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Queen's Speech debate: selection of amendments - Standing Order No 33

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Summary

The Queen's Speech, which sets out the Government's legislative programme for the forthcoming parliamentary session, is debated on a motion for an Humble Address thanking Her Majesty for the Gracious Speech. The motion is amendable and amendments can be selected for debate on the final two days of debate on the Queen's Speech.

On 8 May 2014, the House agreed to a motion to repeal and replace Standing Order No 33. The Standing Order, as originally passed, allowed the Speaker to call more than one amendment to the motion on the final day of debate on the Queen's Speech, in addition to the amendment in the name of the Opposition which, by practice, is debated and voted upon on the penultimate day of debate on the Queen's Speech. From 1979, when the Standing Order was originally passed, until May 2013, the Speaker had only ever allowed a maximum of two amendments to be moved on the final day of debate but on 15 May 2013, he allowed first the Opposition amendment, then a backbench Conservative amendment (which would have added "but respectfully regret that an EU referendum bill was not included in the Gracious Speech" to the humble Address); and finally an amendment tabled by the Plaid Cymru Members.

A Government motion to repeal and replace Standing Order No 33 was first tabled in November 2013. It limited the number of amendments that the Speaker could select to three, including the amendment selected on the penultimate day (hence to just two on the final day). A number of amendments to the Government's motion were tabled during the course of November 2013.

On 1 May 2014, the Government, supported by the Chair of the Procedure Committee, tabled a revised motion for a new Standing Order that would limit the number of amendments that could be selected by the Speaker to four in total, thereby allowing a maximum of three on the final day (assuming the usual practice of disposing of an Opposition amendment on the penultimate day).

Standing Order No 33, as agreed on 8 May 2014, allows the Speaker to select up to four amendments of which notice has been given on a motion for an address in answer to Her Majesty's Speech. No amendment may be selected before the penultimate day of debate on the Queen's Speech. On the final day of debate, an amendment proposed by the Leader of the Opposition is debated and voted on; and, after the moment of interruption, the other amendment that have been selected are moved and put forthwith (without further debate).

1. Current and previous Standing Order

Standing Order No 33 allows for more than one amendment to be voted on at the end of the debate on Queen's Speech. It was introduced in 1979 to regularise a practice that had been recommended in the mid-1970s. Further details on its introduction are given later in this note (see section 5). From 1979 to May 2014, Standing Order No 33 provided that:

33. If on the last day on which the motion for an address in answer to Her Majesty's Speech is debated in the House an amendment proposed to the said motion shall have been disposed of at or after the expiration of the time for opposed business, a further amendment selected by the Speaker may thereupon be moved, and the question thereon shall be put forthwith.¹

From 1979 to 2009, the Standing Order was used to enable a Liberal/Liberal Democrat amendment to be voted on. From 2010, with the Liberal Democrats in government, a Scottish National Party amendment was voted on in 2010, and in 2012 it was a jointly-tabled Scottish National Party/Plaid Cymru amendment. In May 2013, the Speaker selected two amendments, in addition to the official Opposition amendment: one tabled by Conservative backbenchers and one tabled by Plaid Cymru.

On 8 May 2014, the House agreed to repeal and replace Standing Order No 33. The change was proposed by the Government, and supported by the Chair of the Procedure Committee. The revised Standing Order provides that:

Amendments to address in answer to the Queen's Speech

(1) In respect of a motion for an address in answer to Her Majesty's Speech, the Speaker may select up to four amendments of which notice has been given.

(2) No amendment may be selected before the penultimate day of the debate on such a motion.

(3) If, on the last day on which such a motion is debated in the House, an amendment to it proposed by the Leader of the Opposition shall have been disposed of at or after the expiration of the time for opposed business, any further amendments selected by the Speaker may thereupon be moved, and the question thereon shall be put forthwith.²

The Standing Order change was effective in time for the Queen's Speech at the beginning of the 2014-15 Session. On the final day of debate on the Queen's Speech, the Speaker selected just one amendment.³ (Two amendments were on the Order Paper.⁴)

¹ House of Commons, *Standing Orders of the House of Commons – Public Business*, 2010 (New Parliament), April 2010, HC 539 2009-10, SO No 33

² [HC Deb 8 May 2014 c357](#); House of Commons, [Future Business](#), 6 May 2014 [see entry for Thursday 8 May]

³ [HC Deb 12 June 2014 c726](#)

2. Changes to the Government's proposals for changing the Standing Order

2.1 Initial proposals

The following motion appeared on the Remaining Orders and Notices, published on 8 November 2013:

53. AMENDMENTS TO STANDING ORDERS

Mr Andrew Lansley

Tom Brake

That Standing Order No. 33 (Calling of amendments at the end of debate) shall be repealed and the following Standing Order made—

'Amendments to address in answer to the Queen's Speech

(1) In respect of a motion for an address in answer to Her Majesty's Speech, the Speaker may select up to three amendments proposed.

