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Procedure at the start of a new Parliament

June 2017



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5th Floor, 9 King Street, London EC2V 8EA

Tel: 020 7710 6070

Email: contact@hansardsociety.org.uk

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INTRODUCTION

Exhausted by weeks of campaigning, the 650 successful MPs elected on 8 June will have just five days to rest and recharge their batteries before the new Parliament begins and gets back to business on Tuesday 13 June.

Unless current plans were to be changed, Parliament will sit for six weeks before rising for summer recess on Thursday 20 July. In that time it will go through a number of important procedures that mark the start of any new Parliament.

The first item of business will be to choose the Speaker of the House, with John Bercow seeking to return to the Chair.

Substantive policy and legislative business will not begin until the Queen's Speech on Monday 19 June. Owing to the snap nature of the general election, this year's State Opening of Parliament will be a pared-back affair. However, the contents of the government's legislative programme will be as important as ever.

This paper outlines the proceedings that will take place in the early days of a new Parliament, including the swearing-in of MPs, the election of Deputy Speakers, and the establishment of select committees and election of their chairs and members. The paper also explores the anticipated timing and management of future business such as the Queen's Speech, a possible Budget, and the Private Members' Bill ballot.

A final section identifies some of the institutional and procedural issues the new Parliament is likely to face.



KEY DATES

June 2017

MON	TUE	WED	THU	FRI	SAT	SUN
			1	2	3	4
5	7	7	8 General election	9	10	11
12	13 Speaker's election (Commons)	14 Swearing-in of MPs and peers	15 Swearing-in of MPs and peers	16 Swearing-in of MPs and peers	17	18
19 Queen's Speech (QS)	20 QS debate (day 1)	21 QS debate (day 2) <i>First PMQs?</i>	22 QS debate (day 3)	23 QS debate (day 4)	24	25
26 <i>QS debate (day 5)</i>	27 <i>QS debate (day 6)</i>	28 <i>Deputy Speaker election?</i>	29 <i>Private Members' Bill ballot?</i>	30	1	2

July 2017

MON	TUE	WED	THU	FRI	SAT	SUN
3 <i>Westminster Hall sittings to begin?</i>	4	5 <i>Committee chairs election?</i>	6	7	8	9
10	11	12	13	14	15	16
17	18	19 <i>Private Members' Bill first reading?</i>	20 Rise of both Houses for Summer recess	21	22	23
24	25	26	27	28	29	30
31						

Italicised entries are indicative only.

FIRST WEEK: SPEAKER'S ELECTION

Both Houses of Parliament will return on Tuesday 13 June. By that time, assuming that a single party commands a majority in the new House of Commons, the new government will have been formed (including the Leaders of both Houses). Both Houses will sit for a few days ahead of the official State Opening of Parliament on Monday 19 June in order to implement a series of important procedures that mark the start of any new Parliament: the receipt of the Return Book confirming the election of all MPs; the election of the Speaker of the House of Commons; the approval of the Speaker's election and his laying claim to the 'ancient and undoubted rights and privileges' of the House on behalf of MPs; and the swearing-in of all Members of both Houses.

The procedures initiating the election of the Speaker and his approval in office by the Monarch involve the exercise of the Sovereign's prerogative powers and are set out in Standing Orders 1, 1A and 1B.¹

On Tuesday 13 June, Black Rod will be sent to summon the House of Commons to attend the House of Lords. There, the Lords Commissioners – five senior peers, led by the Leader of the House (Baroness Evans before the election) – will direct MPs to elect a Speaker.

On their return to the Commons, MPs will begin the process of electing a Speaker immediately. The process is overseen by the Father of the House (the Member with the longest continuous service who is not a minister. If he is re-elected, Kenneth Clarke will stay as Father of the House, having been an MP continuously since the 1970 election and taken the oath then before Dennis Skinner.)

If the previous Speaker seeks re-election to the Chair, a motion is put before the House forthwith, 'that (name of former Speaker) do take the Chair of this House as Speaker'. It is customary that the

motion is uncontested and the former Speaker is re-elected.

If the motion is challenged, the decision is taken by division rather than secret ballot. On the final day of the 2010-15 Parliament, the Commons debated and rejected a proposal that a secret ballot should be used to decide on the motion in these circumstances.²

A contested election

Should the Commons vote against the re-election of the previous Speaker, a contested election by secret ballot would take place the following day under Standing Order 1B.³

Written nominations are submitted between 9.30am and 10.30am. At 2.30pm, with the Father of the House in the chair, each candidate addresses the House in turn, before the first round of voting begins.

Under the exhaustive secret ballot, MPs vote for one candidate by marking a ballot in one of the division lobbies. If no candidate achieves over half the vote there are further rounds of voting. Candidates with less than five per cent of the votes cast or with the fewest votes in the previous ballot are excluded from the following round. Successive ballots are held until one candidate obtains over half the votes cast or only one candidate remains. Each round of voting can take around two hours.

John Bercow, the 157th Speaker of the House of Commons, held the speakership prior to the general election. On 19 April he confirmed his intention to seek re-election to the Chair,⁴ and on 30 May he indicated that he would wish to serve the full 2017 Parliament.⁵ Bercow had previously pledged to step down from the post in mid-2018.⁶

FIRST WEEK: SPEAKER'S ELECTION

Assuming that a Speaker is elected on 13 June, the following day Black Rod will again be sent to summon the House of Commons to attend the House of Lords in order to confirm the choice of Speaker. The Queen will not be present, but will be represented by the Lords Commissioners, who will be robed and seated on the bench between the Throne and the Woolsack. *'It not being convenient for Her Majesty to be personally present here this day'*, they will be empowered, by Letters Patent under the Great Seal of the Realm, to *'do all things in Her Majesty's name, which are to be done on Her Majesty's part in this Parliament'*.

