



## Modernisation: Revitalising the Chamber

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On 23 November 2006, the Modernisation Committee announced two new inquiries on “Strengthening the role of the backbencher” and “Making better use of non-legislative time”.

The inquiries ran together and the Committee published a single report, *Revitalising the Chamber: the role of the back bencher*, on 20 June 2007.

The Government’s response to the Committee’s report was published on 18 October 2007, and the report was debated in the House on 25 October 2007.

This note focuses on the Committee’s recommendations on procedural issues, notes the Government’s response to them and records the House’s decisions. It also gives a brief overview of how the new procedures will operate.

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## A. Introduction

On 23 November 2006, the Modernisation Committee announced two new inquiries on “Strengthening the role of the backbencher” and “Making better use of non-legislative time”.<sup>1</sup>

The inquiries ran together and the Committee published a single report, *Revitalising the Chamber: the role of the back bencher*, on 20 June 2007.<sup>2</sup>

The report reviewed the work of back bench Members and noted the increasing attention paid by Members to constituency casework and described other changes that have taken place. It reviewed the process of inducting new Members and examined the case for supporting the continuous development of Members. It then turned to what happens in the Chamber, on which the rest of this note concentrates:

The Chamber is at the heart of what Members do in the House. Constitutionally, it is the votes and decisions of the House in plenary which make or break governments, raise taxation, grant supply, and (because of the Parliament Acts) are the ultimate determinant of the law itself.<sup>3</sup>

The Committee grouped its recommendations under four main headings, under which it made a number of recommendations:

- Making the Commons more topical and relevant
  - Topical Questions
  - Topical Debates
  - Open Debates and “Interpellations”
  - Business Questions
  - Urgent Questions and Urgent Debates
  
- Improving engagement
  - Demand to Speak
  - General Debates
  - Short Debates
  - Debating Committee Reports
  - Time Limits on Speeches
  - List of Speakers in Debate
  - Multitasking
  
- Opportunities to initiate business
  - Existing Opportunities (review)
  - Private Members’ Motions

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<sup>1</sup> Modernisation Committee press release No 1, *Modernisation Committee launches new inquiries*, 23 November 2006, Session 2006-07, [http://www.parliament.uk/parliamentary\\_committees/select\\_committee\\_on\\_modernisation\\_of\\_the\\_house\\_of\\_commons/modcom231106\\_2tf.cfm](http://www.parliament.uk/parliamentary_committees/select_committee_on_modernisation_of_the_house_of_commons/modcom231106_2tf.cfm)

<sup>2</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07

<sup>3</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 47

- Timing and timetabling of business
  - A More Flexible Approach (review)
  - The Impact of Programming
  - Increasing Time for Private Members
  - Injury Time for Statements?

The Government's response to the Committee's report was published on 18 October 2007,<sup>4</sup> and the report was debated in the House on 25 October 2007.<sup>5</sup>

The rest of this note focuses on the Committee's recommendations on procedural issues, notes the Government's response to them and records the House's decisions. It also gives a brief overview of how the new procedures will operate.

## **B. Making the Commons more topical and relevant**

### **1. Topical Questions**

Whilst the Committee considered that the reduction in the amount of notice a Member needed to give for an oral question had "improved the topicality of questions", it noted that there were "still occasions when issues of topical interest are not on the list of oral questions". A number of Members who gave evidence to the Committee supported the idea of open questions to improve the topicality of question time and the Committee recommended that "oral Question Time should be divided into two periods: an initial period for oral questions under the current arrangements followed by a period of 'open' questions". The Committee suggested that both periods should be balloted for and that Members could be successful in both ballots.<sup>6</sup>

In its response, the Government said that it supported the recommendation and endorsed proposals for open questions to last for 15 minutes for those departments that answered questions for 60 minutes and 10 minutes for those answering questions for 40 minutes. It agreed that the question should be in the form "if the Secretary of State will make a statement on his/her departmental responsibilities", and that the Speaker would call those successful in the ballot and others in same as Members are called at Prime Minister's Questions.<sup>7</sup>

No Standing Order changes were necessary to implement this change, so the proposals for topical questions were specifically endorsed in the resolution welcoming the Modernisation Committee's report and accepting the Government's response:

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<sup>4</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government's response to the Modernisation Committee's First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231; HC Deb 18 October 2007 c57WS

<sup>5</sup> HC Deb 25 October 2007 cc441-504

<sup>6</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 51-55

<sup>7</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government's response to the Modernisation Committee's First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, paras 8-10

That this House welcomes the First Report of the Select Committee on Modernisation of the House of Commons on Revitalising the Chamber: the role of the back bench Member (House of Commons Paper No. 337) and approves the proposals for changes in the procedures and practices of the House set out in the Government's response to the report (Cm. 7231), including the proposals for topical questions.

