



House of Commons
Procedure Committee

Use of hand-held electronic devices in the Chamber and committees

Third Report of Session 2010–11

*Report, together with formal minutes and
written evidence*

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The Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

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Mrs Jenny Chapman (*Labour, Darlington*)
Mr Roger Gale (*Conservative, North Thanet*)
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Sir Peter Soulsby (*Labour, Leicester South*)

The following Member was also a member of the Committee during the Parliament:

Mike Wood (*Labour, Batley and Spen*)

Powers

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 147. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/proccom>.

Committee staff

The current staff of the Committee are Dr Lynn Gardner and Anne-Marie Griffiths (Clerks) and Rowena Macdonald and Carolyn Bowes (Committee Assistants).

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Summary

The House of Commons last revised its rules on the use of electronic hand-held devices in the Chamber and in committee in October 2007. Since that time the use of technology and the development of smaller and less obtrusive devices and new applications and facilities have developed rapidly. We recommend that the House agree the following resolution to replace that of 25 October 2007:

That hand-held electronic devices (not laptops) may be used in the Chamber, provided that they are silent, and used in a way that does not impair decorum; that Members making speeches in the Chamber or in committee may refer to electronic devices in place of paper speaking notes; and that electronic devices, including laptops, may be used silently in committee meetings, including select committees.

Report

Rules on use of hand-held electronic devices

1. The current rules for the use of electronic devices by Members in the Chamber were approved by the House on 25 October 2007 and permit the use of mobile phones and other hand-held devices “to keep up to date with emails [...] provided that it causes no disturbance”.¹ Very soon after the rules were agreed, the Speaker was required to make a further statement, clarifying that:

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.²

2. Since 2007 the availability of new technology and the use of that technology both within and outside Parliament have increased dramatically. There are many new devices, including portable “tablet” computers such as iPads or smartphones, which were not known to the Modernisation Committee which drew up the report which led to the House’s resolution. There are also new uses of technology, for example Twitter, which were similarly unknown but on which the Speaker and the Chair of any committee may be expected to rule, using the existing resolution as a guideline. We are aware that the Speaker, and other Members, receive a good deal of correspondence commenting on the use by Members of hand-held devices in the Chamber. In the circumstances, when asked by the Speaker and the Administration Committee to consider whether the rules should be changed, we agreed to conduct this short inquiry.

Views of Members

3. We sought the views of all Members. The response was very poor but we know from other evidence that Members differ in their enthusiasm for change of the rules. The Chair of the Administration Committee, on the one hand, told us that that “there is evidence of over-reliance” on mobile phones or BlackBerries by Members waiting to speak in the Chamber and that the previous ruling might be redefined “in a more restrictive way”, although the Administration Committee also considered that “more leeway” could be given to Members in committees.³ On the other hand, we understand that there are around 225 Members who tweet, coming from all parties in the House. The number of occasions on which the Speaker is asked to rule on cases where Members appear to be using devices while in the Chamber is a clear indication both that some Members wish to use electronic devices in these circumstances and that others object to them sufficiently strongly to raise points of order.

¹ Resolution, based on First Report from the Select Committee on the Modernisation of the House of Commons, Session 2006–07, HC 337, *Revitalising the Chamber: the role of the back bencher*

² HC Debates, 7 November 2007, col 130

³ Ev p 13

Practice in other legislatures

4. Practice in other legislatures varies widely as to what is or is not permissible in terms of the use of hand-held electronic devices in plenary sessions. In Austria, for example, members are provided with electronic notebooks and may also use their own mobile devices (except mobile phones). Similarly, members may use laptops, netbooks and tablet PCs in the Chamber in most other European countries, although there may be restrictions: for example, in the French National Assembly such devices may not be used during question time. In Greece, no electronic devices are allowed in the plenary hall out of respect to the member who is speaking, whilst in other countries such as Finland and Ireland, there have been frequent discussions about the use of devices. Despite these discussions laptops remain prohibited in the Finnish Chamber as do all electronic devices of any kind in the case of Ireland.