On arrival in the Lords, the Speaker will inform the Lords Commissioners *'That in obedience of Her Majesty's command, Her Majesty's most faithful Commons have, in the exercise of their undoubted rights and privileges, preceded to the election of the Speaker'* who presents himself 'with humility' for Her Majesty's approval (or 'Approbation'). The

presiding Commissioner will, on behalf of the Monarch, then approve and confirm his election. At this point the Speaker will lay claim, by 'humble petition', to the *'ancient and undoubted Rights and Privileges'* of the House of Commons from the Crown. These include freedom of speech, freedom from arrest, and freedom of access to Her Majesty whenever required via the Speaker. These will be duly granted by the Lords Commissioners on the Monarch's behalf. The Speaker will then return to the House of Commons.



FIRST WEEK: SWEARING-IN

The newly-elected Speaker goes first in taking the oath of allegiance in the new House of Commons, before all other Members in order of seniority. The swearing-in of MPs and peers can take several days; no other business is conducted before the Queen's Speech.

On his return from the Lords, the Speaker will take the oath of allegiance: *'I swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, according to law. So help me God.'*

Alternatively, the Speaker and other Members can make a 'solemn Affirmation' rather than swear an Oath: *'I (name of MP) do solemnly, sincerely and truly declare and affirm, that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, her heirs and successors, according to law.'*

The Oath/Affirmation can also be taken in the Welsh, Scots Gaelic or Cornish languages.

Once the Speaker has taken the Oath/Affirmation, the Father of the House, the Prime Minister and other members of the Cabinet follow suit. All other MPs are then called to take the Oath/Affirmation, usually starting with the shadow Cabinet and Privy Counsellors.

The identities of the MPs are known to the House because a list of all those MPs returned at the general election is formally submitted to the Clerk of the House by the Clerk of the Crown in Chancery (a ceremonial position for the conveying of the Crown's commands to Parliament held currently by the Permanent Secretary of the Ministry of Justice). The list is contained in a vellum-bound Return Book known colloquially as the 'White Book', reflecting the colour of the binding. (In practice, the list may be conveyed by the Deputy Clerk of the Crown in a copy of the Return Book.)

Once the Oath/Affirmation has been administered, each MP signs the parchment 'test roll' at the table in the House and is then introduced to the Speaker.

Three to four hours each day for up to three to four days may be set aside to enable all MPs to be sworn in; the length of time set aside for the process is a matter for the Speaker.

Once swearing-in is complete, the House will adjourn until the day of the Queen's Speech.

It is vital that all MPs take the Oath or Affirmation. By law, no MP can participate in the proceedings of the House (with the exception of the election of the Speaker) unless and until they have been sworn in. Under the Parliamentary Oaths Act 1866, any MP who votes, or sits during any debate after the Speaker has been chosen, before they are sworn in, will be subject to a £500 penalty; but more importantly their seat is vacated *'in the same manner as if he were dead'*. A writ for a by-election would then be moved.

Once sworn in, it had been customary for MPs not to participate in proceedings until they had made their Maiden Speech. However, this custom was relaxed in the 2010 Parliament because of the sheer number of new MPs.

The swearing-in of peers in the House of Lords is similar to Commons procedures. Members present their 'writ of summons' to attend the Parliament, and swear the Oath/Affirmation. Additionally, they must sign a commitment to abide by the House of Lords Code of Conduct.

THE QUEEN'S SPEECH

The Queen's Speech will take place on Monday 19 June. The Queen's Speech marks the start of the session's legislative business.

Due to the timing of the election, and for only the second time in the present Queen's reign, the 2017 State Opening of Parliament will be a 'dressed-down' affair, with the Queen wearing 'day dress' and a hat rather than the Imperial State Crown and robes, and arriving at the Palace of Westminster in a car rather than carriage.

From the throne in the House of Lords, the Queen will outline the government's policies and proposed legislative programme for the new parliamentary session, to the assembly of MPs and peers. The content of the Queen's Speech is a matter for the Prime Minister and government.

The formal introduction of new bills will then begin on Tuesday 20 June. In 2017, these early bills are expected to include the Great Repeal Bill (although this will have a different official title).

Prior to the start of the Queen's Speech debate in each House, Members will symbolically assert their right to deliberate regardless of the Monarch's summons to the Address, by reading a *pro forma* bill into the record. In the House of Commons the Clerk of the House will announce the Outlawries Bill, and it will be ordered that it be read a second time. However, no date for a second reading will be agreed, the bill will not be printed and there will be no further debate.⁷ A similar symbolic proceeding is adopted in the House of Lords, but there the Select Vestries Bill will be read.⁸



THE QUEEN'S SPEECH

The number of days spent debating the Address is a matter for the government, which will advise the Speaker of the number of days it wishes to allocate.

The first day's debate is general in character and includes speeches proposing and seconding the Address, and contributions from the Prime Minister and Leader of the Opposition. Remaining days are allocated to thematic discussions determined among the parties through what are known as the 'usual channels'.⁹

In 2015 there were six days' debate on the Queen's Speech. Days 2-6 covered home affairs and justice; 'Britain in the world'; health and social care; devolution and growth across Britain; and the economy.

Peers also debate the Queen's Speech for several days on thematic issues although, unlike the Commons, there is no final vote.

The House of Commons debates the Address on the following government motion:

'That an humble Address be presented to Her Majesty, as follows: Most Gracious Sovereign, We, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Northern Ireland, in Parliament assembled, beg leave to offer our humble thanks to Your Majesty for the Gracious Speech which Your Majesty has addressed to both Houses of Parliament.'

