard as ones of confidence, that is ones which would force Parliament to decide whether it wished the Government to remain in office.

Ramsay MacDonald made a statement to the House on the consequences of defeats for his newly-formed minority Labour Government in 1924⁹:

"The Labour Government will go out if it be defeated upon substantial issues, issues of principle, issues that really matter. It will go out if the responsible leaders of either party or any party move a direct vote of no confidence, and carry that vote. But I propose to introduce my business, knowing that I am in a minority, accepting the responsibilities of a minority, and claiming the privileges that attach to those responsibilities. If the House on matters non-essential, matters of mere opinion, matters that do not strike at the root of the proposals that we make, and do not destroy fundamentally the general intentions of the Government in introducing legislation - if the House wish to vary our proposition, the House must take the responsibility for that variation - then a division on such amendments and questions as those will not be regarded as a vote of confidence."

In a similar position in March 1974, Harold Wilson made a statement to the House to the same effect¹⁰:

"The Government intend to treat with suitable respect, but not with exaggerated respect, the results of any snap Division In case of a Government defeat, either in such circumstances or in a more clear expression of opinion, the Government will consider their position and make

⁹ HC Deb vol 169 cc749-50, 12 February 1924

¹⁰ HC Deb vol 870 cc70-72, 12 March 1974

a definitive statement after due consideration. But the Government will not be forced to go to the country except in a situation in which every hon. Member in the House was voting knowing the full consequences of his vote What I am trying to say is that a snap division or even, perhaps in some cases, a more substantial one ... would not necessarily mean, and would not, indeed, immediately mean, any fundamental decision about the future of the Government or about a Dissolution. I am saying that if there were to be anything put to the House which could have those consequences, every hon. Member would have it explained to him in the House by the Government before he voted."

When questioned by the Leader of the Opposition, Edward Heath, on this statement, the Prime Minister retorted:

"The right hon. Gentleman knows the difference between a snap Division ... and a vote of confidence. It is a vote of confidence about which I am speaking. I hope that the right hon. Gentleman will understand that. It is perfectly simple."

As Conservative Leader of the Opposition, Margaret Thatcher made clear her view of the prevailing constitutional position following the Labour Government's defeat on public expenditure on 10 March 1976¹¹:

"The Government has been decisively defeated and discredited on a matter central to their whole economic policy. Such a defeat is unprecedented in modern times. In the light of the decision of the House of Commons, I call upon the Government to resign, or to seek a vote of confidence on this issue forthwith."

She expanded on this during her speech in the confidence debate the following day¹²:

"There is no precedent for defeat on such a major matter on Supply. The defeat was not on a minor matter such as we have seen before. Governments have been defeated on single clauses in the past, and they have altered a clause. They have been defeated on an Order, and they have altered an Order. No one has suggested that these were resigning matters. The Government were defeated recently over the salary of the Secretary of State for Industry and no one suggested that that was a resigning matter. But when there is a defeat on a matter central to the historic nature of the power of the House of Commons over the Executive, that is a resigning matter."

Mrs Thatcher's apparent view, when Leader of the Opposition, that a Government defeated on a central plank of its policy is obliged either to resign or to seek a vote of confidence can be contrasted with Mr Foot's view, when Leader of the House in 1977, cited above, that a Government may choose to carry on, inviting the Opposition to move a motion of no confidence if it wished.

¹¹ HC Deb vol 907 cc565-6, 10 March 1976

¹² cc642-3, 11 March 1976

The conclusion which may be drawn from this brief consideration of the precedents and apparent conventions is that the confidence of Parliament in the Government of the day can always be assumed to exist, even in periods of minority government, unless and until it is shown to be otherwise, and that can only be demonstrated conclusively and unambiguously by way of a confidence vote. A Government can always feel entitled to assume the confidence of Parliament in its continued existence, notwithstanding any setbacks such as defeats or significant rebellions in the division lobbies. It may wish to put Parliament's confidence to the test by moving a motion of confidence or by expressly treating a motion put down by itself or by others as a confidence motion, or it can refuse to treat any such setback as relevant to its remaining in office and thereby put the onus on its opponents to provoke such a test by moving a no-confidence motion.

