



Modernisation of the House of Commons: Changes agreed on 29 October 2002

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Author: Chris Sear

Parliament and Constitution Centre

This Standard Note summarises the main changes to the procedures of the House of Commons following the debate on 29 October 2002. This followed the Second Report of the Modernisation Select Committee,¹ the Third Report of the Procedure Committee² and the Government response to the Procedure Committee's report,³ all published in the 2001/02 session.

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¹ Modernisation Select Committee, *Modernisation of the House of Commons: a reform programme*, HC 1168, 2001/02, July 2002,

<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmmodern/1168/116802.htm>

² Procedure Committee, *Parliamentary questions*, HC 622, 2001/02, June 2002,

<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmproced/622/62202.htm>

³ Cm 5628, October 2002, <http://www.official-documents.co.uk/document/cm56/5628/5628.pdf>

A. Summary

New hours from 1 January 2003

Day	Main Business	Questions	Urgent questions and Statements	Westminster Hall
Monday	2.30pm - 10pm	2.30pm - 3.30pm	3.30pm	
Tuesday	11.30am - 7.00pm	11.30am - 12.30pm	12.30pm	9.30 - 11.30am, 2.00pm - 4.30pm
Wednesday	11.30am - 7.00pm	11.30am - 12.30pm*	12.30pm	9.30 - 11.30am, 2.00pm - 4.30pm
Thursday	11.30am - 6.00pm	11.30am - 12.30pm	12.30pm	2.30pm - 5.30pm
Friday	9.30am - 2.30pm (Private Members' bill Fridays only)		11.00am	

*Prime Ministers Questions 12-12.30pm

- Notice for tabling of oral questions will be reduced from 10 to 3 sitting days (5 for devolved countries)
- Electronic tabling will be investigated with a view to implementation
- Cross-cutting questions will be introduced in Westminster Hall
- Public bills can be carried over for one session
- Prime Ministers questions will be moved to 12 Noon on Wednesday
- Written ministerial statements have been introduced to replace 'planted' questions

B. The debate on 29 October 2002

The House approved the motions relating to the two reports it was debating:

That this House approves the Second Report from the Select Committee on Modernisation of the House of Commons, and endorses its proposals, in particular for more effective law making by more routine publication of bills in draft for pre-legislative scrutiny, for consultation with Opposition parties on the broad shape of the legislative year and more flexibility in programming, for an annual House of Commons calendar which would allow honourable Members to plan work in their constituencies more effectively and provide sittings in September balanced by an earlier recess in July, for more effective use of the Chamber including more regular use of time limits on speeches, and a Parliament that is more accessible to the public that it serves.

This means that the proposals in the Modernisation Committee report⁴ were agreed. However, the same does not apply to the Procedure Committee report,⁵ where only those elements of the report approved or suggested by the Government in their response to the Committee were agreed:

That this House takes note of the Third Report from the Procedure Committee, Session 2001-02, on *Parliamentary Questions*, House of Commons Paper No. 622, and the Government Response thereto, Cm. 5628, and approves the proposals in both for a quota on named day questions, a reduction in the daily quota of questions per department, the introduction of electronic tabling subject to safeguards to ensure the authenticity of questions and the power of the Speaker to modify or halt the system if it appears it is being abused, and the timing and printing of answers to written questions and written ministerial statements.

The changes, unless otherwise stated, will come into effect on 1 January 2003:

1. Sittings and other changes to hours

- The House will meet on Tuesdays and Wednesdays at half-past Eleven o'clock. The moment of interruption will be at Seven o'clock.
- Hours of Tuesday or Wednesday sittings immediately following a recess or adjournment of more than 4 days will be the same as Monday, except in Westminster hall where the sitting will begin at half-past Nine o'clock and conclude at Two o'clock.
- Divisions deferred under the provisions of the Order (Deferred Divisions) will be held at half-past Twelve o'clock on Wednesday.

