

Written evidence submitted by the Hansard Society (IMP 03)

Q1. What is the status of those elected to the House of Commons as independents and how does it differ from those who (a) are elected as a party candidate and (b) those who become independent during the course of a Parliament?

Q2. Do House of Commons procedures, courtesies and conventions draw a distinction between independent groupings and political parties?

1. The Standing Orders and customs of the House of Commons give surprisingly little formal recognition to “political parties”, instead emphasising the formal equality of individual Members of Parliament. While the Government (or “Ministers of the Crown”) is often referred to in the Standing Orders, Erskine May observes that “the fact that the Government is supported by a party, or combination of parties, and opposed by another party, or combination of parties, and that the machinery evolved by these parties performs important functions in the working of procedure, is still largely disregarded by the standing orders.”¹ Despite this, parties play a crucial role in the day-to-day functioning of the House.
2. Although political parties receive little formal recognition in the Standing Orders, there are three notable exceptions where they are mentioned explicitly:
 - a. the identification of the Official Opposition and the second largest opposition party, which enables specific privileges to be granted - such as the allocation of Opposition Days (see Standing Order No. 14²) and extended speaking time for frontbench Members (see Standing Order No. 47³);
 - b. the requirement that when a Member stands for election as chair of a select committee, a certain number of nominations must come from members of “a party other than that to which the candidate belongs, or members of no party” or from “a party not represented in His Majesty Government” (see, for example, Standing Order No. 122B⁴); and
 - c. the obligation at the start of each Parliament for the Speaker to inform each party leader of the proportion of select committee chairs allocated to each party, reflecting the overall composition of the House (see Standing Order No. 122B⁵).

A key question is whether each of these references to “party” excludes independent groupings that are not formally registered as a political party under the Registration of Political Parties Act 1998 (‘the 1998 Act’). It should be noted that the word “party” appeared in the Standing Orders before the 1998 Act was enacted – a time when, as the Electoral Commission has noted, there was no formal mechanism for registering political parties.⁶

3. Some Standing Orders may be understood as making indirect reference to political parties, particularly in relation to committee membership. Standing Order No. 86 requires the Committee of Selection to have regard to the “composition of the House” when nominating members to Public Bill Committees and Delegated Legislation Committees. In practice, for bills that do not cut across party lines, this has been interpreted as a requirement to divide committee membership along party lines. Similarly, the membership of select committees is typically allocated to reflect the party balance in the House, although this is a matter of convention rather than a formal requirement set out in the Standing Orders.

¹ Erskine May’s Treatise on the Law, Privileges, Proceedings and Usage of Parliament, 25th edition, 2019, [paragraph 4.5](#)

² Standing Order No. 14, [House of Commons Standing Orders for Public Business](#), as at 4 April 2025

³ Standing Order No. 47, [House of Commons Standing Orders for Public Business](#), as at 4 April 2025

⁴ Standing Order No. 122B, [House of Commons Standing Orders for Public Business](#), as at 4 April 2025

⁵ Standing Order No. 122B, [House of Commons Standing Orders for Public Business](#), as at 4 April 2025

⁶ Electoral Commission (2025), [Written evidence](#) (IMP0001), House of Commons Procedure Committee.

4. Short Money – financial assistance provided to opposition parties – is available only to political parties that satisfy one of two conditions: (i) it has at least two MPs who were elected as its candidates at the previous general election, or (ii) it has one MP who was elected as its candidate and the party as a whole received more than 150,000 votes in total.⁷ Parties formed after a general election are ineligible for Short Money, as are independent groupings that do not formally constitute a political party.

Q3. What privileges do smaller parties get in the House of Commons compared to groupings of independent MPs?

