



## BRIEFING PAPER

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# Divisions in the House of Commons

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## Introduction

The main form of voting in the House of Commons is known as a 'division'. Members vote by walking through either an Aye (yes) or a No lobby. Their names are recorded as they file past the clerks and are then counted by the Tellers. The idea of electronic voting by members has been considered in the past, but not trialled or introduced.

The first section of this briefing explains how divisions work: that the House votes on motions, that motions can be decided by a vote of acclamation and only if this is unclear does a division take place. It describes how divisions take place, how results are announced, and how these procedures differ slightly in General Committees.

The second section discusses specific aspects in more detail. It explains that if fewer than forty members participate in a division, the subject is postponed to another day. The principles the Speaker follows when having to cast a deciding vote when a tie has occurred are detailed. A description is provided of how deferred divisions work, including the case of the indicative votes that took place on 27 March and 1 April 2019 on the United Kingdom leaving the European Union. It also includes the debates about electronic voting.

The third section discusses the systems of 'pairing', organised between political parties, to allow Government party Members 'time off' from voting in exchange for a Member from the Opposition also being absent.

The fourth section explains about proxy voting, which has been introduced since January 2019 for parental absence in certain circumstances.

The fifth section describes the historical development of divisions since the sixteenth century, including how the time permitted for divisions has increased over time from two to eight minutes.

# 1 How divisions work

## 1.1 What does the House vote on?

The House of Commons makes decisions by voting on a 'motion'. The 'motion' is 'moved' by a Member, which signals the beginning of a debate on the issue addressed by the motion. When Government business is being discussed, the motion will be moved by the Minister responsible. For other matters, an opposition member or a back-bencher is likely to move the motion. Another Member may also move a motion that the original motion should be amended. Where a Government motion is concerned, this is typically done by the relevant shadow Minister from the leading Opposition party.

The debate on the motion and any amendments to it may last several hours. The exact timing depends upon the time made available by the scheduling of business in the House. Occasionally, programme motions may be passed by the House which themselves restrict the amount of time spent discussing specific issues. For example, they specify how much time can be spent considering a Bill after its second reading. See House of Commons Library briefing paper [Modernisation: Programming of Legislation](#) for further information.

Many significant votes – as in the example below – relate to whether to allow a Bill to proceed through the House, rather than concerning a policy matter contained within the Bill.

At the end of every day's business, the final motion moved is "that the House do now adjourn". This provides an opportunity for a Member, normally from the back benches, to raise an issue of constituency or policy importance in the House and discuss it for half an hour (an 'adjournment debate').

Other motions may simply record that the House "takes note" of a certain report or decision, for example by the Government. The matter may be debated, but the House of Commons is not expressing an opinion when they vote on the motion. They are simply acknowledging that the debate has taken place. Consequently, such motions are very rarely opposed.

## 1.2 The administration of divisions

Standing Orders Nos. 38-41 direct how divisions are administered. When a motion is put to the vote, the Speaker 'puts the question', by saying:

The Question is, that ... [for example, the Bill be read a second time]. As many as are of that opinion say Aye", (there then follows a chorus of shouted Ayes), "of the contrary No" (a similar shout of No) ....

At this point, if there is no dissent, the motion will be carried, and the Speaker will say "I think the Ayes have it".<sup>1</sup> He will then confirm that the Ayes have it. There is then no need for a formal division to take place.

However, if Members do not agree, the Speaker calls a division. He/she announces, "Clear the Lobbies". The division bells ring throughout the House of Commons estate, the Annunciators display "Division", and the police direct all non-Members to leave the vicinity of the Members' Lobby. The police also walk through the public rooms of the House shouting "Division". (See below for explanations of the division bells and annunciators.) The Speaker has the discretion to ask each side to stand in their places in the Chamber, if s/he believes that a division is unnecessary.<sup>2</sup>

Two minutes after the Speaker 'puts the question', s/he does the same thing a second time. If the outcome is unchallenged or one side cannot find two tellers then the division is called off. The Annunciators display 'Division off', and the Speaker announces, "The Ayes (or Noes) have it".<sup>3</sup>

If Members indicate that a division is still required, the Speaker then says, "Tellers for the Ayes, Ms A and Mr B, tellers for the Noes, Mr C and Ms D".

The job of the tellers is to report the result of the vote to the House. They themselves will not be counted as having voted either 'aye' or 'no': reports on some websites will, for instance, report "189 + 2 tell" as having voted in a certain way.

