

Implementing Jopling: The 1994-95 Sittings Reforms

Research Paper 95/6

17 January 1995



This short Research Paper reproduces the package of procedural reforms agreed between the Government and Opposition last year and debated and agreed by the House last month. The debate is examined in some detail in order to extract the views of the Government and Opposition on the content and scope of this session's experiment and for further progress in the future. These changes are based on the 1991-92 Jopling Report, which was examined in two earlier Research Papers, *Sittings of the House: the Jopling Report* (Research Note 92/69, 6.7.92), and *Sittings Reform and the Jopling Report* (Research Paper 94/96, 8.9.94). The Sessional Orders and amendments to Standing Orders implementing the package were reprinted in an unnumbered Supplement to the Standing Orders, published in December 1994. The Library has produced for the public a Factsheet on the sittings of the House, which incorporates the new package [*Sittings of the House*, Factsheet 28, rev. ed., December 1994].

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I The sittings reform package

Sittings of the House

Sir Peter Emery: To ask the Lord President of the Council what proposals he has for implementing the report of the Select Committee of Sittings of the House-HC 22(1991-92).

Mr. Newton: Following discussions over a considerable period, initially with the right hon. Member for Derby, South (Mrs. Beckett) and more recently with the hon. Members for Newcastle upon Tyne, East (Mr. Brown) and for Dewsbury (Mrs. Taylor), agreement has been reached on a number of measures to achieve the objectives of the report. These are set out below, and where the proposals involve changes to the formal procedures of the House, the relevant motions appear on the Order Paper for 15 December, and are scheduled for debate on Monday 19 December.

1. The changes in practice and procedure will be implemented as an experiment for Session 1994-95 by sessional order-in the case of proposals marked*-rather than Standing Order amendments.

Bills

2. Voluntary timetables for Bills will be agreed through the usual channels. Guillotines will be used only when voluntary timetables cannot be agreed or break down.

3. Greater use will be made of Second Reading Committees by agreement.

*4. Law Commission Bills will be referred automatically to Second Reading Committees, but they may be de-referred on a Government motion. The Government will accede to any reasonable Opposition request for de-referral.

*5. The Committee stage of consolidation Bills may be dispensed with on a Government motion, and the question on Third Reading will be put forthwith.

Statutory instrument

*6. All affirmative statutory instruments will be referred automatically to a Standing Committee, but they may be de-referred on a Government motion. The Government will accede to any reasonable Opposition request for de-referral.

7. The arrangements for debates on "prayers" will be settled by agreement through the usual channels.

*8. Debates on de-referred affirmatives, any "prayers" taken on the Floor, and de-referred EC documents will be limited to 1½ hours even if started before 10pm.

9. Debates on "prayers" will continue to finish at 11.30 pm if started at or after 10 pm.

Sittings

10. The Government will use their best endeavours to avoid late sittings wherever possible.

11. The Government will use their best endeavours to avoid taking highly contentious business on Thursdays, especially on the Thursdays before "constituency Fridays"-see 16.

12. The Government will use their best endeavours to give early notification of dates of recesses.

13. The Government will use their best endeavours to give early notification of some major debates.

*14. The House will sit every Wednesday morning for private Members' debates on the Adjournment until 2.30 pm.

*15. In exchange, the following time for private Members will be discontinued:

- Private Members' motions on 10 Fridays and 2 Monday afternoons.
- Adjournment debates following the Consolidated Fund Bill.
- Debates on motions fixing dates of recesses-which will instead be decided forthwith.
- Adjournment debates on the last day before each recess.

*16. The former private Members' motions Fridays will become "constituency Fridays" on which the House will not sit.

*17. Subjects for debates on Wednesday mornings will be chosen by Speaker's ballot. One or two general debates will be held between 10 am and 1 pm, and three short debates between 1 pm and 2.30 pm.

Money and Ways and Means resolutions

*18. Money and Ways and Means resolutions taken immediately after the Second Reading of the Bill to which they relate will be decided forthwith.

*19. Debates on free-standing Money and Ways and Means resolutions will be limited to three quarters of an hour.

Short speeches

*20. The Speaker will have wider discretion to limit speeches by backbenchers to 10 minutes.