5. Under Standing Order No. 14, the “second largest opposition party” is entitled to three Opposition Days per Session. This term is specifically defined as the party not represented in Government with the second largest number of Members *elected* to the House as members of that party. By this definition, independent groupings are necessarily excluded – even if an independent grouping were to be formed which was larger than the second largest opposition parliamentary party, it would likely not qualify for Opposition Days. However, Standing Order No. 14(3) states that this definition applies “for the purposes of this order”. This wording raises an interpretative question regarding Standing Order No. 47, which grants extended speaking time to frontbenchers from the “second largest opposition party”. Unlike Standing Order No. 14, it provides no definition of the term. This silence could suggest an intention to allow greater discretion or flexibility in determining which group qualifies as the second largest opposition party for the purpose of debate time. Conversely, the omission may simply reflect a drafting inconsistency, potentially leading to ambiguity in application. Either way, the absence of an explicit cross-reference or shared definition leaves room for competing interpretations.
6. Groupings of independent MPs face many of the same disadvantages as smaller parties, particularly in relation to select committee representation.⁸ Although select committees are nominated to reflect the overall composition of the House, most of them are limited to 11 seats - too few for small parties to secure representation on a strictly proportional basis. In practice, this means that both small parties and independents are under-represented across the select committee system.⁹ The division of seats on each committee between the parties is managed through the Usual Channels - a negotiation process primarily involving the major parties. Independent MPs and smaller parties typically lack meaningful access to this process, leaving them dependent on one of the larger parties voluntarily relinquishing a committee seat.¹⁰

This process is not fair in that it is neither consistently applied nor procedurally guaranteed. For example, in the current Parliament three (75%) of Plaid Cymru’s four MPs are represented on the Welsh Affairs Committee but only one (11%) of the SNP’s nine MPs is represented on the Scottish Affairs Committee. However, none of Reform UK’s five MPs are represented on any select committee, but one independent – Rosie Duffield MP – has been given a place on the Women and Equalities Committee (after the Conservatives relinquished one of their seats for her). Thus, even if the Committee of Selection were to treat groupings of independent MPs in the same way as

⁷ Members Estimate Committee, [First Report of Session 2024-25](#), Consolidated list of provisions of the Resolutions of the House relating to expenditure charged to the Estimate for House of Commons: Members as at 10 September 2024, paragraph 2.2.

⁸ For a detailed analysis of the challenges that small parties encounter in the House of Commons, see Thompson, L. (2020), *The End of the Small Party? Change UK and the Challenges of Parliamentary Politics*. Manchester: Manchester University Press.

⁹ See Bates, S. (28 Jan 2025), [Six things we learnt from the 2024 election of select committee members](#) (Hansard Society blog), Figure 1; Renwick, A. and Fleming, T. (12 September 2024), [Select committee elections: how should a ‘proportional’ allocation between parties be calculated?](#) (Constitution Unit blog), Table 3.

¹⁰ While they frequently do so, the allocations are neither consistent nor procedurally guaranteed. Three (75 percent) of Plaid Cymru’s four MPs are represented on the Welsh Affairs Committee, one (11 percent) of the SNP’s nine MPs is represented on the Scottish Affairs Committee, none (zero percent) of Reform UK’s five MPs are represented on any select committee, and one independent – Rosie Duffield MP – has been given a place on the Women and Equalities Committee (with the Conservatives surrendering one of their seats to make space for her).

registered smaller parties of equivalent size, they may still receive no seats, as has been Reform UK's experience in this Parliament.