The resolution was agreed to without a division.<sup>8</sup> However, an amendment to the main question, to prevent the use of hand-held electronic devices in the Chamber, was rejected.<sup>9</sup>

At Business Questions, before the debate, Harriet Harman announced that the question cycle for Oral Questions had been revised and would allow more departments to face topical questions.<sup>10</sup>

The first topical question session was held on 12 November 2007. The Department for Families, Children and Schools was the answering Department. A total of ten back bench Members and the Conservative shadow spokesman asked questions; and three ministers replied in the fifteen minute session.<sup>11</sup>

## 2. Topical Debates

The Committee reported that "One of the legitimate criticisms of the House is that sharp, topical debates are rarely held in the Chamber itself". It was told that there was a need for increased topicality. Although it identified a number of opportunities for back bench Members to raise topical issue, the Committee concluded that "The topicality of debates in the Chamber should be improved. We believe that the House will attract greater attention from Members, the public and the media if it finds a means of debating topical issues". It then recommended that:

... provision should be made in Standing Orders for topical debates on issues of regional, national or international importance to be held on one day each week. Topical debates would last for an hour and a half and be taken immediately after questions and statements but before the main business of the day.

The Committee said that topical debates should be "general debates" (see below), and that rather than taking place on a motion for the adjournment, they should take place on a motion "That this House has considered [the matter of] [subject]" and that specific time limits should be applied to speeches in the debate. It also said that the subject of the debate should be announced by the Leader of the House. The Committee also suggested that "the Leader of the House should issue, in a fortnightly written ministerial statement, a list of proposals for topical debate which had been made to [her] by private Members and of the debates which had taken place". The Committee signalled its intention to review the operation of topical debates after a year.<sup>12</sup>

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<sup>8</sup> HC Deb 25 October 2007 c502

<sup>9</sup> HC Deb 25 October 2007 c501

<sup>10</sup> HC Deb 25 October 2007 c423

<sup>11</sup> HC Deb 12 November 2007 cc391-396

<sup>12</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 56-60, para 85

The Government agreed with the case for “a system of regular 90 minute topical debates on issues of regional, national or international importance”, that they should be general debates, and that they should be weekly. However, it argued against setting a fixed day for such debates. It proposed that the Leader of the House should announce the title of the debate during Business Questions on the preceding Thursday if the debate was to take place on a Monday or Tuesday; if the debate was scheduled for a Wednesday or a Thursday, then the Leader would announce the title by tabling a motion on the preceding Monday.

The Government was silent on the Committee’s call for the regular publication of a list of subjects proposed for topical debates.<sup>13</sup>

In the debate, the introduction of topical debates was welcomed but Members expressed concerns about the Government determining the subject for debate and about whether Members should be informed of the topics that were suggested.

John Bercow expressed concern that Government whips would determine the subject of the debate. He asked the Leader of the House to consider the merits a certain number of signatures to an Early Day Motion automatically triggering a debate.<sup>14</sup> Harriet Harman responded that “if the trigger were simply a number of Members signing an early-day motion, we might find that this House would debate football results. Someone such as myself would need to provide a filter so that that did not happen”.<sup>15</sup> She later confirmed that:

Topical debates will be weekly 90-minute debates on a topic of the day that is of international, national or regional importance. The selection of topic will, as proposed by the Modernisation Committee, be announced by the Leader of the House following representations received and contacts through the usual channels. Some flexibility must be preserved as to exactly when the debate should take place each week.<sup>16</sup>

The question of reporting the subjects proposed by Members for the topical debates was the subject of an exchange between the Leader and Shadow Leader of the House during the debate:

The right hon. Lady also proposes a fortnightly written ministerial statement listing the subjects proposed by hon. Members. I am, of course, willing to see how best the system can operate in terms of representations and how the process can be as open as possible, but the precise mechanism proposed may not be the best one. We do not know how the process will work in practice. Dozens, or even hundreds, of suggestions or requests might be made, given in all sorts of different ways, so it might not be straightforward to compress all such representations into a written statement. Indeed, we would not want to encourage a situation in which Members sought opportunities to manipulate the process by setting up campaigns. It may well be that in practice most representations come through Thursday morning business questions anyway, in which case everyone will be able to hear them at first hand. The whole

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<sup>13</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government’s response to the Modernisation Committee’s First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, paras 11-12

<sup>14</sup> HC Deb 25 October 2007 c445

<sup>15</sup> HC Deb 25 October 2007 c446

<sup>16</sup> HC Deb 25 October 2007 c448

arrangement is, of course, experimental and we will be able to review it in a year's time.

**Mrs. May:** I am grateful to the Leader of the House for her generosity in giving way. The Modernisation Committee report proposed the fortnightly written statement as a way to ensure that hon. Members can see the subjects that have been proposed and make judgments about the decisions made by the Leader of the House as to which are chosen for topical debates. I accept that there may be questions of practicality, but the process must be open. The Leader of the House, in consultation with the usual channels, must not be left to choose subjects, with hon. Members having no idea whether they genuinely reflect the views of the House.

