



The Assisted Dying Bill: A guide to the Private Member's Bill process

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Authors

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Executive Summary

The Second Reading debate on the Terminally Ill Adults (End of Life) Bill, Friday 29 November

Will the Chair impose time limits on speeches?

Conventionally time limits are not imposed as Private Members' Bill (PMB) debates are rarely oversubscribed. There is no obligation on the Chair to call every MP who wishes to speak; he or she has complete discretion over whom to call. It is likely the Chair will begin the day's business with a short statement setting out how they intend to manage the debate, including giving an indicative time limit, whilst making clear that they reserve the right to impose a time limit, if necessary, as a last resort. (See page 28)

Can filibustering be stopped?

During PMB Friday sittings, attempts are sometimes made by one or more MPs to prolong debate on a bill to delay or prevent a decision being made. If the Chair thinks a filibuster is underway, they can step in and stop it. Such behaviour is disrespectful to the House and the Chair and often generates negative publicity for the MP(s) involved. (See page 28)

How many votes might there be on the day?

MPs will be asked to vote (but not necessarily in a formal division) at least twice and possibly three times or more:

- **on the quorum (if the motion is moved):** to test whether the House is quorate – at least 40 MPs must be present. (See page 29)
- **on the 'closure':** this motion must be 'claimed' and won to bring the debate to an end before the 2:30pm cut-off so that the Question(s) can be put. The Chair will only allow the closure if they believe there has been adequate debate. To win a closure motion, a simple majority (including at least 100 MPs voting in support of the motion) is required. (See page 30)
- **on a reasoned amendment (if one is selected):** the Chair is not obliged to select one, and only one can be selected if multiple such amendments are tabled. A reasoned amendment is a way to reject the Bill while also providing reasons for doing so. (See pages 31-32)
- **on the Question "that the Bill be now read a second time" (if put):** if a reasoned amendment is selected and succeeds, this Question will not be put to the House. The Bill will have been rejected. If a reasoned amendment is not selected or is rejected when put to the vote, then this Question will be put, and only a simple majority is required. If it is agreed to, the Bill passes Second Reading. (See page 30)
- **on any immediate motions concerning the Committee stage (if the Bill passes Second Reading):** by default, PMBs are committed to a Public Bill Committee (PBC). For Government bills, PBCs have the power to "send for persons, papers, and records". Public Bill Committees for PMBs do not. If MPs wish the Committee to take evidence, they must propose a motion to empower it to do so. Such a motion can be proposed by any MP – without notice – immediately after the Bill has been given a Second Reading. (See pages 32-34)

Committee stage

How will members be appointed to the Public Bill Committee?

The Committee of Selection (comprising nine MPs, eight of whom are whips) appoints members to legislative committees. It is common practice for between 16 and 20 MPs to be appointed to a PBC. Kim Leadbeater will initially provide the names to the Committee of Selection for formal nomination. Individual MPs can also make representations to the Committee urging it to appoint them to the PBC for specified reasons. The Committee of Selection has obligations to discharge under the Standing Orders about the "qualifications" and "composition" of the House and, where a bill divides the House across party lines, the "strength of opinion as expressed in any division at Second Reading". (See page 34)

How long will the Committee sit?

The PBC will decide how many sittings are needed, their date and their duration. It may continue its work until it has disposed of every amendment and every clause. The Committee will want to conclude its proceedings before the first available PMB Friday sitting for Report stage, which is the eighth of the 13 Fridays allocated each Session, namely Friday 25 April 2025. (See page 36)

Report stage

How will amendments be selected, grouped and voted on?

At Report stage, the Chair will decide how many amendments to select and how to group them. Not every amendment tabled will be selected; if a proposed amendment inhibits the purpose of a Bill or is out of scope of the Bill, then it will be ruled out of order. The Chair is empowered to 'group' similar amendments together for debate, with a view to preventing repetition, though separate decisions (which may not always require a formal division) may be required in the judgement of the Chair on some amendments within the group. It will be for the Chair to decide how many divisions are required within each group. Given the content and structure of the provisions of the Bill, two groups might be sufficient: one to address amendments relating to the eligibility criteria to seek an assisted death; a second to address amendments relating to the safeguards. (See page 38)

Will more time be needed at Report stage?

A single day at Report stage is the norm even for long and complex Government bills. There is a danger that the Bill could be 'leapfrogged' by other PMBs if its proceedings go beyond the single day normally set aside for Report. If other bills complete their Report stage first, then they will have precedence over the Bill for Third Reading and consideration of Lords amendments, as will other PMBs which are waiting to start their Report stage. (See page 39)

The House of Lords

Will the Lords amend the Bill if it causes a delay that puts the Bill at risk?

By convention, the House of Lords gives a Second Reading to bills which have been passed by the House of Commons. The Upper House does not programme bills so there is no formal timetable or cut-off point, and the use of closure motions is actively discouraged. If many amendments are proposed – all of which must be considered – it can result in the Committee and Report stages of the Bill extending over several days. If the Lords make amendments and the Bill does not return to the Commons before the final PMB Friday sitting (on 11 July), then the Bill will fall unless the Government agrees to table a motion to

facilitate additional time for consideration of the remaining amendments so that the two Houses can agree on a text. (See page 40)

If the Bill has been approved (received a Third Reading) by both MPs and Peers, it would be disrespectful to both Houses and politically unacceptable for it to perish because of a lack of time to consider amendments from the Lords at the very end of the process. In these circumstances the Government would come under considerable pressure to make provision for extra time – only a few hours are generally needed – for the amendments to be considered and disposed of.

The Government is adopting a 'neutral' stance, but what responsibilities does it have in relation to the Bill?

A money resolution is required

If the Bill receives a Second Reading, a money resolution will be needed to provide parliamentary approval for the financial consequences of the Bill. Without this resolution, clauses in the Bill that create financial obligations cannot proceed. Only a Government Minister can table a money motion. This is usually done in the week following the Second Reading and the motion is debatable for up to 45 minutes. (See pages 21 and 34)

An Impact Assessment and Delegated Powers Memorandum are required

The Bill has significant social and financial implications, particularly for the health service and the courts system. Only Ministers can prepare the Impact Assessment necessary for conducting a cost-benefit analysis of the Bill's provisions. Similarly, it is essential for parliamentarians to understand Ministers' perspectives on the significant delegated powers the Bill would confer on them. This understanding is crucial to assess whether the proposed parliamentary scrutiny of how those powers would be exercised is appropriate. To facilitate this, a Delegated Powers Memorandum is required. (See pages 22-23)

Drafting changes may be required

The Government has a "duty of care to the statute book" to uphold the integrity and coherence of legislation and may therefore need to insist on drafting changes, ideally at Committee stage, to ensure the Bill is technically coherent if it is given a Second Reading by MPs. (See page 22).

Engagement with the devolved administrations is required

The Bill extends to Wales. Consequently, the UK Government will have to engage with the Welsh Government regarding the Bill's provisions. The situation may be complicated by the fact that on 23 October 2024, the Senedd (Welsh Parliament) voted against a motion supporting the principle of assisted dying by 26 votes to 19, with nine abstentions. (See page 22).

Inadequate scrutiny of Government bills and Private Members' Bills

There are no formal minimum intervals between publication of a Bill and Second Reading

Kim Leadbeater published her bill less than three weeks before Second Reading, leading to accusations that the Bill was rushed. However, the 18-day interval between the publication of the Bill and its Second Reading exceeds the recommended minimum of "at least two weekends". In the last two parliamentary Sessions, the median interval for Government bills

introduced in the Commons between publication and Second Reading was 14 days. (See page 15)

How much time is dedicated to Second Reading and Report Stage?

Concern has been expressed by MPs that they will have just five hours to debate the Bill at Second Reading. In the last Parliament, MPs spent on average just over three hours debating each Government bill at Second Reading. (See pages 13-15)

An allocation of one day's debate at Report Stage is the norm, even for large and complex Government bills. For example, the Elections Act 2022 was a large (176 pages, 68 clauses and 12 schedules) and politically controversial bill, and received very limited scrutiny. Just two hours and 20 minutes were spent on it at Report Stage, after it had been considered in Committee over 12 sittings and for just three hours and fifty-five minutes at Second Reading. Third Reading is universally perfunctory: for the Elections Bill MPs spent just seven minutes wrapping up proceedings immediately after Report Stage concluded.

What is the lesson of the success of PMBs in the 1960s?

PMBs have a long history as vehicles for transformative social change, particularly in the 1960s. Landmark reforms such as the legalisation of abortion, the abolition of capital punishment, and the decriminalisation of homosexuality were all achieved through PMBs. Even the most recent attempt to legislate on assisted dying in 2015 adopted this approach.

However, the PMBs that succeeded in the 1960s had to rely on Government intervention to adapt parliamentary procedures so that MPs could reach a decision on the Bill, even when the Government, then as now, had adopted a 'neutral' stance. (See page 18)

Whether the PMB route proves an effective vehicle for this Bill may also depend on whether the Government is willing, if necessary, to intervene procedurally at a later stage – **not to tell the House what it should decide, but rather to enable the House to reach a decision**, free from procedural constraints.

Introduction

The Assisted Dying Bill, officially known as the [Terminally Ill Adults \(End of Life\) Bill](#) (henceforth the TIA Bill), will have its Second Reading debate in the House of Commons on Friday 29 November.

In March 2024, when he was Leader of the Opposition, [Sir Keir Starmer MP promised Dame Esther Rantzen](#) - the broadcaster, campaigner and a terminally ill patient advocating for the right to assisted dying - that a Labour Government would "provide time for a debate and vote" on this issue.¹

The issue has been taken up as a Private Member's Bill (PMB) sponsored by Labour MP Kim Leadbeater, who secured top spot in the September PMB ballot, a position that typically offers the best chance for a backbencher to advance legislation. (A Private Member is a Member in either the House of Commons or the House of Lords who is not a Government Minister).

However, the Bill is unusually long for a PMB, spanning 32 pages of legal text, comprising 43 clauses and six schedules, and with financial and other consequences for the NHS and the court system.