D. Effect of a Government Defeat on a Confidence Motion

As stated above the effect of a defeat for the Government on a confidence motion is either the resignation of that Government or a request by the Prime Minister for the dissolution of Parliament. It is here that one enters the realm of the theory and practice of dissolution - the rights of the Prime Minister to request a dissolution, and the obligation or discretion of the Monarch to grant or refuse such a request - a large topic substantially beyond the scope of this brief Paper.

The most recent episode, that of November 1994, demonstrates that the present Government believe that a confidence motion relates to the Government *as a whole*, and that the consequence of a defeat could not simply require the resignation of the Prime Minister alone. This appears to accord with constitutional theory, and it was suggested at the time that the Cabinet's public announcement to that effect - the so-called 'suicide pact' - was simply intended to reiterate existing practice and to reject the suggestion of some new convention of 'decoupling' a Prime Minister from his or her Government.

This section considers options following a confidence defeat. The trend of the more recent defeats suggests that a Government will be more likely to seek a dissolution than to resign:

- (i) **21 June 1895:** The Liberal Government, already suffering from internal dissension, was defeated on an Opposition motion to reduce the salary of the Secretary of State for War. The Cabinet had to decide whether the Government should resign or request a dissolution. B S Markesinis has described how the Prime Minister Lord Rosebery, when setting out these alternatives to the Queen, preferred resignation of the Government as "they had had a very bad week with various defeats and very small majorities... [I]t would be very humiliating to go on with the certainty of being defeated sooner or later; and ... it was very bad for the country, as well as for our foreign relations, to have such a small majority."¹³ The Leader of the House, Harcourt, announced to the Commons on 24 June the Government's decision to resign. The incoming Conservative Government under Lord Salisbury obtained a dissolution on 8 July.

This is the last occasion on which (a) a government with a working majority has been defeated on a confidence motion, and (b) a government with a working majority has chosen to resign rather than seek a dissolution following a defeat on a confidence motion. When the House was told of the Government's resignation, Balfour, for the Opposition, said that "the proper and constitutional course for them to have adopted would have been to advise Her Majesty to dissolve Parliament"¹⁴.

- (ii) **21 January 1924:** Baldwin's minority Conservative Government decided to meet the

¹³ *The theory and practice of dissolution of Parliament*, 1972, pp101-102

¹⁴ HC Deb vol 34 c1748, 24 June 1895

- new Parliament elected in December 1923 rather than resign after the general election defeat. It was defeated on a Labour amendment to the Loyal Address expressing no confidence in the Government, and resigned the following day. MacDonald, as leader of the second largest party, formed a minority Labour Government. No dissolution was sought by either Prime Minister arising out of the confidence motion¹⁵.
- (iii) **8 October 1924:** The minority Labour Government formed after the confidence vote of January 1924 was, by the autumn, under pressure from the Conservative and Liberal parties, especially on policy towards the Soviet Union. However the fate of the Government was determined over the question of its handling of 'the Campbell case', concerning the abandonment of a prosecution of a left-wing newspaper, the *Workers' Weekly*. The Conservative Opposition put down a censure motion, to which the Liberals added an amendment. The Cabinet resolved to treat both motions as matters of confidence, which, if carried against the Government, would lead to a request to the King for a dissolution. The Liberal amendment was carried, and MacDonald was granted a dissolution of Parliament the following day¹⁶.
- (iv) **28 March 1979:** In the aftermath of the devolution referenda, a motion of no confidence was passed against Callaghan's minority Labour Government. The effect of the vote is described in the exchange between the Prime Minister and the Leader of the Opposition immediately following the result¹⁷:

Mr James Callaghan: "Mr Speaker, now that the House has declared itself, we shall take our case to the country. Tomorrow I shall propose to Her Majesty that Parliament be dissolved as soon as essential business can be cleared up, and then I shall announce as soon as may be - and that will be as soon as possible - the date of Dissolution, the date of the election and the date of meeting of the new Parliament."