21. Front Benchers will strive to limit opening speeches to 30 minutes and their closing speeches to 20 minutes.

Miscellaneous

22. Second Adjournment debates will be discontinued.

23. The Procedure Committee will be asked to consider the arrangements for "set-piece" debates.

24. Where appropriate, the time allowed for debates will be regulated by business motions agreed through the usual channels and approved by the House in advance.

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¹ HC Deb vol 251 cc1458, 19.12.94. Also reproduced at the front of the December 1994 Supplement reproducing the Sessional and relevant Standing Orders dealing with the agreed changes to procedure.

II The debate of 19 December 1994

There had been a long period of discussion and negotiation between the Government and Opposition seeking to agree a package of reforms based on the Jopling Report. At one stage it looked as if agreed proposals could be put before the House before last summer recess, or in the spillover period, but both these periods passed without any public announcement of conclusions or proposals. Changes in the relevant Opposition front-bench posts in the autumn following the Shadow Cabinet elections may well also have necessitated a further short delay in progress.

The first public indication that agreement was close came in the Leader of the House's speech on 23 November winding-up the debate on the Queen's Speech:²

Looking back on my speech on this occasion last year, I see that I was noticeably cautious -rightly, as the intervening year has shown-about the prospects for prompt early moves on modifications to our working arrangements along the lines proposed in the report of the Committee chaired by my right hon. Friend the Member for Westmoreland and Lonsdale (Mr. Jopling). I am glad to say, and most -though I know not all- in the House will be glad to hear, that tonight I feel able to be much less cautious on that front to the point at which both I and the hon. Lady, whose endorsement I have for what I am about to say, believe that we are now close to the point at which we can jointly recommend a package of changes to the House.

The House will not expect me to go into full detail tonight, since neither the nature of the occasion nor the time available would make that practicable or appropriate, and many of the report's specific proposals involve the technicalities of our procedures. But I can say that we believe that we can agree on virtually all the specific changes proposed in the report and on achieving its main strategic objectives, although not always precisely along the lines originally proposed.

In particular, we think that the timetabling of most Government Bills, as envisaged by the report, is best achieved by voluntary agreement through the usual channels, rather than by some formal mechanism,

which would, in practice, be hard to distinguish from a formal guillotine. Apart from its other merits -most noticeably, the greater flexibility that it allows- that has the merit of reflecting the underlying reality that making the changes work will depend on people wanting to make them work.

I should add that we have agreed that the changes that we hope to propose should be instituted on an experimental basis for the present Session, and that we should review them towards the end of it. The formal changes required at this stage will be provided for, should the House approve them, in Sessional Orders rather than by changes to the Standing Orders as such. The Orders brought forward would include one to allow the House to choose, if it wished, to exchange some of the business that it now does at other times -including private Members' motions on some Fridays- for equivalent time in sittings on Wednesday mornings, with every effort being made by the business managers to avoid hon. Members being kept here beyond 7 o'clock on Thursdays before non-sitting Fridays.

I hope that the House will welcome that brief report, and one other point that I can make in what I shall call the spirit of Jopling. I am aware that many hon. Members have already registered that Easter next year is very late. They have asked for guidance about what that might mean for any Easter recess. I hope that it will help them if I say that, subject as ever to progress on business, I would anticipate the recess to focus on the week before Easter rather than afterwards.

Note that the reforms were intended to be on an experimental basis for this current session, and, to that end, appropriate changes would be made made by Sessional Orders rather than by substantive changes to Standing Orders. Mr Newton set out the detailed agreed proposals in a written answer on 15 December, which are reproduced in section I of this Paper³.

² HC Deb vol 250 cc692-3, 23.11.94

³ HC Deb vol 251 cc802-3W, 15.12.94

The Leader of the House, opening the 19 December debate on the sittings reform proposals, said that the package before the House "implements nearly all the changes proposed by" the Jopling Report. "They also achieve its main strategic objectives, although not necessarily in precisely the way proposed."⁴ He emphasised the experimental nature of the package, and promised that there would be no permanent changes to Standing Orders "without another debate and another vote in the House. For those who harbour some doubts about some aspects, I hope that that gives them an element of reassurance."⁵

Mr Newton said that the Jopling Committee's main aim was to get rid of late sittings: "there is not much doubt that most, if not all, Members would agree with that objective, which the Government fully share."⁶ The Government had, in the last two sessions, sought to organise business in "the spirit of Jopling" so as to reduce late sittings. He set out the main aspects of the proposals, which, in earlier consideration of the implementation of the Jopling Report had come to be known as the 'balanced package' :⁷

To achieve its aims in respect of getting rid of late sittings, the Committee recognised clearly that, if the number of sitting hours is to be restrained, it is necessary also to reduce the amount of business to be taken on the Floor, and to ensure that the Government remain able to secure a reasonable programme of legislation. That was therefore the focus of a large number of its recommendations.