⁴ HC 1168, 2001/02, <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmmodern/1168/116802.htm>

⁵ HC 622, 2001/02, <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmproced/622/62202.htm>

- Sitting hours on Thursday will be from 11.30am as at present. However, the moment of interruption will be brought forward to 6pm.
- The House will usually only sit on Fridays to consider private Members' bills
- The long summer recess will be split up, with a two-week or so sitting in September before the party conferences.
- Recess dates will now be published a year in advance.
- On Tuesdays and Wednesdays the sitting in Westminster Hall will begin at half-past Nine o'clock, will be suspended from half-past Eleven o'clock until Two o'clock and may then continue for up to a further two and a half hours (and in calculating that period no account shall be taken of any period during which the sitting may be suspended owing to a division being called in the House or a Committee of the whole House).

2. Parliamentary questions

- The notice period for oral questions will be reduced from ten to three sitting days. However, the notice period for oral questions to the Secretaries of State for Wales, Scotland and Northern Ireland will be set at five sitting days, to take into account the additional time these Departments might need to obtain information from the devolved assemblies. (paragraph 38 of the original report)
- The shuffle will be brought forward to 4pm (instead of the current 6.30pm). (paragraph 41)
- The number of oral questions printed for each department will be reduced to the new quotas, to be reviewed regularly by the Speaker. (paragraph 43). These are:

Oral questions slot Questions printed (maximum)

- | | |
|--------------|----|
| • 55 minutes | 25 |
| • 50 minutes | 20 |
| • 45 minutes | 20 |
| • 30 minutes | 15 |
| • 15 minutes | 10 |
| • 10 minutes | 8 |

- Cross-cutting questions will be put to Ministers in Westminster Hall once a week. (paragraph 45). The first of these will be on Youth Policy, probably on 23 January 2003.
- There will be a fixed and non-negotiable daily quota per Member of five named-day questions per day, which cannot be transferred from one Member to another. (paragraph 74)
- The current minimum period for a reply to a named-day question will remain at three working days. (paragraph 76)
- Members must “take direct responsibility for all the questions tabled in their name” and to seek information through alternative sources of information. (paragraph 79)
- Departments will use their best endeavours to answer questions earlier in the day and that (other than in exceptional circumstances) all questions will be answered by 7 pm.

However, it is not possible to undertake to answer all questions *at* 9.30 am, as had been proposed, particularly since deadlines remain short. (paragraph 81)

- The Government support the use of IT – including electronic tabling – although they were concerned about the use of ‘weak authentication’ for questions because any system for tabling questions electronically should be more robust and not open to any abuse. There will be therefore be further investigations into electronic tabling of questions. (paragraph 90)
- The shuffle for a Question Time immediately after the summer recess will be held in the final part of the recess. (paragraph 104)
- Ministers may now make written ministerial statements, which will no longer have to be in answer to a question. This provision has been in effect since the beginning of the 2002/03 session. The Minister may give notice of his intention to such a ministerial statement in written form on a specified day not later than five sitting days after the day on which notice was given: and such statements shall be printed in the *Official Report*. This replaces so-called ‘planted’ questions.
- Prime Ministers Question time will be moved to 12 Noon on Wednesday.
- “Private Notice Questions” became “Urgent Questions” at the start of the 2002/03 session.

3. Bills

a. Carry-over and pre-legislative scrutiny

A new order relating to carry-over of bills was agreed. A Minister of the Crown will now be able to move a motion (a 'carry-over motion') that proceedings on a public bill not completed before the end of the Session shall be resumed in the next Session of Parliament. The following points apply:

- The question on the motion will be put forthwith if the motion is made on the day the bill is read a second time, or not more than one and a half hours after the commencement of proceedings on the motion if the motion is made at any other time.
- The motion can only relate to one bill, and bills will only be allowed to be carried over for one session. If the Bill is in Committee by the end of the first session the Chairman shall report the bill to the House as so far amended and the bill shall be ordered to lie upon the Table. Proceedings will then resume in the next session with the same Committee members.
- In any other case, proceedings on the bill shall be suspended at the conclusion of the Session in which the bill was first introduced.
- Proceedings on a bill ordered to be carried over to the next Session of Parliament shall lapse on the expiry of the period of twelve months from the date of its first reading in this House and the bill shall be laid aside unless the House shall order, in pursuance of a motion made by a Minister, that proceedings on the bill be extended for a specified period.