Mrs Margaret Thatcher: "As the Government no longer have authority to carry on business without the agreement of the Opposition, I make it quite clear that we shall facilitate any business which requires the agreement of the Opposition so that the Dissolution can take place at the very earliest opportunity and the uncertainty ended."

This is the most recent example of a government being defeated on a confidence motion, and follows the October 1924 precedent.

¹⁵ For a detailed analysis of the background to the confidence defeat see C Cook, *The age of alignment: electoral politics in Britain 1922-1929*, chap 11

¹⁶ see Cook, op cit, chap 16

¹⁷ HC Deb vol 965 cc589-590, 28 March 1979

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At the outset of the 23 July 1993 confidence debate in the Commons, the Prime Minister, John Major, set out clearly the consequences of a defeat for the Government, in terms which appear to reflect the present practice:

"We have before us a motion of confidence in the Government, with all the implications that flow from that At the conclusion of this debate, either the Government will have won the vote of confidence and we can proceed with our policy ... or we shall have lost and I shall seek a dissolution of Parliament This House must decide today whether it is prepared to sustain the Government in office or encourage me to seek a dissolution."¹⁸

It is interesting to note that the Institute for Public Policy Research's recent comprehensive proposals for a written constitution for the UK envisage that the confidence motion route should be available to the House of Commons as a means of removing a Prime Minister or bringing about a dissolution of the House of Commons (but not of the Second Chamber)¹⁹.

For a more general discussion of procedures such as confidence motions as methods of bringing fixed-term Parliaments to an early end see Robert Blackburn's *The meeting of Parliament*, 1990, pp91-7.

¹⁸ HC Deb vol 229 cc627, 633, 23 July 1993

¹⁹ Arts 60.2-60.3 *A written constitution for the United Kingdom*, IPPR, 1993

D. House of Lords

The list at the end of this Paper includes the confidence motion in the House of Lords on 1 December 1993²⁰. Conventional constitutional theory nowadays would imply that confidence motions have no place in the Upper House, since the expression of parliamentary confidence in the Government should be a matter for the elected House of Commons. Donald Shell asserts that "the House of Lords ... has no role in the making or unmaking of governments"²¹, Lord Morrison of Lambeth stated that "a Lords' vote of confidence in the Government of the day does not of itself imperil the Administration"²² and the current edition of Wade & Bradley's *Constitutional and administrative law* states that "it is the House of Commons alone that by withdrawing its support can cause the Prime Minister either to resign or to seek a dissolution" [p190]. Note also the emphatic statement by the Conservative Leader of the Opposition, A J Balfour, in a 1907 House of Commons debate²³:

"The Government of the day, the House of Commons of the day would treat with derision any vote passed by the House of Lords condemning a particular Ministry or a particular member of the Ministry. They would not suggest for a moment that such a vote carried with it either the resignation of the Government or the Minister, or a dissolution or any consequence whatever except a mere statement of opinion on the part of their lordships that they disapproved of a Ministry to whom this House gave its confidence. That, after all is the greatest of the powers which this House possesses. We can put an end to a Government; we can bring a Government into being; we can destroy the career of a Minister; and we can pass a vote of censure which carries with it an immediate resignation."

Jennings has ascribed the trend towards the current constitutional situation, where Government defeats in the Lords are never regarded as matters of confidence, not only to the elective character of the Commons, but also to the fact of the continuing potential Conservative majority in the Lords²⁴:

"Since 1886 ... the support of a Liberal or Labour Government in the House of Lords has been so small that, on the one hand, it has never thought of resigning or even asking for a vote of confidence from the House of Commons; and, on the other hand, the House of Lords has rarely resorted to a vote of censure."

