



HOUSE OF LORDS

GUIDE FOR
DEPUTY SPEAKERS
AND
DEPUTY CHAIRMEN

May 2011

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Produced by the Clerk of the Parliaments' Office

House of Lords

May 2011

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Guide for Deputy Speakers and Deputy Chairmen

I. SPEAKER AND CHAIRMAN

The Lord Speaker is elected by the House. It is her duty ordinarily to occupy the Woolsack, or the Chair when the House is in Committee. The Chairman of Committees is the designated Deputy Speaker.

Deputy Speakers, appointed by the Crown under the Great Seal, and Deputy Chairmen, appointed by the House, may take the place of the Lord Speaker. If none of these Lords is present the House may on motion appoint its own Speaker. A programme of duties is arranged for the Deputies on a weekly basis, so that every hour while the House or Grand Committee is sitting is covered.

The function of the Speaker or the Chairman is to put the Question on all motions which have been proposed, but he has no power to maintain order. Responsibility for maintaining order rests with the House or the Committee.

2. PROCEEDINGS IN THE HOUSE

A brief is provided for the Lord Speaker on each day when the House sits and this sets out the expected course of business, and the Questions which have to be put from the Woolsack. A copy is also provided for any Lord acting as Speaker. A separate brief is provided for the Chairman or Speaker to explain points of difficulty which may arise during a stage of a bill, for example the pre-emption of one amendment by another. These briefs supply basic information and help for the Speaker and the Chairman, but assume a general knowledge of the procedure of the House and of the forms of words explained in this guide. The Clerks at the Table should be consulted on any unexpected business or unusual procedure. Further written guidance is available in the *Companion to the Standing Orders* and in the *Brief guide to the procedure and practice of the House of Lords*.

Order in the House

The Speaker has no power to act in the House without the consent of the House.

The role of assisting the House at question time rests with the Leader of the House, not the Speaker. At other times of day the Lord on the Woolsack or in the Chair may assist the House by reminding members of the relevant parts of the *Companion*. Such assistance is limited to procedural advice and is usually given at the start of the business in hand, for example how time is to be divided between the front and back benches in response to a statement, the correct procedure at Report stage, the handling of grouped amendments, and the procedure to be followed in the case of amendments to amendments. Assistance may be helpful at other stages when procedural problems arise.

The Government Chief Whip advises the House on speaking times in debates. Reinforcing such time limits is handled by the front benches rather than the Speaker, and any member can draw such advice to the attention of the House. Timed debates are brought to an end (if necessary) by the Speaker on an indication from the Table.

Interventions, in particular those calling attention to the failure of an individual member to comply with the rules, may come from the front benches or other members. This would be the case, for example, when arguments deployed in committee were repeated at length on report. Such interventions would not normally come from the Speaker.

The Speaker observes the same formalities as any other member of the House. He addresses the House as a whole, and not an individual member. He does not intervene when a member is on his feet. His function is to assist, and not to rule. The House does not recognise points of order. Any advice or assistance given by the Speaker is subject to the view of the House as a whole.

Beginning of a sitting

If the Lord Speaker is absent at the beginning of a sitting of the House, the Chairman of Committees or failing him a Deputy Speaker takes her place on the Woolsack. In this event, the Lord Speaker's procession with the mace is curtailed. The Deputy Serjeant-at-Arms, alone, takes

the mace by way of the Library corridor to the Peers' Lobby where the Deputy Speaker awaits him at the Brass Gates and follows him into the Chamber from below the Bar on the Temporal side. When the Deputy Speaker reaches the Woolsack he faces the House and bows, turns to the Bishop and bows and then turns to face the Throne. After the psalm has been read, he kneels for prayers. When prayers are over he rises, bows to the Bishop, then to the House and sits on the Woolsack. If no Bishop or other ordained minister of the Church of England is present the Lord Speaker or Deputy Speaker reads prayers.

When the House sits after an "Adjournment during pleasure", the mace is already on the Woolsack and the Speaker enters the House from the Prince's Chamber on the Spiritual side. When he reaches the Woolsack he merely bows to the House and sits on the Woolsack.

Change of Speaker or Chairman during sitting

During the course of business one Speaker may succeed another on the Woolsack. This is done without interruption of business. The Lord who is to replace the Speaker waits on the Archbishops' bench. At the agreed time the two Lords stand on either side of the Woolsack and bow to each other (the Lord who is taking over stands on the Spiritual side of the House, the one being replaced on the Temporal side); the Lord who has been on the Woolsack then withdraws and the Lord replacing him sits down.

There is no formality when one Chairman succeeds another at the Table.

Quorum

The quorum of the House (or of a Grand Committee) is three, including the Lord Speaker or Deputy. There is, however, a quorum of 30 for divisions on a bill or on any Question for the approval or disapproval of subordinate legislation. The procedure to be followed if fewer than 30 Lords have voted in such divisions is set out on p. 42.

Voting on the Woolsack and in the Chair

The Lord Speaker is expected to refrain from political activity, including voting in the House. If, however, one of the Deputies is on the

Woolsack or in the Chair and wishes to vote during a division then the vote is taken by the Clerk and notified to the Tellers on their return from the division lobbies.

Adjournment of the House

At the end of business a member of the Government moves “That the House do now adjourn”. It is customary for the Speaker not to put the full Question on this motion unless he has been informed that any Lord wishes to speak on the adjournment. Instead he repeats the words –

“That the House do now adjourn.”

and does not collect the voices. He then turns to the Temporal side, bows to the mace and follows it out of the House by the Temporal side into the Peers’ Lobby where he leaves the procession after bowing to the mace in the centre of the Lobby.

When the House is to be adjourned during pleasure the motion is moved from the Government Front Bench. In some cases the motion may include the time at which the House will resume, but on other occasions the time is not mentioned. The Speaker then puts the Question in full, including the time if it has been specified in the motion –

“The Question is that the House do now adjourn during pleasure until 8 o’clock [or as the case may be].”

or

“The Question is that the House do now adjourn during pleasure.”

He collects the voices and when the Question is agreed to he leaves the House alone, going by the Spiritual side to the Prince’s Chamber.

For further variations on adjournments and interruptions, including the interrupting of a Committee Stage, see pp. 34–37.

