
Recent Procedural Developments in the British House of Commons

by Steve Priestley

The 'Mother of Parliaments' may have a somewhat staid, matronly reputation abroad, but actually she is constantly updating her wardrobe. This article looks at some of the latest procedural fashions in Westminster, as introduced since the election of a 'New Labour' government in 1997.

A good parent should be prepared to learn lessons from her offspring. One excellent example of this practice can be seen in the decision in 1999 to adopt at Westminster a variant of the Australian Parliament's 'Main Committee.' In Canberra, the House of Representatives has since 1994 sat in more than one room at once. When sitting outside the main Chamber, the House is constituted as the Main Committee. This committee, which is not unlike Committee of the Whole in that any Member may attend, provides an additional forum for the second reading and later stages of bills as well as for the debate of committee reports and of other papers laid before the House.

The advantage of such a system is clear: the House is able either to conduct more business, or to devote more time to the business it already conducts. The potential disadvantages are also clear: with two chambers in operation, Members are required to choose which debate they will attend; and attendance in both chambers is likely to be less than it is when just one chamber is in operation.

The Modernisation Committee of the British House of Commons (formed by the New Labour government to drive forward its agenda of reform for the procedures of the House and chaired by the Leader of the House) was impressed by Canberra's Main Committee, and in 1998

brought forward proposals to do something similar at Westminster. With its large majority, the government was able to override the misgivings of traditionalists—not all of them in the ranks of the Conservative opposition—and on 30 November 1999, sittings of the House began in Westminster Hall.

Or more accurately, sittings began in the old Grand Committee Room, which lies just off historic Westminster Hall. The term 'committee' was not used for these sittings, as it was felt this would detract from the fact that they are sittings of the House, albeit not in the House. When the House sits in Westminster Hall—which it does three days each week and sometimes at the same time as it is also sitting in the main Chamber—the only question before it is that the sitting be adjourned; unlike the Australian model, no substantive business is taken. The main purpose of these sittings has been to provide opportunities for backbenchers to raise issues of current interest and to hear a ministerial reply. This is achieved by a series of short debates, which may last for 90 minutes or for 30 minutes—it's not unlike a drawn-out version of the Canadian 'late show.' Members apply for their debates by submitting a topic to the Speaker, who has complete discretion over what to allow. They are grouped so that particular Ministers answer on particular days.

Other, 3-hour debates in Westminster Hall may be initiated by the Government, or by the Liaison Committee. In the latter case, the subject for debate (still on a motion that the sitting be adjourned) will be a Report from a committee of the House.

Sittings in Westminster Hall have become popular among most Members, only a few diehard traditionalists

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refusing to have anything to do with them. Many have realised these debates present excellent opportunities for a longer exchange than is possible in Question Time, and a less heated, more useful one at that. The full record of the debates is published in Hansard, as with any other sitting of the House, and many are covered by the press. All in all, an interesting case of a mother borrowing her daughter's clothes, adjusting them to fit, and finding they suit her well.

Changing the Hours

Another consequence of the election of an unexpectedly large number of new Members—many of them women—in 1997 was the renewed call for more 'family friendly' sitting hours. For decades, the House met at 14.30 daily (9.30 on Fridays) and continued until 22.30 or often later (14.30 on Fridays). Such hours undoubtedly suited those Members, who by 1997 were very few, who wished to spend their mornings practicing law or otherwise engaging in business outside the Palace of Westminster. Wednesday morning sittings had already been introduced by 1997, but this was not going to be enough to satisfy new Members, such as the 'Blair babes'—as the British tabloid press, with its characteristic disregard for political correctness, labelled the large number of women Labour MPs elected in the 1997 landslide.

Thus the newly created Modernisation Committee once again appalled the traditionalists by proposing new sitting hours, and the House perhaps surprised itself a little by voting to change the times of its sittings on Tuesday, Wednesday and Thursday. Monday was left unchanged, in order to allow most Members to travel to Westminster from their constituencies on Monday morning—not to have done this would have wrecked the purpose of the new 'family friendly' hours.

So, starting in January 2003, the House met at 11.30 on Tuesday, Wednesday and Thursday and rose at 19.30 (18.30 on Thursday). To anyone who had been in the House before 1997, this felt very strange. It was not so much the 'early' starts—these left plenty of time for a hearty breakfast—as the early finishes. What does a Member of Parliament do in the evenings, if the House is not sitting?

Well, do not imagine that the bars and dining rooms did a roaring trade, because they did not. In fact, takings plummeted. No longer tied to the environs of the House, Members found their diaries filling with outside dinner invitations and, much worse, requests to meet or speak to all sorts of people they would really rather not spend their evenings with, but whom they could not reasonably refuse.