Although controversial PMBs are not unknown, MPs and observers have expressed concerns about whether the PMB process allows sufficient time to thoroughly scrutinise a bill with such profound moral and legal implications. Critics have compared the PMB process to Government bills and argued that it is wanting in important respects. However, the Government is taking a 'neutral' stance, and the Bill will be subject to a 'free vote' by MPs.

Private Members' Bills are undeniably flawed. In 2011, the Society published a report setting out a comprehensive plan for reform of the PMB process.² While many of our proposals were endorsed by the Commons Procedure Committee, successive Governments have repeatedly declined to take them forward. We hope the new Modernisation Committee will make reforming the PMB process a priority next year. However, this PMB has reignited an important debate about how Parliament scrutinises legislation - one we hope will persist throughout this Parliament. The concerns raised by new MPs - such as the rapid production and passage of legislation, often with insufficient evidence and analysis and with limited time for scrutiny - are not limited to PMBs but are even more pronounced in the handling of Government bills.

This briefing seeks to address some of the claims made about the PMB process, explain the procedural intricacies and explore how MPs' concerns regarding the procedures might be addressed should the Bill be given a Second Reading.

¹ B. Riley-Smith, '[Starmer promises vote on legalising assisted dying](#)', The Telegraph, 13 March 2024

² A. Brazier & R. Fox (2011), [Enhancing the role of backbench MPs: Proposals for reform of Private Members' Bills](#), (Hansard Society: London)



PART 1

**Frequently asked questions about
the legislative and parliamentary
process for the Bill**

Is the legislative process for Private Members' Bills the same as that for Government bills?

Private Members' Bills (PMBs) and Government bills follow the same core legislative stages in both the House of Commons and the House of Lords: First Reading, Second Reading, Committee stage, Report stage, and Third Reading, with additional consideration of amendments between the two Houses if necessary.

However, key differences in how these stages operate in the House of Commons make the process distinct for PMBs compared to Government bills. These include:

- **Allocated time for debate:** Thirteen Friday sittings per parliamentary session are allocated for PMB debates in the Commons Chamber, providing an exception to the general rule that "Government business shall have precedence at every sitting".³ (See page 23)
- **Order of precedence:** A special order of priority governs the final six of those 13 Friday sittings. (See page 23)
- **Debate closure rules:** 'Closure' motions are sometimes used to conclude debates before 2:30 pm during the Second Reading and Report stages. (See pages 30 and 38)
- **No programme/timetabling order:** There is no programme order for PMBs, meaning no timetabling of stages after Second Reading. (See pages 32-33)
- **Restricted Public Bill Committee capacity:** Ordinarily, only one active Public Bill Committee (PBC) can consider PMBs at a time. Forming an additional PBC requires a resolution of the House. (See pages 37)
- **No evidence submissions:** Unlike committees for Government bills, PMB Public Bill Committees have no power to accept oral or written evidence submissions. This would require a resolution of the House. (See pages 32-33 and 36)

These procedural differences, both individually and in combination, create distinct challenges for PMBs in navigating the legislative process.

Do Private Members' Bills get less time for scrutiny than Government bills?

Private Members' Bills that become law are typically small technical measures and therefore generally require, and receive, less parliamentary time for scrutiny compared with Government bills, particularly in the House of Commons. However, longer or more controversial PMBs which therefore require time for more extensive scrutiny, could receive

³ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 14(1)

it if MPs wish, notably at Committee stage. The Government can also make additional time available other than on Fridays to facilitate discussion of a PMB if it wishes, but it is rare for it to do so (see page 25).

Private Members' Bills receive a dedicated share of parliamentary time in the House of Commons, but much greater scheduling flexibility is afforded to Government bills.

- **Limited PMB sitting days in the Commons:** Thirteen Friday sittings per Session are allocated for the consideration of PMBs in the Commons.⁴ These sittings provide a total of 65 hours of parliamentary time (9:30am–2:30pm each Friday) to debate and vote on PMBs at Second Reading, Report stage, Third Reading, and consideration of Lords amendments. By comparison, Government bills benefit from more flexible scheduling and can be debated on almost any other sitting day.
- **Additional time in extended Sessions:** In some cases, additional sitting Fridays are provided for PMBs during extended parliamentary Sessions, such as in 2010–12 and 2017–19. However, these instances are exceptional and do not reflect the norm.

House of Lords scrutiny: In the House of Lords, Peers can theoretically spend as much time scrutinising PMBs as they wish, as the Lords is a self-governing House where business is arranged consensually through the 'Usual Channels' (party whips and business managers). However, in practice, Peers devote on average less time to each PMB than to each Government bill. This is because amending PMBs risks delaying their progress, potentially causing the Bill to run out of time in the Commons, leading to criticism for obstructing the will of the elected House.

How much time is dedicated to debate at Second Reading?

Private Members' Bills: A PMB listed first on the Order Paper – as is the case with the TIA Bill – may be debated for up to five hours at Second Reading on a designated Friday sitting. However, this debating time, as with Government bills, is subject to any interruptions such as Urgent Questions, Points of Order to the Chair, and Government statements.

Government bills: On average, MPs spent just over three hours debating each Government bill at Second Reading in the last Parliament.

The table below sets out the average duration of Second Reading debates on Government bills in each Session of the last Parliament.

Session	Average length of time spent debating Government bills at Second Reading ⁵
2023-24	3 hours 17 minutes
2022-23	2 hours 50 minutes
2021-22	2 hours 50 minutes
2019-21	3 hours 8 minutes

⁴ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 13(8)

⁵ Calculation made through analysis of data in House of Commons Sessional Returns for the 2019-2024 Parliament.

How much time is dedicated to the money resolution?

A money motion, which becomes a 'resolution' once approved by MPs, is required to provide parliamentary authorisation for the financial consequences of a Bill. The time allocated for its consideration depends on when the motion is moved:

According to the [Standing Orders](#) of the House of Commons, if the money motion is moved at the same sitting as the Bill's Second Reading, it is put forthwith — meaning immediately, without any debate.⁶ If the money motion is moved at a later sitting, it may be debated for up to 45 minutes in the Commons Chamber. This allows MPs to discuss the financial implications of the Bill.⁷

- **Government bills:** For Government bills, money motions are typically tabled immediately after Second Reading along with the programme motion. These motions are usually put forthwith, bypassing any debate.
- **Private Members' Bills:** In contrast, money motions for PMBs are often moved by Ministers at a later sitting - usually in the week following Second Reading - and prior to the first meeting of the Public Bill Committee. This means that PMBs can benefit from a dedicated 45-minute debate on the financial implications, when Ministers can be challenged on the detail.

How much time is dedicated to debate in Committee?

The time a Public Bill Committee spends scrutinising a PMB is on top of the dedicated PMBs Friday sitting time in the Chamber. Committees for PMBs typically meet on Wednesdays (but could meet on other days if desired).

- **Government bills:** Committees examining Government bills are timetabled, with an 'out-date' set in the programme order. This deadline mandates when the Committee must conclude its work, regardless of whether all the clauses have been examined. This enforced time limit can thus curtail detailed scrutiny of some provisions within Government bills.
- **Private Members' Bills:** For PMBs, the scrutiny time in a Public Bill Committee is not timetabled. The Committee operates as a self-governing body, with its members deciding:
 - how many sittings are required;
 - the duration of each sitting; and
 - the dates of the sittings.

This flexibility allows Committee members to dedicate as much time as they deem necessary to scrutinise the PMB. In theory, this allows for more tailored scrutiny in Committee, although in practice most PMBs have only one Committee sitting of no more than two hours duration, and often much less. However, compared to the TIA Bill, most PMBs are smaller and less controversial. It is inconceivable that this Bill would have such

⁶ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 52(1)(a)

⁷ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 52(1)(b)

limited Committee scrutiny, and if the Bill reaches Committee stage it will be entirely in the hands of MPs on the Committee to ensure that it does not.

Although not timetabled, and therefore without a formal 'out-date' in practice, if a PMB is to successfully progress, it must emerge from Committee in time for the first or second PMB Friday sitting at which Report stage scrutiny is given priority in the order of precedence - so the eighth and ninth dates of the dedicated 13 Friday sittings (see also pages 23-24).

How much time is dedicated to debate on Report?

As with Second Reading, a PMB listed first on the Order Paper – which is likely to be the case with the TIA Bill – may be debated for up to five hours on a designated Friday sitting. This is also subject to any interruptions such as Urgent Questions, Points of Order to the Chair, and Government statements.

It is not easy to work out the average amount of time spent on Bills at Report stage. Some bills do not have a Report stage because no amendments to the Bill are made in Committee.

However, an allocation of one day's debate at Report stage is the norm, even for large and complex Government bills. For example, the Elections Act 2022 was a large bill (176 pages, 68 clauses and 12 schedules), was politically controversial, and received limited scrutiny. Just two hours and 20 minutes were spent on it at Report stage, after it had been considered in Committee over 12 sittings and for just three hours and fifty-five minutes at Second Reading.

Third Reading is universally perfunctory: for the Elections Bill MPs spent just seven minutes wrapping up proceedings immediately after Report stage concluded.

Was the Bill rushed: the interval between publication and Second Reading?

Kim Leadbeater published her bill less than three weeks before Second Reading, leading to accusations that the Bill has been rushed and the opportunity for MPs to scrutinise the text has been unduly compressed.

However, the 18-day interval between the publication of the TIA Bill and its Second Reading exceeds the recommended minimum and compares favourably with recent practice for Government bills.

There are no formal rules governing the interval between each legislative stage for the passage of a bill but the table below – drawing on the Cabinet Office [Guide to Making Legislation](#)⁸ and Erskine May⁹ – sets out the recommended minimum intervals for each House.