3. PUTTING THE QUESTION

Motions

Every motion, after it has been moved, must be proposed in the form of a Question from the Woolsack (or the Chair) before debate takes place upon it. When a motion is moved, the Speaker or Chairman rises at the end of the mover's speech and puts the Question on the motion for the first time. If no one rises to speak he goes on immediately to "collect the voices" (see p. 13) and the Question is decided. If there is a debate, he does not collect the voices at this point but waits until the end of the debate. Then he puts the Question for the second time and collects the voices, and the Question is decided. The Question takes various forms, for example –

"The Question is that this motion be agreed to."

"The Question is that this bill be now read a first [second][third] time."

"The Question is that this Report be now received."

"The Question is that the House do now resolve itself into a Committee upon the bill."

The form of Question follows the wording of the motion, though in the case of complex motions it may be appropriate for the Question to refer to the words "as printed". Such a case would be explained in the Lord Speaker's Brief.

The essential requirement is that the Question should be put in a form which leaves the House in no doubt about what it is being asked to decide.

If a Lord in whose name a motion or question stands on the Order Paper cannot be present, he may authorise another Lord to move or ask it on his behalf. This Lord should state that he is doing so with the authority of the absent Lord.

If authority has not been given, any Lord who wishes to move the motion or ask the question must ask the House for leave, which must be unanimous.

Amendments to motions

The principle which underlies the structure of a debate during which amendments (and possibly amendments to amendments) are proposed to a motion is that the discussion of each amendment is a separate debate, which must be concluded before the House returns to the original motion. Similarly, an amendment to an amendment must be disposed of before the original amendment is considered again.

When an amendment to a motion is moved, the Question on the amendment is, for the sake of clarity, put as follows –

“The original Question was that ...; since when an amendment has been moved to ...; the Question, therefore, is that the amendment be agreed to.”

When the debate on the amendment has finished and the Question is put for the second time and decided, and no further amendment to the motion has been tabled, the House reverts to the original motion (either amended or unamended). If there are several amendments tabled to the same motion, they are called in turn in the order in which they relate to the text, subject to the rules on pre-emption. In practice the motion and any amendments are usually debated together on the first amendment, subsequent amendments are called and disposed of formally and the Question on the original motion is put for the second time as soon as the last amendment to it has been disposed of. If the motion has been amended by an amendment, the wording to be used in putting the Question on any subsequent amendment will be set out in the Lord Speaker’s Brief.

If no amendment is agreed to, the original Question should be put in its original form. If any amendment has been agreed to, the Question on the original motion should be put as follows –

“The Question is that [the full text of the original motion as amended] be agreed to.”

or alternatively, in exceptionally complex cases –

“The original Question was, that ...; since when an amendment has been made, to ...; the Question which I now have to put to the House is that [the original motion as amended] [or the full text is read if appropriate] be agreed to.

Amendments to bills

The Question on amendments to bills is put in a slightly different form (see pp. 16 ff.).

Collecting the voices

At the end of the debate on a motion or an amendment, the Speaker or Chairman, having put the Question to the House or Committee for the second time, says –

“As many as are of that opinion will say “Content”; the contrary “Not-content”.”

If there is a response from only one side, he accordingly says –

“The Contents [Not-contents] have it.”

and the Question is resolved in the affirmative or negative accordingly.

If there is a response from both sides, but he thinks one side is more numerous than the other, he says –

“I think the Contents [Not-contents] have it.”

If this expression of opinion is not challenged he says –

“The Contents [Not-contents] have it.”

and the Question is decided accordingly.

The Speaker or Chairman may repeat this expression of opinion until he is satisfied that he cannot avoid calling a division or until one side ceases to challenge. This process is known as “collecting the voices”.

Divisions

When the Speaker or Chairman has decided that he cannot avoid calling a division, i.e. after he has collected the voices and both sides persist in challenging his opinion that the Contents (or Not-contents) have it, he calls a division by saying –

“Clear the Bar.”

At this moment division bells are rung throughout the House. At the end of three minutes the Clerk rises and bows and the Speaker or Chairman rises and puts the Question as before –

“The Question is that ... As many as are of that opinion will say “Content”; the contrary “Not-content”.”

If both sides again reply (only one voice needs to reply from each side) he says –

“The Contents will go to the right by the Throne; the Not-contents to the left by the Bar.”

But if only one side replies, he says –

“The Contents [Not-contents] have it”

no division takes place, and the Question is resolved accordingly.

In addition, if the proper number of Tellers is not appointed, a division cannot take place and the Speaker or Chairman will be advised by the Clerk at the Table on the procedure which he should follow (see pp. 45–48).

After a further five minutes, the Clerk again rises and bows and the Speaker or Chairman says –

“The Question is that ... [as appropriate]”

but he does not add the final words *“As many as are of that opinion ...”* because he is merely informing the House or Committee of the Question before it. The doors of the Chamber are then locked, and only those in the Chamber or the lobbies at that time may vote. When all have voted, one of the Tellers will hand the Speaker or Chairman the result and he rises and says –

“There have voted –

Contents ... Not-contents ...

so the Contents [Not-contents] have it.”

If there is **No Quorum**, or an **Equality of Votes**, the Speaker or Chairman will be advised by the Clerk at the Table on the procedure which he should follow (see pp. 42–48).

The Lord on the Woolsack or in the Chair has discretion to authorise an extension of the time required for a division under special circumstances, for example if the division bells fail to ring.

Withdrawal of motions or amendments

At the end of a debate the mover of a motion or amendment may ask the leave of the House or Committee to withdraw his motion or amendment. If he does, the Speaker or Chairman rises and says –

“Is it your Lordships’ pleasure that this motion [amendment] be withdrawn?”

If there is no dissenting voice he adds –

“Motion [amendment] by leave withdrawn.”

The leave of the House to withdraw must be unanimous; if there is any dissenting voice, he must put the Question, and say –

“The Question is that this motion [amendment] be agreed to. As many as are of that opinion ...”

4. COMMITTEE OF THE WHOLE HOUSE ON PUBLIC BILLS – NORMAL PROCEDURE

The Chairman takes the Chair at the Table. On the first or only Committee day he reads out the name of the bill, and then puts the Question –

“That the Title of the bill be postponed.”

and, if there is a Preamble,

“That the Preamble of the bill be postponed.”