**Ms Harman:** I agree that we want a process that is both open and practical. We will have to consider in some detail how to achieve both objectives.<sup>17</sup>

Theresa May welcomed the opportunity that topical debates would provide but she voiced two concerns. First she did not want topical debates to “eat into Opposition time” and, second, she stressed the importance of suggestions for topical debates coming from backbenchers:

It is essential that we make clear in this debate that topical debates will not simply be in the gift of Ministers, but will be announced by the Leader of the House following propositions from Back-Bench Members.<sup>18</sup>

She reiterated her call for an announcement on subjects that been proposed for topical debates, and she restated these points in an intervention during Helen Goodman, the Deputy Leader of the House's, closing speech.<sup>19</sup>

Kevan Jones suggested that the House needed “a system whereby Back Benchers can determine what those debates should be about”.<sup>20</sup> Richard Shepherd told the House that he had supported proposals for a ballot for topical debates during the Modernisation Committee's deliberations.<sup>21</sup> However, Sir Peter Soulsby said that the Committee had considered the idea carefully before concluding that the Leader of the House, in consultation with the usual channels should determine the subject of debate.<sup>22</sup>

The House agreed to changes to Standing Orders to provide for topical debates (and other recommended changes), on an experimental basis, without a division. A new Standing Order will have effect in the 2007-08 Session:

That in the next session of Parliament the following amendments to the Standing Orders, and new Orders, shall have effect:

(A) Topical debates

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<sup>17</sup> HC Deb 25 October 2007 cc448-449

<sup>18</sup> HC Deb 25 October 2007 c454

<sup>19</sup> HC Deb 25 October 2007 cc454-455; c498

<sup>20</sup> HC Deb 25 October 2007 c471

<sup>21</sup> HC Deb 25 October 2007 c455

<sup>22</sup> HC Deb 25 October 2007 c478

The following new Standing Order:

*Topical debates*

(1) A Minister of the Crown may indicate that proceedings on a motion, That the House has considered a specified matter, being a matter of regional, national or international importance, are to be conducted as a topical debate.

(2) A topical debate shall last for not more than one and a half hours, at which time the motion, unless previously disposed of, shall lapse.

(3) A topical debate shall be opened by a Minister of the Crown who, when called by the Speaker, may speak for up to ten minutes.

[sub paras (4) to (8) set out other rules on speaking times].<sup>23</sup>

During the debate on 25 October 2007, Harriet Harman said that “I would be happy to receive representations on the subject for topical debates from Members through any route they choose, including business questions”.<sup>24</sup> An email address has been posted on the Leader of the House’s website, and Members who “would like to apply for a topical debate in the House” are invited to email their suggestions.<sup>25</sup>

On 13 November 2007, the Leader of the House announced the subject of the first topical debate by way of a written Ministerial statement: “The first subject of topical debate on Thursday 15 November 2007 will be immigration”.<sup>26</sup>

On 15 November 2007, at Business Questions, after announcing that the second topical debate would also take place on a Thursday, Harriet Harman said that “Each week the subject I have chose for a debate on a Thursday will be put on the annunciator on Monday evening”.<sup>27</sup>

Despite the Government’s arguing against setting a fixed day for topical debate, the first four were scheduled for Thursdays.

The question of the back bench Members’ involvement in the selection of topical debates was raised during Business Questions and in a number Points of Order, on 29 November 2007. The subject selected for the topical debate that day was Apprenticeships, Members suggested that the subject of party funding may have been more topical.<sup>28</sup>

### **3. Open Debates and “Interpellations”**

The Modernisation Committee noted the popularity of recess adjournment debates for raising constituency and topical issues, and suggested that such debates could be held

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<sup>23</sup> HC Deb 25 October 2007 cc502-504

<sup>24</sup> HC Deb 25 October 2007 c448

<sup>25</sup> Office of the Leader of the House of Commons, <http://www.commonleader.gov.uk/output/Page1.asp>; the email address is [topicaldebates@cabinet-office.x.gsi.gov.uk](mailto:topicaldebates@cabinet-office.x.gsi.gov.uk)

<sup>26</sup> HC Deb 13 November 2007 c41WS

<sup>27</sup> HC Deb 15 November 2007 c821

<sup>28</sup> HC Deb 29 November 2007 cc433-446; cc464-465



more often. It also noted that in some other Parliaments, Members “have an opportunity to break into the business and to either pose questions or make short statements on topical issues”; in Australia, there are opportunities for backbenchers to make short statements without a ministerial reply or to speak in the “Grievance Debate”. The Modernisation Committee did not propose adopting any of these procedures in its report but said that “these ideas might be considered again when the impact of the new procedures we propose has been evaluated”.<sup>29</sup>

#### **4. Business Questions**

The Committee drew attention to the position of Business Questions, which are usually treated as an Urgent Question or occasionally announced by way of a Statement. It argued that Business Questions continued to provide “a valuable opportunity for Members to raise topical issues and to engage in a discussion on the business of the House”. It raised the prospect of formalising the arrangement: “We believe there is a case for formalising business questions in Standing Orders”.<sup>30</sup>

In its response to the Committee’s report, the Government observed:

The Government is grateful for the agreement of the House authorities to a form of words to be used on the Order Paper on Thursdays making specific provision for Business Questions.<sup>31</sup>

#### **5. Urgent Questions and Urgent Debates**

Under Standing Order No. 21(2) the Speaker may grant an Urgent Question which is “of an urgent character” and relates “either to matters of public importance or to the arrangement of business”. Standing Order No. 24 provided that any Member wishing to discuss a “specific and important matter that should have urgent consideration” could, at the end of question time, seek leave to move the Adjournment of the House. Members had to approach the Speaker who considers their application. He could reject it at that stage or permit the application to be made in the Chamber, where he could refuse the application or allow the Member to seek the leave of the House.