The exit doors from the lobbies are locked during this time, except to admit the clerks. When the tellers are ready, the exit doors are opened, and the counting process begins.

When the division takes place, Members vote by walking through one of two lobbies, at the side of the main chamber, and registering their vote for or against the motion under discussion. Those voting Aye (yes) to any proposition walk through the division lobby to the right of the Speaker, and those voting No through the lobby to the left (hence the expression 'Ayes to the right, noes to the left'). In each of the lobbies there are three desks occupied by Parliamentary clerks. As the Members walk through the Aye or No lobby, Parliamentary clerks record their names on electronic tablets. At the exit doors, the Members voting are counted by the tellers. Members do not need to have participated in the preceding debate to vote.

Eight minutes are allowed for Members to reach the division lobbies.

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<sup>1</sup> See [Erskine May, 25<sup>th</sup> edition, p. 460](#). The word "Aye" replaced "Yea" some 200 years ago, though the change was made in the Journal only from 1969-70 onwards. "Yea" is still used in the United States Congress.

<sup>2</sup> [Erskine May, 25<sup>th</sup> edition, p.464](#). In a similar vein, at the re-election of the Speaker, John Bercow, in May 2010, the Father of the House, Sir Peter Tapsell, did not proceed to a division, despite the fact that some voices called 'no' to assenting to Mr Bercow's re-election.

<sup>3</sup> This happened most recently on 16 July 2018: see [HC Deb 16 July 2018 c.165](#)

For divisions taking place on party lines, whips remind their Members which way (if any) their party is voting (see Library standard note [SN/PC/02829](#) for more information on the whipping system).

### 1.3 An example of a division

On 12 November 2018 the House debated whether to give a second reading to the Finance No. 3 Bill (in other words, whether to allow the Bill to progress through the House). The following extracts from Hansard show a typical example of motions, amendments, and the votes which take place upon them. The debate was opened by the Financial Secretary to the Treasury, Mel Stride, who began with the phrase "I beg to move, That the Bill be now read a Second time." After the minister's speech, Peter Dowd replied for the opposition. He began his speech by stating

I beg to move an amendment,  
That this House declines to give the Finance (No.3) Bill a Second Reading because....

The amendment then explained the opposition's reasons as to why this should be the case.

At the end of the debate, a vote took place on the amendment. The Government was able to defeat this amendment, and so it was described as being 'negatived'. This was recorded in Hansard as:

*Question put*, That the amendment be made.

*The House divided*:

Ayes 279, Noes 302.

Question accordingly negatived.

This was directly followed by a vote on the *original* motion – to give the Bill its second reading – which was accepted:

Question put forthwith (Standing Order No. 62(2)), That the Bill be now read a Second time.

*The House divided*:

Ayes 304, Noes 279.<sup>4</sup>

Lists of members voting aye and no are recorded at this point in Hansard. For more information on division lists see [Section 2.2](#) below.

### 1.4 Nodding through

A Member who is in the precincts of the Palace of Westminster, but too ill to reach the Lobby, may be "nodded through" if the tellers agree. The Whips will ensure their name is added to the appropriate list of those voting. Nodding through is permissible only if the Member is present in the precincts.<sup>5</sup> This has led to extreme actions in the past:

I remember the famous case of Leslie Spriggs, the then-Member for St. Helens. We had a tied vote and he was brought to the House in an ambulance having suffered a severe heart attack. The

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<sup>4</sup> [HC Deb, 12 November 2018 c.139-146.](#)

<sup>5</sup> [Erskine May, 25<sup>th</sup> edition p.462](#)

two Whips went out to look in the ambulance ... 'How do we know that he is alive?' So [the Whip] leaned forward, turned the knob on the heart machine, the green light went around, and he said, 'There, you've lost--it's 311'.<sup>6</sup>

## 1.5 Members not voting

Though Members are free not to vote in any division – for instance, they may simply remain in the Chamber whilst the division takes place – there is no means for them to positively register an abstention.

However, occasionally Members vote in both lobbies (Aye and No) to signify their abstention.<sup>7</sup> Similarly, a Member who has voted in the wrong lobby in error may, if they have time, cross over to the other lobby and vote again, hence nullifying the effect of their original vote.