He then calls each clause in turn by its number; if no amendment is moved, he puts the Question on each clause, thus –

“That clause ... stand part of the bill.”

If there are amendments to any clause, he calls them in sequence by number, thus –

“Amendment 1 – Lord A.”

In the absence of Lord A, any other Lord may move the amendment, even if he has not added his name to it. When Lord A has finished his speech on his amendment the Chairman says –

“Amendment proposed, page X, line Y, leave out “...” and insert the words as printed” [*or the Chairman reads out the words if they are not too many*].

The debate on the amendment follows, and at the end of the debate the Lord who has moved the amendment may ask leave to withdraw it. If he does not, the Chairman puts the Question –

“That this amendment be agreed to.”

The Chairman then collects the voices and, if necessary, calls a division (see p. 14).

If the Lord asks leave to withdraw, the Chairman says –

“Is it your Lordships’ pleasure that this amendment be withdrawn? – amendment, by leave, withdrawn.”

N.B. Leave to withdraw must be unanimous. If there is a single dissentient voice, the Chairman must put the Question –

“That this amendment be agreed to.”

As soon as the amendments to each clause have been disposed of, the Chairman puts the Question –

“That clause X [as amended] stand part of the bill.”

On this Question a general debate on the clause may take place and it is open to any Lord who wishes to propose the omission of the clause to speak (see p. 20).

The Chairman’s brief will not indicate when each clause to which amendments have been tabled is stood part. Determining this is one of the points for which the Chairman should prepare himself in advance.

When one Chairman replaces another during the course of business, the new Chairman should discover whether the clause under discussion has already been amended.

The clauses of the bill are proceeded with in sequence unless there is an Instruction from the House. This is printed at the top of the marshalled list, and is usually an Instruction that the Schedules be considered with the clauses to which they relate.

The Schedules to the bill are treated in the same way as the clauses but the Question is put on each thus –

“That this be the Schedule to the bill” or “That Schedule I [as amended] be the first Schedule to the bill. As many as are of that opinion ...”

When the Committee have gone through the clauses and Schedules, amendments may be moved to the Preamble (if there is one) and Title of the bill. If no amendment is made, the Chairman puts the Questions –

“That this be the Preamble of the bill.”

(if there is a Preamble); and

“That this be the Title of the bill.”

If amendments are made to the Preamble or Title, he puts the Questions–

“That this Preamble, as amended, be the Preamble of the bill.”

“That this Title, as amended, be the Title of the bill.”

When consideration of the bill in Committee has been concluded, he puts the Question –

“That I report the bill to the House with amendments or [with an amendment] or [without amendment].”

He then puts the Question –

“That the House be resumed.”

If this is agreed to, he leaves the Chair and goes to the Woolsack and says –

“My Lords, the Committee of the whole House to which the ... Bill was committed has gone through the same and have directed me to report it to your Lordships with amendments [with an amendment] [without amendment].”

If the Lord Speaker or another Deputy Speaker takes over the Woolsack, the Lord who was in the Chair may report the bill from the Government front bench.

If no amendment has been made, the Lord in charge of the bill may then (though he need not) move –

“That this Report be now received.”

and the Question is put accordingly.

Clause stand part

By long-established practice, each clause and Schedule has to be moved affirmatively into the bill in Committee.

When a clause or Schedule has been disposed of the Committee cannot consider it again, unless a motion is subsequently passed to recommit it.

When there are consecutive clauses or Schedules to which no amendment has been set down, it is the practice of the Chairman not to call the clauses or Schedules singly but to put the Question on all of them, or on groups of them, together. He should pause before completing the Question in case a member, who has not given notice of his intention to do so, wishes to speak.

Leaving out clauses/Schedules

Notice to leave out a clause or Schedule is not treated as an amendment because it is merely an indication that a Lord wishes to speak against the Question that the clause or Schedule stand part of the bill. Such notice therefore appears in the Marshalled List without a number and in italics thus –

Lord A gives notice of his intention to oppose the Question that clause X stand part of the bill.

or

The above-named Lords give notice of their intention to oppose the Question that clause X stand part of the bill.

When this notice is reached, the Chairman should say –

“The Question is that clause X stand part of the bill – Lord A.”

The debate takes place on the Question “That the clause stand part”. The Chairman does not repeat the question after Lord A has spoken. When the Question is put again at the end of the debate, those who wish to leave out the clause say “Not-content” and those who wish the clause to remain say “Content” to this Question.

Schedules are dealt with similarly.

Insertion or substitution of new clause or Schedule

Where a new clause or Schedule is tabled for inclusion in the bill (either in substitution for an existing clause or Schedule or separately)

it is treated as an ordinary amendment, and the question on it is accordingly –

“That this amendment be agreed to.”

If the amendment is agreed to it is not then necessary to stand the new clause or Schedule part of the bill.

Transposition of clause or Schedule

The Question on an amendment to transpose a clause or Schedule (or part of a clause or Schedule) is put after the Question that the clause or Schedule stand part of the bill. Therefore it is not necessary for the transposed clause or Schedule to be stood part of the bill again in the place to which it is transposed.

Postponement of clauses or Schedules

The Committee may, upon motion of which notice is not essential, postpone clauses or Schedules or groups of clauses or Schedules which are then taken up later on, but this course may not be adopted if an amendment has already been made to the clause or group concerned.

Grouped amendments

A Lord will commonly ask leave to speak to a number of related amendments, not necessarily consecutive nor all in his own name, which have been “grouped” in an agreed list prepared by the Government Whips’ Office. If leave, which need not be unanimous, is granted, debate usually takes place on only the first of the related amendments, even though it may be a minor or “paving” amendment.

When an amendment on which later amendments are consequential has been agreed to, the later consequential amendments in the group may be moved formally, either singly or *en bloc*. When an amendment on which later amendments are consequential has been disagreed to or withdrawn, the later amendments are normally not moved.

However, notwithstanding any grouping, each amendment may be moved (if desired) and disposed of separately at its place in the

marshalled list, and so it is open to any Lord to speak to any amendment at the point when the Question is put on it.