So why were not they with their families? For the nearly 600 MPs whose constituencies lie outside London, those families were still a frustratingly difficult commute away. Some brought their families to London, but their families did not really like London, so that did not work either. Disillusionment set in, fuelled by the fears of absent partners unhappy that their previously preoccupied MP spouse was now at a loose end.

The backlash soon came, accentuated by the concerns of senior Members that select committees were finding it difficult to choose meeting times that did not conflict with important business on the floor of the House. The decision was revisited, and in a compromise that gave nobody all that they were wanted but most people some of what they wanted, the former sitting hours were reinstated for Tuesdays, and on Thursdays the hours of sitting were adjusted to run from 10.30 to 18.30. The House now sits on only 13 Fridays each year, and then to consider exclusively private Members' business.

Incidentally, the shortening of the Westminster week to run effectively from Monday evening to Wednesday evening (Thursday's business generally being unwhipped) has reinforced a trend already observed, for Members to spend more time in their constituencies. Many contend that MPs are in danger of becoming glorified social workers, more concerned with coverage in their local newspapers than contributing to debates in the House on issues of national or international concern.

Such can be the unintended consequences of seeking to give Members more time with their families.

Changing Some Terminology

The term 'stranger' has long been applied to anyone in Parliament who is not a Member or Officer of either House. For as long as anyone can recall, the public gallery in the House of Commons has been known as the Strangers' Gallery; and the bar to which Members and Officers may take guests is the Strangers' Bar. And, when the Speaker processes to the House to open each sitting, a policeman selected for his loud and authoritative voice cries "Hats off, Strangers!"

But 'stranger' is not a very respectful or inclusive term to apply to members of the public who elect and pay for Parliament. So concluded the Modernisation Committee in 2004, and within months the House had voted to abolish the term. Wherever it occurred in the Standing Orders, the term 'stranger' was replaced by the words "member of the public", and the Strangers' Gallery became the Public Gallery. Some have suggested that the policeman with the loud voice should shout—or maybe

just say, politely—“Would stakeholders kindly remove their headwear?” but this has not yet caught on.

And the Strangers’ Bar? Well, that’s not a creation of the Standing Orders. Neither is there a sign on the door that bears the offending word. So for the time being it remains the Strangers’ Bar, and no-one expects that to change soon.

Oaths, not Imprecations

By law, every elected Member wishing to take his seat at Westminster must either swear the oath of allegiance to Her Majesty, or make a ‘solemn affirmation.’ The forms of both the oath and the affirmation are set out in a 1978 *Act of Parliament*.

In 1997, the election of Gerry Adams and Martin McGuinness for constituencies in Northern Ireland created an interesting set of circumstances. Members of Sinn Fein had been elected before, but they always refused to have anything to do with the Westminster Parliament. However, the 1997 election took place after the Belfast Agreement on power sharing in Northern Ireland, and in this new political climate both Sinn Fein Members wished to represent their electorate. Neither, however, was prepared to be “faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors,” as required by the *Oaths Act*.

A solution of sorts was found, which probably none of those involved was entirely happy with. Messrs Adams and McGuinness were provided with offices and facilities at Westminster, to enable them to work on behalf of their constituents, but they were denied any procedural services until such time as they swear the oath or make the affirmation required by law. They may not speak in a debate; they may not table a question to a Minister or an amendment to a Bill; and they do not sit on committees.

However, the oath is not entirely unreformed. In 1974, the Speaker ruled privately that Members in the monoglot House of Commons could, on application, recite the oath or affirmation in the Welsh language, or in Scots Gaelic. Following the general election in 2005, this ruling was further amended, to allow the Cornish language to be used, notwithstanding the fact that the last native speaker of that language had been dead for more than 100 years.

Along with the remoter parts of Wales, Cornwall is, of course, England’s First Nation. The people of Cornwall are among the last remnants of the ancient Britons who were pushed westward by succeeding invaders from Rome, Saxony and Normandy. Proud of his heritage, a Cornish Member duly took advantage of this provision, which of course he had requested.

Evolution of Question Period

Probably no body of parliamentarians is entirely content with the procedures available to it to exercise effective scrutiny of the executive. Nor in their more honest moments would many politicians I have known claim that such procedures as are available are always used to best effect. Certainly in Westminster, backbenchers have long felt question time in the House of Commons to be an imperfect means of holding Ministers to account. In 2002, therefore, the House’s Procedure Committee inquired into parliamentary questions and produced a number of proposals for reform.

Canadian Members of Parliament who have yet to visit Westminster may be surprised to learn that, although question time in the British House of Commons takes place for one hour each sitting Monday, Tuesday, Wednesday and Thursday, the Prime Minister attends only on Wednesdays—and then for just 30 minutes—and other Ministers attend on a rota which brings most of them to the House on just one day in each four-week period. Some attend even less frequently.