5. In other anglophone countries, there has been a gradual move towards an easing of restrictions, providing that discretion is practised. In Canada members may not use mobile phones or cameras but since 1994 they have been permitted to use laptop computers in the Chamber provided that their use does not cause disorder or distract the member who has the floor. Similarly, in New Zealand the Speaker has discretion to permit electronic devices and has permitted members to use laptop computers provided they are used silently and unobtrusively. Mobile phones are not permitted and must be turned off within hearing of the Chamber, although a number of telephones are installed in the Chamber for the use of leaders and Whips, subject to the Speaker's discretion.

6. The US House of Representatives has previously banned the use of mobile phones and computers on the floor of the House. However, on 5 January this year the new Congress agreed to a revised rule which states that "A person on the floor of the House may not smoke or use a mobile electronic device that impairs decorum". This is designed to give discretion to the Speaker to decide what sort of technology can be used by referring to attributes or how the device is used, rather than the type of device as in the past. The change was brought in following the informal use of electronic-tablet devices in the previous Congress. The section-by-section analysis of the changes to the rules explains that:

As the popularity of electronic-tablet devices increases, the House has observed how Members use them and their effect on decorum and has evaluated whether the use of electronic-tablet devices poses either audible or visual impairments to decorum in the chamber. Unlike bulkier notebook and laptop computers, electronic-tablet devices can be used without obscuring the Member behind a screen or creating the visual of a sea of screens across the chamber. In addition, these devices are implemented with silent keyboards that limit audible disruptions.⁴

⁴ H.Res. 5 *Adopting Rules for the 112th Congress: Section-by-section analysis*, <http://www.rules.house.gov/RulesRepMedia/file/PDF/HRes%205%20Sec-by-Sec.pdf>

Practice in the House of Lords

7. The House of Lords has recently re-examined its practice with regard to the regulation of electronic devices in that House. In a report published on 31 January,⁵ the Administration and Works Committee recommended that the House adopt the following new rules:

1. Hand-held electronic devices (not laptops) may be used in the Chamber and Grand Committee provided that they are silent, but repeated use of such devices is discouraged. Members making speeches may refer to electronic devices in place of paper speaking notes, subject to the existing rule against reading speeches.
2. Electronic devices may not be used to send or receive messages for use in proceedings. They may be used to access Parliamentary papers and other documents which are clearly and closely relevant to the business before the House or Grand Committee, but not to search the Web for information for use in debate which is not generally available to participants by other means.
3. Electronic devices may be used silently in select committee meetings, subject to the discretion of the Chairman of the committee on a meeting-by-meeting basis.
4. In the following areas of the House, electronic devices must be silent and may not be used to hold conversations:
 - (i) Prince's Chamber
 - (ii) Peers' Lobby
 - (iii) Division lobbies during divisions
 - (iv) Library
 - (v) Salisbury Room
 - (vi) Bars and restaurants.

8. The report was agreed by the House on 10 March and the Lords Procedure Committee will now amend the *Companion to the Standing Orders* to incorporate the new rules.

Arguments for and against the use of electronic devices

9. There is a respectable argument that electronic devices should not be used in the Chamber or committees at all. Those Members present should be attending to the debate and not undertaking other activities, and their use of electronic devices might distract others, either visually or audibly. There is also some evidence in letters received from the public that the sight of Members concentrating on hand-held devices rather than the debate creates a negative impression of the House of Commons. Finally, there is a concern

⁵ First Report from the Administration and Works Committee, Session 2010-11, HL Paper 92, *Use of electronic devices in the House*

that transmitting messages in and out of the Chamber might allow others to influence the course of a debate which could constitute interference in parliamentary proceedings. This lies behind the proposed retention of the existing rule in the House of Lords that electronic devices must not be used to send or receive messages for use in proceedings⁶ and is reflected in the current rule in the Commons that Members should not use devices as an aide memoire whilst speaking.