***En bloc* amendments**

The Question should be put on amendments *en bloc* only where a decision in principle has already been made by the House or Committee earlier in the bill. The Speaker or Chairman should not allow a Lord to move a new group of amendments *en bloc* (except when Commons amendments are being considered: see p. 29). The first amendment in the group must first be debated and decided. Thereafter some or all of the later amendments may, by unanimous leave of the House, be moved *en bloc*, provided that they are consecutive in the marshalled list and, when the House is in Committee, confined to a single clause or Schedule (for procedure at Report stage and Third Reading, see p. 28). If leave is given, a single Question is put and decided without further debate; if leave is refused, the amendments must be called and disposed of separately to the extent desired.

In Committee, amendments to insert new clauses may be moved *en bloc*, provided they are not in substitution for an existing clause. Amendments may not be withdrawn *en bloc*.

Manuscript amendments

Amendments may be moved in Committee without notice. These are commonly known as “manuscript amendments”. When a manuscript amendment is moved, its text should (unless the Committee otherwise directs) be read out to the Committee, not only by the mover but also by the Chairman when putting the Question. If such an amendment has not been handed to the Chairman, he should ask for a copy in order to put the Question correctly.

Amendments to amendments

Amendments to proposed amendments are taken after the original amendment has been moved and the Question put on it for the first time. Where more than one amendment to an amendment is tabled they are taken in the order in which they relate to the text of the original amendment. They must each be called in turn, subject to the

rules on pre-emption, even if they have been debated with the first amendment in the group. When such amendments to the amendment have been disposed of, the debate on the original amendment (or the original amendment as amended) may be resumed. If an amendment to which amendments have been tabled is grouped with an earlier amendment, and is subsequently moved at its place in the Marshalled List, any amendments to that amendment must be called and disposed of (presumably formally) before the Question on the amendment is finally decided.

Alternative amendments

Where there is more than one amendment to the same place in a bill, each may be called. If any such amendment is agreed to, the subsequent amendments may be called in an amended form by reference to it. The amendments are tabled as follows –

Amendment No.

- | | |
|---|---|
| 1 | Page 1, line 1, leave out “four” and insert “five” |
| 2 | Page 1, line 1, leave out “four” and insert “six” |
| 3 | Page 1, line 1, leave out “four” and insert “seven” |

If amendment 1 is carried, amendment 2 is called thus –

“Amendment proposed, Page 1, line 1, leave out “five” and insert “six”.”

Similarly, if amendment 2 is carried, amendment 3 is called thus –

“Amendment proposed, Page 1, line 1, leave out “six” and insert “seven”.”

Pre-emption

If an amendment has been pre-empted by one previously agreed to by the House, e.g. because the text proposed to be amended has been left out of the bill, the amendment will not be called. The Lord on the Woolsack or in the Chair alerts the House to this possibility, normally when putting the text of the pre-empting amendment after it has been

moved, but sometimes (e.g. when the amendment is a key one which is certain to be divided on) when calling the pre-empting amendment.

5. COMMITTEE OF THE WHOLE HOUSE ON PUBLIC BILLS – PROCEDURE IF NO AMENDMENTS

The following shortened procedures may be used in cases where no amendment has been set down and no Lord has given notice that he wishes to move an amendment or speak to a clause or Schedule.

Committee discharged

The Lord in charge of the bill, having given notice on the Order Paper, may move the discharge of the order of commitment (or re-commitment). If no Lord objects, the question is put from the Woolsack and agreed to by the House. The order of commitment is then discharged and the House proceeds to the next business on the Order Paper. If any Lord objects, the Lord in charge of the bill moves that the House do now resolve itself into a Committee in the normal way.

Report forthwith without amendment

If the Lord in charge of the bill has not given notice for the discharge of the order of commitment, the House must go into Committee. The Chairman may then ask the permission of the Committee to report the bill without amendment forthwith instead of going through the bill in the usual way. The Chairman says –

“[Short title of bill]. My Lords, I understand that no amendments have been set down to the bill and that no noble Lord has indicated a wish to speak. With the agreement of the Committee, I will now put the Question that I report the bill to the House without amendment.”

The Chairman should look round the Chamber to see whether any Lord wishes to speak before he completes the Question. If, before the Question is decided, any Lord indicates his intention to move a manuscript amendment or to speak to any of the clauses or Schedules,

the Chairman thereupon postpones the Title and puts the clauses and Schedules in the usual way (in groups, if convenient). If the Question has been completed, the opportunity has passed for any Lord to move an amendment or to speak to a clause or Schedule.

Moving of Consolidation bills *en bloc*

The Lord in charge may, if he so wishes, move stages of linked Consolidation bills *en bloc*. Notice should be given by means of an italic note on the Order Paper, and any Lord has the right to propose that a particular bill should be moved separately. If a committee stage on re-commitment is required, the House is able to resolve itself into a Committee on more than one linked consolidation bill, and the Committee only reports when all such bills have been considered. This procedure is applied by a business of the House motion.

6. COMMITTEE STAGE IN GRAND COMMITTEE

The Chairman's function in a Grand Committee is exactly the same as that of the Speaker in the House: to put the Question on all motions which have been proposed. The Chairman may assist the Committee by reminding members of the relevant parts of the *Companion*. Such assistance is limited to procedural advice and is usually given at the start of the business in hand, for example the handling of grouped amendments, and the procedure to be followed in the case of amendments to amendments. Assistance may be helpful at other stages when procedural problems arise.

The procedure described on pages 16–23 for Committee of the whole House is followed in a Grand Committee with the following exceptions.

Divisions

It is not possible for a division to take place in a Grand Committee. Therefore decisions of the Committee to amend the bill can only be made by unanimity. If there is objection to the Question that an amendment be agreed to and the amendment is not withdrawn, the Chairman must declare the amendment negatived. Provided that there is at least a single voice in favour the Chairman must declare clauses or Schedules stood part, even if the clause or Schedule is objected to.

Adjournment for a division in the House

If there is a division in the House while the Grand Committee is sitting, the Chairman should immediately interrupt proceedings and say –

***“My Lords, there is a division in the House.
The Committee will adjourn for 10 minutes.”***

Adjournment during pleasure

It may be for the convenience of members that the Grand Committee adjourn for a short time during its proceedings (e.g. for a statement in the House). Normally no question is put and the Chairman simply says –

“My Lords, the Committee will adjourn for ... minutes.”