Not only does this rota excuse most British Ministers from all but occasional duty at the despatch box, but advance notice must be given of all questions—so the Ministers know what is coming. Only the Prime Minister answers questions without notice. Back in 2002, notice of oral questions had to be given in person on a specified day, ten sitting days in advance, which is of course a full two weeks (either side of a long recess, it could be months). The burning issue of the day when a question was tabled had often become old hat by the time the day for asking it in the Chamber arrived; and the hot topic of that day was often—to the frustration of backbenchers and Ministers alike—outside the scope of the questions of which notice had been given and it could not, therefore, be raised on the floor of the House. Small wonder, then, that British MPs wanted a change.

In 2003, they got a change ... a small change. The notice period was reduced to three sitting days, and e-tabling was introduced. This addressed, to a large degree, the issue of topicality; and it considerably eased for Members the inconvenience of giving notice. But the rota remains in place, and Ministers other than the Prime Minister still know in advance what questions they will be asked, and are of course able to prepare their replies.

The strength of the British system lies not so much in the rules, as in the conduct of question time. The Speaker (who, as in Canada, always presides in person over oral questions) calls the Minister to answer the first question listed on the Order Paper. The answer having been given, the Speaker calls the Member in whose name the ques-

tion was tabled to ask a supplementary question, of which of course no notice has been given (unless privately by the Member concerned). Once the Minister has responded, the Speaker calls a Member from the opposite side to ask another supplementary. He continues to call further supplementaries in this way, always alternating between the parties, until he judges it is time to call the next question on the *Order Paper*.

If a Member fails to cast his question in a suitably interrogative form, or if he fails to relate his supplementary question closely to the original, or if he seeks to ask more than one question or he simply goes on for too long, the Speaker intervenes and sits the Member down. In doing so, he exercises his judgment, on which he may not be challenged. Similarly, if a Minister answers at excessive length, or comments on the policies of the opposition rather than accounting for his own policies, he will be pulled up by the Chair.

Members are also required to listen. There is certainly at times a noticeable background noise at Westminster, but it is markedly less than the constant hubbub on the Hill. If the Speaker hears, or even sees, two Members having a private conversation instead of listening to proceedings, he will invite them to conduct that conversation outside the Chamber. And woe betide the Member who uses his cell phone or other 'electronic device' in the Chamber, for opprobrium will be heaped upon him and he may become invisible to the Chair for days afterward. As for applause, it is simply not the Westminster way; neither are there desks to bang. But British Members do murmur "hear, hear" whenever they hear anything they like, and this murmur can rise to quite a crescendo if they feel a colleague is in need of support. Again, the Speaker uses his judgment, intervening when he considers the racket has become too much, but accepting a certain level of background noise as being consistent with a healthy democracy.

The challenge facing the Chair is how to achieve that balance between the maintenance of good order and the stifling of legitimate expressions of support or dissent. Such a balance can only be achieved with the support of the House at large.

Canada's Question Period has many qualities Westminster MPs would covet: no notice of questions; no rota;

the Prime Minister required to be there every day. But to an observer from Westminster, its impact is diminished by excessive noise, and by the extremely partisan nature of proceedings. The Standing Committee on Procedure and House Affairs has surely identified the issue: it is one for each Member of the House, and such issues are always among the most difficult to resolve.

Putting the PM on the Spot

In addition to the weekly half-hour, one-act drama that is Prime Minister's question time, Mr Blair has been the first Prime Minister in modern memory to submit himself to more extended questioning by a select committee. Twice each year since July 2002, Tony Blair has voluntarily presented himself for a 3-hour grilling by the Liaison Committee of the House of Commons, which, like the Canadian committee of the same name, is comprised of the chairmen of all the other permanent committees.

These occasions, generally held in January and July, tend to be less partisan than question time in the chamber. The thirty chairmen devote considerable time to preparing their lines of questioning. Weeks before the big day, they meet in small, cross-party groups on foreign affairs, economic policy, crime and justice issues, etc, to plan their conduct of the meeting. The analysts employed by the various subject committees then get to work providing briefing for these groups, and at a series of further meetings the strategy for the evidence session is developed.

Then, on a Thursday morning, the Prime Minister faces the chairmen entirely alone. Doubtless, he has been preparing just as hard as they. Without fail, he appears to get the better of the exchanges, but in doing so he has to explain himself at length and in detail. The soundbite exchanges of the chamber are replaced by a more extended interview. As an exercise in accountability of the executive to Parliament, this is about as good as it gets, or is likely to get, anywhere in the world.

And of course, it will be difficult for any future Prime Minister to alter this practice. One wonders how a Prime Minister who is not Tony Blair will cope. We will not have to wait too long to find out.