He noted that when a vote of censure was passed in the Lords in August 1911 over the Liberal Government's determination to secure passage of the Parliament Bill in the Upper House by the creation by the King of a sufficient number of new peers "a similar motion was rejected in the House of Commons; and nobody paid any attention to the peers."²⁵

²⁰ HL Deb vol 550 cc544-554, 571-635, 1 December 1993

²¹ *The House of Lords*, 2nd ed, 1992, p.64

²² *Government and Parliament*, 3rd ed, 1964, p.187

²³ HC Deb vol 176 c928, 24 June 1907

²⁴ *Parliament*, 2nd ed, 1970 reprint, pp393-4

²⁵ op cit, p.394. The censure debate is at HL Deb vol 9 cc815ff, 8 August 1911

The main speeches in the December 1993 confidence debate appeared to imply very strongly that there was no precedent for such a debate, at least in modern times. Lord Richard, the Labour Leader in the Lords, who moved the motion, said, "I am told that the Motion is somewhat rare. I have been unable to discover a direct precedent on when it was last moved in the House. Although rare, from time to time similar motions have been moved"²⁶. Responding for the Government, Lord Wakeham described the motion as "interesting, even curious ... so curious that I racked my brain and, indeed, the more expert brains of the House authorities, for a precedent in living memory" [c548], but the nearest he could find was a motion in 1983 deploring the Government's economic policies²⁷.

Lord Rippon of Hexham, one of a number of critics of the propriety of the motion, said that, in his view, "it is for the other place to express confidence in the government of the day and not us" [c572]. Lord Archer of Weston-super-Mare speculated on the consequences of the passing of the motion: "Are we to assume that your Lordships' House would be dissolved and the Queen would call for the noble Lord, Lord Richard, to form his first administration?" [c588].

Winding-up for the Government, the Earl of Caithness said that "every opposition has the right to test the confidence of the House in the Government" [c627], a point picked up by Lord Richard in his response:

"The only thing about the debate that I do not understand ... is the sense almost of constitutional outrage that came from the other side of the house: as if we were doing something unconstitutional, improper and unlawful in daring to put down a Motion of no confidence in the policies of Her Majesty's Government. One of the functions of the Opposition is precisely to test the Government's policies. It is to call them to account from time to time." [c632].

There are examples in the pre-1832 period of motions in the Lords tantamount to motions of confidence. For example the Duke of Bedford on two occasions during the wars with the French in the 1790s moved motions that an address be presented to the King to change all of his Ministers. Both motions were heavily defeated after debate²⁸.

²⁶ HL Deb vol 550 c544 1 December 1993

²⁷ HL Deb vol 440 cc236-313, 9 March 1983, defeated 51-82

²⁸ Parliamentary History, vol 33, cc735-770 (30 May 1797), 1313-1351 (23 March 1798) - the texts of the motions are reprinted in the Lords Journals

F. List of Confidence Motions

The following lists provide details of the four confidence defeats since 1895 discussed above, as well as details of confidence motions debated since 1945, extracted from Hansard, and secondary sources such as Butler & Butler *British political facts 1900-1994*, p186.

1. Government defeats on confidence motions since 1895

21 June 1895
(Friday)

That Item A be reduced by £100, in respect of the salary of the Secretary of State.

(Opposition motion carried 132-125)

[Parl Deb vol 34 cc1673-1712]

Motion to reduce salary of Secretary of State for War; Leader of the House, Harcourt, announced Government's resignation 24 June, cc1746-9.

21 January 1924
(Monday)

... but it is our duty respectfully to submit to Your Majesty that Your Majesty's present advisers have not the confidence of the House.

(Opposition amendment approved 328-256; amended motion carried 328-251)

[HC Deb vol 169 cc673-686 (divisions)]

Opposition amendment to Loyal Address; PM, Baldwin, announced the Government's resignation 22 January cc703-7

8 October 1924
(Wednesday)

That the conduct of His Majesty's Government in relation to the institution and subsequent withdrawal of criminal proceedings against the editor of the *'Workers' Weekly'* is deserving of the censure of this House.

(Opposition motion defeated 198-359)

... a Select Committee be appointed to investigate and report upon the circumstances leading up to the withdrawal of the proceedings recently instituted by the Director of Public Prosecutions against Mr Campbell.