(2) No amendment may be selected before the penultimate day of the debate on such a motion.

(3) If, on the last day on which such a motion is debated in the House, an amendment to it proposed by the Leader of the Opposition shall have been disposed of at or after the expiration of the time for opposed business, any second amendment selected by the Speaker may thereupon be moved, and the question thereon shall be put forthwith'.⁵

Two amendments to the motion were first published on the Remaining Orders and Notices published on 18 November 2013:

Amendment (a)

Mr Peter Bone

Mr Christopher Chope

Mr Philip Hollobone

Line 5, leave out 'up to three' and insert 'any'.

Amendment (b)

Mr Peter Bone

Mr Christopher Chope

Mr Philip Hollobone

Line 10, leave out 'second' and insert 'subsequent'.⁶

A further amendment was tabled (appeared 27 November) by Charles Walker:

Line 5, leave out 'three and insert 'four'.⁷

⁴ House of Commons, [Business Today: Chamber for Thursday 12 June 2014](#), see "Business of the Day"

⁵ House of Commons, [Remaining Orders and Notices](#), 8 November 2013

⁶ House of Commons, [Remaining Orders and Notices](#), 18 November 2013, Item 51

But a different amendment (c) in his name and that of other members of the Procedure Committee and Angela Eagle (Labour front bench) was among the Remaining Orders on 28 November:

Line 1, leave out from 'That' to end and add 'this House considers that the Speaker should retain the discretion allowed by the current Standing Orders in respect of the selection of amendments to the Address in answer to the Queen's Speech.'⁸

From 29 November 2013, until the Remaining Orders and Notices published on 1 May 2014, only amendment (c) appeared after the Government motion.⁹

Comments were made by Charles Walker about his amendment in a point of order:

Mr Charles Walker (Broxbourne) (Con): On a point of order, Mr Speaker. I draw your attention to remaining orders and notices in the Order Paper—future business item 40 on changes to Standing Order No. 33, as tabled by the Leader of the House and the Deputy Leader of the House. The Procedure Committee, which I chair, has been in discussion with the office of the Leader of the House, and we thought we had been in a fruitful discussion. The Leader of the House is promoting the proposal that there may be three amendments to the motion on the Queen's Speech, and the Procedure Committee has advised that it should be four amendments, so there seems to be a point of disagreement on the matter. I seek your advice: is it not the established principle that it is the Procedure Committee in this House, not the Executive, that leads changes to Standing Orders?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. He is substantively correct, as far as I am aware, on the latter front. Indeed, that point has been made to me in the past in other contexts by Ministers when they have thought it convenient to deploy that line of argument. I would always hope that Ministers would treat Committees of the House with courtesy. However, nothing disorderly within the rules of the House appears to have occurred and I do not think there is a point of order for the Chair. Those on the Treasury Bench will have heard what the Chair of the Procedure Committee—a very important Committee with a very illustrious Chair—has said, and we will leave it there for today.

Thomas Docherty (Dunfermline and West Fife) (Lab): Further to that point of order, Mr Speaker. Would it be helpful if I were to release a letter that I received from the Clerks of this House which said, in effect, that there was no need for the Leader of the House to be helpful to you as the Chair, as you already had sufficient discretion as to how many subsequent amendments could be chosen on the day of the Queen's Speech debates?

Mr Speaker: Well, in one sense it is very flattering that the hon. Gentleman seeks my advice and asks whether a proposed course of action on his part would be helpful or not, but I feel that the hon. Gentleman is, in most circumstances, his own best counsellor. He will judge whether or not he wishes to release the said letter. I think he can rest content with that emollient and

⁷ House of Commons, [Remaining Orders and Notices](#), 27 November 2013, Item 40

⁸ House of Commons, [Remaining Orders and Notices](#), 28 November 2013, Item 40

⁹ House of Commons, [Remaining Orders and Notices](#), 29 November 2013, Item 38; House of Commons, [Remaining Orders and Notices](#), 1 May 2014, Item 1

non-committal response from me. He knows how to look after himself. We will leave it there for now.¹⁰

On 2 December 2013, information on relevant documents was added alongside the motion in the *Remaining Orders and Notices*. An exchange of letters between the Leader of the House and the Chair of the Procedure Committee was published on the Committee's website. The Leader of the House explained he was seeking clarity and to confirm the maximum number of amendments that could be selected by the Speaker in Standing Orders, and he proposed two on the final day of debate on Queen's Speech. The Procedure Committee proposed that it should be possible to select four, rather than three, amendments; and considered that three should be the maximum on the final day.