The Modernisation Committee reviewed recent use of applications made under Standing Order No. 24 and the procedures followed when an application is granted. It recommended that:

We believe that the Speaker should have greater discretion to vary when a debate, initiated through a successful Standing Order No. 24 application, is held and to

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<sup>29</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 61-63

<sup>30</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 64

<sup>31</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government’s response to the Modernisation Committee’s First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, para 13

decide its length. The Speaker would need to exercise this discretion in consultation with the business managers to mitigate the impact on planned business.<sup>32</sup>

The Committee also called for guidance to be drawn up to help Members “understand what sort of issues might meet the criteria” for Urgent Questions. It also saw the case for extending the advice to cover Standing Order No. 24 and the other opportunities available for backbenchers to raise urgent or topical issues.<sup>33</sup>

The Government agreed with these recommendations, noting that the recommendations on Standing Order No 24 would “leave unchanged the criteria on which the Speaker decides to grant an emergency debate but would assist the House in scheduling any debate which have been granted”.<sup>34</sup>

These issues were barely mentioned in the debate but the House did agree to changes in Standing Order No. 24 to reflect these recommendations, including the following provision:

... the Speaker shall announce either—

(i) the length of the debate and the time at which it is to be held; or

(ii) that he will make such a statement at a later named hour during that sitting.<sup>35</sup>

For the 2007-08 Session, Standing Order No 24 is titled “Emergency Debates”.

## **C. Improving engagement**

In introducing this section of its report, the Modernisation Committee argued that “the House could do more to encourage greater input from back bench Members, particularly where they feel unable to take part in debates due to oversubscription or because the front bench contributions were prolonged”.<sup>36</sup> Then the Committee reviewed the demand to speak in the Chamber: it noted that some debates were over-subscribed and presented information about the average length of speeches and the number of times that Members can expect to be called in a Session.<sup>37</sup>

### **1. General Debates**

The Modernisation Committee recorded that around 12 per cent of the non-legislative time in Session 2003-04 was accounted for by Government adjournment debates. It said that

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<sup>32</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 71

<sup>33</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 66

<sup>34</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government’s response to the Modernisation Committee’s First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, paras 14-15

<sup>35</sup> HC Deb 25 October 2007 cc502-504

<sup>36</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 72

<sup>37</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 74-76

adjournment debates were procedural devices that allowed debate to take place without having to come to a decision. It then commented:

It must seem, to the public and to many Members, a little nonsensical to debate the adjournment of the House rather than the subject at hand and then to withdraw the motion or to allow it to lapse in order to allow the half-hour end-of-day adjournment debate, which takes place on a different subject but on an identical motion.<sup>38</sup>

The Committee then reviewed the custom of the regular defence (5 days), European affairs (2 days), intelligence and security (1 day) and Welsh affairs (1 day) debates each year; the ad hoc debates that took place in 2005-06; and the Procedure Committee's review of the annual pattern of "set-piece" debates, which accounted for 45 days in a Session.<sup>39</sup> The Modernisation Committee then commented:

The topics debated on motions for the adjournment in government time are a pretty eclectic mix. Some are regular fixtures in the parliamentary timetable; others are based on suggestions made at business questions but many simply emerge when business is announced each week by the Leader of the House. There should be greater transparency in the choice of topics. Back bench Members should have a greater input into the selection of topics that the House debates in its non-legislative time. **For the majority of regular debates we recommend rebalancing the current allocation of days and mix of subjects.** One or two fewer days could be spent on the Queen's speech and at least one day could be saved on the Budget debate. We believe that there should be one day given over to a debate on the Pre-Budget Report. Six days are currently allocated to debates on armed forces, defence and foreign affairs. These days should be used more flexibly for debating foreign policy, security and defence issues. The Government would retain the discretion to allocate more days for major debates.<sup>40</sup>

The Modernisation Committee reported that some of those it spoke to called for more of these debates to take place on substantive motions, for example, "Nick Robinson was clear in his evidence on the importance of a defined outcome". However, the Committee noted that although a substantive motion allowed for amendments and divisions, and hence a defined outcome, debates on the adjournment were more flexible and allowed Members more scope in their speeches. It recommended that the Government should listen carefully to representations on the case for substantive motions. The Committee considered that "using 'adjournment' debates as a procedural device for general debates is confusing". It said it would help Members and the public if such debates were renamed 'general debates' and took place on a motion "That this House has considered [the matter of] [subject]". It further recommended that there should be a "strong convention" that such motions would not be amended.

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<sup>38</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 78

<sup>39</sup> The Procedure Committee identified 6 days on the Queen's Speech; 20 Opposition days; 3 Estimates Days; 5 days on the Budget; 1 day on the summer Economic debate; 3 days on the armed services and 2 on defence white papers; 1 or 2 days on EU matters; and 1 day each on Public Accounts Committee reports, Welsh Affairs and foreign affairs. [Procedure Committee, *Procedure for debates, private Members' bills and powers of the Speaker*, HC 491 2002-03

<sup>40</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 82

It acknowledged that changes to procedures for general debates could have implications for Westminster Hall. While recommending no change to the system of adjournment debates in Westminster Hall, it asked the Procedure Committee to review the subject in due course and recommended that the Order Paper should indicate that debates in Westminster Hall were general debates.