On the penultimate day of debate, under Standing Order 33,¹⁰ an Opposition amendment is considered and voted upon. On the final day of debate, a further Opposition amendment is considered, although, time permitting, the Speaker has the power to permit a vote on two further amendments. At least one of these would come from the Opposition, but the other could come from government backbenchers, as happened in the

final-day debate on the Queen's Speech in 2013, when the Speaker selected an amendment regretting the lack of planned legislation for an EU membership referendum laid by the Conservative MP John Baron, and an amendment regarding a review of Trident laid by the SNP's Angus Robertson MP.

While proceedings on the Queen's Speech take place, other business – such as Prime Minister's Questions – is carried on. However, Urgent Questions are not accepted on the first day of the Queen's Speech debate, nor may there be any applications that day for an emergency debate. Westminster Hall will not sit for debates until after the conclusion of the Queen's Speech debates in the Chamber.

The first Order of Business and Summary Agenda will be published on 20 June.

ELECTION OF DEPUTY SPEAKERS

The House of Commons has three Deputy Speakers who assist the Speaker by chairing debates in his absence. Unlike the Speaker, the Deputy Speakers do not resign from their party; as a result, if they stand down they may return to their party benches.

One Deputy Speaker is the Chairman of Ways and Means, who historically presided over debates on financial matters. The Chairman of Ways and Means continues to have duties beyond those of the two other Deputy Speakers, such as normally presiding over any Committee of the whole House, and in connection with legislative committees, private bills and Westminster Hall sittings

In March 2010 it was agreed that the House would elect the three Deputy Speakers at the start of each Parliament by secret ballot, using the Single Transferable Vote system.

The timetable for the election of Deputy Speakers in 2017 will likely be similar to that in 2015, when the Speaker announced on the day of the Queen's Speech (27 May 2015) that the ballot would take place one week later, on 3 June.

Nominations for the Deputy Speakerships must be submitted between 10am and 5pm on the day before the election. Candidates require the support of between six and 10 Members.

Under Standing Order 2A, the Chairman of Ways and Means and the Second Deputy Chairman should come from the opposite side of the House to the Speaker, while the First Deputy Chairman should be from the same side of the House as the Speaker. The Standing Order also prescribes that among the Speaker and three Deputy Speakers there should be at least one man and one woman.¹¹

The elections are held between 11am and 12 noon, with the winners taking-up their posts the following day. Once elected, Deputy Speakers remain in office until the next general election, unless they resign or otherwise cease to be an MP.

In the 2015-17 Parliament, the Deputy Speakers were Lindsay Hoyle (Chairman of Ways and Means), Eleanor Laing and Natascha Engel.

Pending the election of Deputy Speakers at the start of a Parliament, the Speaker nominates up to three members to serve temporarily in the role. In 2015 the temporary Deputy Speakers were Sir Roger Gale and George Howarth.¹²

SELECT COMMITTEES

The election of many select committee chairs by the whole House of Commons is now one of the most high-profile features of the start of a new Parliament.

Election of select committee chairs

Since 2010, the chairs of most House of Commons select committees are elected by the whole House. This applies to the chairs of all departmental select committees (as listed in Standing Order 152, of which there were 20 at the end of the 2015 Parliament), and eight others: the chairs of the Environmental Audit; Public Administration and Constitutional Affairs (PACAC); Public Accounts (PAC); Exiting the EU; Petitions; Procedure; Standards; and Backbench Business committees, each of which has its own Standing Order.

The first step in the establishment of select committees in a new House of Commons is normally the allocation of chairmanships between parties. Standing Orders specify that the chairs of the Public Accounts Committee (PAC) and Standards Committee must be held by the official Opposition, and the Backbench Business Committee cannot be chaired by a member of a government party.¹³ By convention, the chairs of the Treasury and Foreign Affairs Committees are usually held by a member of the government party. Beyond this, there is no published formula by which the allocation of chairmanships takes place.

Instead, elected chairmanships (other than those of PAC, the Standards Committee and the Backbench Business Committee) are divided up among the parties by negotiations among the business managers, via the 'usual channels'. However, Standing Order 122B specifies that the overall distribution of elected chairs among parties must reflect the composition of the House.¹⁴ On the day after his election (in 2017, 14 June), the Speaker must inform the party leaders of the number of

elected committee chairmanships due to each party.

In 2015, the allocation of the 26 chairmanships then in play was: Conservatives: 14; Labour: 10 (including PAC and Standards); SNP: two. A Labour MP held the chairmanship of the Backbench Business Committee throughout the 2015 Parliament; and in 2016 Labour was allocated the chairmanship of the new Exiting the EU Committee, taking the party's tally of elected chairs at the end of the Parliament to 12.

With the SNP looking likely to retain the status it won in 2015 as the House of Commons' third-largest party, it is likely again to be entitled to chair several select committees. Given the existence of flux and political argument around the exact dividing line between reserved and devolved matters in Scotland, the decision on the identity of these committees could be especially sensitive. Westminster select committees which cover devolved policy areas in effect only scrutinise the 'expenditure, administration and policy' of the relevant government department in England. However, the extent to which 'England-only' matters in fact affect Scotland has sometimes been a matter of dispute.

The allocation of elected chairmanships to parties (for committees whose chair is not left undetermined or set by Standing Order) must be approved by the House. Under Standing Order 122B, the leaders of all the parties entitled to at least one chairmanship have one week from the Queen's Speech (meaning, in 2017, 26 June) to table a motion allocating chairmanships. In 2010, the motion was laid the day after the Queen's Speech; in 2015, it took a week, to 3 June. If party leaders have not tabled such a motion two weeks after the Queen's Speech, any MP can lay a motion to allocate chairs, and the Speaker will give precedence to its consideration.

SELECT COMMITTEES

The election of chairs takes place 14 days after the House approves a motion allocating chairmanships to parties. In 2017, it is expected that the election will take place no later than Monday 10 July. Nominations for chairs must be accompanied by the signatures of 15 members elected to the House as members of the candidate's own party, or 10 per cent of the members of that party, whichever is lower. Nominations may also be accompanied by the signatures of up to five Members elected to the House as members of another party. Nominations close at 5pm on the day before the ballot.