7. Smaller parties and independent MPs also face disadvantages in relation to public bill committees and delegated legislation committees. While the Standing Orders require the Committee of Selection to have regard to the composition of the House when nominating members to these committees, the Committee typically nominates only 17 members. This number is generally too small to allow for proportional representation of smaller parties or independents – despite the fact that the Standing Orders permit committees to have up to 50 members.¹¹
8. In practice, almost all public bill committees in the current Session have been divided in one of two ways: (a), 11 Labour, 4 Conservatives, and 2 Liberal Democrats, or (b) 11 Labour, 3 Conservatives, 2 Liberal Democrats, and 1 other. Of the first 18 public bill committees appointed in this Parliament, nine followed the first division and seven the second. In the seven committees with an 'other' member, representation was distributed as follows: four members from the Green Party, two from the SNP, and one from Plaid Cymru. No independent MP was appointed to a public bill committee, despite the Independent Alliance having five MPs - more than two of the three smaller parties that did receive representation. However, the Independent Alliance shares this lack of representation with parties of similar size: both Reform UK and the Democratic Unionist Party (each with five MPs) have similarly failed to gain a seat on any public bill committee. As can be seen in the table in the Appendix, the three largest parties are slightly overrepresented, as are the Green Party and Plaid Cymru, while Reform UK, the SNP, the DUP, the Independent Alliance, and all other parties and independent MPs are either underrepresented or not represented at all.
9. The Committee of Selection is only required to "have regard" to the composition of the House and may diverge slightly from exact proportionality, particularly where one of the larger parties agrees to give up a seat it would otherwise be entitled to.¹² Moreover, Standing Orders also require the Committee of Selection to have regard to the qualifications of the MPs they nominate to these legislative committees. If an independent MP or MP from a smaller party possesses relevant expertise or a particular interest in a given policy area, the Committee of Selection would be justified in appointing that MP to a public bill committee or delegated legislation committee considering a relevant bill or statutory instrument.
10. It is unclear whether the disadvantages faced by independent groupings and small parties arise solely from their small size, because we do not know how the Committee of Selection would act if there were a larger grouping of independent MPs. In a hypothetical scenario in which a grouping of independent MPs were large enough to be entitled proportionally to a seat on each select committee, if it were treated as a standard political party, it would fall to the Committee of Selection to decide whether such a grouping should be treated in the same way as a comparably sized political party and granted corresponding representation.
11. A recommendation made by the Liaison Committee in 2015, which was never adopted by the House, may offer a potential solution to the broader issue of underrepresentation of smaller parties. The Liaison Committee noted that, because select committees generally operate by consensus and unanimity, "arithmetical proportions do not have the same degree of relevance that they do with Public Bill Committees".¹³ It therefore recommended that the balance of individual committees need not strictly mirror the composition of the House, provided that the "overall representation across all committees was fair and proportionate". The Committee of Selection already permits significant deviations from exact proportionality on the select committees for Scotland, Wales and Northern Ireland, suggesting that smaller, measured deviations on other select committees could be introduced to ensure fairer representation of smaller parties across the committee system.
12. However, the core challenge for independent MPs, in contrast to those from smaller parties, lies in representation. A single independent MP cannot be assumed to represent the collective interests and

¹¹ Standing Order No. 86, [House of Commons Standing Orders for Public Business](#), as at 4 April 2025

¹³ House of Commons Liaison Committee, [Legacy Report](#), 11 March 2015, paras. 106-107

views of other independents in the way that an MP from a smaller party can be assumed to represent their party as a whole. Smaller parties typically have an internal parliamentary structure that allows them to choose committee members through their leadership, whips or by agreement among their MPs. Their MPs also stand for election on a shared political platform, enabling any one of them to act as a representative of both the party and its policy positions. By contrast, no such mechanism exists for independent MPs, who are elected on individual platforms and have no collective structure for nominating representatives.

Suppose that there were ten independent – yet ungrouped - MPs, and the House wished to ensure proportional representation of independents across the departmental select committees. Proportionally, those ten independents would be entitled to three out of the 220 total committee seats if treated as a collective group. However, if these independent MPs are unaffiliated with one another, there is no obvious or agreed method for determining which of them should occupy those seats, since no independent MP can legitimately claim to represent the rest.

The situation becomes more nuanced when a formal grouping of independent MPs exists. In such cases it would likely fall to the Committee of Selection to decide whether the grouping should be treated as equivalent to a parliamentary party. That decision should, in part, depend on whether the grouping has an internal structure capable of nominating or electing members to serve on committees.