A Member may not vote on a matter in which he or she has a direct financial interest. In order to act as a disqualification, this interest must be immediate and personal, not merely of a general or remote matter.<sup>8</sup>

## 1.6 Announcing the result

Eight minutes after the original question, the Speaker says, "Lock the doors", and the doorkeepers lock the three entrances to each lobby. Any Members who have not reached the Division lobbies by this point will be unable to cast their vote. The last occupant of each lobby, usually a whip, calls "all out". By this point, Members have returned to the Chamber. The tellers must then return too.

When the numbers have been counted, the tellers hand the result to the Clerk at the Table. They then line up. The Speaker says "Order" and bows to the tellers. They bow to the Speaker and walk forward to the Table in front of the Speaker, with the tellers for the majority to the Speaker's left. Once they reach the Table they bow again. The Teller standing near the Opposition despatch box announces the numbers. A Clerk, standing by the despatch box, takes the written figures to the Speaker who reads the figures again, and then announces, "So the Ayes (or Noes) have it". The result is displayed on the Annunciators and the Speaker moves on to the next item of business.

Whips may display a notice reading, for instance, "Another Division expected" or "No more votes till 7pm", although it is more common nowadays for the whips to make Members aware of such matters as they vote.

## 1.7 Divisions in Bill Committees

The procedure for divisions in a Public Bill Committee is similar to that used in the chamber. Each clause in a Bill will be considered by a Public Bill Committee, but the committee will not divide on the majority of the clauses in the Bill. There is no obligation for any individual clause in a Bill to be divided upon. Members in Public Bill Committees may move

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<sup>6</sup> [HC Deb 4 June 1997, c.506.](#)

<sup>7</sup> [Erskine May, 25<sup>th</sup> edition, p.469](#)

<sup>8</sup> [Erskine May, 25<sup>th</sup> edition, pp.87-88.](#) See also *Erskine May*, 24<sup>th</sup> edition, pp.83-85

amendments, then withdraw them after receiving reassurances from the Minister.

Alternatively, if they feel strongly about the issue being discussed, they may say “I intend to divide the Committee”, meaning that they will force a division in order to record their disagreement with the majority.

There are two differences in divisions in Public Bill Committees. First, a roll-call vote (with members names being called alphabetically by surname) substitutes for walking through the lobbies. Secondly, members who wish to abstain say “no vote” and are not recorded as voting. However, members attending a committee are indicated in Hansard as being present at the beginning of the proceedings.

More information on Public Bill Committees can be found in the House of Commons Library briefing, [Public Bills in Parliament](#).

The same approach of using a roll-call vote takes place when there are divisions in the Unopposed Bill and Opposed Bill Committees for Private Bills. More information on Private Bills can be found in the House of Commons Library briefing [Private Bills in Parliament](#).

## 1.8 Westminster Hall debates

All debates which take place in Westminster Hall take place on motions stating ‘That this House has considered’ a subject. Although most motions are passed, a motion can be negated without a division.<sup>9</sup>

However, under [Standing Order 10, paragraph 13](#), if the decision of a question is challenged then the Chair reports to the House of Commons and “any such question shall be put forthwith upon a motion being made in the House.” Thus the division takes place in the normal manner in the House of Commons chamber.

A challenge has only taken place in two cases between 2015 and 2019. On 14 October 2015 the motion “That this House has considered the creation of a House Business Committee” was challenged. This resulted in a vote (carried by acclamation, and without further debate) in the Commons chamber on 29 October 2015 where the motion was negated.<sup>10</sup> Similarly, on 15 November 2016 there was a challenge to a Westminster Hall motion “That this House has considered acceleration of the state pension age for women born in the 1950s”. A division took place in the Chamber on 1 December 2016, with the motion being negated.<sup>11</sup> In both cases the mover of the motion in Westminster Hall wished to bring about a vote to protest about the Government response.

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<sup>9</sup> See [Erskine May, 25<sup>th</sup> edition, p.538](#).

<sup>10</sup> [HC Deb 14 October 2015 c.175WH](#); [HC Deb 29 October 2015 c.528](#)

<sup>11</sup> [HC Deb 15 November 2016 c.48WH](#); [HC Deb 1 December 2016 c.1691-2](#)

## 2 Procedural matters

### 2.1 Quorum

If fewer than 40 Members, including the Speaker and the tellers, participate in a division, it shows that the House does not have the necessary quorum of the House. The House then moves on to the next business. The subject of the division is postponed to another day. Members who wish to defeat a particular item of business may engineer a division and then stay out of the lobbies, as they can thus render the division inquorate.<sup>12</sup>

### 2.2 Division lists

Lists for each division, showing which way Members have voted, are recorded in Hansard. A list of all divisions since June 2006, both in the House of Commons and in Bill Committees, is published on the [Hansard website](#). Party affiliations are not recorded in the division lists.