The Committee also recommended that the subject and initiator of end-of-day adjournment debates in the Chamber should be recorded in the formal minutes of the House.<sup>41</sup>

The Government was content with the Modernisation Committee's proposals. On the question of the motion for general debates not being amendable, it noted the difficulty in "establishing a convention in the House from a standing start", and suggested that the principle should be incorporated into Standing Orders.<sup>42</sup>

In her speech in the debate, Harriet Harman reflected on the need for co-operation in the usual channels to achieve more topicality if the House wanted to maintain the pattern of set piece debates:

The Modernisation Committee proposes that business managers and the usual channels should seek to promote greater topicality in the first instance through trying to find opportunities to bring more topical issues to the House in two ways: by rebalancing the regular slots currently recognised by the House for such matters as the Queen's Speech, defence debates, the Budget debate and so on—I would welcome a debate in the House with contributions from all parties on the overall shape of those annual debates—and by being readier to hold half-day debates rather than full-day debates. That is not in the gift of the Government, and if we are to secure those changes, we will need the co-operation of the official Opposition and the whole House.<sup>43</sup>

The motion that made changes to the Standing Orders of the House included provisions to ensure that general motions were not amendable:

That in the next session of Parliament the following amendments to the Standing Orders, and new Orders, shall have effect:

[...]

*Amendments to motions to consider specified matters*

Where, in the opinion of the Speaker, a motion, That this House has considered a specified matter, is expressed in neutral terms, no amendment to it may be tabled.<sup>44</sup>

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<sup>41</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 83-87

<sup>42</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government's response to the Modernisation Committee's First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, paras 16-22

<sup>43</sup> HC Deb 25 October 2007 c447

<sup>44</sup> HC Deb 25 October 2007 cc502-504

## 2. Short Debates

The Modernisation Committee indicated that there was widespread support for shorter debates: it also referred to problems Members experienced when they waited for five or six hours in the Chamber to be called to speak. The Committee highlighted the following issues in its recommendations:

... We believe that opportunities for a number of shorter debates can be created without any procedural change and that these would encourage more Members to participate. ... We are convinced that greater flexibility in managing the business of the House is needed. ... The Government and opposition parties should agree more flexible use of time, splitting some of the current all-day non-legislative debates into two or more shorter, more focused debates where appropriate.<sup>45</sup>

In its response, the Government said:

The Government is happy to use its best endeavours to achieve the objectives of these conclusions and recommendations. The length of time provided for debates are matters for discussion between the different interests and parties in the Usual Channels and opposition parties therefore have a role to play. There may well be occasions where two or more shorter debates can take place where previously a full day's debate might have been scheduled, but for which in practice there was limited support. But there will certainly remain occasions on which the House will welcome and expect a full day's debate on a single topic.<sup>46</sup>

## 3. Debating Committee Reports

The Modernisation Committee recalled that the Liaison Committee had previously recommended that there should be a regular slot for short debates on select committee reports. It sought the views of the Liaison Committee, and its current members supported the earlier call for a "weekly 'committee half-hour' on the floor of the House". Others made similar suggestions to the Modernisation Committee. It recommended that:

We believe there should be a weekly committee half-hour in Westminster Hall in which a Minister can make a brief response to a committee report, selected for debate by the Liaison Committee, followed by the Chairman or other Member of the Committee. The remainder of the half-hour slot would be available to the opposition front benches and back bench Members generally. The usefulness of these weekly slots in Westminster Hall should be kept under review. We also see no reason why it should not be possible for committee reports to be debated in Westminster Hall on substantive motions: this may require a change to Standing Order No. 10 to make clear that debates on reports of this kind cannot be blocked by six Members.<sup>47</sup>

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<sup>45</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 89

<sup>46</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government's response to the Modernisation Committee's First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, para 23

<sup>47</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 91

In its response, the Government said that it had considered the idea “but is not persuaded that such a development would be an improvement on the current use of time”. It argued that committees could already draw the attention of the House to new reports. Neither did the Government consider that it would be helpful to require a Minister to contribute to a debate before the Government had had a “proper opportunity to develop its response to the report”.

The Government saw no reason to change the current arrangements for the debating of select committee reports that had received a formal Government response.<sup>48</sup>

In the debate, Harriet Harman confirmed the Government’s view, in response to an intervention:

Our view is that is a good idea for the House to be able to debate Select Committee reports once the House has had the opportunity to see the Government’s response.<sup>49</sup>

Later she commented on the Committee’s recommendations and the Government response in a little more detail:

The Committee has also proposed that there should be substantive debates in Westminster Hall on motions on Select Committee reports and on balloted private Members’ motions. I think that we have to look at these proposals in the light of how individual Members now prioritise their work. Let us be clear: substantive motions, with the potential for amendments to them, will inevitably bring with them increased whipping into what is at the moment unwhipped business. That would change the character of that business, and would also require the attendance of hon. Members at many more Divisions. I wonder whether hon. Members would consider that a good use of their time.