The election of chairs takes place by secret ballot, under the Alternative Vote system.

Arrangements for the election of the chair of the Backbench Business Committee are largely the same as for other elected chairs, except that nominations require the support of between 20 and 25 Members, including at least 10 from the government side and 10 from among non-government Members. And unlike other select committee chairs, the chair of the Backbench Business Committee is elected for only one parliamentary session at a time.

In 2015, the ballot for select committee chairs was held on 17 June, with the results declared the following day. Of the 27 chairs elected at the start of the 2015 Parliament, 12 were elected unopposed.

The chairs of select committees not elected by the whole House are elected by the relevant committees at their first meetings. Such chairs include those of the European Scrutiny Committee and Liaison Committee. If a vote in committee is required to elect a chair, candidates need the support of a majority of members.

Term limits for chairs

In 2017, a provision in Standing Orders concerning select committee chairs may gain in political salience. Standing Order 122A, introduced in 2002 and amended in 2005, now specifies that 'unless the House otherwise orders' no select committee may have as its chair any member who has served as chair of that committee for the two previous Parliaments or a continuous period of eight years, whichever is the longer.¹⁵

Because the Parliaments elected in 2001, 2005 and 2010 each existed for at least four years, the two-Parliament limit has never previously been shorter than the eight-year limit: chairs who took up their posts in 2005 could simply serve two terms until the end of the 2010 Parliament. However, the truncated nature of the 2015 Parliament means that chairs elected in 2010 and re-elected in 2015 are eligible to stand again in 2017, but, if re-elected again, would - as matters stand - be unable to continue as chairs beyond July 2018. At least five chairs, if re-elected, would be affected by this rule: Clive Betts (Communities and Local Government); Sir Bill Cash (European Scrutiny); David TC Davies (Welsh Affairs); Bernard Jenkin (PACAC); and Laurence Robertson (Northern Ireland). The case of Sir Kevin Barron might be arguable: he was chair of the previous Standards and Privileges Committee from 2010, but the committee was split into the two separate current committees in 2013 (both of which he continued to chair), arguably re-starting the clock. (Louise Ellman, having been elected chair of the Transport Committee in 2008 and served until 2017, already became ineligible to stand again for the chairmanship at the Dissolution.)

In its final report of the 2015-17 Parliament, the House of Commons Procedure Committee highlighted a number of anomalies with the Standing Order 122A rule, and noted the uncertainty it would create for the election of chairs at the start of the new Parliament.¹⁶ The Committee

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recommended that its successor report on the matter, with the aim of proposing changes for the House to decide on by the end of the 2017 calendar year (well before any chair caught by the rule might be obliged to stand down). The Procedure Committee is likely to take up the recommendation and change may well result, since the election of chairs by the whole House arguably means there is now no need for term limits. However, unless the government were to pre-empt matters by moving a motion to amend Standing Orders straight away, the election of chairs at the start of the 2017 Parliament seems likely to take place under the existing rule.

Election and nomination of select committee members

The membership of each select committee must reflect as closely as possible the party balance of the House.

Members of most select committees, including the departmental select committees, are nominated by a motion put before the House, normally by the Committee of Selection. Under Standing Order 121, two days' notice must normally be given of select committee membership nominations.¹⁷ Since June 2010, parties entitled to nominate members put names forward which have resulted from a 'transparent and democratic method' of internal election, rather than selection by the Whips as previously. The nature of the internal election method is a matter for each party individually.

Standing Orders do not set parties any deadline by which they must nominate their select committee members. This means that the timetable for establishing select committees can become hostage to parties' internal processes. In 2015, the departmental select committees were mostly established in early-to-mid-July, but in both 2010 and 2015 some select committee memberships were nominated only the day before the rise of the

House, and in 2015 some only after the Summer recess.

Committee membership and minor party representation

Since 2010, most select committees have 11 members. By definition, the allocation of committee chairmanships and seats to reflect the party balance in the House tends to leave smaller parties unrepresented. To ensure some minor party representation, some committees have sometimes been expanded beyond the norm. For example, the Treasury Committee in the 2010-15 Parliament was expanded to 13 members, to allow the Liberal Democrats and SNP to have seats. When the new Exiting the EU Committee was appointed in 2016, it was created with 21 members, to allow representation of Welsh, Scottish and Northern Irish parties in the scrutiny of the pan-UK Brexit process. However, such flexibility has been voluntary and a matter of goodwill on the part of the main parties, and its repetition in the new Parliament is not automatic.

Another issue has arisen with the increasing distinctiveness of the party political scene in Scotland: to fill the places due to them on the Scottish Affairs Committee in reflection of their UK-wide standing, both Labour and the Conservatives in 2015 were obliged to nominate MPs representing English constituencies, drawing expressions of discontent from the SNP.

The long-term trend for smaller parties to win a larger overall share of seats has given rise to pressure for select committees to expand still further, or for a relaxation of the requirement that each committee should reflect the overall party balance of the House. In 2017, any marked reversal of this trend would put smaller parties in a weaker position to demand representation on arithmetic grounds. In its last report of the 2010-15 Parliament, the Liaison Committee said that, as

SELECT COMMITTEES

select committees operate by consensus and unanimity, 'arithmetical proportions do not have the same degree of relevance that they do with public bill committees'.¹⁸ As such, the Committee said, the balance on each committee need not be identical, 'if the overall representation across all committees was fair and proportionate'. However, no change has been made so far to the existing norm.