To find out how an MP has voted on different occasions, the [Hansard website](#) also permits a search for a Member's 'voting record', showing when they have voted aye or no in all divisions since June 2006. The [Commons Vote](#) app can be searched by divisions since March 2016, and shows the party allegiance of the Members voting either way. There are also unofficial sources for such information (for example <http://www.publicwhip.org.uk>).

From time to time mistakes may be made in the counting of the numbers, or in the recording of the names, of those voting. Occasionally, where a mistake has occurred, the Speaker may order the record of a division to be amended.<sup>13</sup> Changes may also be made if a Member has been omitted from a list, and his or her name can be recorded in the bound volume of Hansard.

### 2.3 Division Bells and Annunciators

Divisions are signified by means of the division bell. This is an electronic system of bells set up throughout the Parliamentary estate. Division bells are also set up in a number of buildings near to Parliament. This allows Members who are in meetings or eating to know that they are required to come back to the Chamber to vote. The responsibility for maintaining bells outside the Parliamentary estate lies with the proprietors of those establishments.

The division bell also rings at the point when the House sits (begins its sitting day) and rises (ends the day); and it rings after the end of the two-minute prayers that begin each sitting day.

The Annunciator is a network of several hundred television screens throughout the Parliamentary Estate. There is one set of annunciators for the Commons and one for the Lords. Each Annunciator displays the

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<sup>12</sup> [House of Commons Standing Orders Public Business 2018 No. 41 \(1\)](#).

<sup>13</sup> [Erskine May, 25<sup>th</sup> edition, pp.467-8](#)

current business of the House, together with the person currently addressing the House, and the time at which they began their speech. When a division takes place, the word 'Division', together with a flashing bell symbol, appears on the screens.

### 2.4 Procedure if votes are equal

If both sides record the same number of votes, which happens very rarely, the Speaker has a casting vote. The principles on which this decision will be based are:

- that the Speaker should always vote for further discussion, where that is possible;
- that, where no further discussion is possible, decisions should not be taken except by a majority; and
- that a casting vote on an amendment to a bill should leave the bill in its existing form.<sup>14</sup>

The Speaker has only occasionally had to give a casting vote in the Chamber. On 3 April 2019 John Bercow was faced with a division tied at 310-310 (Division 402, on an amendment to permit further indicative votes on Britain leaving the European Union):

**Mr Speaker:** Order. In accordance with precedent, and on the principle that important decisions should not be taken except by a majority, I cast my vote with the Noes, so the Noes have it. By casting vote, it is 311 to 310. That is the proper way in which to proceed.

Following a point of order, the Speaker stated the rationale for his decision:

The rationale .... for the exercise of the casting vote is, as I have said, that it is not for the Chair to create a majority that does not otherwise exist. The way in which the casting vote is exercised also depends on the stage at which a matter is being aired. For example, it could be, and probably would be, exercised differently on Second Reading of a Bill, because there is an important principle of encouraging further debate. It might then be used to send a Bill into Committee when it is not going to get on to the statute book straight away. If it was the final stage of the Bill, the casting vote would be against. In a situation in which a decision would be made that a day would be allocated for particular business, I judge that it is not right for me to make that decision if the House has not done so by a clear majority. I hope that that is clear and generally acceptable.<sup>15</sup>

### 2.5 Deferred Divisions

In most cases, the vote on a motion takes place immediately after the end of the debate on that motion. However, for some votes, a system of 'deferred divisions' is used. This involves deferring the vote on an

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<sup>14</sup> [Erskine May, 25<sup>th</sup> edition, p.471](#)

<sup>15</sup> [HC Deb 3 April 2019 cc.1118-9.](#)

issue to a specified time on the following Wednesday. This originated from the proposals in the Modernisation Committee's 2000 report.<sup>16</sup>

Deferred divisions were introduced on an experimental basis in the 2000-01 parliamentary session and became permanent, via [Standing Order 41A](#), in October 2004. Questions to be decided by deferred divisions are listed on a pink ballot paper in Wednesday's Vote Bundle.<sup>17</sup> Members can vote in the No Lobby between 11:30am to 2pm (with extra time if such voting is interrupted by ordinary divisions).