Andrew Lansley welcomed the Committee's acceptance that his proposed amendment would clarify the effect of the Standing Order but indicated he did not propose to increase the number of amendments that could be selected.¹¹

2.2 Revised proposals

The House of Commons *Future Business* published on 2 May 2014 (for 6 May 2014) included, for the first time, the Government motion to change Standing Order No 33 supported by Charles Walker.¹² The Government's revised motion would allow up to four amendments to the motion for an Address in answer to the Queen's Speech. (It is quoted, as the motion agreed by the House on 8 May 2014, in section 1 of this note.)

At Business Questions on 1 May 2014, the Leader of the House had commented on the proposed changes:

The current position is that the Standing Order sets no limit to the number of amendments, although that was not the intention behind it. I think we can arrive at a solution—not least with the benefit of advice from the Procedure Committee—that will attract consensus throughout the House, which is always my aim.¹³

Charles Walker, the Chair of the Procedure Committee, thanked the Leader of the House "for his movement on Standing Order No 33".¹⁴

¹⁰ [HC Deb 27 November 2013 cc296-297](#)

¹¹ Procedure Committee, [Written Evidence – Proposed amendments to Standing Order No 33](#)

¹² House of Commons, [Future Business](#), 6 May 2014 [see entry for Thursday 8 May]

¹³ [HC Deb 1 May 2014 c1007](#)

¹⁴ [HC Deb 1 May 2014 c1008](#)

3. Background to the proposal to change the Standing Order

Following the Queen's Speech in May 2013, a number of Conservative Members tabled an amendment:

“but respectfully regret that an EU referendum bill was not included in the Gracious Speech.” —(*Mr Baron*)¹⁵

In total seven amendments were tabled for the final day of debate on the Queen's Speech, on 15 May 2013.¹⁶ The Speaker selected three amendments to the Motion on the Address, including the Conservative backbench amendment. Previously, since 1979, no more than two amendments had been selected for decision under Standing Order No 33. A point of order was raised by the Leader of the House to question how the Speaker had interpreted Standing Order No 33, which allows him to select a further amendment for decision:

Mr Speaker: I inform the House that I have selected amendment (g) in the name of the Leader of the Opposition. I have also selected amendment (b) in the name of Mr John Baron and amendment (e) in the name of Mr Elfyn Llwyd for separate Divisions at the end of the debate. Those amendments may therefore be debated together with the Leader of the Opposition's amendment. The amendments will be put in the order: (g), (b) and (e).

The Leader of the House of Commons (Mr Andrew Lansley): On a point of order, Mr Speaker. For the benefit of the House, may I ask you to set out your application of the terms of Standing Order No. 33, relating to the number of amendments to the Queen's Speech motion that are selectable?

Mr Speaker: Yes, I am very happy to do so, and I am grateful to the right hon. Gentleman for his point of order. I believe that there is a need to interpret the Standing Orders in a way that facilitates the business of the House in a developing parliamentary context. Conditions and expectations today are very different from those in October 1979, when that Standing Order was made. I must tell the House that I have studied the wording of Standing Order No. 33 very carefully. My interpretation is that the words “a further amendment” in the fifth line of the Standing Order may be read as applying to more than one amendment successively. In other words, only one amendment selected by me is being moved at any time. Once that amendment is disposed of, a further amendment may then be called. I am extremely grateful to the right hon. Gentleman—almost as grateful, I suspect, as he is to me.¹⁷

The Speaker could have selected the Official Opposition and backbench Conservative amendments, and not selected any amendments tabled by the smaller parties. However, the Leader of the House, in his first letter to the Procedure Committee, said that “As drafted, the Standing Order

¹⁵ HC Deb 15 May 2013 c749

¹⁶ House of Commons, [Business Today](#), 15 May 2013

¹⁷ [HC Deb 15 May 2013 c655](#)

allows the official Opposition and also the third largest party to set out their alternatives to the Government's legislative programme".¹⁸