[...]

The Modernisation Committee has also proposed a regular half-hour Select Committee slot in Westminster Hall, in addition to the existing regular Thursday afternoon debating slots, to discuss recently published reports, perhaps in a very short debate or in the form of a statement. The Government have considered this proposal, but as I said earlier, in our response we have indicated that we do not think it particularly helpful for the House to hold formal exchanges of this kind on reports before the Government have had a chance to consider their response to those reports. Opportunities are already in place to raise such matters in other ways—whether outside the House or inside, for example at Question Time—but questions about the kinds of business to be taken in Westminster Hall, and how it can be handled, may be appropriate for further review in the Modernisation Committee.<sup>50</sup>

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<sup>48</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government’s response to the Modernisation Committee’s First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, paras 24-25

<sup>49</sup> HC Deb 25 October 2007 c444

<sup>50</sup> HC Deb 25 October 2007 c449

Theresa May argued that the Government, in rejecting the recommendation to debate reports in Westminster Hall, the Government had “missed an opportunity” to strengthen both the select committees and Parliament.<sup>51</sup>

Simon Hughes took a broader view and argued that the House needed to consider again the way that select committees were appointed and to consider having smaller select committees. He also argued that their reports “should have a prompt and automatic slot for consideration”. He thought that depending on the importance of the subject, the report could be considered either on the floor of the House or in Westminster Hall.<sup>52</sup>

Kevan Jones accepted the need for Government responses to be available before debates took place but suggested that debates on select committee reports could have stimulated better debates than recent ‘set piece’ debates on defence issues.<sup>53</sup>

#### **4. Time Limits on Speeches**

The Modernisation Committee argued that long front bench speeches squeezed the amount of time available for backbench speeches, and that this could be exacerbated if ministers took lots of interventions. However, interventions were valued as a means of “putting ministers on the spot”. The Committee was reluctant to do anything that may constrain the ability of back bench Members to intervene on ministers’ speeches. However, it cited a number of previous suggestions that ministers and their opposite numbers on the other front benches should limit their speeches to twenty minutes plus time for interventions. But it concluded that “Self-restraint is not working”. It therefore recommended that “in heavily over-subscribed debates the Speaker should have the discretion to impose a twenty minute limit on speeches from the front benches with an additional minute given for each intervention up to a maximum of fifteen minutes of additional time”. It also made recommendations on the time limits that should apply in topical debates.<sup>54</sup>

The Committee also reflected on the operation of the Standing Order that allowed the Speaker to impose time limits on backbenchers. It was told of the inflexibility of the current arrangement. The Committee recommended that the Speaker should have greater flexibility to vary time limits during debates, and accordingly recommended that the Standing Orders should be changed.<sup>55</sup>

In its response the Government said that in response to earlier suggestions of twenty-minute limits on front bench speeches, it had “broadly accepted the recommendations”. However, it agreed that “it would now be appropriate to allow this approach to be more firmly codified by allowing the Speaker to impose limits of this nature for busy debates”. It agreed with the proposed limits to opening speeches in topical debates but considered that a minister’s closing speech should be allowed to exceed the suggested five minute limit if time remained

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<sup>51</sup> HC Deb 25 October 2007 c457

<sup>52</sup> HC Deb 25 October 2007 c465

<sup>53</sup> HC Deb 25 October 2007 c473

<sup>54</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 92-95

<sup>55</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 96-97

at the end of a debate. It also agreed with the recommendation to give the Speaker greater flexibility in imposing time limits on back bench Members.<sup>56</sup>

The House agreed to repeal the existing Standing Order on time limits on speeches (Standing Order No 47) and to replace it with a new Standing Order, for the 2007-08 Session.<sup>57</sup>

On 8 November 2007, the Speaker announced that he had arranged for a memorandum detailing the new arrangements to be published in the Order Paper.<sup>58</sup> The memorandum follows:

#### **Time limits on speeches**

A new temporary Standing Order on time limits on speeches, agreed on 25th October, will have effect for the current Session.

#### **Backbench speeches**

The new Standing Order will allow as before for the Speaker to announce time limits on backbench speeches for the whole or for part of a debate. The new Order allows for the time limit to be varied upwards or downwards by a subsequent announcement from the Chair, if it becomes apparent that there is significantly more or less time than anticipated, so as to ensure maximum possible participation and the use of all the time available.

No specific time limits are specified in the Order, but Mr Speaker has indicated that the limit will as hitherto normally be no less than three minutes and no more than 15 minutes. The provision of an additional minute plus the time of each intervention up to a maximum of two interventions remains.

#### **Front bench speeches**

A time limit of 20 minutes may on occasion be applied to the opening front bench speeches of the Government, Official Opposition and the second largest opposition party. A minute is added for each intervention (but no extra time for the time taken by the intervention itself) up to a maximum of 15 interventions.