If, exceptionally, a proposal to adjourn were to give rise to debate, the Chairman would put the Question as follows –

“The Question is that the Grand Committee do now adjourn during pleasure until X o’clock. As many as are of that opinion ...”

Resumption of business

Following an adjournment during pleasure, or for a division in the House, the proceedings simply continue without further formality from the point at which they were broken off.

Completion of proceedings for the day

When the last amendment for the day has been disposed of, a Whip will move that the Committee adjourns and will give the time for resuming proceedings.

The Chairman says –

“The Committee stands adjourned until ...”

No Question is put.

Completion of proceedings on the bill

When the last amendment has been disposed of and the Chairman has put the Questions on the Preamble (if there is one) and Title in the usual way, he puts the Question –

“That the bill be reported to the House with amendments [without amendment].”

When that Question has been agreed to he says –

“My Lords, that concludes the Committee’s proceedings on the bill.”

7. AMENDMENTS ON REPORT

A further opportunity to move amendments to a bill arises on Report stage. The Lord in charge of the bill moves and the Question is put –

“That this Report be now received.”

When this has been agreed to, the Speaker calls each amendment in the order in which it appears on the marshalled list.

“Amendment 1 – Lord A.”

When Lord A has finished his speech on his amendment the Speaker says –

“Amendment proposed, page 1, line 1, leave out ... and insert the words as printed” [or the words to be inserted are read out if not too many].

The amendment is then considered and disposed of in the same manner as in Committee (pp. 16–17).

Though generally speaking amendments are dealt with in the same way on Report as in Committee (see pp. 16 ff.), there are four important differences –

- (1) No Lord may speak more than once to the same question unless he is the mover of an amendment replying to the debate on it or the Minister (by leave);
- (2) Only the mover of an amendment should speak after the Minister, except for short questions for elucidation or where a Minister wishes to speak early to assist the House;
- (3) The House is only considering the amendments before it, not the whole bill, so the existing clauses and Schedules are not again stood part of the bill;
- (4) The moving of consecutive amendments en bloc is (because of (3) above) not confined to groups within a clause or Schedule. Any consecutive amendments may with the unanimous leave of the House be moved en bloc, subject to the need for a decision in principle to have already been taken (see p. 22).

When the last amendment has been disposed of, the Report stage ends without any further Question and the House proceeds to the next business.

8. AMENDMENTS ON THIRD READING

The last opportunity to move amendments to a bill is on Third Reading. The Lord in charge of the bill moves and the Question is put –

“That this bill be now read a Third Time.”

When this has been agreed to, the Speaker calls each amendment in the order in which it appears on the marshalled list and it is disposed of in the same way as on other stages. The rules which apply are broadly similar to those on Report except that manuscript amendments may not be tabled. After the Third Reading of Lords bills, when all the textual amendments have been disposed of, the Lord in charge of the bill may, if necessary, move a privilege amendment, in the following form –

“That the privilege amendment be agreed to.”

If he does so, the Speaker should put the Question thus –

“The Question is that the privilege amendment be agreed to.”

The standard text of the privilege amendment is as follows –

“() Nothing in this Act shall impose any charge on the people or on public funds or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.”

The purpose of the privilege amendment is simply to avoid infringing the Commons financial privilege. The text of the amendment is not read out to the House.

After Third Reading, when the amendments and any privilege amendment have been disposed of, the Lord in charge of the bill moves and the Question is put –

“That this bill do now pass.”

This Question is debatable.

9. CONSIDERATION OF COMMONS AMENDMENTS

Notice is normally given on the Order Paper of consideration of Commons amendments to a bill, though in certain circumstances consideration may be moved forthwith without notice. A detailed procedural brief is always provided for consideration of Commons amendments and other “ping-pong” stages. If Deputy Chairmen have any queries about procedure at these complex stages, they should contact the Public Bill Office or the Table Clerks. When the Clerk calls on the business, the Lord in charge of the bill moves –

“That the Commons amendments be now considered [be considered forthwith].”

As soon as the motion for consideration has been agreed to the Speaker calls –

“Amendment I – Lord A.”

The Lord in charge of the bill then moves –

“That this House do agree with the Commons in their amendment I [amendments 1–36 en bloc].”

On this motion the Lord in charge of the bill may move that the House do agree with some or all of the Commons amendments singly or *en bloc*. These blocs must consist of consecutive amendments in the order in which they appear on the paper. If leave to move amendments *en bloc* is refused the Question must be put separately on each amendment to the extent desired.

At the end of the mover’s speech on amendment I the Speaker puts the question –

“That this House do agree with the Commons in their amendment I [amendments 1–36 en bloc].”

If it is desired to move any subsequent amendments *en bloc* the mover must ask leave to do this when the first amendment of the group is called and the Question is put accordingly.

The rule against speaking after the Minister applies to consideration of Commons amendments.

Where there is an amendment tabled to the Commons amendment, after the Question on the Commons amendment has been put for the first time the Speaker immediately calls the member in whose name the amendment stands –

“Amendment IA – Lord B.”

He moves and the Question is put –

“That amendment IA as an amendment to Commons amendment I be agreed to.”

When the amendment to the Commons amendment has been disposed of the Question is then finally put –

“That this House do agree with the Commons in their amendment I [as amended].”

Disagreement

Where a member seeks to disagree with the Commons amendment, or to propose an amendment in lieu, the amendment is framed as an amendment to the motion of the Lord in charge of the bill that the Commons amendment be agreed to. Accordingly the Speaker calls first the Lord in charge, who moves, and the Question is then put –

“That this House do agree with the Commons in their amendment .”

The Speaker then immediately calls the member in whose name the amendment stands –

“Amendment IA – Lord B.”

He moves and the Question is put –

“The original Question was that this House do agree with the Commons in their amendment I; since when amendment IA has been moved to leave out “agree” and to insert “disagree” [or to leave out the words after “that” and to insert “this House do disagree with the Commons in their amendment I but do propose amendment IB in lieu”]. The Question, therefore, is that amendment IA be agreed to.”

If the motion is agreed to, no further question is put with respect to the Commons amendment.