Time-limited committees: Exiting the European Union Committee and Women and Equalities Committee

Most select committees are appointed under permanent Standing Orders, but sometimes a select committee is created for only a specified period. This applies to two committees in existence at the end of the 2015-17 Parliament: the Women and Equalities Committee, which was added to the list of departmental select committees at the start of the 2015 Parliament but only for its duration; and the Exiting the European Union Committee, which was appointed in October 2016 under a temporary Standing Order until the end of the Parliament.

For either of these two committees to continue, a motion will need to be agreed at the start of the new Parliament. Any changes to the line-up of government departments which are made by the new government would also normally be reflected in changes to the line-up of departmental select committees. At the start of a Parliament, such changes to the select committee line-up are normally made through a motion or motions to amend Standing Orders which is or are normally considered at the same time as the motion allocating select committee chairmanships. The need to re-appoint the Exiting the EU Committee might re-open some of the controversies surrounding its creation after the EU referendum, but a decision not to re-create the committee appears unlikely, unless the government were to abolish the department, since the convention that each department is shadowed by its own select committee is well-established.

House of Lords select committees

The House of Lords operates a set of thematic select committees to conduct policy scrutiny. At the start of a new Parliament a motion is normally passed for their re-appointment. Committee members are normally proposed to the House by the Committee of Selection, with chairs either similarly proposed or left for committees to elect. The size of select committees in the House of Lords is more flexible than in the Commons, as are practices regarding the balance of membership and chairmanships between parties.

As there is no need to allocate chairmanships between parties, nor for parties to hold internal elections for committee members, House of Lords select committees can be re-established at the start of a Parliament more quickly than their counterparts in the Commons: in 2015 most House of Lords select committees were appointed on 8 June, less than a fortnight after the Queen's Speech.

The House of Lords operates a rotation rule, whereby members of most select committees can serve for only three successive sessions before being rotated off for at least two sessions.¹⁹ There is currently some pressure for this rule to be relaxed to allow relevant select committee members to see through the Brexit process, so as to prevent any loss of expertise mid-way.

The House of Lords is also able to appoint a small number of *ad hoc* committees each session which investigate a particular topic but cease to exist when they have reported or otherwise completed their task. On 21 March, before the unexpected Dissolution, the House of Lords Liaison Committee had recommended the appointment of four *ad hoc* committees for the 2017-18 session, to consider: post-legislative scrutiny of the Natural Environment and Rural Communities Act (2006); Artificial Intelligence; Citizenship and Civic Engagement; and Political Polling and Digital Media.²⁰

SELECT COMMITTEES

Figure 1: House of Commons select committees at the end of the 2015-17 Parliament

Chairs elected by House	Members	Party of chair	Chair
Departmental select committees			
Business, Energy and Industrial Strategy	11	Labour	Iain Wright
Communities and Local Government	11	Labour	Clive Betts
Culture, Media and Sport	11	Conservative	Damian Collins
Defence	11	Conservative	Dr Julian Lewis
Education	11	Conservative	Neil Carmichael
Environment, Food and Rural Affairs	11	Conservative	Neil Parish
Foreign Affairs	11	Conservative	Crispin Blunt
Health	11	Conservative	Dr Sarah Wollaston
Home Affairs	11	Labour	Yvette Cooper
International Development	11	Labour	Stephen Twigg
International Trade	11	SNP	Angus B. MacNeil
Justice	11	Conservative	Robert Neill
Northern Ireland	13	Conservative	Laurence Robertson
Science and Technology	11	Conservative	Stephen Metcalfe
Scottish Affairs	11	SNP	Pete Wishart
Transport	11	Labour	Louise Ellman***
Treasury	11	Conservative	Andrew Tyrie
Welsh Affairs	11	Conservative	David T. C. Davies
Women and Equalities*	11	Conservative	Maria Miller
Work and Pensions	11	Labour	Frank Field
Others			
Environmental Audit	16	Labour	Mary Creagh
Exiting the EU*	21	Labour	Hilary Benn
Petitions	11	Labour	Helen Jones
Procedure	17	Conservative	Charles Walker
Public Administration and Constitutional Affairs	11	Conservative	Bernard Jenkin
Committees with opposition status of chair			
Backbench Business (non-government)	8	Labour	Ian Mearns
Public Accounts (Official Opposition)	16	Labour	Meg Hillier
Standards (Official Opposition)	14**	Labour	Sir Kevin Barron
Chairs elected by the committee itself			
Administration	11	Conservative	Sir Paul Beresford
European Scrutiny Committee	16	Conservative	Sir William Cash
Finance	11	Labour	Dame Rosie Winterton
Liaison Committee	35	Conservative	Andrew Tyrie
Members' Expenses	8	Conservative	Adam Afriyie
Privileges	7	Labour	Sir Kevin Barron
Regulatory Reform	14	Conservative	Andrew Bridgen
Selection	9	Conservative	Bill Wiffin
Statutory Instruments	5	Labour	Derek Twigg

* Appointed only until the end of the 2015 Parliament

** 7 MPs, 7 lay members

*** Ineligible to stand for re-election

Stood down as an MP in 2017

If re-elected chair in 2017, obliged to stand down in 2018 under current term limit

OPPOSITION PARTIES

Some scenarios have been suggested for the new House of Commons in which the identity of the Official Opposition might come into question, owing to divisions within the Labour Party.

In June 2016, following the EU referendum, Labour MPs passed a motion of no-confidence in Jeremy Corbyn as leader of the Parliamentary Labour Party, by 172 to 40. Amid speculation about a possible party split if Corbyn led Labour to a large defeat in the general election, in May 2017 Frank Field MP was reported as saying that if a majority of Labour MPs backed an alternative leader after the poll, they should seek to have him/her declared the Leader of the Official Opposition, if necessary by going to court.²¹

The Ministerial and other Salaries Act 1975 sets out the commonsense - and rarely problematic - definition of the Leader of the Opposition: he or she is 'in relation to either House of Parliament, that Member of that House who is for the time being the Leader in that House of the party in opposition to Her Majesty's Government having the greatest numerical strength in the House of Commons'.²²

In case the identity of the Leader of the Opposition were to come into question, the Act goes on: 'If any doubt arises as to which is or was at any material time the party in opposition to Her Majesty's Government having the greatest numerical strength in the House of Commons, or as to who is or was at any material time the leader in that House of such a party, the question shall be decided for the purposes of this Act by the Speaker of the House of Commons, and his decision, certified in writing under his hand, shall be final and conclusive.'