⁸ Cabinet Office (2022), [Guide to Making Legislation](#), paras. 24.3-24.9 and 32.6

⁹ Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th edition, 2019, paras. [29.3](#) and [30.41](#)

Legislative stage(s)	House of Commons	House of Lords
Publication / 1st Reading to 2nd Reading	Two weekends	Two weekends
2 nd Reading to Committee	One week / 10 calendar days	14 calendar days
Committee to Report	One week	14 calendar days
Report to 3 rd Reading	Immediately after Report (same day)	3 sitting days

Recommended practice: There should be at least two weekends between the First Reading and the Second Reading of a bill to allow MPs and others sufficient time for scrutiny. This convention provides for at least one full working week of consideration.

Actual practice: The two-weekends minimum has not been universally observed over the last decade. In the 2023–24 and 2022–23 Sessions, however, the median interval for Government bills introduced into the Commons between their publication and Second Reading was 14 days.¹⁰

Significant bills with short intervals between publication and debate

As the table below demonstrates, important bills - those with constitutional, legal, or political significance - have often been debated at Second Reading with less time between publication and debate than the TIA Bill. Deviations from the recommended interval are common, even for large, complex, or high-stakes legislation. Notably, the length and complexity of a bill do not necessarily correlate with a longer interval between the First and Second Reading stages.

Government bill title (Session)	Number of calendar days published before 2nd Reading	Size of the bill
Nationality and Borders Bill (2021-22)	13	81 pages 71 clauses and 5 schedules
Public Order Bill (2022-23)	12	27 pages 28 clauses
Employment Rights Bill (2024-25)	11	149 pages 119 clauses & 7 schedules
Health and Care Bill (2021-22)	8	224 pages 135 clauses and 16 schedules
Northern Ireland Troubles (Legacy & Reconciliation) Bill (2022-23)	7	89 pages 57 clauses and 12 schedules
Post Office (Horizon Systems) Offences Bill (2023-24)	7	6 pages 10 clauses

¹⁰ Analysis of the interval between the First and Second Readings of Government bills. The median was used instead of the mean because of the skew caused by 100+ day gaps that result from, for example, Summer recess.

Illegal Migration Bill (2022-23)	6	59 pages 58 clauses and 1 schedule
Strikes (Minimum Service Levels) Bill (2022-23)	6	7 pages 6 clauses and 1 schedule
Police, Crime, Sentencing and Courts Bill (2019-21)	6	295 pages 176 clauses and 20 schedules
Safety of Rwanda (Asylum and Immigration) Bill (2023-24)	5 (included just two full working days)	7 pages 10 clauses
United Kingdom Internal Market Bill (2019-21)	5	49 pages 54 clauses and 2 schedules

Are current timeframes for bill scrutiny adequate?

All bills, whether introduced by the Government or a backbench MP, would benefit from a longer minimum interval between their introduction and Second Reading to enable MPs to thoroughly absorb and scrutinise the details of the legal text. Greater use of pre-legislative scrutiny, involving consultation on a draft bill before it is formally presented to Parliament, would also enhance the quality of debate and legislative outcomes.

However, in the absence of these requirements, the 18-day interval for the TIA Bill is consistent with current practice. Publishing the Bill just under three weeks before the debate aligns with the norms of recent sessions and is not unusual, even for significant or complex legislation. This reflects a broader trend of insufficient scrutiny time for many bills, highlighting the need for reform to ensure more robust legislative examination, whether the bill originates with the Government or a backbencher.

Is a Private Member's Bill the right tool for social reform legislation?

Government bills, as seen with reforms like gay marriage, offer distinct advantages. They signal state endorsement, may have been subject to public or stakeholder consultation, benefit from detailed policy, legal and financial analysis in Whitehall, and are crafted with drafting expertise from the Office of Parliamentary Counsel (OPC). They are usually accompanied by an Impact Assessment, a Delegated Powers Memorandum and a Human Rights statement, which help inform the scrutiny undertaken by Parliament.

However, a Government bill does not guarantee superior policy preparation or legal drafting. Over the past two decades, numerous Government bills have suffered from rushed policies, inadequate consultations, and poorly executed delegated powers memorandums and impact assessments, undermining the value of the scrutiny process and the quality and effectiveness of the legislation despite the resources behind them.

The TIA PMB's drafting process offers some reassurance. It was [reportedly drafted by the Government's former chief legislative drafter](#) (First Parliamentary Counsel) for the last decade until her retirement in April 2024.¹¹ Yet, no matter how skilled the drafter, the quality of a bill ultimately hinges on the policy instructions provided. This is where

¹¹ J. Elgot and P. Walker, '[UK's longest-serving MPs issue joint plea for Commons to reject assisted dying bill](#)', The Guardian, 20 November 2024

Parliament's scrutiny responsibility – whether for PMBs or Government bills – is critical: the purpose of the legislative process is to allow questions about the policy in a bill to be thoroughly tested.

Historical precedent: PMBs and social reform

PMBs have a long history as vehicles for transformative social change, particularly in the 1960s. Landmark reforms such as the legalisation of abortion, the abolition of capital punishment, and the decriminalisation of homosexuality were all achieved through PMBs. Even the most recent attempt to legislate on assisted dying in 2015 adopted this approach.

However, the PMBs that succeeded in the 1960s had to rely on Government intervention to adapt parliamentary procedures so that MPs could reach a decision on the Bill (even when the Government, as now, had adopted a 'neutral' stance). For instance:

- The **Murder (Abolition of Death Penalty) Act 1965** benefitted from extended committee and debate times, including special morning sessions and late-night sittings. The Government:
 - instituted an ad hoc procedure whereby a Committee of the Whole House could sit for two-and-a-half-hours every Wednesday morning from 10:30am to 1:00pm (before the House's normal Wednesday sitting time of 2:30pm). Nine sessions were held under this arrangement.
 - granted extra time on a Tuesday for the second and final day of consideration at Report stage and suspended the rule that the House adjourn at 10:00pm, allowing the debate to continue until all amendments had been disposed of.
- The **Abortion Act 1967** was expedited by moving the bill to a different Committee and granting extra time for its final stages. The Government:
 - did not object to, and appears to have facilitated, the Bill being committed to a Standing Committee which had become vacant though typically reserved for Government bills. This helped address concerns that the Bill might run out of time for consideration, prompted by the Bill's position in the PMB Committee queue – behind three other bills.
 - facilitated 25 hours of parliamentary time in the Chamber – including several all night-sittings – for consideration at Report stage and Third Reading.

Challenges and public expectations in 2024

The legislative environment has evolved significantly since the 1960s. While Government bills now benefit from structured timetabling and public evidence sessions, PMB procedures remain largely unchanged. PMBs are vulnerable to tactics like filibustering and time-wasting during divisions, tactics that are much more difficult with Government bills that are formally timetabled.

These tactics were widely used by opponents during consideration of the social reform PMBs in the 1960s. Had the public witnessed the procedural shenanigans, it would almost certainly have affected public perceptions of these bills, of the MPs involved and of Parliament as an institution.

In today's era when Parliament is televised and under constant media and social media scrutiny, regular displays of procedural obstruction by some MPs damage Parliament's reputation on PMB Friday sittings.

Efforts to derail the TIA Bill through these means could therefore attract widespread criticism, highlighting the procedural inadequacies of PMBs and the behaviour of MPs themselves.

But whether the PMB route proves an effective vehicle for this particular Bill may hinge on two factors:

- (i) on MPs' behaviour – what tactics they choose to deploy, or not – as much as on the procedural framework; and
- (ii) on whether the Government is willing, if necessary, to intervene procedurally – not to tell the House what it should decide, but rather to enable the House to reach a decision, free from procedural constraints.

The Government is adopting a 'neutral' stance on the Bill and giving MPs a free vote: What does this mean in practice?

The Government adopts a 'neutral' position in relation to a Private Member's Bill only in exceptional circumstances.

It usually adopts such a stance only if a bill is about an issue of conscience such as abortion, euthanasia or the death penalty. These are sensitive topics where the Government avoids taking a collective position to allow MPs to vote according to their personal views, without party influence.

Collective agreement is required

The Cabinet Office [Guide to Making Legislation](#) states that "a neutral position should only be recommended if the Government is genuinely prepared to accept the legislation, should that be the will of Parliament. By not opposing a bill the Government is indicating that it is prepared to accept it reaching the statute book with all of the consequences."¹²

According to the Cabinet Office's [Guide to Making Legislation](#), Ministers are supposed to collectively agree to adopt a neutral stance, mirroring the same process as would be required if they were to propose supporting a Private Members' Bill. The Guide states this requires:

- a 'handling letter' from the relevant lead Minister to be sent to the chairs of the Parliamentary Business and Legislation (PBL) Committee and the relevant policy committee of Cabinet setting out the case for adopting a neutral stance at least one month before Second Reading;

¹² Cabinet Office (2022), [Guide to Making Legislation](#), para. 45.24. The Cabinet Office Guide to Making Legislation "is prepared by the Secretariat to the Parliamentary Business and Legislation Committee of Cabinet, with the advice of Parliamentary Counsel and the Offices of the Chief Whips, Leader of the House of Commons, Leader of the House of Lords and the Public Bill Offices of both Houses."

- a copy of the Bill and Explanatory Notes (where possible);
- a legal issues memorandum;
- an Impact Assessment; and
- a Delegated Powers Memorandum.¹³

However, on [3 October 2024, the Cabinet Secretary and Head of the Civil Service, Simon Case, published a letter sent to all Government Ministers](#),¹⁴ stating that “the Prime Minister has decided to set aside collective responsibility on the merits of this bill” and that “the Government will therefore remain neutral on the passage of the Bill and on the matter of assisted dying.”

Ministers were instructed that at the despatch box in the House of Commons, in the media and on social media they should reiterate the position that the issue was a matter for Parliament to decide, and that the “official Government position is to remain neutral.” Ministers were told to exercise discretion and “not take part in the public debate”.

It is unclear whether this decision was made after collective agreement was properly reached through the PBL process or if the Prime Minister acted unilaterally and bypassed what the Cabinet Office Guide to Making Legislation holds to be normal practice. Despite instructions, the neutrality directive has not been universally observed by Ministers. Some have commented publicly or taken positions on the issue, highlighting challenges in maintaining strict neutrality across Government ranks.