10. The arguments in favour of permitting the use of electronic devices are largely pragmatic. The Modernisation Committee originally recommended the lifting of the restriction on using hand-held devices at least as far as emails were concerned because of the possibility that allowing multi-tasking in the Chamber might increase the number of Members present in a debate. In a report specifically aimed at “revitalising the Chamber”, the Committee argued that “Members might be more willing to spend time in the Chamber listening to debates or waiting to be called if they were able to do other work at the same time, either dealing with correspondence or perhaps even using a handheld computer or laptop to deal with e-mails.”⁷ There is also a question of consistency: written notes, as well as books, newspapers, letters and research papers, may all be used as an aide memoire in a speech. There would seem no difference in degree in allowing a Member to consult his or her speaking notes or necessary documents either in hard copy or on an electronic device. Indeed, as more and more material is published in electronic form only, it may be the only way in which some documents may be consulted. Finally, it has to be acknowledged that electronic devices are ubiquitous now in a way that even four years ago was not the case. Banning them from the Chamber might make the House appear out of touch with modern life and would mean that those in the Chamber would be the last to know of breaking news widely available on the internet.

Our conclusions and recommendations

11. We have weighed these arguments and examined the possible use of electronic devices from three different aspects: for what purpose a device may be used, how it may be used and what type of device may be used. We have taken the existing rules as our starting point but have also had regard to the new rules agreed by the House of Lords and those recently adopted by the US Congress.

12. The purpose to which hand-held electronic devices might be used is clearly the starting point and was rightly identified by the Lords Administration and Works Committee as the “main consideration” in determining the new rules.⁸ The Lords Committee concluded that electronic devices could be used “for any purpose not related to the proceedings before the House or Grand Committee”. The new rules singled out for prohibition sending or receiving messages for use in proceedings and also searching the Web for material for use in debate. The latter point attracted most comment in the debate on the report, with

⁶ HL Paper 92, Session 2010-11, para 5

⁷ HC 337, Session 2006-07, para 100

⁸ HL Paper 92, Session 2010-11, para 4

several peers arguing that a ban on searching the internet was impractical as well as misconceived since such searches could lead to better informed debate.⁹

13. We have reservations on three fronts about basing any reformulation of the rules on what activities are either permissible or forbidden. First, the inadequacy of the reference in the current rules to checking emails shows how rapidly the range of applications available on hand-held devices could outstrip any attempt at defining acceptable usage.

14. Secondly, we agree with the concerns expressed in the Lords that it is difficult to police activity on an electronic device in a proportionate way. The Lords Administration and Works Committee considered that the convention of self-regulation in the House of Lords would make it feasible to experiment with a one-year trial of banning the use of electronic devices to search the internet for material that might be used in the course of proceedings but which is not generally available. There is no such convention in the Commons and it would be invidious to expect the Speaker to rule on whether a Member had been using his device for a proper purpose following a complaint from another Member or the public.

15. Thirdly, we are persuaded by the argument that it is illogical to prevent Members from using electronic devices in the way that they would use paper notes and documents for speaking notes or for research purposes. Nor would we wish to prevent Members from checking facts or consulting material by means of an internet search in the course of proceedings in the Chamber.

16. We therefore conclude that Members should be allowed to use electronic hand-held devices for any purpose when in the Chamber whilst not speaking, and that the current ban on the use of hand-held electronic devices as an aide memoire, whilst speaking in a debate, should be ended. We understand that Hansard would be happy to accept notes for speeches electronically, rather than requiring a hard copy print-out of a Member's speech.

17. We have given special consideration to the example set by the Lords in their reinforcement of the rule that electronic devices must not be used to send or receive messages for use in proceedings. At its most extreme, allowing messages to be passed in and out of the Chamber in this way could result in Prime Minister's Question Time being conducted by instant rebuttal teams briefing the principals on what they should say, whilst all other Members were bombarded with messages from the public and others commenting on and attempting to offer contributions to the debate. We believe that it is a fundamental principle, to which all Members should agree, that direct interference in proceedings should not be permitted. However, at present notes are passed from officials to Ministers during debates and Members may choose to consult others in the margins of committees. We see no reason why such messages should not equally be transmitted electronically as by hand.