If there were to be no Labour split, a poor performance in the election could still see party leader Jeremy Corbyn resign or be replaced. Electoral disappointment might also see the departure of Tim Farron as leader of the Liberal

Democrats. Leadership changes in one or both parties could hamper the speedy establishment of select committees and generally distract from the start of parliamentary business. After the 2015 general election, when Ed Miliband and Nick Clegg resigned as leaders of the Labour and Liberal Democrat parties respectively on 8 May, their successors were elected on 12 September and 16 July, respectively. Further leadership change among opposition parties could come if Angus Robertson, leader of the SNP at Westminster since 2007, were to lose his Moray seat.

THE BUDGET AND ESTIMATES

In election years it is not unusual for the new government to introduce a Budget shortly after the start of a new Parliament, even if a Budget has already been delivered in the same year and even if the election did not result in a change of government. In 2017, it is not clear if the government will deliver another Budget before the Summer recess; the shift which has already been announced to a single annual ‘fiscal event’ is adding to the uncertainty.

Each year the Chancellor presents the Budget statement to the House of Commons, outlining the state of the economy and the government’s proposals for raising revenue via taxation.

Traditionally, the Budget has been delivered in March each year, before the start of the new financial year in April, but it has been accompanied by an increasingly-important Autumn Statement.

In November 2016, Chancellor Phillip Hammond announced that the 2017 Spring Budget would be the last, with the government moving to a single annual ‘fiscal event’ each Autumn from 2017.²³ The 2017 Budget was duly delivered on 8 March.

During Treasury Questions on 18 April, responding to a question from Ian Blackford (SNP), the Chancellor said: ‘I can confidently predict for the hon. Gentleman that, after the general election on 8 June, there will be a Budget that will give him the answers he is seeking’.²⁴ It is not clear whether the Chancellor was referring to the planned Autumn Budget or a post-election Summer Budget.

The Conservatives have also indicated that if returned to government they will introduce a second Finance Bill to legislate for all the measures which were removed from the first Finance Bill during the legislative wash-up in order to allow its passage through Parliament to be completed before the snap election.²⁵ Again, it is not clear

whether this second Finance Bill will be introduced before or after the Summer recess.

The Budget Statement and debate

The delivery of any Budget will follow a set formula. On Budget day at around 12.30pm, the Chancellor will make a statement to the Chamber, with the Chairman of Ways and Means (Deputy Speaker) in the Chair rather than the Speaker. Budgets are typically – although not necessarily – delivered on a Wednesday, with the Budget Statement coming immediately after Prime Minister’s Questions.

After the conclusion of the Budget speech, a resolution is generally moved to give immediate provisional effect, for a specified limited period, to changes to existing or continuing taxes such as duty increases on alcohol, cigarettes or petrol, under the Provisional Collection of Taxes Act 1968.

Parliament has ten sitting days to agree to individual motions putting these changes onto a permanent footing, subject to passage of the Finance Bill.

After the Budget Statement has been delivered, there are usually four days of debate. At the end of the debate, the House is asked to approve a set of resolutions putting all the Budget’s tax measures into effect (including those already given temporary force by the initial general motion under the Provisional Collection of Taxes Act 1968). These resolutions become the ‘founding resolutions’ of the Finance Bill and must be in place before the latter is introduced.

The Budget resolutions take permanent legal effect when the Finance Bill achieves Royal Assent.

Given that the initial resolution provides for some tax measures only for a specified limited period, it is important that the Finance Bill achieves Royal Assent before this period expires.

THE BUDGET AND ESTIMATES

The Finance Bill

The Finance Bill is generally split into two parts: the most controversial aspects are considered by a Committee of the Whole House, and the rest by a Public Bill Committee (PBC).

The Treasury Committee normally conducts a speedy inquiry into the budget proposals (including scrutiny of the report which is issued by the Office for Budget Responsibility), with a view to publishing its findings in time for the PBC scrutiny stage.

Once through the House of Commons, the Finance Bill is sent to the House of Lords for consideration but this is a formality: the House of Lords conducts no real scrutiny because the House of Commons asserts financial privilege (as a consequence of which the House of Lords is prevented from initiating or amending any legislation relating to the granting of supply or the imposition of tax).

Estimates

Only three days' debate each session are set aside for consideration of government estimates – departmental spending plans. This limits the scope for significant intervention. The Liaison Committee chooses the topics for these debates, based on recent departmental select committee reports.

Controversial spending measures – for example, renewal of Trident – need not be included as a specific line item in the estimates, so it is difficult for opposition MPs to vote against them.

Main Estimates – these are the means by which government departments seek parliamentary approval for their spending plans for the financial year. They are usually presented to Parliament by the Treasury within five weeks of the Budget.

Supplementary Estimates – these are the means by which government departments seek

parliamentary approval for additional resources or for reallocation of existing resources to new activities (for example, if a department takes on new functions) which are not covered in the Main Estimate. Supplementary Estimates have usually been presented to Parliament in February.

Vote on Account – this is normally published alongside the Supplementary Estimates in February, and grants parliamentary authority to departments to enable them to continue with services from the start of the next financial year until the next Main Estimate is passed.

Government departments will provide an explanatory memorandum to the relevant departmental select committee alongside their Main/Supplementary Estimates requests.