The purpose of a ‘free vote’

The instruction that Ministers should not take part in the public debate on the TIA Bill conflicts with the traditional purpose of a free vote.

A free vote occurs when a party chooses not to whip their MPs on a specific piece of business. Conventionally, all the major parties have given their MPs a free vote on ‘matters of conscience’ – most especially when it invokes matters of religious conscience – such as abortion, same-sex marriage, or the death penalty. Free votes have also typically been granted on matters that explicitly relate to the House and the role of MPs, such as motions relating to MPs’ standards and conduct, or to the ‘Restoration and Renewal’ of Parliament.

The convention of neutrality and free votes allows Ministers to participate in the debate publicly, not silence them. For example:

- in 1966, during [the debate on the Abortion Bill](#), Home Secretary Roy Jenkins stated that neutrality “does not – and, I think, should not – preclude me from expressing my own views on this issue.”¹⁵

¹³ Cabinet Office (2022), [Guide to Making Legislation](#), para 45.25. At the time of writing, a fortnight before the Second Reading debate, the Bill and Explanatory Notes have been published but an Impact Assessment (IA) and a Delegated Powers Memorandum (DPM) have not. If the Bill proceeds to the House of Lords, the DPM will be required as the Delegated Powers and Regulatory Reform Committee looks at delegated powers in Private Members’ Bills.

¹⁴ Cabinet Office, [Cabinet Secretary Letter to UK Government Ministers](#), 3 October 2024c

¹⁵ House of Commons, [Hansard](#), 22 July 1966, vol. 732, cols. 1141

- in 2015, at the end of [the debate on the Assisted Dying Bill](#), both the Minister and Shadow Minister shared their personal positions at the Despatch Box, despite the Government maintaining neutrality.¹⁶

This departure from convention has drawn criticism from legal experts including the former Lord Chancellor [Robert Buckland](#)¹⁷ and Cambridge Law Professor [Mark Elliott](#).¹⁸ They argue that as MPs, Ministers have a duty to participate in debates and represent their constituents, which necessarily requires them to publicly articulate their views. Ministers, like all MPs, must justify their voting decisions to their electorate.

A counterargument is that there are limitations on Ministers' participation in public debate in areas beyond their portfolio, and if you are a Minister, you should not speak in a personal capacity about your ministerial responsibilities.

What constitutional and parliamentary responsibilities do Ministers have for the Bill?

A 'money resolution' is required

The TIA Bill is championed by a backbench MP, but given the financial implications its progress depends on the Government's willingness to facilitate a money resolution if the Bill receives a Second Reading. This resolution provides parliamentary approval for the financial consequences of a Bill. It authorises public spending or charges on the public purse that have not been previously approved by an existing Act of Parliament. Without this resolution, clauses in the Bill that create financial obligations cannot proceed.

Clauses in a Bill which create such obligations (charges on public expenditure) are italicised. As [Erskine May explains](#), this marks the fact that "they do not unconditionally form part of the Bill".¹⁹ The Public Bill Committee cannot consider those parts of the Bill – the italicised words, and the clauses governed by them – if they have not been authorised by a money resolution.

In the TIA Bill, clause 32 is italicised concerning the Secretary of State's powers to ensure assistance is available as part of the health service in England and Wales. The [Order Paper](#) for 29 November has a note confirming that "A money resolution is required for this Bill to be proceeded with in Committee."²⁰

Only a Government Minister can table the money motion (which becomes a resolution when agreed to by the House), not the sponsoring MP, Kim Leadbeater.²¹ This restriction arises from the '[financial initiative of the Crown](#)', a constitutional principle dating back to

¹⁶ House of Commons, [Hansard](#), 11 September 2015, vol. 599, cols. 722-724

¹⁷ G. Scott, O. Wright, and C. Smyth, '[Unconstitutional' to stop ministers having view on assisted dying](#)', The Times, 18 November 2024

¹⁸ M. Elliot, '[Assisted dying. Private Members' Bills and government neutrality](#)', Public Law for Everyone, 18 November 2024

¹⁹ Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th edition, 2019, para [35.26](#)

²⁰ See, for example, [House of Commons Order Paper](#), No. 46, Future Business (Friday 29 November), 26 November 2024

²¹ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 48

1713. It gives the Crown – the Government of the day – exclusive authority to request or recommend expenditure to the House of Commons. To table a money motion, the Government must therefore assess how much money will be required and have some idea about where the funding will come from, although it is not required to set this out in the motion itself.

Drafting changes may be required

The Government has a “duty of care to the statute book”²² to uphold the integrity and coherence of legislation. If the TIA Bill is given a Second Reading, the Government may therefore need to insist on drafting changes to ensure the TIA Bill is technically coherent. The Cabinet Office [Guide to Making Legislation](#) makes clear that a ‘neutral’ position on a PMB “must always be read as subject to this.”²³ Whether the Government’s ‘neutral’ stance is conditional on the required amendments being made to the Bill during its later stages would normally be clarified during the PBL clearance process when consideration is given to what amendments may be required and therefore what future drafting work by Parliamentary Counsel may be necessary.

Ideally, any Government amendments should be introduced during the Public Bill Committee stage rather than at Report stage in order that they do not encroach on the five-hour debate window available on Report on a PMB Friday, leaving MPs less time to debate their own proposed amendments.

Engagement with devolved governments may be required

When a Bill engages policy matters that are devolved then the Scotland, Wales and Northern Ireland Offices should be engaged early in the legislative process. The UK Parliament does not “normally” legislate in relation to a policy matter that has been devolved without the consent of the relevant legislature (which is formalised through a Legislative Consent Motion (LCM)). The TIA Bill extends to Wales and has implications for the health service in Wales, a devolved policy area. Consequently, if the TIA Bill progresses, the UK Government will have to engage with the Welsh Government regarding the Bill’s provisions. The situation may be complicated by the fact that on 23 October 2024, the Senedd (Welsh Parliament) voted against a motion supporting the principle of assisted dying by 26 votes to 19, with nine abstentions.²⁴ This vote was purely symbolic, as the Senedd does not have the power to legislate on assisted dying, which remains a matter for the UK Parliament. However, the vote indicates potential challenges in securing an LCM from the Senedd if the TIA Bill progresses at Westminster.

Producing an Impact Assessment

The Bill has significant social and financial implications, particularly for the health service and the courts system. Only Ministers can prepare the Impact Assessment necessary for conducting a cost-benefit analysis of the Bill’s provisions. This ought to be produced for the Public Bill Committee.

Explaining the delegated powers

The TIA Bill contains a number of delegated powers which have significant implications for the operation of the Bill’s provisions, including:

²² Cabinet Office (2022), [Guide to Making Legislation](#), para. 45.26

²³ Cabinet Office (2022), [Guide to Making Legislation](#), para. 45.41

²⁴ D. Deans and G. Lewis, [‘Assisted dying move defeated in Senedd vote’](#), BBC News, 23 October 2024

- A power to make regulations specifying the qualifications and training required by the second, independent doctor in the process of approving an assisted death
- A power to make regulations specifying the approved substance(s) that may be used for an assisted death
- A power to issue codes of practice relating to various provisions within the Bill
- A power to make provisions to "secure that arrangements are made... for the provision of assistance to persons in accordance with this Act" which may, in particular, "enable the provision of such assistance as part of the health service". This power also includes an uncommonly broad 'Henry VIII' element (that is, a power to amend primary legislation) to "amend, repeal or revoke any provision made by an enactment passed or made before the end of the Session in which this Act is passed".

For a Government bill, a memorandum would normally be published alongside the bill, or shortly afterwards. That 'Delegated Powers Memorandum (DPM) explains the details of any new or amended delegated powers (that is, powers granted to Ministers to make delegated legislation), the procedure those powers are subject to, as well as the justification for taking the powers and for the procedures assigned to them. With Private Members' Bills, the position is less clear. The DPRRC is empowered to report on the delegated powers in any public bill - including Private Members' Bills - which is introduced to the House of Lords, whether or not a DPM is submitted. The DPM is normally submitted to the DPRRC and assists the DPRRC in its scrutiny of a bill's delegated powers.

What is the likely timetable for the Bill if it passes at Second Reading?

In each parliamentary Session, Private Members' Bills are given precedence over government business on 13 Fridays. The specific dates for these Fridays are agreed upon by the House through a motion, which for the current Session was tabled by the Government and approved by MPs on 14 October 2024.²⁵

The first seven of these Fridays are allocated for Second Reading debates, while the remaining six give priority to subsequent stages after Committee (Report, Third Reading, and consideration of Lords amendments). A special order of precedence applies, determined by the order in which notice of a stage is given as outlined in the table below.²⁶

No. of sitting (of 13)	Date of PMB Friday sittings (2024-25)	Order of precedence given to PMBs according to the legislative stage they have reached
1-7	29 November 2024 6 December 2024 17 January 2025 24 January 2025 7 March 2025 14 March 2025 28 March 2025	<ul style="list-style-type: none"> • Second Readings

²⁵ House of Commons, [Votes and Proceedings](#), No. 27, 14 October 2024, item 10

²⁶ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 14(9)

8-13	25 April 2025 16 May 2025 13 June 2025 20 June 2025 4 July 2025 11 July 2025	<ul style="list-style-type: none"> • Lords amendments • Third Readings • new Report stages • adjourned Report stages • adjourned Committee proceedings • bills appointed to Committees of the Whole House • Second Readings <p>Generally, the first five dates are dominated by new Report stage debates and then the final date is taken up almost entirely by consideration of Lords amendments.</p>
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An indicative timetable

The TIA Bill is first on the Order Paper for debate on 29 November.

If MPs agree to give it a Second Reading it will go into Public Bill Committee. The recommended minimum interval between Second Reading and Committee stage in the House of Commons is one week or 10 calendar days (depending on which day of the week Second Reading takes place).

If this is adhered to, the earliest date for the PBC to start is likely to be Wednesday 11 December (assuming the PBC sits, as normal, on Wednesdays only and the Government has provided the necessary money resolution).