18. The next issue of importance is how devices may be used. The link between the rules formulated by many different legislatures is that devices must be used with discretion and with due regard to decorum. For us, that is the central principle on which the House should agree. The current rules refer to not causing disturbance. This covers distracting other Members by sight or sound but we feel that it does not convey quite the right

⁹ HL Debates, 10 March 2011, cc 1758-1767

message that Members using hand-held devices should have constantly in mind that they are in the Chamber and should behave accordingly. We are therefore attracted to the inclusion in the rules of a condition that hand-held devices may be used only where they do not “impair decorum”. It would then be a matter for the occupant of the Chair to judge in specific circumstances when this rule had been breached, which is in keeping with the general conventions on behaviour in the Chamber. The decorum rule should be understood to mean that all devices should be used silently and unobtrusively, without disturbing other Members, and that excessive use should not be tolerated.

19. On the type of devices which may be used, it is a certainty that any attempt to be prescriptive would soon be out of date. It is therefore preferable for the House to define in general terms what is acceptable. We believe that the House would wish to maintain its current prohibition on using mobile phones, except in silent mode, in the Chamber or in Committee and we also consider that there is no case for the use of laptops in the Chamber, partly on grounds of lack of space since Members do not have their own desks or even their own seats. We see no logical reason to distinguish between other types of hand-held devices, provided that they are of reasonably small dimensions. A good rule of thumb would be a device no bigger than an A4 sheet of paper in width and length which did not obscure the Member’s face when in use. We believe that all devices fitting this description should be permissible.

20. So far our discussion of the rules has concentrated on the use of devices in the Chamber. We accept that a different regime may be appropriate in committees where the use of laptops is a practical possibility because each Member has his or her own space in which to work. Select committees already circulate non-confidential papers electronically and there are plans in place for a pilot to test the use of electronic devices for the provision of some House papers, including those for a particular select committee.¹⁰ We see no reason to restrict the devices on which committee papers may be accessed. As in the Chamber, we believe that the key principle to follow is that any device should be used with due decorum, without unnecessary noise and without disturbance to others. For this reason, we believe that other, smaller and more discreet electronic devices are preferable to the use of laptops in committees although we do not consider it necessary to prohibit their use at this stage.

21. We recommend that the House agree the following resolution to replace that of 25 October 2007 on the use of electronic hand-held devices in the Chamber and committees:

That hand-held electronic devices (not laptops) may be used in the Chamber, provided that they are silent, and used in a way that does not impair decorum; that Members making speeches in the Chamber or in committee may refer to electronic devices in place of paper speaking notes; and that electronic devices, including laptops, may be used silently in committee meetings, including select committees.

¹⁰ Ev p 13

22. We stress that agreeing this resolution would not imply any relaxation in other rules or conventions about behaviour in the Chamber, for example the restrictions on reading speeches, displaying objects in support of speeches or using cameras or recording equipment whether or not the camera or recording equipment is part of the permitted device.

23. The House of Lords have agreed their new rules on the basis of a one year trial. We recognise that this is a sensitive issue and agree that it would be desirable to set a date now on which the impact of any change in the rules can be reviewed. We therefore undertake to conduct a review a year into the operation of the rules, should the House agree a new resolution relating to the use of hand-held electronic devices in the Chamber or committees.

Tweeting from the Chamber or committee

24. As an example of a practice which could not have been predicted by the Modernisation Committee in 2007, tweeting could hardly be bettered. The use of Twitter by Members is very popular and its use in the Chamber or Westminster Hall has caused comment from Members themselves and from the public. Many different views have been expressed, from those who believe that it is a threat to the dignity of parliamentary proceedings to those who argue that it brings Parliament to a whole new audience.