There will be a regular increase in the number of bills published in draft for pre-legislative scrutiny. The House of Lords have indicated that they will accept Bills subject to a carry-over motion provided the said bill has been through such scrutiny:

Group recommendation (b): subject to the right of the House of Commons to determine its own procedures, bills that have received pre-legislative scrutiny in either House should, on a motion moved in the House in possession of the bill at the end of the session, be allowed to be carried-over into the next session; but if a bill that has been carried over does not reach the statute book by the end of the session following carry-over it should fall, as now (paragraph 10)

7. The Procedure Committee endorsed the principle of carry-over in 1998.³ We recommend that the House should now take this endorsement a stage further and agree to Group recommendation (b), but only for Government bills and subject to the provisos on pre-legislative scrutiny in paragraph 6 above. At present, carry-over is restricted to bills that have not yet left the House in which they originated; eligibility of bills for carry-over is settled by informal discussion in the usual channels; and bills are carried-over by ad hoc motions. If Group recommendation (b) is implemented, as we propose, carry-over would no longer be restricted to bills that had not yet left the House in which they originated: any bill that had been subject to pre-legislative scrutiny in either House would be eligible for carry-over. Carry-over would be achieved, after discussion in the usual channels, by a motion agreed by one or both Houses, depending on where the bill had been introduced. We would expect the fact that a bill had been subject to pre-legislative scrutiny would influence significantly the judgment by the usual channels in this House on whether the bill should be carried-over.⁶

The Committee also considered the position of the *Parliament Acts* in relation to carry-over:

8. The question of the application of the Parliament Acts to a bill that is to be carried over was raised in the House's debate of 21 May 2002. In theory, the Parliament Acts could be applied to a bill which, having been received by the Lords at least one month before the end of a session, was carried-over but not passed by the end of the next session. In the case of the Lords carrying-over a Commons bill, in order to avoid the Parliament Acts being implemented, the Commons should be invited to agree, before the Lords agrees to the carry-over, to a formal direction that section 2 of the Parliament Act 1911 should not apply to the bill in the ensuing session.⁷

4. Other changes

- The Speaker was given the right to take leave of absence on any Friday the House sits, to enable him to give more time to constituency duties.

⁶ House of Lords Procedure Select Committee Fifth Report, 2001/02, HL 148, 2001/02, <http://www.publications.parliament.uk/pa/ld200102/ldselect/ldprohse/148/14802.htm>

⁷ Ibid

- Provisions relating to short speeches have been extended to allow the speaker to add on 'extra time' to speeches to allow Members to take interventions without losing time from their own speech.

Arrangements for Westminster Hall, Thursday Sittings and Standing Committees, all previously sessional orders, were made permanent.

The House agreed to continue with arrangements for deferred divisions and Programming of Bills.

C. Further reading

Modernisation Select Committee, *Memorandum submitted by the Leader of the House of Commons*, HC 440, 2001/02, December 2001,

<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmmodern/440/44002.htm>

Procedure Committee, *Parliamentary Questions*, HC 622, 2001/02, June 2002,

<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmproced/622/62202.htm>;

Government response, Cm 5628, October 2002,

<http://www.official-documents.co.uk/document/cm56/5628/5628.pdf>

Modernisation of the House of Commons: Sitting Hours, HC Library Research Paper 02/41, June 2001,

<http://www.parliament.uk/commons/lib/research/rp2002/rp02-041.pdf>

Modernisation Select Committee, *Modernisation of the House of Commons: A reform Programme*, HC 1168, 2001/02, September 2002,

<http://www.publications.parliament.uk/pa/cm200102/cmselect/cmmodern/1168/116802.htm>