The Bill would then need to return to the Commons Chamber for Report stage and Third Reading. The recommended minimum interval between Committee and Report stage in the House of Commons is seven days. If adhered to, this would mean the Committee completing its business by Wednesday 16 April 2025 so that the Bill can have its Report stage at the earliest possible opportunity, on Friday 25 April (on the eighth PMB Friday sitting date, when the order of precedence dictates that Bills that have reached Report stage will be prioritised).

In the period between 11 December 2024 and 16 April 2025 the Committee could sit at least 15 times – taking account of recess dates, and assuming only typical sittings on a Wednesday of two hours each – for a combined total of up to 30 hours of scrutiny. Of course, the Committee could choose to sit more regularly or adopt longer sittings to increase this time for scrutiny before 16 April.

If the Bill successfully navigates Report stage on 25 April, it would go to the House of Lords for consideration. Peers will know that they must complete their scrutiny in time for the Bill to return to the Commons for one of the last PMB Friday sittings – so 11 July at the latest, but one of the earlier Fridays if possible – so that MPs can consider any Lords amendments.

The recommended interval between First and Second Reading in the House of Lords – two weekends – would mean that the earliest the bill would likely be debated by Peers would be during the week commencing 5 May 2025. Considering recess dates, Peers would have around eight sitting weeks in which to schedule scrutiny of the Bill. However, if recommended minimum intervals between stages of a bill in the House of Lords are observed then approximately half this time will be taken up by those minimum interval

periods. The time available for Peers to schedule scrutiny stages on the Bill will therefore be constrained. The House could choose to set aside the minimum intervals to facilitate a quicker timetable.

If Peers did not return the Bill to MPs in time for the 13th and final PMB sitting in the Commons on 11 July, would the Government allow a Bill that had been passed by MPs in the House of Commons and Peers in the House of Lords to fall because of a timetabling constraint and a resulting lack of time to reconcile any outstanding amendments between the two Houses?

It seems politically unlikely that a Bill that was supported by a majority of MPs and Peers would be left to perish because of a lack of time to consider amendments from the Lords. In these circumstances the Government would come under considerable pressure to make provision for extra time – only a few hours are generally needed – for the amendments to be considered and disposed of, perhaps by creating an extra sitting Friday or beginning other days of the week earlier or ending them later than normal. To do otherwise would be disrespectful to both Houses.

Government intervention: what might it do to help the House to reach a decision?

If the Bill passes its Second Reading on 29 November, the Government could leave it alone to run its course in the normal way. However, the Government may come under pressure – from supporters of the Bill as well as opponents – to intervene in one or more of the following ways, each of which has distinct advantages and disadvantages.

- to support a motion for the Public Bill Committee to take oral and written evidence (see page 33);
- to table a motion to establish a second Public Bill Committee to prevent a scrutiny bottleneck affecting all 19 other ballot bills and relatedly to restore precedence to the TIA Bill for consideration at Report stage if, consequently, it emerges from Committee behind other ballot bills (see page 37);
- to provide more time towards the end of the process, outside the 13 sitting Fridays – for example, for an extra day at Report (see page 39) or consideration of House of Lords amendments (see page 41); and
- to programme the Bill to reduce the risk that it will be 'talked out'.

Is there precedent for the Government giving more time to a PMB?

Since the 1980s, successive Governments have been reluctant to grant extra time for Private Members' Bills that fail to be decided within the allotted time available.

Prior to 1979, however, Governments frequently found extra time for contentious Private Members' Bills to be considered.

Between 1954 and 1979, extra Government time was made available to 76 Private Members' Bills, of which 73 were eventually enacted.²⁷

In most cases time was made available because the House of Lords scrutiny process extended beyond the final PMB sitting Friday and therefore the bills would otherwise have simply run out of time. Several other bills could not have passed the Commons were it not for the extra time granted at Report stage and Third Reading, including major social reforms such as the legalisation of abortion, the abolition of capital punishment for murder, and the legalisation of homosexuality.

Scope of the Bill: could MPs amend the Bill to expand eligibility for assisted dying?

Media reports suggest that some [MPs are in favour of expanding eligibility for assisted dying](#) to those who are "incurably suffering", rather than limiting eligibility only to terminally ill adults with just six months to live.²⁸ The first opportunity for amendment of the Bill is at Committee stage.

However, any amendment must be within 'the scope' of the Bill. [Erskine May states that](#) the "scope of a bill represents the reasonable limits of its collective purposes, as defined by its existing clauses and schedules", and may be narrower or wider than its 'long title.'²⁹ The long title – which appears at the start of a bill, just before the first clause - sets out the purposes of a bill in general terms, but it can be amended later to bring it in line with any changes made to a bill.³⁰

Whether an expansion of eligibility is in scope of the Bill would be a matter for the Chair advised by the Deputies and the clerks. If a proposed amendment is not deemed in scope, then it will not be selected for consideration.

²⁷ Blackburn, R., Kennon, A., Wheeler-Booth, M., Griffith, J. A. G., and Ryle, M. (2003), *Griffith and Ryle on parliament: functions, practice and procedures* (London: Sweet and Maxwell), pp. 553

²⁸ C. Turner, '[Extend assisted dying to those without terminal illness, say Labour MPs](#)', The Telegraph, 5 October 2024

²⁹ Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th edition, 2019, para. [28.81](#)

³⁰ The long title for the TIA Bill is: "A Bill to allow adults who are terminally ill, subject to safeguards and protections, to request and be provided with assistance to end their own life; and for connected purposes."



PART 2

A guide to the legislative stages for the Assisted Dying Bill

What will happen at Second Reading?

Second Reading of a bill – whether a Government bill or a Private Member's Bill – is intended to be a debate on the principle of the bill rather than on its detailed provisions. Detailed discussion of its provisions is left to the subsequent Committee and Report stages, when amendments can be tabled.

Proceedings on Private Member's Bill Friday sittings start at 9:30am and must end at 2:30pm. As on other sitting days, Ministers may make Oral Statements to the House and MPs may request Urgent Questions. If a Statement or Question is granted, then the Chair will interrupt the PMB debate at 11:00am. The length of the Urgent Question or Ministerial Statement is a matter for the Speaker, but each tends to take around 45 minutes. Given the level of interest in this TIA Bill it is highly unlikely – other than in the event of a national emergency – that the Government will seek to make a Statement, or that the Speaker will grant an Urgent Question.

During the sitting, MPs will be asked to vote (but not necessarily in a formal division) at least twice and possibly three times or more:

- on the quorum (if the motion is moved);
- on the 'closure';
- on a reasoned amendment (if one is selected);
- on the main Question (if put); and
- on any immediate motions concerning the Committee stage (if the Bill is given a Second Reading).

Time limits on speeches: guidance from the Chair

Conventionally, whoever is in the Chair (the Speaker or a Deputy Speaker) does not impose time limits on speeches during Private Members' Bill debates; they are rarely oversubscribed. It is therefore likely that the day's business will begin with a short statement from the Chair setting out how they intend to manage the debate given the number of MPs that will want to speak on this occasion. Any MP wishing to be called to speak in the debate must write to the Speaker's Office beforehand and explain why they would have a particularly useful contribution to make to the discussion. The Chair will also want to know where MPs stand on the Bill – a supporter, opponent or undecided – so that when calling MPs, a range of different views are represented in the debate. There is no obligation on the Chair to call every MP that wishes to speak. The Speaker and Deputy Speakers will have to assess how many MPs want to be called when considering how to divide the time available. In the 2015 debate on a PMB on assisted dying, 85 MPs wanted to speak. The then Deputy Speaker, Natascha Engel [encouraged MPs to restrict their remarks to five minutes](#), including interventions, whilst making clear that she retained the right to impose a formal speech limit if necessary.³¹ The Chair is likely to say something similar on this occasion: they will not wish to impose time limits but may do so as a last resort.

Can MPs filibuster the debate?

Sometimes during PMB Friday sittings attempts are made by one or more MPs to prolong debate on a bill to delay or prevent a decision being made. Often the MPs are not

³¹ House of Commons, [Hansard](#), 11 September 2015, vol. 599, col. 656

interested in the particular PMB that is being debated but are concerned about one of the bills lower down the Order Paper and so try to string out the debate to prevent the bill lower down being reached before the 2:30pm cut off.

In practice, the Chair, if (s)he thinks a filibuster is underway, can step in and stop it. As the TIA Bill is at the top of the Order Paper and as many MPs will want to speak in the debate, there may not be attempts to filibuster this bill at Second Reading.

Such behaviour is disrespectful to the House and the Chair and often generates negative publicity for the MP(s) concerned. Given the immense public interest generated by this TIA Bill, the Second Reading debate is likely to be one of the most watched items of parliamentary business this Session, perhaps even of this Parliament. It would be deeply damaging if the watching public were to witness attempts by MPs to filibuster and time-waste rather than engage in genuine debate in a respectful way.

Testing whether there is a quorum

It is common on Private Members' Bill Fridays for an MP to move the motion "that the House do sit in private". The motion is moved to test whether the House has a quorum of MPs present (sometimes attendance on Fridays can be low as MPs usually spend the day in their constituencies).

- If fewer than 40 MPs vote in the division then there is no quorum, and the Bill is deferred to the next PMB Friday sitting. This would be fatal to the Bill as it would join the back of the queue behind the other PMBs already listed on the Order Paper for consideration that day.
- Opponents of a Bill may attempt to move the motion at a point in the debate where they think that the quorum will not be met, or, if they know it will be met, they may do it simply to waste time.
- The motion can only be moved once per sitting,³² so supporters of a bill will often move the motion tactically themselves at the start of the debate - if there are the requisite 40 MPs in the House - to prevent it being moved by opponents later when some MPs may have drifted away from the Chamber or even returned to their constituencies.

In the 2015 assisted dying debate the motion was [moved immediately at the start of business](#), even before the statement on speech limits by the Deputy Speaker.³³ On 29 November it is likely that more than 40 MPs will be present throughout the debate, so any attempt to stop the Bill through this route may not be attempted and if attempted is unlikely to succeed. Opponents of the Bill may judge that given the nature of the policy issue it would be a poor look for MPs to engage in blatant time-wasting tactics.