The shift to an Autumn budget could mean changes to the timings of the annual Estimates cycle.

Departmental Annual Reports and Accounts are also usually presented to Parliament each June or July.

Scrutiny of departmental spending plans and outturns is one of the 'core tasks' defined for select committees by the Liaison Committee, but it is for individual committees to determine the extent and means of this scrutiny – for example, whether to conduct a full inquiry and call Ministers and officials to give evidence.

PRIVATE MEMBERS' BILL BALLOTS

Thirteen Friday sittings (approximately 65 hours) are set aside in the House of Commons each session for the consideration of Private Members' Bills (PMBs). These are bills introduced by MPs and peers who are not government ministers.

Priority for the use of the first seven sitting Fridays is given to PMBs introduced by the ballot. Ballot Bills therefore have the best chance of becoming law, or at least being debated on the Floor of the House.

The PMB ballot is usually drawn on the second Thursday of each session, although there have been exceptions. In both the 2010-12 and 2015-16 sessions, for example, the ballot was moved to the third Thursday of the session.

The names of the 20 Members whose names are drawn in the ballot are announced immediately.

On a subsequent Wednesday (generally the fifth Wednesday of the session, but it was the sixth Wednesday in 2010), all 20 MPs successful in the ballot formally present their bills. At this stage they require only the short and long title of the PMB. Each MP will then choose one of the allotted PMB Friday sittings for their second reading. MPs can postpone their allocated second reading day but may not bring their second reading forward to an earlier day.

For PMBs introduced by peers in the House of Lords, the increasing volume has led the House to introduce a ballot on the day of the Queen's Speech to determine the order in which PMBs handed in on that day receive their first reading.

Peers wishing to participate in the ballot are required to hand in a final text of their bill to the Legislation Office on the day of State Opening. If a Member turns down their first reading 'slot', all

peers below them on the list resulting from the ballot move up one place in the queue for first readings.

Peers are still able to introduce a bill at any stage of the session, but such bills will receive their first readings after those entered into the ballot.

ISSUES FOR THE 2017 PARLIAMENT

The 2017 Parliament faces a large number of procedural and institutional issues. Many are inter-connected. The following is a selective list, of some specific items of business likely to appear or reappear in the new Parliament.

Palace of Westminster

1. Restoration and Renewal of the Palace of Westminster. The new Parliament must take one of the most significant decisions in UK parliamentary history: whether to spend several billion pounds of public money restoring the fabric of the Palace of Westminster, and whether to move out, partly or fully, whilst the work is done. The intensifying risk of a major incident or systems failure arising from the deteriorating state of the Palace makes the matter pressing. However, despite the urgency and cost of the restoration programme and its implications for the work of the new Parliament, only UKIP and the SNP, of the major parties, mentioned the issue in their 2017 general election manifestos.

In September 2016, a Joint Committee of the two Houses recommended a full decant of Parliament from the Palace as the option carrying the lowest risk and cost (still over £3 billion).²⁶ The Committee envisaged the decant taking place around half-way through the presumed 2020-2025 Parliament, if the two Houses agreed its recommendations in principle by around the end of 2016, legislated to establish a Delivery Authority by the end of 2017 to conduct further planning, and made speedy progress on developing alternative accommodation. However, a debate on a motion to approve the Committee's recommendations in principle was repeatedly delayed prior to the calling of the snap general election, amid signs of conflict over the proposals among backbenchers. In a report in March 2017, the House of Commons Public Accounts Committee backed the Joint Committee's conclusions and urged the government not to delay further in putting the decision in principle before

both Houses;²⁷ but the Treasury Committee said in a preliminary report the same month that it would be 'imprudent for the House to commit to a specific option or timetable' pending further scrutiny.²⁸ The Treasury Committee - which will have a new chair in the new Parliament - did not complete its own inquiry before the election.

The Hansard Society would like to see physical restoration of the Palace of Westminster and the temporary removal of Parliament to new premises seized as an historic, once-in-150-year, opportunity for reform of parliamentary culture and practices, and for a broader re-think of Parliament Square as a site of historical, political, and educational significance.²⁹

2. Security. Two reviews are underway following the March 2017 terrorist attack at Westminster in which four people were killed on Westminster Bridge and PC Keith Palmer murdered on the parliamentary estate in New Palace Yard. The Speakers of the two Houses commissioned an external review into the security of the estate perimeter which was due to produce a preliminary report by the end of April; and the Clerks of the two Houses have launched an externally-led 'lessons learned' review of Parliament's internal handling of the incident, which is inviting staff and Members to report their experiences. Especially following the latest attack at London Bridge in May 2017, both reviews seem likely to lead to changes, beyond the new gates into New Palace Yard and barriers on Westminster Bridge already put in place.

Legislative process

3. Reform of the delegated legislation scrutiny system. The prospect of the Great Repeal Bill is heightening concerns about the inadequacies of the scrutiny system for delegated legislation, because of the mismatch between the volume, policy importance and high profile of the statutory

instruments likely to be introduced under the legislation and the ability of Parliament to scrutinise them effectively. These concerns arise primarily with respect to the House of Commons. In its legacy report at the end of the 2015-17 Parliament, the House of Commons Procedure Committee recommended that its successor ‘examine, as a matter of urgency, the implications for the House’s procedures’ of the proposed Great Repeal Bill.³⁰

The Hansard Society has long regarded the scrutiny procedures for delegated legislation in the House of Commons as not fit for purpose, and has been calling for reform for several years.³¹ The Society will shortly be publishing a detailed proposal for a reformed House of Commons scrutiny system for delegated legislation in light of the government’s plans for the Great Repeal Bill.