If the motion is withdrawn or disagreed to, the Speaker puts the Question on the original motion –

“That this House do agree with the Commons in their amendment I.”

Where the Lord in charge himself wishes to disagree to a Commons amendment or propose an amendment in lieu, then he so moves when he is first called and the Speaker puts the Question –

“That this House do disagree with the Commons in their amendment I [but do propose amendment IA in lieu].”

10. LORDS AMENDMENTS DISAGREED TO BY THE COMMONS WITH REASONS ETC.

If a Commons bill is returned from the Commons with some Lords amendments disagreed to by the Commons with a reason for such disagreement, the motion is moved by the Lord in charge of the bill and the Question is put –

“That the Commons reason(s) and amendment(s) be now considered [be considered forthwith].”

The House agreed in March 2005 to simplify the proceedings at the final “ping-pong” stages. Each motion to be moved by the Lord in charge is printed on the Marshalled List and identified with a single letter. Any amendments to these motions are identified as A1, A2, etc. The individual motions may cover one or more Commons Reasons/amendments, and those amendments will be printed together on the Marshalled List.

When the preliminary motion has been disposed of, the Speaker calls –

“Motion A – Lord B.”

The Lord in charge of the bill then moves and the Question is put –

“That Motion A be agreed to.”

If there is continuing disagreement, notice will have been given as amendment A1; the Speaker then calls the member in whose name amendment A1 stands to move his motion. The Question is then put –

“The original Question was that Motion A be agreed to; since when amendment A1 has been moved as an amendment to Motion A. The Question is, therefore, that amendment A1 be agreed to.”

If amendment A1 is agreed to, no further Question is put. If the amendment is withdrawn or disagreed to, the Speaker puts the original Question –

“That Motion A be agreed to.”

II. ROYAL ASSENT BY NOTIFICATION

Royal Assent to bills is generally notified to the House by the Lord Speaker or the Lord on the Woolsack. On receiving a nod at the appropriate moment from the Clerk, he rises and notifies the Royal Assent with these words –

“My Lords, I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified her Royal Assent to the following Acts [and Measures]”.

He then reads out the short titles from the list in the Lord Speaker’s Brief.

12. TIME-LIMITED DEBATES

If the time limit expires while a debate on a motion for papers is continuing, the Clerk at the Table will rise and bow. The Speaker then says –

“My Lords, the time allotted for this debate has now elapsed. Does the noble Lord wish to withdraw his motion?”

If the answer is in the affirmative the Speaker will say –

“Is it your Lordships’ pleasure that the motion be withdrawn?” – and, in the absence of a dissentient voice –
“Motion by leave withdrawn.”

If there is objection to withdrawal or the mover refuses to withdraw his motion, the Speaker says –

“The Question is that this motion be agreed to. As many as are of that opinion ...”

If the time limit expires during a debate on a take-note motion, the Clerk at the Table will similarly rise and bow. The Speaker then says –

“The Question is that this motion be agreed to. As many as are of that opinion ...”

13. INTERRUPTION AND POSTPONEMENT OF BUSINESS

Interruption for a statement

When the House is not in Committee, the business is broken for a statement informally and the business thus interrupted is not called when the House resumes. This applies whether the interruption occurs during the course of a debate on a motion, or between amendments at Report Stage or Third Reading. If the business interrupted is the Report or Third Reading of a bill, the Speaker resumes the business by

calling on the next amendment. In any other case it is for the next speaker on the list to rise and make his speech.

Different procedures apply to interruptions of a Committee stage (see below).

Interruption for dinner or lunch adjournment

If business (usually the stage of a bill) is to be broken for dinner or lunch, a Whip will move that the business be adjourned. It is usual at this point for an indication to be given that the main business will not be resumed before a certain time. Accordingly the Whip usually proposes that the business be resumed “not before X o’clock”. If the dinner or lunch business concludes before that time, a Whip moves and the Question is put that the House do adjourn during pleasure until X o’clock.

If no business is to be taken, the Question is put that the business be adjourned (unless the break is between two items of business) until the time proposed. Then the question is put that the House do now adjourn during pleasure until the time proposed.

When an item of business has been broken off for the dinner adjournment, the resumed business is called by the Clerk as if it were on the Order Paper, whether or not business has been taken during the adjournment.

Interruption of Committee stage for other business

If it is wished to interrupt a Committee stage to take other business (e.g. a statement or dinner break business), a member of the Government moves and the Chairman puts the Question –

“That the House be resumed.”

Then the Speaker moves immediately to the Woolsack.

When the other business has been completed, the Lord in charge of the bill moves and the Question is put –

“That the House do now again resolve itself into a Committee on the bill.”

Interruption of Committee stage for dinner or lunch (no other business)

If it is wished to interrupt a Committee stage for dinner or lunch during which no other business is to be taken, a member of the Government will merely state that it may be convenient for the House to break at that point and resume again at a stated time. In the absence of objection no Question is put but the Chairman says –

“The Committee stands adjourned till X o’clock.”

In the unlikely event of this procedure being objected to it is necessary either to continue the Committee stage or for a motion to be moved and the Question put –

“That the House be resumed.”

If the resumption of the House is agreed to, the adjournment may be moved in the usual way after the House is resumed.

At the stated time following the adjournment, the Committee stage is resumed without Question put at the point reached before the interruption.

Adjournment of business to another day

(1) Committee stage

If the Committee Stage is not completed at one sitting, the Lord in charge of the bill or another member of the Government moves and the Question is put –

“That the House be resumed.”

and the Speaker returns to the Woolsack.

(2) Report or Third Reading

The Lord in charge moves and the Question is put –

“That further consideration on Report [proceedings after Third Reading] be now adjourned.”

(3) Second Reading or other debate

The Lord who is to resume the debate moves and the Question is put –

“That this debate be now adjourned till [tomorrow].”

Postponement of business

Business may be postponed without notice, with the unanimous leave of the House. The business to be postponed has to be called by the Clerk and the Lord who intends to move the postponement should make clear the right of any Lord to object to the motion. Such objection would prevent the motion for postponement from being moved. So only if there is no objection does the Speaker put the Question.