25. Tweeting about proceedings from the galleries is in our view no different in degree from presenters commenting on live broadcasts of proceedings or indeed from tweeting or blogging about proceedings when watched from outside the Chamber. Whilst tweeting from inside the Chamber is clearly a more sensitive matter, we consider that it would be inconsistent to ban this one practice whilst advocating the approach based on decorum rather than activity which we advocate in this report. We also recognise that it would be impossible for the Chair to police tweeting by Members and that the Chair should not be expected to rule on allegations that inappropriate tweeting is taking or has taken place. Instead, we urge all Members to use their good sense and behave with courtesy, particularly in not tweeting messages which would be disorderly if said in the House.

26. We feel that the same rules should apply to tweeting in committee meetings that are held in public as we recommend should apply in the House. However, tweeting in select committee meetings may raise sensitive matters should Members wish to comment on ongoing proceedings. We would deprecate as discourteous and a breach of the decorum rule any comments on the evidence being taken by a committee whilst the session was in progress. Disclosing private proceedings of a committee by tweeting would of course be a breach of privilege in the same way as disclosure by any other means and should not take place at all when a committee is sitting in private.

Formal Minutes

Wednesday 16 March 2011

Members present:

Mr Greg Knight, in the Chair

Mrs Jenny Chapman
Mr James Gray
John Hemming

Mr David Nuttall
Bridget Phillipson
Jacob Rees-Mogg

Draft Report (*Use of hand-held electronic devices in the Chamber and committees*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 26 read and agreed to.

Summary agreed to.

Motion made and Question put, That the Report be the Third Report of the Committee to the House.

The Committee divided.

Ayes, 5

Noes, 1

Mrs Jenny Chapman
John Hemming
Mr David Nuttall
Bridget Phillipson
Jacob Rees-Mogg

Mr James Gray

Resolved, That the Report be the Third Report of the Committee to the House.

Motion made and Question put, That the Chair make the Report to the House.

The Committee divided.

Ayes, 5

Noes, 1

Mrs Jenny Chapman
John Hemming
Mr David Nuttall
Bridget Phillipson
Jacob Rees-Mogg

Mr James Gray

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Wednesday 30 March at 3.00 pm]

Written evidence

Memorandum submitted by Rt Hon Sir Alan Haselhurst MP, Chair of the Administration Committee (P 74, 2010–11)

Thank you for inviting my Committee to offer a view on the use of electronic devices in the Chamber and in Committees.

We recall that permission was granted in order to allow Members waiting to speak to carry on with other work. This, arguably, has now gone a little too far, because we are aware that some members of the public have begun to express concern that Members appear to be ‘engrossed’ in mobile phones or devices such as BlackBerries. Members of the Committee do not go so far as to say that their use in the Chamber should be banned. However, there is evidence of over-reliance, and we should remember that a Member who spends no time listening to colleagues can hardly expect to be listened to when he or she speaks.

We believe that the practice of ‘tweeting’ from the Chamber should be prohibited. We fully support the idea that the Chamber be open and transparent, but find such a practice grossly discourteous to other Members.

We think, therefore, that the Speaker might be asked to redefine the previous ruling in a more restrictive way.

By contrast, however, we believe that a more relaxed approach might be taken from the Chair in Committees of the House (although not in a Committee of the whole House, of course). PICT expects soon to trial the use of electronic devices to provide some House papers, including, for example, the papers for a particular Select Committee. Members may find this of benefit to their way of working.

Again, Members participating in Committees—select or general—should be expected to pay attention to the matter under consideration rather than working entirely on other subjects. But the time involved in Committee work and the need to remain for the duration suggest that more leeway might usefully be given for work that may be done quickly and unobtrusively during Committee meetings.

The watchwords, again, should be discretion and courtesy to others, and the message that Members ourselves are responsible for the messages we send to our constituents—both electronically and metaphorically—would be a useful one to reinforce.

We suggest that the above represents a balanced approach.

February 2010

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–11

First Report	Ministerial Statements	HC 602
Second Report	Improving the effectiveness of parliamentary scrutiny:	HC 800
	(a) Select committee amendments	
	(b) Explanatory statements on amendments	
	(c) Written parliamentary questions	
Third Report	Use of hand-held electronic devices in the Chamber and committees	HC 889

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