3.1 Commentary on the Government's proposals to change the Standing Order

On 12 November 2013, Mark D'Arcy, the BBC Parliamentary Correspondent, reported on his blog that the Government motion had been tabled. He reported that the Government was "seething" as the Speaker's interpretation of the Standing Order had forced David Cameron "into a new EU strategy". He said that this highlighted "how important the ruling, back in May, was to the course of politics since", and considered that "It just goes to show how important the interpretation of the rules of debate can be". He anticipated amendments to the Government motion, and in an update to his blog post noted that:

As predicted, the Tory awkward squad has weighed in with two amendments to the Lansley-Brake proposal. They want to give the Speaker to power to call "any" amendments rather than "up to three". And they then make a consequential change to allow "subsequent" amendments to be called.¹⁹

Mark D'Arcy blogged again on 28 November 2013, reporting that the Procedure Committee had suggested a compromise which was not accepted by the Government:

And this morning, with an almost audible thud, the Commons Procedure Committee has weighed in.

ProCom had been offering a compromise position under which Mr Speaker would be restricted to four amendments on the Queen's Speech.

But they're so annoyed at the Leader proposing a change to standing orders without routing it through them, that they've effectively taken that option off the table.

Their amendment, signed by the entire committee membership, would replace Mr Lansley's proposed wording with "this House considers that the Speaker should retain the discretion allowed by current standing orders in respect of amendments to the address in answer to the Queen's Speech".²⁰

¹⁸ Procedure Committee, [Written Evidence – Proposed amendments to Standing Order No 33 \[letter dated 9 July 2013\]](#)

¹⁹ Mark D'Arcy, "[Speaker cornered?](#)", *BBC News – Politics*, 12 November 2013 [with 13 November update]

²⁰ Mark D'Arcy, [How many amendments?](#), *BBC News*, 28 November 2013

4. Debate on replacing the Standing Order

On 8 May 2014, the motion to replace Standing Order No 33 was debated with motions on petitions, parliamentary privilege and programming. The debate was opened by the Leader of the House, Andrew Lansley, who commented that “the current Standing Order does not provide absolute clarity on the number of amendments that may be selected on the final day of the debate” on the Queen’s Speech. He then addressed concerns that the revised Standing Order would prevent the Speaker from selecting amendments; and recalled that the Speaker had selected three amendments on 15 May 2013. He said that “The third amendment selected, tabled by Plaid Cymru Members, was the one beyond normal practice that would not, under previous practice, have been allowed”.²¹

He argued that “The interpretation of the Standing Order that allowed the selection of the third amendment on that final day leaves open the possibility of an unlimited number of amendments for separate debate” and that that introduced an “unwelcome element of uncertainty”. He explained that he was seeking “greater certainty”, continuing that “Members will want to know the maximum number of amendments that may be selected in order to judge whether to table one themselves”. He said that it was “a matter of degree as to whether the total number of amendments selected should be limited to three or four”.²² His original preference was “for what we had thought was the status quo—that is, three amendments under the Standing Order—but I am congenitally relaxed about the number being four”.²³ And he noted that four “was the number recommended by the Procedure Committee as its preferred figure”.²⁴

Christopher Chope asked “If, after the next election, there were more official Opposition parties, would he recommend returning to the issue to allow for more than four amendments?” Mr Lansley replied that there might be circumstances in the future when the House thought it would be appropriate to express a view on the legislative programme, and that it might want to reconsider the issue.²⁵

For the Opposition, Angela Eagle, the Shadow Leader of the House, said that the Labour Party supported limiting to four the number of amendments that the Speaker could call in the debate on the Queen’s Speech:

The amendment to the Standing Order proposes to change that by limiting the number of amendments that you may call to four. That extends by one the number to which the Government were originally determined to limit you, and it represents a welcome Government climbdown in the face of a likely defeat. We

²¹ [HC Deb 8 May 2014 c318](#)

²² [HC Deb 8 May 2014 c318](#)

²³ [HC Deb 8 May 2014 c319](#)

²⁴ [HC Deb 8 May 2014 c319](#)

²⁵ [HC Deb 8 May 2014 c320](#)

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naturally support it, with good grace and, perhaps, a little snigger.²⁶

She also accepted that “if the composition of the House were to change or the circumstances of a future Parliament were different, Standing Order No. 33 may once again come under the microscope”.²⁷

Charles Walker, the Chair of the Procedure Committee, welcomed the motion:

I think that the decision on Standing Order No. 33, which allows amendments to be called at the end of the Queen’s Speech, was made after consultation between the Leader of the House and interested parties. I think it reflects a certain maturity in his office, a willingness to listen to diverse views and, in the end, an ability to make the right decision. The Leader of the House knows that no decision will be met uniformly with acclaim. That is just not possible, but I think that what we have before us today is about the best result we could have hoped for. It reflects the original position put forward by the Procedure Committee after consultation with various interested parties, including the Speaker’s office, the Leader of the House’s office and the shadow Leader of the House. So the decision on Standing Order No. 33 is a step in the right direction and I welcome it.²⁸

In winding up the debate, Tom Brake, the Deputy Leader of the House, confirmed that if the House agreed to the changes to Standing Order No 33, they would be “in force for the debate on the Gracious Speech at the start of the next Session”.²⁹

The motion was agreed to without a division.³⁰

²⁶ [HC Deb 8 May 2014 c326](#)

²⁷ [HC Deb 8 May 2014 c327](#)

²⁸ [HC Deb 8 May 2014 c327](#)

²⁹ [HC Deb 8 May 2014 c356](#)

³⁰ [HC Deb 8 May 2014 c357](#)

5. Background to the introduction of Standing Order No 33 in 1979

The Standing Order was introduced in 1979. It followed an experiment that allowed a Liberal amendment to the Queen's Speech in 1975 (and then on other occasions: in all cases a Business of the House motion was passed to allow a second amendment).

The Standing Order was proposed by the Select Committee on Procedure (Sessional Committee), in its 1976-77 Report, *Calling Amendments for Division at the End of Debate*. The Committee concluded:

... Your Committee are of the opinion that any extension of the procedure beyond the experiment on the address would create too many difficulties for the Chair, and too much dissatisfaction amongst those whose Amendments were not selected, for an extension to be justified. They do, however, recognise that calling one extra Amendment at the conclusion of the Address was found to be broadly acceptable to the House, and that it is accepted by the Chair as a manageable arrangement. They recommend, therefore, that the experiment should now be regularised, being limited to the one occasion each Session, by means of a Standing Order which would have effect for the remainder of this Parliament.³¹

During the debate, in October 1979, Norman St John Stevas, the Leader of the House, outlined the background to the new Standing Order:

Our motions in this group would, however, have substantive effect on three matters. They would regularise the practice of calling an extra amendment at the end of the debate on the Address, as recommended in the first report for the Session 1976-77. This is important, particularly for the minority parties. Increasingly, the business tends to revolve around the axis of the Government and the official Opposition. The rights of minority parties should be respected as well.³²

Alan Beith, outlined the Liberal Party's support for the proposal:

I welcome, as the Leader of the House would expect, the inclusion among matters for decision tonight of the arrangement by which an additional amendment can be voted on at the end of the debate on the Loyal Address. This is important to minority parties such as mine. We find ourselves in difficulty at times when there are two propositions on the Order Paper with neither of which we agree. There are many occasions in this House when we feel that business is conducted to the advantage of the Government and to a lesser, but significant extent, the Opposition Front Bench. Their control over key features of the Order Paper and the time of the House works to the detriment of those who have other views to put forward.

³¹ Select Committee on Procedure (Sessional Committee), *Calling Amendments for Division at the End of Debate*, HC 141 1976-77, para 11

³² HC Deb 31 October 1979 c1278

We welcome this means of getting round the procedural difficulty that has prevented us so many times from expressing the views that electors sent us here to represent. We welcome the opportunity to have an amendment of our own voted on. We will use it to the best effect that we can.

There are other occasions, when debates range over several days, on which a similar need exists. Other groups, perhaps groups within a party, who disagree with the line taken by their own Front Bench, may want to make use of this right. This is a direction in which we should move. It is an example of an experiment that has proved workable and is now to be continued.³³

At the end of the debate, the House agreed the text of the new Standing Order:

Ordered, That if, on the last day on which the motion for an Address in answer to Her Majesty's Speech is debated in the House, an amendment proposed to the said motion shall have been disposed of at or after the expiration of the time for opposed business, a further amendment selected by Mr. Speaker may thereupon be moved, and the Question thereon shall be put forthwith. That this Order be a Standing Order of the House.—
[Mr. St. John-Stevas.]³⁴

³³ HC Deb 31 October 1979 cc1331-1332

³⁴ HC Deb 31 October 1979 c1389

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