This led the Leader of the House on to perhaps the most sensitive aspect of the Jopling proposals, the timetabling of legislation. He explained that "after a good deal of reflection, and I mean a good deal, the Government and Opposition concluded that the most sensible approach to the two linked issues -- the timetabling of bills and restrictions on the hours of sitting -- is to rely on voluntary agreements reached through the usual channels, the people most closely concerned ... with making any agreement work in this place. In other words we think that it is better to continue to operate on that basis rather than devise some new mechanistic solution"⁸:

Having searched long and hard for a form of timetable motion that would ensure that the agreed rate of progress was made with each Bill, without resorting to the rigidity and inflexibility of the conventional guillotine -Standing Order No. 80 -we concluded that such a mechanism did not exist. We were forced to conclude that, in effect, any mechanism that could be put formally as a timetabling mechanism for Government Bills would end up being a guillotine, and that that would present many difficulties, certainly for the Opposition and possibly also for the House in terms of the flexible arrangement of its business.

⁴ HC Deb vol 251 cc1458, 19.12.94

⁵ *ibid*, c1459

⁶ *ibid* c1459

⁷ *ibid* c1459

⁸ *ibid* cc1459-61

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It follows from our approach to timetabling that we also thought it right to adopt a similar, if one likes, "usual channels" approach to sittings. During the debate on 13 July 1992, I expressed the Government's support for the principle of a 10 o'clock finish as the norm, but expressed doubts about the rigidity of the solution that the Select Committee had proposed. I also made it clear that the Government accepted the Committee's aim that completely new business should not be scheduled to start after 10 o'clock. That remains our position.

Accordingly, rather than have new arrangements entrenched in Standing Orders, or for that matter Sessional Orders, the Government are undertaking this evening, as part of the agreement, to use their best endeavours to avoid late sittings whenever possible and to avoid taking highly contentious business on Thursday evenings, particularly on the Thursdays before the Fridays that are to be designated under the fourth motion on the Order Paper. It would not be practicable to guarantee a 7 o'clock end to all business on those Thursdays,

as that would bring us very close to a three day week for Government business for 10 weeks of the year; but I emphasise that we shall none the less do our best to ensure that parliamentary demands on Members on Thursday evenings are kept within reasonable bounds, so that their other commitments on Fridays can be given some protection.

In the same spirit, the Government will use their best endeavours, as I have perhaps shown already, to give early notification of the dates of recesses. The House will understand that particular difficulty is attached to the timing of the summer recess; it may not be possible to give as much notice of the dates of the summer recess as of other recesses, or to rise for the summer as early as we might wish. Again, my hopes are to move as far as possible in the direction of that which the Jopling Committee, and no doubt the House, would like.

Mr Newton then dealt with a number of relatively minor proposals in the package, such as the future of 'set-piece' debates (to be examined by the Procedure Committee), and considered the five motions in detail. He assured Members, for instance, that, on the non-sitting Fridays (10 in a full session, 8 in the remainder of 1994-95) the Table Office and the Public Bill Office would be open for the tabling of questions and amendments.

For the Opposition, the shadow Leader of the House, Ann Taylor, welcomed the proposals, but believed that they did not constitute a "dramatic revolution", and were "no more than a useful step forward, making Parliament more efficient and, we hope, more effective."⁹ She referred to the Leader of the House's agreement to review the package in October 1995, and believed that "we shall need some flexibility during the year to allow modification of practice."¹⁰ The package was not the last word on Parliamentary reform. She emphasised that everyone had to be assured that the proposed changes "do not damage the opportunities that are available not only to the Opposition officially, but to all Back Benchers, to scrutinise what the Executive does."¹¹ There would always be 'knock-on' effects of changes in one area upon another: "that is why it is important for us to conduct an experiment rather than changing the Standing Orders themselves"¹² She believed that "the Jopling Report may be a starting point, but I do not accept every dot and comma in it, and I know few Members who do."¹³ She then considered in detail some of the areas of the package about which some of her colleagues were unhappy, such as Private Members time, and statutory instruments.