14. GRAND COMMITTEES ON STATUTORY INSTRUMENTS, MOTIONS AND QUESTIONS FOR SHORT DEBATE

The Chairman’s function in a Grand Committee is exactly the same as that of the Speaker in the House: to put the Question on all motions which have been proposed. The Chairman may assist the Committee by reminding members of the relevant parts of the *Companion*. Such assistance is limited to procedural advice and is usually given at the start of the business in hand. Assistance may be helpful at other stages when procedural problems arise.

Proceedings on motions to consider Statutory Instruments (SIs), other motions and Questions for Short Debate taken in Grand Committee are essentially the same as those used in the House, except that no divisions can take place. The effect of this is that is that if any motion is

opposed on the voices, the Chairman must declare it agreed to, unless there is not one Content voice, in which case the motion is negatived.

It is also worth noting that, when SIs, motions or Questions for Short Debate are taken in a Grand Committee, as in the Chamber, members may not (with the usual exceptions) speak more than once.

Statutory Instruments

Statutory Instruments considered in Grand Committee are debated on the motion, “That the Grand Committee do consider the A and B Order 2011”. The Grand Committee therefore only considers SIs; the motion to approve (or annul) is moved subsequently in the Chamber in the usual way.

At the start of business the Clerk will call the name of the first SI, the Lord in charge moves and the Question is put –

“That the Grand Committee do consider the A and B Order 2011.”

The debate follows and at the end the Lord in charge has a right of reply. The Chairman finally says –

***“The Question is that this motion be agreed to.
As many as are of that opinion ...”***

If two or more motions are debated together, the Lord in charge may move the second and subsequent motions formally. In these cases, the Question is simply put –

“That the Grand Committee do consider the A and B Order 2011. As many as are of that opinion ...”

Motions

The Clerk calls the name of the member in whose name the motion stands. Once the motion has been moved, the Question is put –

“That the Grand Committee do consider the report of the Select Committee on {name of Committee} on {title of the report} [or other motion].”

The debate follows and at the end the mover has a right of reply. The Chairman finally says –

“The Question is that this motion be agreed to. As many as are of that opinion ...”

Questions for Short Debate

The Clerk calls the name of the member on the order paper. At the end of the debate, once the Minister or Whip answering has sat down, the next item of business is called, or the Chairman concludes proceedings in the manner below.

Conclusion of proceedings

Once all the business has been completed, the Chairman says –

“My Lords, that completes the business before the Grand Committee this afternoon. The Committee stands adjourned.”

There is nothing further to say.

Adjournment for a division in the House

If there is a division in the House while the Grand Committee is sitting, the Chairman should immediately interrupt proceedings and say –

“My Lords, there is a division in the House. The Committee will adjourn for 10 minutes.”

Adjournment during pleasure

It may be for the convenience of members that the Grand Committee adjourn for a short time during its proceedings (e.g. for a statement in the House). Normally no question is put and the Chairman simply says –

“My Lords, the Committee will adjourn for ... minutes [or until X o'clock].”

If, exceptionally, it was clear that a proposal to adjourn would give rise to debate, the Chairman would put the Question at the beginning of the debate as follows –

“The Question is that the Grand Committee do now adjourn during pleasure until X o'clock.”

But the Chairman should make it clear, either at the beginning of the debate, or at a later stage, according to the circumstances, that the House has agreed that there are to be no divisions in Grand Committee, and that therefore the motion could be debated, but would have to be agreed to unanimously, withdrawn or, in the event that the issue was pressed, negatived.

Resumption of business

Following an adjournment during pleasure, or for a division in the House, the proceedings simply continue without further formality from the point at which they were broken off.

15. NO LONGER HEARD MOTION

If in a speech a Lord is thought to be seriously transgressing the accepted practice of the House, it is open to another Lord to move that the noble Lord be no longer heard. This motion, however, is very rare; it is debatable and seldom needs to be decided on Question since Lords generally conform to the sense of the House as soon as this becomes clear. If the noble Lord concerned persists in speaking, the Question is put in the following form –

“The Question is that the noble Lord, Lord A, be no longer heard.”

The effect of agreeing to this motion is to prohibit the Lord from speaking further on the motion or Question before the House, but not on any subsequent motion or Question.

16. CLOSURE

The Closure (that is, the motion *“that the Question be now put”*) is a **most exceptional** procedure. When a Lord seeks to move the Closure the Speaker or Chairman shall bring the attention of the House to its exceptional nature and give the Lord concerned the opportunity of reconsidering his action, by reading the following paragraph to the House (or Committee) before the Question is put –

[To be read slowly]

“I am instructed by order of the House to say that the motion “That the Question be now put” is considered to be a most exceptional procedure and the House will not accept it save in circumstances where it is felt to be the only means of ensuring the proper conduct of the business of the House; further, if a Lord who seeks to move it persists in his intention, the practice of the House is that the Question on the motion is put without debate.”

If, nevertheless, the Lord who is seeking to move the Closure persists in his intention, the Speaker or Chairman must put and complete the question forthwith without debate, thus –

“The question is that the Question be now put.”

If the Closure is carried –

- (1) the Speaker or Chairman without resuming his seat immediately puts and completes the original Question without further debate;

- (2) the original Question cannot be withdrawn, because the House or Committee decided that the Question be now put; and
- (3) the Speaker or Chairman may not put any other Question until the original Question has been disposed of.

APPENDIX: UNUSUAL PROCEEDINGS ON DIVISIONS

The formulae used by the Speaker or Chairman when unusual proceedings occur on divisions are given below.

No Quorum on a division

- (1) On a stage of a bill or on an amendment to a motion relating to such a stage –
- (2) On a motion to approve an affirmative instrument –
- (3) On a prayer to annul a negative instrument –

“As it appears that fewer than thirty Lords have voted, in accordance with Standing Order No. 57 I declare the Question not decided and the debate thereon stands adjourned.”

- (4) On an amendment to a bill at any stage other than in Committee –

“As it appears that fewer than thirty Lords have voted, in accordance with Standing Order No. 57 I declare the Question not decided and the further proceedings on the bill stand adjourned.”

- (5) On an amendment to a bill in Committee of the whole House –

“As it appears that fewer than thirty Lords have voted, in accordance with Standing Order No. 57 I declare the Question not decided; and, pursuant to the Standing Order, the House will now resume.”

The House then proceeds to the next business (if any) on the Order Paper.