(Further Opposition amendment from the Liberals approved 364-198; amended motion carried without a division)

[HC Deb vol 177 cc581-704]

'Campbell case', withdrawal by Government of sedition case against *Workers' Weekly*; PM, MacDonald, declared issue a matter of confidence, c638. Dissolution 9 October.

28 March 1979
(Wednesday)

That this House has no confidence in Her Majesty's Government.

(Opposition motion carried 311-310)

[HC Deb vol 965 cc461-590]

aftermath of devolution referenda; PM, Callaghan, immediately announced intention to seek dissolution the next day, c589

2. Confidence motions since 1945

This list contains information on the date(s) and day(s) of each debate; the terms of each motion and divisions thereon; the reason for the debate, if not clear from the terms of the motion(s); the Hansard references, and (for Commons debates) whether and where the Prime Minister ('PM') and/or the Leader of the Opposition ('LOpp') spoke.

5 & 6 December 1945
(Wednesday/Thursday)

That this House regrets that His Majesty's Government are neglecting their first duty, namely, to concentrate with full energy upon the most urgent and essential tasks of the re-conversion of our industries from war-time production to that of peace, the provisions of houses, the speedy release of men and women from the Forces to industry, and the drastic curtailment of our swollen national expenditure and deplores the pre-occupation of His Majesty's Ministers, impelled by Socialist theory, with the formulation of long-term schemes for nationalisation creating uncertainty over the whole field of industrial and economic activity, in direct opposition to the best interest of the nation, which demands food, work and homes.

(Opposition motion defeated 197-381)

[HC Deb vol 416 cc2334-2454, 2530-2644]

- following Leader of the House's refusal to allow a full debate on the statement of 19 November setting out the legislative programme for nationalisation.

- LOpp, Churchill, opened 2nd day; PM, Attlee, responded.

4 December 1952
(Thursday)

That this House regrets that Her Majesty's Government is dealing with the Business of the House incompetently, unfairly and in defiance of the best principles of Parliamentary democracy and the national interest, and records the view that this is in part brought about by the efforts of Ministers to force through measures, unrelated to the needs of the nation, for which they have no adequate support in Parliament or the country.

(Opposition motion defeated 280-304)

[HC Deb vol 508 cc1783-1892]

- following the interruption of the debate on the Second Reading of the Iron and Steel Bill by an emergency debate on Kenya, and by the House being counted out on 21 November.
- LOpp, Attlee, opened; PM, Churchill, responded.

**1 November 1956
(Thursday)**

That this House deplores the action of Her Majesty's Government in resorting to armed force against Egypt in clear violation of the United Nations Charter, thereby affronting the convictions of a large section of the British people, dividing the Commonwealth, straining the Atlantic Alliance, and gravely damaging the foundations of international order.

(Opposition motion defeated 255-324)

... approves of the prompt action taken by Her Majesty's Government designed to bring hostilities between Israel and Egypt to an end and to safeguard vital international and national interests, and pledges its full support for all steps necessary to secure these ends.

(Government amendment approved 323-255; amended motion carried 320-253)

[HC Deb vol 558 cc1631-1744]

- PM, Eden, responded to opening speech.
LOpp, Gaitskell, did not speak.

**5 & 6 December 1956
(Wednesday/Thursday)**

That this House supports the policy of Her Majesty's Government as outlined by the Foreign Secretary of 3rd December, which has prevented hostilities in the Middle East from spreading, has resulted in a United Nations Force being introduced into the area, and has created conditions under which progress can be made towards the peaceful settlement of outstanding issues.

(Government motion carried 312-260)

... recognising the disastrous consequences of Her Majesty's Government's policy in the Middle East, calls upon Her Majesty's Government to take all possible steps to restore Commonwealth unity, recreate confidence between our allies and ourselves and strengthen the authority of the United Nations as the only way to achieve a lasting settlement in the Middle East.