Forming a Parliament

4. Fixed-term Parliaments Act. The Conservatives have pledged to repeal the Fixed-term Parliaments Act but have not indicated what will replace it. If they are elected and proceed with the move, it could spark debate about the scope of the Royal Prerogative, as well as re-open the way to habitual speculation over general election dates.

5. Boundary Review. The Boundary Commission is conducting a review of constituency boundaries and must report its recommendations to Parliament by September 2018. The review is intended to reduce the number of Westminster constituencies from 650 to 600, as well as make constituency sizes more equal. After publishing initial proposals for new boundaries in September 2016, the Commission is expected to publish a further set in late 2017 or early 2018, to allow a final round of consultation before it makes its recommendations. If Parliament implements the Commission’s recommendations, the next parliamentary election will be held under the new boundaries. If the reduction in the number

of constituencies goes ahead, for the MPs affected much of the next Parliament will be dominated by decision-making over candidacies.

6. Overseas voters. The Conservatives have repeated their 2015 pledge to expand the franchise so that overseas electors have ‘votes for life’ rather than for only the first 15 years after last being registered in the UK. The government published proposals in October 2016 but did not introduce legislation before the election.³² If the reform is enacted, MPs will face the challenge of developing representative links with those registering from a potential pool of perhaps 3 million extra voters.³³

7. Reduction in the size of the House of Lords. The Lord Speaker has appointed a six-member committee, chaired by crossbencher Lord Burns, to examine ways of shrinking the House of Lords, after the House in December 2016 agreed a motion that its size should be reduced.³⁴ The House of Lords currently has 800 eligible members. The Burns committee was expected to report before the Summer recess, but the general election has disrupted this timetable.

Scrutiny

8. Select committee chair term limits. Current House of Commons Standing Orders specify that ‘unless the House otherwise orders’ no select committee may have as its chair any member who has served as chair of that committee for the two previous Parliaments or a continuous period of eight years, whichever is the longer.³⁵ The truncated nature of the 2015 Parliament means that chairs already re-elected once (in 2015) can for the first time stand again, but, if re-elected again (in 2017), would have to stand down part-way through a Parliament (in July 2018). The outgoing Procedure Committee recommended that its successor should report on the issue, with the aim of proposing changes for the House to decide on by

end-2017.³⁶ This would mean the election of chairs at the start of the 2017 Parliament taking place under the existing rules, unless the government were to move a motion at the start of the Parliament to amend Standing Orders straight away. Arguably, the election of chairs by the whole House now means there is no need for term limits.

9. Select committee powers. In October 2016 the House of Commons asked the Privileges Committee to look into ‘the exercise and enforcement of the powers of the House in relation to select committees and contempts’,³⁷ but the Committee did not report before the Dissolution. This is the latest stage in the long-running fallout from the phone-hacking inquiry, after the Privileges Committee previously found witnesses to have misled the Culture, Media and Sport Committee. The issue concerns Parliament’s powers to compel witnesses to appear before select committees and sanction witnesses found knowingly to have provided misleading evidence, and takes matters into the tricky border area between Parliament’s roles as a scrutiny and quasi-judicial body.

10. Financial scrutiny. There has long been concern about the limited scope and effectiveness of Parliament’s scrutiny of government tax and spending policies. This has been heightened by the increasing importance of multiannual spending plans for government, given that Parliament’s formal financial scrutiny procedures - such as they are - are annual. Concerns were addressed most recently by the outgoing Procedure Committee, which recommended changes including that the Backbench Business Committee should take over from the Liaison Committee the task of determining the Estimates to be debated on the three Estimates days, while the Liaison Committee would in return receive three backbench business days for debates on select committee reports.³⁸ The Procedure Committee also argued that the need for changes arising from the shift to a single ‘fiscal event’ each

Autumn should be used to alter timelines to give Parliament more scope for scrutiny.

Brexit

11. The new Parliament seems likely to see through the Brexit process without major changes to its institutional or procedural practices, although many questions remain about how exactly these will be used. By contrast, life as a non-EU Parliament *will* require institutional and procedural changes, which the 2017 Parliament presumably has less than two years to prepare. Questions include:

- i) How will Parliament scrutinise government EU policy, and possibly EU policies and documents, after Brexit? Will Parliament maintain a dedicated set of scrutiny bodies and procedures for EU matters, or will EU affairs be absorbed into ‘normal’ foreign policy scrutiny? How might resources freed by any scaling-down of the current EU scrutiny system be redeployed?
- ii) Will there be a parliamentary element to the new UK-EU relationship, in the form of a UK Parliament-European Parliament joint parliamentary committee or similar? In which EU-based inter-parliamentary cooperation bodies and mechanisms will the UK Parliament participate, in some associate or observer capacity?
- iii) Will Parliament maintain its representative office in Brussels?
- iv) If the Prime Minister is no longer making statements to the House after European Council meetings (held at least quarterly), will there simply be a reduction in the amount of prime ministerial time spent on the Floor of the House?
- v) How will Parliament scrutinise the negotiation of new trade agreements? And will the negative, Commons-only, delaying power over ratification, under the Constitutional

ISSUES FOR THE 2017 PARLIAMENT

Reform and Governance Act 2010, remain Parliament's only relevant power?

- vi) How will the House of Lords scrutiny committee system be rearranged, given that the EU Committee and its sub-committees are in effect the vehicle for a large share of Lords select committee scrutiny?
- vii) Will there be any special arrangements for the oversight of monies formerly making up the UK's EU budget contribution or of UK spending which replaces monies previously coming to the UK from the EU?
- viii) What will be the scrutiny arrangements for the 'common frameworks' that the government envisages for policy areas newly within UK (rather than EU) competence but also falling under devolved powers? Might these require new arrangements between Westminster and the devolved legislatures?

The answers to many of these questions will depend on the nature of the post-Brexit UK-EU relationship and any transitional arrangements. These may not be known until at least Autumn 2018.

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