Deferred divisions cannot be used for all divisions and have mainly been held on motions about statutory instruments and EU documents. The intention was not to separate all divisions from the business to which they relate. This approach contrasts, for instance, with the practice in the Scottish Parliament, where there is a dedicated 'decision time' at the end of business at each sitting of the Parliament. Further details are available from the House of Commons Library briefing paper on [Deferred divisions](#).

## 2.6 Indicative Votes

A similar procedure of using paper-based voting forms was used for the 'indicative votes' held on different proposals concerning Britain's exiting the European Union, held on 27 March and 1 April 2019.

The Speaker selected eight motions for debate on 27 March 2019.<sup>18</sup> He selected four on 1 April 2019.<sup>19</sup> Green-coloured forms listing the different motions were distributed to Members in the division lobbies. They had half an hour in which to vote, during which time the House was suspended. Subsequently the Speaker announced the results in the chamber.<sup>20</sup>

## 2.7 Electronic voting

The House of Commons has not adopted an electronic means of voting. This possibility was considered most recently in 1998 by the Modernisation Committee, but it was rejected because no one alternative to the present system appeared to command any great support among Members.<sup>21</sup> On 24 July 2019 the House of Commons Procedure Committee opened an [inquiry](#) into Voting Procedure in the House of Commons, which includes consideration of digital voting.

Members on both sides of the House view the procedure of voting in person through the lobbies as an essential opportunity to speak to or lobby senior colleagues, whom they may not see at any other time. A

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<sup>16</sup> Modernisation Committee, [Programming of legislation and timing of votes](#), 6 July 2000, HC 589 para 45

<sup>17</sup> The Vote Bundle is the hard-copy set of daily Commons business papers that is distributed to MPs by the Vote Office.

<sup>18</sup> [HC Deb 27 March 2019 c.369](#)

<sup>19</sup> [HC Deb 1 April 2019 c.825](#)

<sup>20</sup> See the [Speaker's explanation](#) for how the process would work on 27 March 2019, HC 657, c.369.

<sup>21</sup> House of Commons Modernisation Committee, [Voting Methods](#), HC 779, June 1998

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recent articulation of this argument came from Peter Bone on 25 July 2019.<sup>22</sup>

Supporters of a change have included Robin Cook, as expressed in his memorandum to the Modernisation Committee in 2001, whilst he was Leader of the House.<sup>23</sup> Caroline Lucas, the former leader of the Green Party, had expressed support for reform in various statements.<sup>24</sup> Members of the Scottish National Party have also advocated electronic voting.<sup>25</sup>

Further information is available in the House of Commons Library Briefing Paper [Electronic recording of divisions](#).

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<sup>22</sup> [HC Deb 25 July 2019 c.1436](#).

<sup>23</sup> Modernisation Committee, [Memorandum submitted by the Leader of the House of Commons](#), 12 December 2001, HC 440 para 45-51. See also [a research paper produced](#) for a Northern Ireland Assembly enquiry in 2007.

<sup>24</sup> See, for instance, her [submission to the enquiry](#) *Sittings of the House and the Parliamentary Calendar*, HC 1370, 2010-12, in July 2011.

<sup>25</sup> For instance, a question from Martyn Day MP, [HC 25 July 2019 c.1435](#).

## 3. Pairing

### 3.1 What is pairing?

Pairing is an arrangement between political parties, whereby a Member of one party agrees with a Member of an opposing party not to vote in a particular division. Such arrangements are registered with the whips, who will take action to check compliance with the arrangements. Pairing arrangements may last for months or years and cover all divisions in that time. They may be used, for instance, in cases of sickness, or absence on parliamentary delegations. The practice has been traced back at least to the 1840s:

A system of negative proxies, known by the name of 'pairs', enables a member to absent himself, and to agree with another member that he also shall be absent at the same time. ... The division of the house into distinct political parties facilitates this arrangement, and members pair with each other, not only upon particular questions, or for one sitting of the house, but for several weeks, or even months, at a time.<sup>26</sup>

Pairing is purely an inter-party arrangement, and is not recognised by the House or officially recorded in any way, although there was at one time a 'pairing book' in Members' Lobby which, in effect, allowed Members to advertise for pairs:

There used to be a book kept in the 'No' Division Lobby, in which a person who wanted a pair entered his name and stated the time at which he wanted it, and then if there was a Member on the other side who was willing to accommodate him he put his name in it too.<sup>27</sup>

### 3.2 Pairing over time

The system has operated most clearly when Governments have had medium-sized majorities. During the 1983-92 and 1997-2005 Parliaments, when the Government had a very large majority, there was little need for pairing, as the disparity in numbers of seats was so large that the Government could almost always guarantee a majority. Conversely, in 1950-51, when the Government had a majority of 5, pairs were rarely permitted.