#### **Time limits in topical debates**

The new temporary Standing Order on topical debates provides for a special regime of mandatory speech limits on front bench speeches as below-

- Minister: 10 minutes (when opening the debate)
- Official Opposition: 10 minutes (either at the outset or before the Ministerial wind-up)

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<sup>56</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government's response to the Modernisation Committee's First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, paras 26-29

<sup>57</sup> HC Deb 25 October 2007 cc502-504

<sup>58</sup> HC Deb 8 November 2007 c247



– Second largest opposition party: six minutes (either at the outset or before the Ministerial wind-up)

In each case a minute is added for each intervention up to a maximum of 10 for Government and Official Opposition and six for the second largest opposition party, when they speak at the beginning of a debate. In topical debates, time limits are also likely to be imposed on backbench speeches in accordance with the Standing Order on Time Limits on Speeches (as above).

Time limits were imposed on front bench spokesmen in the Opposition Day debates on 21 November 2007.<sup>59</sup>

## 5. List of Speakers in Debate

The Modernisation Committee reviewed the occasional calls for lists of speakers in debates to be published. However, it saw no need to do so. It reproduced, among the evidence it received, a letter from the Speaker on conventions and courtesies of the House that was sent to all Members after the general election in May 2005.<sup>60</sup>

The Government noted this conclusion.<sup>61</sup>

## 6. Multitasking

The Modernisation Committee commented that “All Members experience competing demands on their time” and reflected that Members might spend more time in the Chamber if they were able to do other work at the same time, such as dealing with correspondence or e-mails. The Committee recommended:

Removing barriers to participation is important and the use of handheld devices to keep up to date with e-mails should be permitted in the Chamber provided that it causes no disturbance.<sup>62</sup>

The Government said that it was content with this recommendation, adding that “The Speaker will need to be satisfied that the necessary technical requirements have been fulfilled before the new arrangements can commence”.<sup>63</sup>

The recommendation prompted an amendment when the report and response were debated in the Chamber. The amendment to be added to the end of the motion approving the report read:

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<sup>59</sup> HC Deb 21 November 2007 c1190

<sup>60</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 98-99, ppEv 100-101

<sup>61</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government’s response to the Modernisation Committee’s First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, para 30

<sup>62</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 100

... but excluding the proposed acceptance of the Committee's recommendation 35, as set out in paragraph 31 of the Government's response, that the use of handheld devices to keep up to date with emails should be permitted in the Chamber.<sup>64</sup>

Brian Binley spoke to the amendment in the Chamber. He argued that hand held devices would cause disturbance, would distract and could be used to influence behaviour in the Chamber.<sup>65</sup> However, he was followed in the debate by Sir Peter Soulsby who pointed out that such devices had been used during the debate.<sup>66</sup> Simon Hughes had already indicated that he would support the amendment, saying "Hon Members either come here to participate, debate, engage and listen, or they do not".<sup>67</sup>

The amendment was defeated on a division, by 74 votes to 36.<sup>68</sup>

The Speaker made a statement about the use of electronic devices in the Chamber at the beginning of the 2007-08 Session:

**Mr. Speaker:** I have a statement to make about the use of electronic devices by Members in the Chamber.

On 25 October, the House agreed to the use in the Chamber of hand-held devices to keep up to date with e-mails, provided that they cause no disturbance. From the start of this Session, therefore, Members can use such devices in the Chamber provided that they cause no disturbance. In line with a ruling from my predecessor in 1997, Members carrying such devices should turn off the audio function before coming into the Chamber. They should also not wear earpieces to receive messages.

In line with previous rulings, it remains unacceptable for a Member speaking in the Chamber to be prompted by information on the screen, or for a device to be used as a prompt by a Member—or a Minister for that matter—participating in proceedings. The Chair will order a Member seen to be using such an electronic device while speaking to resume their seat immediately. This ruling will be applied in Westminster Hall and in General Committees of the House. [*Interruption.*] Order.<sup>69</sup>

## D. Opportunities to initiate business

### Existing Opportunities

The Modernisation Committee identified five types of business "which are effectively in the hands of private Members":

- private Members' bills;
- motions for leave to introduce bills (ten minute rule motions);
- debates on the adjournment, requiring a minister to account for his policy or actions;

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<sup>63</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government's response to the Modernisation Committee's First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, para 31

<sup>64</sup> HC Deb 25 October 2007 c500

<sup>65</sup> HC Deb 25 October 2007 cc473-477

<sup>66</sup> HC Deb 25 October 2007 c477

<sup>67</sup> HC Deb 25 October 2007 c470

<sup>68</sup> HC Deb 25 October 2007 c501

<sup>69</sup> HC Deb 7 November 2007 c129

- amendments to bills at Report stage, as in Committee; and
- questions to ministers.

The Committee also identified a range of other mechanisms for raising or identifying issues of concern, from early day motions to Prime Ministers Questions, and in debates on Opposition Days, on the Queen’s Speech and before a recess.