³² House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 163(1)

³³ House of Commons, [Hansard](#), 11 September 2015, vol. 599, cols. 654-655

Bringing debate to an end before 2:30pm

Proceedings on Private Member's Bill Friday sittings must end at 2:30pm, as set out in House of Commons Standing Orders.³⁴

- For the Bill to navigate Second Reading successfully the debate must therefore end, and the substantive Question, "that the Bill be read a Second Time", must be put before 2:30pm.
- If debate on the Bill is still ongoing at 2:30pm, then the debate will be adjourned, and the conclusion of the Second Reading debate will be scheduled to resume on one of the later 13 Friday sittings. This is usually fatal for a PMB since it falls behind debates on other PMBs already listed on the Order Paper for that day.

For the TIA Bill to pass its Second Reading it must therefore navigate two votes on Friday 29 November:

1. **a vote(s) on a 'closure motion' – "that the Question be now put"** – to curtail debate early and stop the debate petering out at 2:30pm without the substantive vote having taken place.
 - a. If the motion is rejected, then debate continues until 2:30pm or until a further closure motion is claimed and agreed.
 - b. If no closure motion is agreed, then the debate will be adjourned at 2:30pm and completion of the Second Reading will be scheduled for a further Friday sitting.
 - c. If a closure motion is agreed, the debate ends and the Question will be put forthwith (meaning immediately, without further debate). (See no. 2 below)
2. **a vote on the Question – "that the Bill be now read a second time"**.
 - a. If the motion is rejected, then the Bill perishes.
 - b. If the motion is agreed, then the Bill will proceed to Committee stage.

If the result is announced before the 2:30pm cut-off then whatever time remains will be devoted to debating the next item(s) of business on the Order Paper.

How does the 'closure motion' work?

When an MP seeks to 'claim' the closure motion, the Chair must first decide whether to accept the request "that the Question be now put".³⁵ The Chair will not agree to put the closure motion to a vote if (s)he deems that the Bill has been insufficiently debated or, as [Erskine May](#) says, if it appears that the closure "is an abuse of the rules of the House or an infringement of the rights of the minority."³⁶ On this occasion who is in the minority may not necessarily be clear – it will be harder to discern on a free vote than on a matter that splits along party lines – which may encourage the Chair to continue the debate for as long as possible. The motion is most likely to be accepted by the Chair towards the end of the

³⁴ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 11(2)(b)

³⁵ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 36(1)

³⁶ Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th edition, 2019, para. [20.53](#)

debate, and especially in the final hour. The Appendix sets out some examples from recent sessions of when the 'closure' has been granted by the Chair on a PMB Friday.

In 2015, [when an assisted dying bill was last debated in the House of Commons](#), the Minister began speaking at around 2:00pm and an MP claimed the closure, which the Chair accepted, as soon as the Minister finished speaking at 2:07pm.³⁷ We may see the Government and Opposition party whips co-operate, in liaison with Kim Leadbeater, to ensure that something similar occurs on this occasion, maximising debating time whilst guaranteeing the closure is successfully claimed, so the debate can be brought to an end and the Second Reading question put to the House.

The closure motion can be decided by the Chair either 'on the voices' (with MPs calling "aye" or "no", and the Chair determining the outcome based on the louder response) or by a formal division. If there is a division, then the House must not only agree to the motion, but at least 100 MPs must vote *in support of it*. If, say, the House voted in favour of the motion by 99 to 20, then the closure motion would be lost: there must be a simple majority and at least 100 MPs *voting in favour* of the motion.

Will the Minister respond in the debate from the Despatch Box?

It is normal practice for a Minister to respond to the issues raised in the Second Reading debate on a PMB towards the end of the debate. Noting the apparent choreography of events towards the end of the assisted dying debate in 2015 raises the question of whether a Minister will respond at the end of the debate on Friday 29 November, and if so, who? Obvious candidates would be a Minister from the Department of Health or the Ministry of Justice, or, given the legal questions that arise perhaps the Solicitor General in her capacity as one of the law officers. Despite speaking from the Despatch Box, however, both the Minister and the spokesperson on the Opposition front bench can express a personal view. Again, there may be some co-ordination among the Whips to ensure that the choice of the two frontbench speakers ensures that different perspectives are conveyed, [as was the case in 2015](#).³⁸

Can the Bill be amended at Second Reading?

Amendments cannot be proposed to the text of the Bill itself at Second Reading. However, opponents may table 'reasoned amendments' to the Second Reading motion "that the Bill be now read a second time". Such amendments usually take the form "That this House declines to give a Second Reading to the [Terminally Ill Adults (End of Life) Bill] because...", with the reasons for opposing the Bill added at the end.

Reasoned amendments must relate to the Bill itself but must not be concerned with detailed provisions that could be resolved through amendments at a later stage. As with other amendments, it is for the Chair to decide whether to select a reasoned amendment. Just because one has been tabled does not mean it will be selected. [Erskine May states](#) that only one reasoned amendment can be moved at Second Reading and the Chair must

³⁷ House of Commons, [Hansard](#), 11 September 2015, vol. 599, cols. 723-724

³⁸ House of Commons, [Hansard](#), 11 September 2015, vol. 599, cols. 721-724

therefore decide which one, if any, will be selected for debate if multiple such amendments are proposed.³⁹

If a 'reasoned amendment' is selected by the Chair, how does this affect the debate and votes at Second Reading?

The Chair will announce at the start of proceedings whether they have selected a reasoned amendment.

Having clarified the selection (or lack thereof), the Chair will then call on the proposer of the Bill, Kim Leadbeater, to move the motion "that the Bill be now read a second time". She will then give her speech. When she concludes her remarks, the Chair will stand and propose the main question: "the Question is that the Bill be now read a second time".

If the Chair has selected a reasoned amendment, it is likely (though not required) that the Chair will call on one of the Members supporting the reasoned amendment. That Member will say something to the effect that "I beg to move the amendment standing in my name on the Order Paper" and will then make a speech in favour of the amendment (setting out their reasons for opposing the bill).

At the end of that Member's speech, the Chair will once again stand and say something to the effect that: "The original question was that the Bill be now read a second time. An amendment having been moved, the Question now is that the amendment be made."

The debate that follows will then formally proceed on that question ("that the amendment be made") rather than the question in Kim Leadbeater's motion ("that the Bill be now read a second time".) In practice, however, this is unlikely to have much effect on the actual contributions MPs make during the debate.

The 'closure' will still need to be moved to bring the debate to an end before the 2:30pm cut off. If the closure is agreed, then the question is then put "that the amendment be made". MPs voting "Aye" on this question will be those opposed to the Bill, and those voting "No" will be supporting the Bill.

If the House agrees to the reasoned amendment, then the Bill is defeated, and no further votes take place.

If the House rejects the reasoned amendment, the House proceeds "forthwith" (immediately and without further debate) to a vote on the main question (Kim Leadbeater's motion "that the Bill be now read a second time"). If it garners majority support, the Bill will proceed to Committee stage.

Any MP can move a motion to determine what form the Committee stage should take

By default, Private Members' Bills are committed to a Public Bill Committee for Committee stage (rather than Committee of the Whole House (CWH)). This is principally because,

³⁹ Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th edition, 2019, para. [28.48](#)

unlike Government bills, they are not subject to a 'programme order', which normally sets out not just the details and timetable for any remaining stages after Second Reading, but also where the bill shall be committed, either to a PBC or to CWH. If no programme order is passed, then bills are committed to a PBC by default.⁴⁰

However, under [Standing Order No. 63](#) a motion can be tabled by any MP – not just by a Government minister – without notice, immediately after a Bill has been given a Second Reading – and it can be voted on after the 2:30pm cut off – to determine what form Committee stage should take.⁴¹ There are three possible options:

- **A motion to give the Bill's PBC the power to take evidence.**⁴² If a bill is the subject of a programme order, then under Standing Order No. 84A(2) its PBC has the power to receive written and oral evidence (to "send for persons, papers and records").⁴³ Since Private Members Bills are not programmed, their Public Bill Committees cannot take evidence, unless the House agrees a motion empowering the Committee to do so.
- **A motion to send the Bill to Committee of the Whole House.**⁴⁴ This would require one or more of the following: the use of Government time during normal business Monday to Wednesday; encroaching on time for other backbench business on Thursdays; the creation of new sitting Fridays; or extending sitting hours at the start or end of the day. It would almost certainly be resisted by the Government.
- **A motion to send the Bill to a select committee for consideration.**⁴⁵ This would have the effect of stopping the Bill in its tracks for the remainder of the Session while the committee looked at the Bill. The select committee chosen to undertake this work would likely see the rest of its agenda swamped by consideration of the Bill.

There is nothing to stop select committees looking at the Bill on their own initiative – to helpfully feed information and evidence into the formal scrutiny process undertaken by the PBC. In addition to the Health and Justice Committees, for example, useful scrutiny might be undertaken by the Joint Committee on Human Rights; any report it published could inform the later amending stages of the Bill.

Although multiple motions about the Committee stage can be proposed after Second Reading, it is unclear what would happen if two competing motions were proposed because to the best of our knowledge no precedent exists for this in relation to PMBs. The Chair, if faced with this situation, would have to decide whether to select a motion and if so which one, taking into account advice from the Deputy Speakers and the Clerk of the

⁴⁰ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 63(1)

⁴¹ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 63(2)

⁴² House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 63(2)(b)

⁴³ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 84A(2)

⁴⁴ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 63(2)(a)

⁴⁵ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 63(2)(a)

House. If the sponsoring MP, Kim Leadbeater, proposes a motion then the Chair may be minded to give this priority. The motion cannot be debated, and the Chair's decision should not be questioned.

Moving the money motion

If the Government moves a money motion at the same sitting as a Bill's Second Reading, it is put forthwith – meaning immediately, without any debate.⁴⁶ However, for PMBs, money motions are usually moved at a later sitting - usually in the week following Second Reading - and may therefore be debated for up to 45 minutes in the Commons Chamber.⁴⁷ A Minister must table the motion and speak to it in any debate that follows. Ministers must therefore have considered and be prepared to accept the financial consequences of the Bill, though the exact amounts that are required are not set out in the motion itself as the final amount that will be needed will be contingent on any subsequent amendments to the Bill that may be made.