Between 1983 and 1992, the Conservative Party organised a 'bisque' system (a term derived from croquet), whereby a proportion of their members might be absent, unpaired, on specified days. Bisches were so arranged that the Government could always expect a reasonable majority, and could always command the votes they required. Similar arrangements existed within the Labour Party between 1997 and 2005.

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<sup>26</sup> *Erskine May*, 1<sup>st</sup> ed., 1844, p.221; see also Michael Rush (ed.), *Parliament Today*, MUP, Manchester, 2005, p.149, who claims that pairing can be traced back to 1730.

<sup>27</sup> House of Commons Procedure Committee, *Report from the Select Committee on Procedure*, HC 92-I 1958-59, para 571. Peter Wishart stated in July 2018 that the SNP do not participate in pairing, [HC 23 July 2018, c.742](#).

Pairing has also been suspended at times of political disagreement. Radice, Vallance and Willis say that Labour did not allow pairing in the 1983-87 Parliament.<sup>28</sup> Harrison mentions that Labour instituted a ban on pairing in 1954, which followed inter-party disagreement over increases in Members' pay.<sup>29</sup> Gyles Brandreth refers in his memoirs to an occasion in November 1996, when the Conservative whip paired three members with colleagues from both the Labour and Liberal Democrat parties – losing six votes for the opposition compared with three for the Government. This caused co-operation from the Opposition parties to end for the rest of the 1992-97 Parliament.<sup>30</sup>

In July 2018 there was further controversy when Brandon Lewis apologised to Jo Swinson for breaking their pair on two divisions at Report Stage of the *Trade Bill 2017-19*, on 17 July 2018.<sup>31</sup> This was followed by an urgent question on pairing on 23 July 2018.<sup>32</sup>

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<sup>28</sup> Lisanne Radice, Elizabeth Vallance and Virginia Willis, *Member of Parliament*, 1987, p.82

<sup>29</sup> Wilfrid Harrison, "The British Constitution in 1954", *Parliamentary Affairs* 8:3, 303-317, 1954, p.312

<sup>30</sup> Gyles Brandreth, *Breaking the Code*, Weidenfeld and Nicolson, London, p.426.

<sup>31</sup> [HC Deb 18 July 2018 cc.427-8](#)

<sup>32</sup> [HC Deb 23 July 2018 cc.378-751](#)

## 4 Proxy Voting

On 28 January 2019, the House agreed to implement a one-year pilot scheme to allow new parents and those adopting children to have a proxy vote in divisions in the House. Additionally, because of an amendment, the Speaker may “also make provision for the exercise of a proxy vote for Members who have suffered a miscarriage”.<sup>33</sup>

The pilot scheme entails a Member arranging for their vote to be cast by another Member acting as a proxy. This requires that:

- The Speaker has certified that the Member is eligible under the standing order;
- A Member has been specified as the nominated proxy;
- The certificate has been published in *Votes and Proceedings*.

There are three types of vote where proxy voting cannot be used: on a motion for an early parliamentary general election under the *Fixed-term Parliaments Act 2011*; in the counting of a quorum of the House (forty members including the Speaker and tellers); and the closing or proposing of a question (where one hundred members have to support the motion).

The pilot scheme came into effect on 29 January 2019, and the first proxy vote was cast later that day.<sup>34</sup> For further information on proxy voting, including a list of those MPs holding proxy voting certificates, see the House of Commons Library briefing paper [Proxy voting in divisions in the House](#) and the [accompanying spreadsheet](#).

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<sup>33</sup> [Addendum to Standing Orders: Public Business](#), 6 February 2019, pp.18-9.

<sup>34</sup> [HC Deb 29 January 2019 cc.757-761](#), Division 307.