⁹ *ibid* c1466

¹⁰ *ibid* c1466

¹¹ *ibid* c1467

¹² *ibid* c1467

¹³ *ibid* c1467

For the Liberal Democrats, Archy Kirkwood considered the changes from the point of view of the minority parties. He regarded the changes as "merely the beginning of an on-going process" which he welcomed, and he proposed that the House should begin immediately to consider the next phase of reform. He assumed that there would be a debate before the summer recess to review the experiment (Mr Newton, winding up the debate, said he would bear that suggestion in mind¹⁴) and to consider further changes. He urged that negotiations between the 'usual channels' on voluntary timetabling should include the minority parties as well as the two major parties, otherwise "they should not be surprised if the minority parties ... do not sign up to the agreement struck."¹⁵

There was a noteworthy contribution from the Opposition Deputy Chief Whip, Don Dixon (whips rarely speak in the Chamber), who outlined his opposition to some of the proposals in the package, and emphasised that he was not a party to the 'usual channels' negotiations (a point he had already made in an intervention in Mr Newton's speech). He announced that, as there was a free vote on the Labour side, he would vote against the motions.¹⁶

The motions were approved by the House on divisions:

(1) expedited procedure for law reform etc bills, 217-41; (2) money and ways & means resolutions, 202-51; (3) SIs etc. and EC documents, 194-61; (4) Wednesday morning business, non-sitting Fridays etc., 209-32 (an amendment having been defeated 65-171); (5) short speeches, 201- 29.

¹⁴ *ibid* c1495

¹⁵ *ibid* c1482

¹⁶ *ibid* cc1486-7

III Implementation

The first fruits of the new arrangements came in two statements on Thursday 12 January 1995. At the end of his Business Statement, the Leader of the House made the following announcement, after giving the business for the week ahead:¹⁷

It may also be helpful to the House if I indicate - emphasising that it can only be on a provisional basis and could be subject to change- that the business currently planned for the following week is consideration in Committee of the Finance Bill on Monday 23 January and Wednesday 25 January, with Second Reading of the Disability Discrimination Bill, which is being published today, on Tuesday 24 January. I am not yet in a position, even provisionally, to indicate the business for Thursday 26 January.

I can also tell the House that, following its approval of the motions that I proposed on 19 December, I will be tabling later today a motion providing that the House will not sit on the following Fridays: 10 March, 12 May, 19 May, 26 May, 16 June, 23 June, 7 July and 21 July. As an additional bonus, I can also say that I do not at present expect the House to sit on any Friday in August.

In the shorter term, it will also be for the convenience of the House to learn that, subject to the progress of business, it will be proposed that the Easter recess will be from 7 April until 18 April and since 26 May is to be a non-sitting Friday, the House will rise for the Whitsun recess on 25 May and return on 6 June.

I understand that you, Madam speaker, will be making a statement after business questions about the detailed arrangements for Wednesday morning sittings. The first such sitting will take place on 25 January.

Lastly, the House, particularly those who may serve on the Finance Bill Standing Committee, may like to know that, following discussion and agreement through the usual channels, it will be proposed that the Standing Committee, which has always hitherto sat in the afternoon and evening, and indeed often well into the night, should sit in the morning and afternoon. The spirit of Jopling appears to be spreading.

Madam Speaker later made a statement on Wednesday morning sittings:¹⁸

Madam Speaker: Under the new arrangements for Wednesdays there will be one or two general debates between 10 am and 1 pm and up to three short debates between 1 pm and 2.30 pm. Ballots for the subjects to be debated will be held under broadly the same arrangements as those which have hitherto applied for post Consolidated Fund debates and last-day Adjournment debates. The first Wednesday morning sitting will be on 25 January, and applications should reach my office no later than 10 pm on Tuesday 17 January. A list showing the subjects and times will be published the following day.

Members may apply for both the general debates and the short debates, and each application should indicate clearly into which ballot they wish to be entered. Separate ballots will be held for each type of debate but, of course, in the same week no Member will be successful in both ballots. Similar arrangements and a similar timetable will apply in each subsequent week. The existing arrangements with respect to Adjournment debates at the end of each day's business will remain unchanged.

¹⁷ HC Deb vol 252 c281, 12.1.95; see the Order made on the following day, c425, 13.1.95

¹⁸ *ibid*, c291

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