13. A similar issue arises in the underrepresentation of smaller parties among select committee chairs. Currently, 37 MPs – excluding Sinn Féin – represent parties other than the three largest in the House of Commons. Taken together, these smaller parties would be entitled, on a proportional basis, to one of the 26 elected select committee chairs. However, no mechanism or formula exists to allocate that single chair among the various smaller parties, and no one party can be said to represent the collective interests of the others. As a result, no committee chair is held by any of the smaller parties, and the three largest parties are slightly overrepresented in the distribution of chairmanships.¹⁴
14. The fact that select committee members are nominated at the start of a Parliament and generally remain in place until its end – apart from occasional ad hoc changes – presents a further practical challenge. While political parties are typically fully established before a general election, independent groupings are necessarily formed afterward. In cases involving defections or the withdrawal of the party whip, such groupings may not emerge until several months or even years into a Parliament. Since select committee nominations usually occur between 28 and 38 sitting days after a general election¹⁵, these groupings often arise too late to be reflected in the initial committee appointments. However, this disadvantage is not unique to independent groupings; it is also shared by any new political party formed by MPs during the course of a Parliament. Any changes to this system should be approached with caution, as the current model offers clear scrutiny benefits through the rapid establishment and relative stability of select committees over the life of a Parliament.
15. As outlined in the response to Question 2, independent groupings are formed after a general election and their members do not stand as candidates for a shared political party. As a result, they are ineligible for Short Money and are therefore unable to access the support it provides to qualifying opposition parties. Short Money enables parliamentary parties to employ staff who assist with briefing materials, policy development and legislative research on behalf of the party's MPs. In contrast, independent groupings must rely on the standard funding provided to individual MPs for their parliamentary duties, along with any additional resources they can raise independently. This makes it more challenging for their members to manage the day-to-day demands of parliamentary business.
16. It is for the Speaker to decide whether to call independent MPs individually or as representatives of an informal grouping. Regardless, independent MPs have the same speaking rights as any opposition

¹⁴ Renwick, A. and Fleming, T. (12 September 2024), [Select committee elections: how should a 'proportional' allocation between parties be calculated?](#) (Constitution Unit blog), Table 1

¹⁵ England, M. and Fox, R. (3 July 2024), [Back to Business: Setting up Select Committees](#) (Hansard Society), Table 3

backbencher and are no less likely to be called during oral questions or debates. At Prime Ministers' Questions, it is customary for the leaders of smaller parties – those outside the three largest – to be called more regularly than other opposition MPs. However, informal groupings of independents typically lack a designated leader or other frontbench spokespersons, making it difficult to extend those same privileges to them.

Q4. Does the label 'independent' apply to all possible circumstances Members may find themselves in (such as those that have only temporarily lost the whip), or are there other descriptions which could be foreseen and should be provided for?

Q5. Should the Official Report provide additional or distinguishing details for independent Members depending on their circumstances?

17. There are two main categories of MPs referred to as 'independent': those elected as independent candidates without a party affiliation, and those originally elected as party candidates who became independents during the course of a Parliament.
18. The second category of independent MPs – those originally elected as party candidates – can be further divided into several sub-categories, based on key distinctions:
 - a. **Reason for suspension:** some MPs lose the whip for political reasons, such as for defying a three-line whip, while others lose it due to allegations of misconduct or the initiation of an investigation into potential misconduct.
 - b. **Willingness to remain independent:** some MPs who have lost the whip express a desire to return to their former party, whereas others choose to remain independent.
 - c. **Voluntariness:** some MPs voluntarily resign the whip, while others have it removed by the party.
 - d. **Permanence:** in some cases, the withdrawal of the whip is permanent; in others, it is a temporary suspension pending further review.

As a result, MPs in very different circumstances are grouped together under the label 'independent'. For example, the current cohort of independent MPs includes: those who have (in theory) temporarily lost the whip for political reasons and who wish to return to their original party; those who have permanently lost the whip due to misconduct; and those who have voluntarily resigned the whip with no intention of rejoining their former party.