(Opposition amendment defeated 260-327)

[HC Deb vol 561 cc1254-1379, 1453-1586]

- Front-bench speakers referred to 'censure' and 'confidence' during debate.
- LOpp, Gaitskell, wound up; PM, Eden, was ill.

5 February 1962
(Monday)

That this House deplores the attack made upon the United Nations by the Secretary of State for Foreign Affairs in his speech at Berwick upon Tweed on 28 December 1961.
(Opposition motion defeated 228-326)
[HC Deb vol 653 cc32-172]

- regarded as censure motion by PM and Leader of Opposition.
- LOpp, Gaitskell, opened; PM, Macmillan, responded.

26 July 1962
(Thursday)

That this House declares that Her Majesty's Government no longer enjoys the confidence of the country, and accordingly calls upon the Prime Minister to advise Her Majesty to dissolve Parliament so that a General Election can be held.
(Opposition motion defeated 253-351)
[HC Deb vol 663 cc1735-1868]

- following the major Cabinet reshuffle, involving removal of seven Ministers, on 13 July.
- LOpp, Gaitskell, opened; PM, Macmillan, responded.

10 November 1964
(Tuesday)

... but have no confidence that Your Majesty's Ministers can implement their proposals without damaging the programmes of modernisation already in train and thus imperilling the future well-being of Your People.
(Opposition amendment to Loyal Address defeated 294-315)
[HC Deb vol 701 cc969-974 (division)]

- neither PM, Wilson, nor LOpp, Douglas-Home, spoke in the final day of debate, when motion was moved.

2 February 1965
(Tuesday)

That this House deplores the hasty and ill-considered actions of Her Majesty's Government during their first hundred days of office and has no confidence in their ability to conduct the nation's affairs.
(Opposition motion defeated 289-306)

.... [deplores] the irresponsibility of the former administration leading to the serious situation which confronted Her Majesty's Government, and pledges its support for remedial measures to strengthen the country's economy and security and provide rising standards for the British people.

(Government amendment approved 306-289; amended motion carried without a division)

[HC Deb vol 705 cc897-1030]

- LOpp, Douglas-Home, opened; PM, Wilson, responded.

2 August 1965
(Monday)

That this House has no confidence in Her Majesty's Government and deplores the Prime Minister's conduct of the nation's affairs.

(Opposition motion defeated 290-303)

[HC Deb vol 717 cc1070-1202]

- following the Chancellor's economic statement of 27 July.

- LOpp, Heath, opened; PM, Wilson, wound up.

26 & 27 July 1966
(Tuesday/Wednesday)

That this House has no confidence in the competence of Her Majesty's Government to manage the economic affairs of the nation.

(Opposition motion defeated 246-325)

[HC Deb vol 732 cc1449-1580, 1725-1858]

- following the emergency economic measures of 20 July.

- LOpp, Heath, opened; PM, Wilson, opened day 2.

1 December 1966
(Thursday)

That this House has no confidence in the economic policies of Her Majesty's Government.

(Opposition motion defeated 246-329)

[HC Deb vol 737 cc642-768]

- LOpp, Heath, opened; PM, Wilson, did not speak.

24 July 1967
(Monday)

That this House has no confidence in the economic policies of Her Majesty's Government.
(Opposition motion defeated 240-333)
[HC Deb vol 751 cc68-196]

- LOpp, Heath, wound up; PM, Wilson, did not speak.

15-17 February 1972
**(Tuesday/Wednesday/
Thursday)**

That the [European Communities] Bill be now read a second time.
(Government motion carried 309-301)
[HC Deb vol 831 cc264-376, 443-552, 629-758]

- 2R of European Communities Bill 1971-72; expressly treated by PM, Heath, as issue of confidence (c752)
- LOpp, Wilson, opened day 3; PM, Heath, wound up.

6 March 1972
(Monday)

That this House condemns the action of Her Majesty's Government in framing its European Communities Bill with the intention of removing the possibility of substantial amendment; and considers this to be a gross breach of faith in the light of undertakings previously given that the Bill and the Treaties could be fully discussed.
(Opposition motion defeated 270-317)
[HC Deb vol 832 cc1041-1170]

- Neither PM, Heath, nor LOpp, Wilson, spoke.