It also reviewed the opportunities available to Members in other parliaments before suggesting that “perhaps what is needed is more time for existing opportunities and/or better information on how to make better use of them”.<sup>70</sup>

## 1. Private Members’ Motions

The Modernisation Committee reflected concerns that it had received that “back bench Members would only have a real power of initiation if they could bring forward topics on substantive motions for debate”. It reported that “several advocated the reintroduction of Private Members’ Motions”.<sup>71</sup>

The Committee drew the following conclusions:

We believe there should be more opportunities for back bench Members to initiate business. There is a strong case for reintroducing Private Members’ Motions. In the first instance we recommend an experiment with a ballot for opportunities for debating Private Members’ Motions using one of the longer slots each week in Westminster Hall on a trial basis for a whole Parliamentary Session. We recommend that this experiment should take place during the 2008-09 Session.<sup>72</sup>

In its response, the Government said that “it is vitally important to the health of Parliament that individual Members have opportunities to initiate matters for discussion”. It then drew attention to the procedures already available to Members that the Modernisation Committee detailed, and noted the additional time that was made available by debates in Westminster Hall. It commented that reintroducing private Members’ motions “would not in practice be without difficulties”, such as the tensions between substantive motions and whipping, and the need for divisions. The Government did not believe that there was “currently the appetite in the House for additional voting”. However, it did consider that there was a case for further consideration of the kinds of business which might be taken in Westminster Hall.<sup>73</sup>

During the debate, Harriet Harman reiterated these arguments:

The Committee has also proposed that there should be substantive debates in Westminster Hall on motions on Select Committee reports and on balloted private

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<sup>70</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 101-111

<sup>71</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 112

<sup>72</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 114

<sup>73</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government’s response to the Modernisation Committee’s First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, paras 32-34

Members' motions. I think that we have to look at these proposals in the light of how individual Members now prioritise their work. Let us be clear: substantive motions, with the potential for amendments to them, will inevitably bring with them increased whipping into what is at the moment unwhipped business. That would change the character of that business, and would also require the attendance of hon. Members at many more Divisions. I wonder whether hon. Members would consider that a good use of their time.<sup>74</sup>

In response, Theresa May argued that although the Government cited difficulties that such motions would cause, the real reason for not adopting the recommendation was because it would "relax the Government's ability to control the business of the House".<sup>75</sup> Support for the reintroduction of private Members' motions also came from Richard Shepherd.<sup>76</sup>

## **E. Timing and timetabling of business**

### **A More Flexible Approach**

The Modernisation Committee noted that there was some scope for the business managers on all sides of the House to give more thought to the likely level of demand to speak in given debates. It reported the Chairman of Ways and Means, Sir Alan Haselhurst's, comment that there was nothing more dispiriting than seeing business collapse before the scheduled close.<sup>77</sup>

#### **1. The Impact of Programming**

The Committee briefly considered the question of the programming of Government bills. It reported that a number of witnesses expressed concerns about the problems caused by a compressed Report stage. The Committee recommended that programming was kept under review.<sup>78</sup>

In its response, the Government agreed with the Committee's conclusion to keep programming under review.<sup>79</sup>

#### **2. Increasing Time for Private Members**

Although the nine hours of debating time in Westminster Hall each week exceeded the time that was available to private Members in the past, there was still "a significant surplus of applications over the slots available". The Committee reported some suggestions from Sir Alan Haselhurst on alternative ways of using the time available in Westminster Hall:

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<sup>74</sup> HC Deb 25 October 2007 c449

<sup>75</sup> HC Deb 25 October 2007 c458

<sup>76</sup> HC Deb 25 October 2007 cc492-494

<sup>77</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 119

<sup>78</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 120-123

<sup>79</sup> Leader of the House of Commons, *Governance of Britain—Revitalising the Chamber: the Role of the Back-Bench Member. (The Government's response to the Modernisation Committee's First Report of Session 2006-07; HC337)*, 18 October 2007, Cm7231, para 35

Sir Alan Haselhurst argued that more could be done with Westminster Hall than had hitherto been tried including debates on uncontroversial legislation and opportunities to raise topical issues. Second readings of uncontroversial bills (those on which no division is expected) could be taken in Westminster Hall. Sir Alan proposed the establishment of a 30 minute slot for 'issues of concern', which would enable ten Members to raise for three minutes each, and without notice, a matter of national, local or constituency interest without the need for a Ministerial reply. He also proposed a half hour slot for debating newly published Select Committee reports in Westminster Hall with a Minister giving an initial response to the report for five minutes, followed by the Chairman of the Committee, or another Member speaking on its behalf, for five minutes with the remainder of the time available for other Members to comment. In oral evidence, he suggested a half-hour topicality slot.

The Committee pointed out that "Some of these suggestions are superseded by our earlier recommendations on topicality and debating select committee reports and introducing others in Westminster Hall would be a departure from the unopposed nature of business that has so far been taken in Westminster Hall". Because it did not want to create any more overlap between Westminster Hall and the Chamber, the Modernisation Committee decided not to propose any extension to the time that the House sits in Westminster Hall, but it undertook to continue to monitor the situation.<sup>80</sup>

### **3. Injury Time for Statements?**

The Committee reported that it received proposals to extend the time for subsequent debates on days when statements were made. However, it considered that "Injury time would run counter to the objective of some recent reforms and we are not persuaded that the benefits of injury time would outweigh the loss of predictability".<sup>81</sup>

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<sup>80</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, paras 124-125

<sup>81</sup> Modernisation Committee, *Revitalising the Chamber: the role of the back bencher*, 20 June 2007, HC 337 2006-07, para 126