What will happen at the Public Bill Committee (PBC) stage?

If the Bill is given a Second Reading it will move on to Committee stage. Here, MPs scrutinise whether each clause should "stand part" of the Bill and what amendments they wish to make to it. Unless the House otherwise orders, the Bill will be committed to a Public Bill Committee by default.

A Public Bill Committee is composed of a selected group of MPs and conducts its proceedings in a committee room rather than in the House of Commons Chamber. While any MP is entitled to propose amendments for the Committee to consider, only members of the Committee can speak, move amendments or vote during its proceedings.

Public Bill Committees for Private Members' Bills typically sit on Wednesday mornings for two hours but there is no procedural impediment to the Committee sitting on other days, instead of or in addition to Wednesday sessions, and to sit for longer than two hours if the members wish.

How will the members of the Public Bill Committee be chosen?

The Committee of Selection appoints members to legislative committees. It is currently composed of nine MPs – six Labour, two Conservative and one Liberal Democrat. It is thus controlled by the governing party. The current Chair of the Committee, Jessica Morden MP, is also Chair of the Parliamentary Labour Party and the other members are all party whips. Having taken a 'neutral' stance on the Bill, the Government whips will nonetheless have to formally nominate the members of the PBC.

For Private Members' Bills, the task of finding MPs who are willing to serve on the Public Bill Committee normally falls initially to the MP in charge of the bill – in this case Kim Leadbeater – who then provides the names to the Committee of Selection for formal

⁴⁶ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 52(1)(a)

⁴⁷ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 52(1)(b)

nomination. Individual MPs can also make representations to the Committee of Selection urging it to appoint them to the PBC for specified reasons.

However, in nominating MPs to Public Bill Committees, [Standing Order No. 86](#) requires the Committee of Selection to have regard to both the “qualifications” of the members nominated and to the “composition” of the House.⁴⁸ According to [Erskine May](#), the Committee of Selection implements this requirement by ensuring that the committees reflect the “party political composition of the House” and, in cases where a bill divides the House across party lines, the “strength of opinion as expressed in any division at Second Reading”.⁴⁹

If Kim Leadbeater were to propose members to serve that did not fully reflect the injunction set out in Erskine May then the whips would have a responsibility to redress this. There may be a significant number of MPs who vote for the Bill or abstain at Second Reading but who are nonetheless sceptical or undecided about its provisions and whose views should be represented. Sir David Natzler, the former Clerk of the House, has [suggested that](#) in the interests of transparency the Committee of Selection could helpfully inform the House before Second Reading on 29 November of the approach it intends to take to the nomination of members of the Public Bill Committee if a division were to take place at Second Reading.⁵⁰

How many MPs will be appointed to the Public Bill Committee?

It has been common practice in recent Sessions for between 16 and 20 MPs to be appointed to a PBC, but up to 50 MPs could be appointed. It will be for the Committee of Selection to decide whether to expand the Public Bill Committee beyond 20 to enable a broader range of voices in the assisted dying debate to be represented.

However, expanding the size of the PBC carries a significant disadvantage: it would almost certainly lengthen the Committee’s proceedings and potentially delay the conclusion of its work. In 1965, when 50 MPs were appointed to the Committee (then called a Standing Committee) for the Private Member’s Bill to eliminate capital punishment for murder, lengthy debates on each amendment ensued, leading to [accusations of filibustering from some MPs](#).⁵¹

How will the Chair(s) of the Public Bill Committee be chosen?

The Chair(s) of the Committee will be appointed by the Speaker from the Panel of Chairs which comprises no fewer than 10 Members nominated at the start of the Session by the Speaker to chair PBCs, general committees, and Westminster Hall debates. The three Deputy Speakers are ex officio members of the Panel.

⁴⁸ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 86(2)

⁴⁹ Erskine May’s *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th edition, 2019, para. [39.3](#)

⁵⁰ Natzler, D. (4 November 2024), [What future for the Terminally Ill Adults \(End of Life\) Bill?](#) (UCL Constitution Unit Blog)

⁵¹ House of Commons, [Hansard](#), 5 March 1965, vol. 707, cols. 1706-1709

The Chairs of PBCs are expected to uphold neutrality in their role, akin to the impartiality required of the Speaker and Deputy Speakers in the Chamber. Two chairs - one from each side of the House - are normally appointed to share the workload. This arrangement also ensures balance, as having Chairs drawn from opposing sides in the debate prevents any undue advantage to one side. Once their work on the Committee is completed, PBC Chairs do not participate in debates or votes during the Report stage consideration of the Bill; this preserves their impartiality.

Will the Public Bill Committee take oral or written evidence?

If a motion is moved immediately after Second Reading empowering the PBC to take evidence, then arrangements will need to be made as quickly as possible to facilitate this. The often-short timeframe between Second Reading and Committee stage can leave little time for the preparation of useful written evidence. In practice, the Committee might decide that the recent inquiry by the Health and Social Care Committee – which received hundreds of responses and took oral evidence from dozens of witnesses – reduces the need for evidence-taking, since it covered many of the questions that arise with this latest Bill including the adequacy of palliative and end of life care in the UK and evidence from other jurisdictions that have introduced assisted dying provisions.

How long will the Public Bill Committee sit?

For Government bills, a programme order would normally include an 'out-date' before which the committee must conclude its deliberations, regardless of whether it has debated every clause or amendment. For PBCs there is no such out-date. The PBC will be self-governing – it will decide how many sittings are needed, and how long each sitting lasts, and it will continue its work until it has disposed of every amendment and every clause. Opponents of the Bill could, in theory, delay or filibuster the Bill's progress by speaking at length to every clause and amendment and propose a large volume of amendments to delay proceedings. But if the Chair believes it to be a filibuster (s)he can intervene to stop it.

However, although no formal out-date is imposed on the Committee, in practice the dates of PMB sitting Fridays dictate a timetable for its work. The Committee will want to conclude its proceedings before the first available PMB Friday sitting for Report stage, which is the eighth of the 13 Fridays allocated each Session, in this case Friday 25 April 2025 (see the table on pages 23-24).

If the Public Bill Committee believes it is not likely to conclude its scrutiny of the Bill before that date, then it can at any point choose to speed up its proceedings by holding a greater number of sittings or increasing the length of each sitting.

What will happen if the Bill spends a long time in Public Bill Committee?

There is a risk that the TIA Bill becomes a 'bill blocker'. [Standing Order No. 84A\(5\)](#) states that "the Committee of Selection may not nominate a public bill committee in respect of a private Member's bill while proceedings in another public bill committee on a private

Member's bill are still active".⁵² This means that, unlike for Government bills, only one PBC for PMBs may exist at any one time. The longer the TIA Bill therefore takes in Committee, the less likely it is that PMBs lower down the ballot bill order will proceed in time to have any chance of making it to the statute book.

Could a second Public Bill Committee be established to prevent the Bill blocking the progress of other PMBs?

Under [Standing Order No. 84A\(5\)](#), a Government Minister may move a motion enabling the Committee of Selection to nominate members to a second Public Bill Committee for a Private Member's Bill.⁵³ However, such a motion can only be tabled subject to two caveats.

- The Member in charge of the Bill currently in the Public Bill Committee (in this case Kim Leadbeater) must inform the Committee of Selection that they do not intend to proceed with Committee stage "for the time being".
- The Public Bill Committee on the first PMB (in this case the TIA Bill) cannot meet until the second Public Bill Committee has concluded its work.

In practical terms, this means the Standing Orders do not provide for two PBCs to run concurrently. The provision would not only suspend the Committee stage scrutiny on the TIA Bill, but it would have the effect of other PMBs "leapfrogging" the TIA Bill since those other bills would be able to choose dates for their Report stages first.

If there was sufficient concern that the TIA Bill was blocking the prospect of any other PMB ballot bill progressing, then the Government could table a motion to set up a second PBC, notwithstanding the Standing Order restriction on concurrent committees. This would, however, not prevent 'leapfrogging' unless provision was also made in the motion to explicitly preserve the prioritisation of the TIA Bill and restore it to the head of the queue as soon as it completed its PBC stage.

What will happen at Report stage?

For MPs who did not serve on the Public Bill Committee, Report stage will be the first opportunity they have to speak to and vote on proposed amendments and new clauses.

It is at Report stage that the Bill will face some of the most challenging procedural hurdles. A decision must be reached on every amendment that the Speaker determines must be put to a vote. Private Members' Bills frequently fall at this stage because the House is unable to dispose of the volume of amendments proposed by opponents in the limited time available in a single Friday sitting. The time available is limited to five hours (9:30am-2:30pm), at the end of which the debate is adjourned until the next sitting Friday if all questions have not been decided.

As at Second Reading, MPs must 'claim' the 'closure' to end debate on a question: at Report stage this will be on questions on amendments. If the 'closure' is not successfully

⁵² House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 84A(5)

⁵³ House of Commons, [Standing Orders - Public Business](#), 23 May 2024, HC 829, Standing Order No. 84A(5)

claimed, and debate is still ongoing at 2:30pm, then the debate will cease and be scheduled to resume at a later Friday sitting. The only way to bring debate to an end and avoid rescheduling is through a closure motion.

Selection and grouping of amendments

The Chair may make a statement at the start of Report stage setting out how they propose to manage the debate: what their approach will be to speech limits, how the Speaker has selected and grouped amendments, and how many divisions they anticipate. Consideration may also be given to what approach he will take to the 2:30pm cut-off: will he accept any votes after 2:30pm or will he regard them as 'opposed business' requiring the Report stage debate and divisions to be resumed on a subsequent day?

At Report stage, much will depend on how many amendments the Speaker selects and how he decides to group them. Not every amendment tabled will be selected; if a proposed amendment inhibits the purpose of a Bill, then it is ruled out of order.