19 November 1973
(Monday)

That this House has no confidence in Her Majesty's Government's management of the economy.
(Opposition motion defeated 286-304)
[HC Deb vol 864 cc956-1092]

- following the announcement of a state of emergency on 13 November.
- LOpp, Wilson, opened; PM, Heath, responded.

11 March 1976
(Thursday)

That this House do now adjourn.
(Government motion voted down, ie Government victory, 280-297)
[HC Deb vol 907 cc634-758]

- following the Government's defeat the previous day on its public expenditure White Paper. Expressly treated as confidence motion by PM, Wilson, c634.
- PM, Wilson, opened; LOpp, Thatcher, responded.

9 June 1976
(Wednesday)

That this House has no confidence in Her Majesty's Government.
(Opposition motion defeated 290-309)
[HC Deb vol 912 cc1445-1566]

- following the Chancellor's statement on 7 June announcing measures to stabilise the pound.
- LOpp, Thatcher, opened; PM, Callaghan, responded.

23 March 1977
(Wednesday)

That this House has no confidence in Her Majesty's Government.
(Opposition motion defeated 298-322)
[HC Deb vol 928 cc1285-1418]

- following the Government's defeat on its public expenditure plans (17 March, 0-293) and the formation of the 'Lib-Lab pact'.
- LOpp, Thatcher, opened; PM, Callaghan, responded.

20 July 1977
(Wednesday)

That this House do now adjourn.
(Government motion voted down, ie Government victory, 282-312)
[HC Deb vol 935 cc1606-1740]

- following the Chancellor's statement on counter-inflation policy on 15 July. Referred to as confidence motion by Leader of the Opposition, Thatcher, c1637, and by other frontbenchers.
- PM, Callaghan, opened; LOpp, Thatcher, responded.

14 December 1978
(Thursday)

That this House expresses its confidence in Her Majesty's Government and in its determination to strengthen the national economy, control inflation, reduce unemployment and secure social justice.

(Government motion carried 300-290)

[HC Deb vol 960 cc920-1049]

- following a defeat on 13 December on sanctions to enforce the Government's counter-inflation policy.
- PM, Callaghan, opened; LOpp, Thatcher, responded.

28 March 1979
(Wednesday)

That this House has no confidence in Her Majesty's Government.

(Opposition motion carried 311-310: Government resigned)

[HC Deb vol 965 cc461-590]

- following the result of the devolution referenda
- LOpp, Thatcher, opened; PM, Callaghan, responded.

28 February 1980
(Thursday)

That this House has no confidence in the economic and industrial policies of Her Majesty's Government.

(Opposition motion defeated 268-327)

[HC Deb vol 979 cc1580-1704]

- LOpp, Callaghan, opened; PM, Thatcher, responded.

29 July 1980
(Tuesday)

That this House has no confidence in Her Majesty's Government, whose economic and social policies are spreading mass unemployment, undermining British industry and demoralising the country.

(Opposition motion defeated 274-333)

[HC Deb vol 989 cc1288-1422]

- LOpp, Callaghan, opened; PM, Thatcher, responded.

27 July 1981
(Monday)

That this House has no confidence in Her Majesty's Government, whose economic and social policies are spreading mass unemployment, undermining British industry and demoralising the country.

(Opposition motion defeated 262-334)

[HC Deb vol 9 cc820-910]

- LOpp, Foot, opened; PM, Thatcher, responded.

28 October 1981
(Wednesday)

That this House has no confidence in the economic policies of Her Majesty's Government which have pushed the registered total of unemployed people to shameful levels, have dealt a series of most damaging blows to British industry, and offer no hope of recovery; and calls upon Her Majesty's Government to present to Parliament before the end of the year a range of fresh measures designed to reverse the present disastrous trends.
(*Opposition motion defeated 210-312*)
[HC Deb vol 10 cc872-964]

- LOpp, Foot, opened; PM, Thatcher, responded.