19. As Members of the House have observed, the label 'independent' can cause confusion among constituents, the media, and the wider public, as it does not reflect the circumstances under which a Member entered the House or became independent. For example, a constituent may believe they elected a Labour MP only to find their representative now listed in debates and divisions as an Independent – despite the suspension being temporary and the Member expecting to return to the party.
20. The underlying issue is whether it should be the individual Member or the parliamentary party that determines the use of a label in the Official Report and other parliamentary publications. At one extreme, Members could have complete freedom to choose their own label, but this could lead to greater confusion – particularly if a Member identifies with a party that has explicitly disavowed them. Political parties have a legitimate interest in protecting their name from being associated with individuals, especially in cases involving suspension for serious misconduct. At the other extreme, political parties could be granted a veto over any use of their name or similar descriptors by a Member. However, as noted above, this approach may withhold relevant context from the public, obscuring the Members' political background and the circumstances of their election to Parliament.
21. The House could consider allowing Members who have lost the whip to use a label that reflects both their original party affiliation and their current status. For example, Members could be permitted, in certain circumstances, to use a modified party label such as "Labour-Suspended" in the Official Report. Alternative formulations of this kind of descriptor could also be explored. Making such a

label optional would give Members flexibility: those who have voluntarily resigned the whip or do not wish to return to their former party could continue to use the label “Independent”.

22. The House has previously allowed Members who have had the whip withdrawn to use the labels ‘Independent Conservative’, ‘Independent Labour’, and their equivalents for other parties.¹⁶ However, no MP appears to have been described in this way since 2010.¹⁷
23. If the House were inclined to permit the use of a label such as ‘Labour – Suspended’, it would need to consider whether this should be available to all Members who have lost the whip, or only to those who have been temporarily suspended. It would also need to decide whether Members who have lost the whip due to misconduct should be excluded from using such a label. Restricting the label to temporarily suspended Members would require a more formal mechanism for parliamentary parties to indicate to the House whether a Member’s loss of the whip is intended to be temporary or permanent.
24. On the one hand, MPs who have the whip permanently withdrawn were elected as members of a particular party and may feel they have a prima facie claim to continue using that party label. Restricting the use of a modified label – such as ‘[Party] – Suspended’ – only to those under temporary suspension would fail to clarify the circumstances under which an MP became independent and was elected. It might also incentivise parties to overreact during the early stages of misconduct investigation, withdrawing the whip permanently to prevent their party’s name from being associated with that Member in official publications. Moreover, the distinction between temporary and permanent suspensions is often less clear-cut than it seems: temporary suspensions may become permanent, and supposedly permanent withdrawals are sometimes later reversed. On the other hand, allowing MPs who have been permanently expelled from their party to use its name may create a further confusion – particularly around whether the Member is still aligned with that party or might stand as its candidate at the next election. The term ‘suspended’ itself suggests a temporary state, which may be misleading in such cases.
25. Consideration would also need to be given to how any labelling practice interacts with Standing Orders that refer to MPs as “members of no party”, members of the same party, or members of a “party represented in His Majesty’s Government”. For example, would a ‘Labour – Suspended’ MP be treated as a “member of no party”? Would they be considered part of the same party as a Labour MP? And would they be regarded as belonging to a party represented in Government?

Appendix: Proportion of members of public bill committees by party versus proportion of the House by party

Party	Total members of public bill committees in Session 2024-25	Percentage of all members of public bill committees in Session 2024-25 (%)	Percentage of the House of Commons at the start of the Parliament (%)
Labour	203	64.86	63.23
Conservative Party	64	20.45	18.62
Liberal Democrat	37	11.82	11.08

¹⁶ See, for example: Clare Short, Independent Labour (2006-10); Derek Conway, Independent Conservative (2008-10); Jonathan Sayeed, Independent Conservative (2005); Howard Flight, Independent Conservative (2005).

¹⁷ Sutherland, N. (2024), [MPs’ changes of party allegiance in the House of Commons since 1979](#), House of Commons Library

Scottish National Party	3	0.96	1.38
Green Party	4	1.28	0.62
Plaid Cymru	2	0.63	0.62
Reform UK	0	0	0.77
DUP	0	0	0.77
Independent Alliance	0	0	0.77

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