The Speaker is empowered to 'group' similar amendments together for debate, with a view to preventing repetition, though separate decisions (which may not always require a formal division) may be required in the judgement of the Speaker on some amendments within the group.⁵⁴ It will be for the Speaker to decide how many divisions are required within each group – the approach taken is usually to be generous with the selection of amendments but to ration the number of divisions required.

It has become commonplace in recent years – for PMBs as well as Government bills – for the Speaker to 'group' all proposed amendments and new clauses into a single group for debate. According to Dr Daniel Gover, of Queen Mary University of London, the Speaker has consistently grouped all amendments into a single group for every PMB since the start of the 2019 session.

If the Speaker is minded to have more than one group of amendments for the TIA Bill, then given the content and structure of the provisions, two groups might be sufficient: one to address amendments relating to the eligibility criteria to seek an assisted death; a second to address amendments relating to the safeguards.

Claiming the closure

The approach to grouping amendments is also important because it will determine how many times supporters of the TIA Bill must claim and win the 'closure' if the Bill is to progress.

If the Speaker creates:

- multiple groups of amendments, with each group debated consecutively, then the closure will need to be claimed and won multiple times, to bring debate on each group to a close.

⁵⁴ Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25th edition, 2019, para. [20.33](#)

- a single group of amendments, then the closure may only need to be claimed – and won – once.

However, as at Second Reading, the timing of a closure motion is crucial because the Chair will not allow a closure motion to be put if they deem that there has been insufficient debate.

And again, as at Second Reading, to win the closure motion and successfully bring debate to a close – on multiple groups of amendments or on a single group – a simple majority is required and at least 100 MPs must vote in favour of the motion. If a closure motion is lost, then debate resumes, and the clock continues to run down on the Bill. If the closure motion is successful then the Question(s) on the amendments will be put, after which debate will move on to the next group of amendments, or in the event of a single group of amendments debate will cease when all votes on the amendments have been completed and the Bill will progress to Third Reading.

Should there be a second day (or more) for Report stage scrutiny?

A second or third day at Report stage would facilitate scrutiny of multiple groups of amendments and therefore a potentially more detailed and focused discussion of specific aspects of the Bill and alternative provisions. However, there is a danger that the TIA Bill could be 'leapfrogged' by other bills if its proceedings go on beyond the single day normally set aside for Report, whether for PMBs or Government bills.

The order of precedence for consideration of PMBs on the remaining Friday sittings will then apply to the detriment of the TIA Bill: Third Reading and consideration of Lords amendment stages for the other bill(s) will have precedence over the TIA Bill's second day on Report, as will other PMBs which are waiting to start their Report stage. This ordering will then make it easier for opponents to 'talk out' the TIA Bill by simply talking at length in the debate(s) on the PMB(s) ahead of it on the Order Paper on the Friday it is scheduled for its second day on Report. The only way to prevent this is if alternative arrangements are made to ensure that the TIA Bill can resume its place at the head of the PMB queue, even if it has a second day of scrutiny at Report stage. However, this would require intervention by Ministers and would likely be seen as setting an inconvenient precedent for the treatment of PMBs in the future.

What will happen at Third Reading?

Once all amendments and new clauses are disposed of, the House will move on to Third Reading, where MPs must decide whether to support the Bill in its amended form.

Were the Bill to complete Report stage in a single day, but run out of time for Third Reading, then the latter could be re-scheduled for the next sitting Friday and the Bill would have precedence over other PMBs awaiting their Report stage. (see the table on pages 23-24)

Debate at Third Reading is typically short and no further amendments can be proposed. The procedure is similar to Second Reading, including the ability of MPs to table reasoned amendments. The Chair will put any reasoned amendment to the Question first. If the amendment is rejected then he will put the main Question "That the Bill be now read the third time."

Defeat at Third Reading is fatal to a Bill. If the Question is agreed to then the Bill will be sent to the House of Lords for consideration.

What will happen in the House of Lords?

After the Bill is introduced, a Peer will need to adopt it and thereby take responsibility for shepherding it through all its stages. Finding someone to adopt a PMB in the other House is a task usually left to the MP promoting the Bill, in this case Kim Leadbeater.

The House of Lords treats PMBs in the same way it treats Government bills. Its scrutiny procedures are more straightforward than those in the House of Commons. There are no fixed Private Member's Bill Fridays and there is no formal distinction between Government time and private Members' time, though in practice the House tends to give priority to Government business.

As in the Commons, Peers can move reasoned amendments to the Bill at Second Reading. These can be fatal to the Bill as they are in the Commons. However, Peers do have the option to propose non-fatal reasoned amendments which simply seek to put a particular view on the record: namely, "this House agrees to give the Bill a Second Reading, but...".

By convention, the House of Lords always agrees to give a Second Reading – usually without need for a division – to bills which have been passed by the House of Commons, in line with the Lords' deferential role as an unelected revising chamber.⁵⁵

Immediately after Second Reading, the Peer in charge of the Bill will move a motion to commit it to Grand Committee or, more often, to Committee of the Whole House. Any Peer can participate in proceedings in either location. However, Grand Committee takes place in a committee room off the floor of the House. As there is no selection process for members, no formal divisions can take place in Grand Committee. Amendments can be made only by unanimous agreement, which in practice usually means that only uncontroversial amendments are agreed. Given the importance of the Bill, and the expectation that Peers will want to test the opinion of the House on several amendments, it is therefore likely that the Bill will be committed for consideration to Committee of the Whole House.

The House of Lords does not programme bills – neither Government bills nor PMBs – so there is no formal timetable or cut-off point, and the use of closure motions is unconventional and actively discouraged. As a result, if many amendments are proposed – all of which have to be considered, alongside motions to agree that each clause stand part of the Bill – it can result in the Committee stage, and later stages, of the Bill extending over several days. Lord Falconer's 2015 Assisted Dying Bill, for example, saw two lengthy Committee stage debates in January 2015, with dozens of amendments proposed.⁵⁶ As a result, it failed to progress beyond Committee before the dissolution of Parliament in March 2015.

⁵⁵ Cabinet Office (2022), [Guide to Making Legislation](#), para. 3.34

⁵⁶ House of Lords, [Hansard](#), 7 November 2014, vol. 756; House of Lords, [Hansard](#), 16 January 2015, vol. 758

Further amendments may be proposed at Report stage, giving rise to the same challenges in respect of the consumption of time as at Committee stage. Peers, unlike MPs, are also able to propose amendments at Third Reading, although such amendments are usually limited to 'tidying up' provisions: clarifying parts of a bill or implementing any commitments made at an earlier stage of a bill's passage.

Promoters of PMBs are usually keen to avoid their bill being amended in the House of Lords, especially if proceedings in the Lords may continue beyond the final Friday available for PMB business in the Commons. If no amendments are made by the Lords, then 'ping-pong' between the two Houses will not be needed to reconcile on an agreed text.

If, however, the Lords amend the Bill in any way, the Commons will need to make time to consider those Lords amendments. If the Lords make amendments and the Bill does not return to the Commons before the final Private Members' Bill Friday sitting (on 11 July), then the Bill will fall unless the Government agrees to table a motion to facilitate additional time for consideration of the remaining amendments so that the two Houses can reconcile on a single text.

Appendix: Recent closure motions accepted by the Chair

Examples from recent sessions of when the 'closure' has been granted by the Chair

- [Conversion Practices \(Prohibition\) Bill \(1 March 2024\)](#)⁵⁷: The closure motion was moved at 1:14pm after 3 hours and 28 minutes of debate, which the Chair accepted. The question was negatived, since fewer than 100 MPs voted in the majority, and the debate resumed.
- [Copyright \(Rights and Remuneration of Musicians, etc.\) Bill \(3 December 2021\)](#)⁵⁸: The closure motion was moved at 1:39pm after 3 hours and 14 minutes of debate, which the Chair accepted. The question was negatived and the debate resumed.
- [Employment and Trade Union Rights \(Dismissal and Re-Engagement\) Bill \(22 October 2021\)](#)⁵⁹: The closure motion was moved at 1:20pm after 3 hours and 28 minutes of debate, which the Chair accepted. The question was negatived and the debate resumed.
- [Refugee \(Family Reunion\) \(No. 2\) Bill \(16 March 2018\)](#)⁶⁰: The closure motion was moved at 1:05pm after 3 hours and 15 minutes of debate, which the Chair accepted. The question was agreed to, ending the debate and allowing the Second Reading question to be put forthwith.
- [Overseas Electors Bill \(23 February 2018\)](#)⁶¹: The closure motion was moved at 2:26pm after 2 hours and 4 minutes of debate, which the Chair accepted. A division was called, but the question was agreed to without division after the Noes failed to provide tellers. The main question on Second Reading was then put forthwith and agreed without a division being called.
- [Parliamentary Constituencies \(Amendment\) Bill \(1 December 2017\)](#)⁶²: The closure motion was moved at 12:56pm after 3 hours and 10 minutes of debate, which the Chair accepted. The question was agreed to, ending the debate and allowing the Second Reading question to be put forthwith.
- [Mental Health Units \(Use of Force\) Bill \(3 November 2017\)](#)⁶³: The closure motion was moved at 1:01pm after 3 hours and 9 minutes of debate, which the Speaker accepted. The question was agreed to without division, ending the debate and allowing the Second Reading question to be put forthwith.

⁵⁷ House of Commons, [Hansard](#), 1 March 2024, vol. 746, cols. 596-597

⁵⁸ House of Commons, [Hansard](#), 3 December 2021, vol. 704, cols. 1226-1227

⁵⁹ House of Commons, [Hansard](#), 22 October 2021, vol. 701, cols. 1097-1100

⁶⁰ House of Commons, [Hansard](#), 16 March 2018, vol. 637, cols. 1169-1170

⁶¹ House of Commons, [Hansard](#), 23 February 2018, vol. 636, cols. 516-517

⁶² House of Commons, [Hansard](#), 1 December 2017, vol. 632, cols. 636-638

⁶³ House of Commons, [Hansard](#), 3 November 2017, vol. 630, col. 1136

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