31 January 1985
(Thursday)

That this House censures Her Majesty's Government for its gross mismanagement of the British economy which has led to the highest real interest rates, the worst manufacturing trade deficit and the highest level of unemployment in the history of Great Britain.

... supports Her Majesty's Government in its firm action to maintain the sound financial conditions and medium-term strategy which have brought about the lowest level of inflation since the 1960s, nearly four years of sustained economic growth, record output, sound exports, record investment and record living standards, and which provide the best long-term prospects for a fundamental improvement in the performance of the British economy and for the creation of new jobs.
(*Government amendment approved 395-222; amended motion carried 392-221*)
[HC Deb vol 72 cc418-510]

- LOpp, Kinnoek, opened; PM, Thatcher, responded.

22 November 1990
(Thursday)

That this House has no confidence in Her Majesty's Government.
(*Opposition motion defeated 247-367*)
[HC Deb vol 181 cc439-518]

- following the Prime Minister's failure to secure re-election as Party Leader on the first ballot.

- LOpp, Kinnoek, opened; PM, Thatcher, responded.

27 March 1991

That this House has no confidence in Her Majesty's

(Wednesday)

Government in the light of its inability to rectify the damage done to the British people by the poll tax.

(Opposition motion defeated 238-358)

[HC Deb vol 188 cc964-1053]

- LOpp, Kinnock, opened: PM, Major, responded.

24 September 1992

(Thursday)

That this House expresses its support for the economic policy of Her Majesty's Government.

(Government motion carried 322-296)

... condemns the total collapse of the Government's entire economic policy following their humiliating withdrawal of the pound from the European Exchange Rate Mechanism; deplors the Government's failed economic policies which have thrown the United Kingdom economy into a deep and damaging recession which has made it weak and vulnerable to speculative attack; believes that the Government's credibility and claims of economic competence are in tatters; demands the adoption of an economic policy which reduces unemployment and recognises that a strong economy can only be built by consistent investment in manufacturing industry and the infrastructure, by a sustained commitment to an expansion of training, the stimulation of innovation, technology, and regional development and by international co-operation for economic expansion; and firmly opposes cuts in public expenditure which will prolong the recession, increase unemployment, and weaken the United Kingdom's vital public services.

(Opposition motion defeated 288-330)

[HC Deb vol 212 cc2-116]

- PM, Major, opened: LOpp, Smith, responded.

23 July 1993

(Friday)

That this House has confidence in the policy of Her Majesty's Government on the adoption of the Protocol on Social Policy.

(Government motion carried 339-299)

[HC Deb vol 229 cc627-725]

- following the Government's defeat the previous day on the Maastricht Treaty Social Chapter. This is the only confidence debate on a Friday in the period since 1945.

- PM, Major, opened; LOpp, Smith, responded.

1 December 1993
(Wednesday)

That this House has no confidence in the policies of Her Majesty's Government.

(Opposition motion defeated 95-282)

[HL Deb vol 550 cc544-554, 571-635]

- the only modern example of a confidence motion in the House of Lords.

28 November 1994
(Monday)

That the [European Communities (Finance)] Bill now be read a second time.

(Government motion carried 329-44)

... this House believes that the European Communities (Finance) Bill is not an acceptable measure as it increases United Kingdom contributions to the European Union without action by Her Majesty's Government to cut fraud and waste in Europe or to reduce expenditure on the Common Agricultural Policy.

(Opposition amendment defeated 303-330)

[HC Deb vol 250 cc932-1034]

- PM, Major, made passage of Bill "in all its essentials" an issue of confidence, which may have made some or all of the 4 votes in Committee of the Whole House, and the third reading vote, all on 7 December, also confidence occasions [HC Deb vol 251 cc 327-447, 7.12.94]. Note that the Opposition abstained, and the PM did not vote, on third reading.
- Neither PM, Major, nor LOpp, Blair, spoke in the debate.

Related Papers on this subject are:

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