Equality of votes – stages of a bill

(1) On a stage of a bill –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that no proposal to reject a bill shall be agreed to unless there is a majority in favour of such rejection) I declare the motion agreed to.”

(2) On an amendment to a motion relating to a stage of a bill –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that no proposal to reject or amend a motion relating to the stages of a bill shall be agreed to unless there is a majority in favour of such rejection or amendment) I declare the amendment disagreed to.”

Equality of votes – amendments to bills

(3) On an amendment to a bill (including an amendment to insert or substitute a clause or Schedule) –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that no proposal to amend a bill in the form in which it is before the House shall be agreed to unless there is a majority in favour of such amendment) I declare the amendment disagreed to.”

(4) On the question that the clause stand part, or that this be a Schedule to the bill –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that no proposal to amend a bill in the form in which it is before the House shall be agreed to unless there is a

majority in favour of such amendment) I declare the question resolved in the affirmative.”

Equality of votes – Commons amendments

(5) On consideration of Commons amendments (since the form of the bill before the House is taken to be the bill as amended by the Commons) –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that no proposal to amend a bill in the form in which it is before the House shall be agreed to unless there is a majority in favour of such amendment) I declare the –

amendment disagreed to [in the case of a Lords amendment to a Commons amendment or a Lords motion to insist or to propose an amendment in lieu or to disagree with a Commons amendment]; or

amendment/motion agreed to [in the unusual case of a division on the Question that the Commons proposal be agreed to].”

Equality of votes – Commons disagreement to amendment

(6) On a motion to insist, or not to insist, on an amendment to which the Commons have disagreed (since the form of the bill before the House is taken to be the bill as amended by the Commons) –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that no proposal to amend a bill in the form in which it is before the House shall be agreed to unless there is a majority in favour of such amendment), I declare the amendment not insisted on.”

Equality of votes – delegated legislation

(7) On a motion to approve an affirmative instrument –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that no proposal to reject subordinate legislation shall be agreed to unless there is a majority in favour of such rejection) I declare the motion agreed to.”

(8) On a prayer to annul a negative instrument –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that no proposal to reject subordinate legislation shall be agreed to unless there is a majority in favour of such rejection) I declare the motion disagreed to.”

Equality of votes – other matters

(9) On any matter or amendment other than those relating to stages of bills, amendments to bills, or the approval or annulment of delegated legislation –

“There being an equality of votes, in accordance with Standing Order No. 56 (which provides that the question before the House shall be resolved in the negative unless there is a majority in its favour) I declare the motion/amendment disagreed to”.

Insufficiency of Tellers on one side only

(1) Insufficiency of Tellers for the Contents –

“Tellers for the Contents have not been appointed pursuant to Standing Order No. 53. A division therefore cannot take place, and I declare that the Not-contents have it.”

(2) Insufficiency of Tellers for the Not-contents –

“Tellers for the Not-contents have not been appointed pursuant to Standing Order No 53. A division therefore cannot take place and I declare that the Contents have it.”

Insufficiency of Tellers on both sides – stages of a bill

(1) On a stage of a bill –

“Tellers for the Contents and for the Not-contents have not been appointed pursuant to Standing Order No. 53. A division therefore cannot take place and in accordance with Standing Order No. 56 (which provides that no proposal to reject a bill shall be agreed to unless there is a majority in favour of such rejection) I declare the motion agreed to.”

(2) On an amendment to a motion relating to a stage of a bill –

“Tellers for the Contents and for the Not-contents have not been appointed pursuant to Standing Order No. 53. A division therefore cannot take place and in accordance with Standing Order No. 56 (which provides that no proposal to reject a bill shall be agreed to unless there is a majority in favour of such rejection) I declare the amendment disagreed to.”

Insufficiency of Tellers on both sides – amendments to bills

(3) On an amendment to a bill –

“Tellers for the Contents and for the Not-contents have not been appointed pursuant to Standing Order No. 53. A division therefore cannot take place and in accordance with Standing Order No. 56 (which provides that no proposal to amend a bill in the form

in which it is before the House shall be agreed to unless there is a majority in favour of such amendment) I declare the amendment disagreed to.”

(4) On the question that the clause stand part, or that this be a Schedule to the bill –

“Tellers for the Contents and for the Not-contents have not been appointed pursuant to Standing Order No 53. A division therefore cannot take place and in accordance with Standing Order No. 56 (which provides that no proposal to amend a bill in the form in which it is before the House shall be agreed to unless there is a majority in favour of such amendment) I declare the question resolved in the affirmative.”

Insufficiency of Tellers on both sides – Commons amendments

(5) On consideration of Commons amendments (since the form of the bill before the House is taken to be the bill as amended by the Commons) –

“Tellers for the Contents and for the Not-contents have not been appointed pursuant to Standing Order No. 53. A division therefore cannot take place and in accordance with Standing Order No. 56 (which provides that no proposal to amend a bill in the form in which it is before the House shall be agreed to unless there is a majority in favour of such amendment) I declare the proposal to differ from the Commons disagreed to”.

Insufficiency of Tellers on both sides – delegated legislation

(6) On a motion to approve an affirmative instrument –

“Tellers for the Contents and for the Not-contents have not been appointed pursuant to Standing Order No. 53. A division therefore cannot take place and in accordance with Standing Order No. 56 (which provides that no proposal to reject subordinate legislation shall be agreed to unless there is a majority in favour of such rejection) I declare the motion agreed to.”

(7) On a prayer to annul a negative instrument –

“Tellers for the Contents and for the Not-contents have not been appointed pursuant to Standing Order No. 53. A division therefore cannot take place and in accordance with Standing Order No. 56 (which provides that no proposal to reject subordinate legislation shall be agreed to unless there is a majority in favour of such rejection) I declare the motion disagreed to.”

Insufficiency of Tellers on both sides – other matters

(8) On any matter or amendment other than those relating to stages of bills, amendments to bills or the approval or annulment of delegated legislation–

“Tellers for the Contents and for the Not-contents have not been appointed pursuant to Standing Order No. 53. A division therefore cannot take place and in accordance with Standing Order No. 56 (which provides that the question before the House shall be resolved in the negative unless there is a majority in favour of such rejection) I declare the motion/amendment disagreed to.”

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