## 5 Historical development

The Speaker has always assessed the opinion of the House (nowadays by saying 'I think the Ayes (or Noes) have it'). Historically, only if his assessment were challenged would a count ensue, though how this was conducted is unclear. For example, the Speaker in 1420, Roger Hunt, was elected by four *voces* (voices), suggesting the counting of votes.<sup>35</sup> The first reference to a division is from 1523.<sup>36</sup> By 1584, when William Lambarde wrote his *Notes on the procedures and privileges of the House*, the custom was established of one side remaining where it was, and the other filing out into the ante-room or lobby.<sup>37</sup> John Hatsell's description, published in 1818, detailed the different occasions when the 'ayes' or the 'noes' left the chamber.<sup>38</sup>

The principles of the present system of divisions stem directly from the report of the *Select Committee on Divisions of Session 1835* (HC 66), which recommended:

That upon every Division the House be entirely cleared; the Ayes and the Noes being sent forth into two separate Lobbies;

That four Tellers and four Clerks be appointed, two of each to be stationed at the Entrance of the respective Lobbies;

That the Doors being simultaneously opened by the Speaker's order, the Names of the Members be taken down by the Clerks, on ruled paper, with numbered lines, as they re-enter the House by the opposite Doors, the Tellers counting, and announcing the result at the Table as at present;

That the Lists of the Division be then brought up to the Table by the Tellers, and deposited there for insertion in Alphabetical order in the Votes.<sup>39</sup>

In the rebuilding after the fire of 1834, these recommendations were adopted, and two such division lobbies provided. The supporters and opposers of a motion henceforth had to file into a separate lobby and have their names recorded: previously, this had not been done. The lobbies were built parallel with and adjacent to the long sides of the Chamber, and the lobby to the Speaker's right became known as the Aye Lobby, that to his left, the No Lobby (they are officially called the East and West Division Lobbies).

The same idea was replicated in the post-World War II rebuilding of the Chamber after its destruction in 1941: the width of the lobbies was

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<sup>35</sup> Alasdair Hawkyard, 'The Tudor Speakers 1485-1601: Choosing, Status, Work', in *Speakers and the Speakership: Presiding Officers and the Management of Business from the Middle Ages to the 21<sup>st</sup> Century* (2010), edited by Paul Seaward, p.28.

<sup>36</sup> Alasdair Hawkyard, *House of Commons 1590-1558: personnel, procedure, precedent and change* (2016), p.332 – quoting Edward Hall's Chronicle.

<sup>37</sup> William Lambarde, *Notes on the procedures and privileges of the House of Commons* (1584), edited by Paul Ward (1977) House of Commons Library Documents 10, p.62.

<sup>38</sup> John Hatsell, *Precedents of proceedings in the House of Commons; under separate titles* (1818) Vol. 2, pp.203-11.

<sup>39</sup> House of Commons, *Report of the Select Committee appointed to take into consideration the best mode of publishing correct and authentic lists of the divisions of the House*. HC 66, 1835, p.1

slightly increased, and oriel bay windows provided, wide enough to accommodate large desks for Members to write at between divisions. At the same time, the opportunity was taken to reduce congestion during divisions by arranging the exits from the two lobbies at opposite ends of the Chamber.

## 5.1 Non-Members voting

There have been various instances in the past of persons who were not Members being counted in a division. For instance, on 27 February 1771, the Speaker had no sooner declared that 'the Noes have it' (Noes 165; Yeas 155), than it was discovered that a member of the public had come in and been counted ('told') as one of the Noes. Questioned by the Speaker, he said:

My name is Thomas Hunt. I live in Dartmouth Street. I follow no business, but live on my fortune. I heard somebody in the Lobby say, the doors were open, and that anybody might go in. I was going up to the gallery, with other gentlemen of my acquaintance...I came into the lobby a little before the gentlemen were coming out ... I have been used to come into this House and gallery. I have been told in divisions before this.<sup>40</sup>

After a long debate the question was again put and the House divided (Noes 164: Yeas 153). Mr Hunt was discharged after a warning from the Speaker. The practice of clearing the lobbies derives from this sort of incident.

## 5.2 Time for divisions

The time allowed for divisions begins when the Speaker says, "Clear the lobbies" and ends when the Speaker orders the doors to the lobbies to be locked. The time allowed used to be two minutes, at one time measured by a large hourglass manipulated by the clerks at the Table. This was increased to six, and then to eight minutes when the Norman Shaw Buildings, some distance away on Victoria Embankment, were occupied in March 1975. The eight minutes are nowadays measured by an electronic interval timer.

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<sup>40</sup> Sir Henry Cavendish, *Debates of the House of Commons during the 13<sup>th</sup> Parliament* (1841) vol. 2, p.333.

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