

PARLIAMENTARY STAGES OF A GOVERNMENT BILL

HC Factsheets – Legislation Series No 1

(Previously Factsheet 1)

At the beginning of each Session of Parliament the Government announces in the Queen's Speech the legislation it hopes to introduce during that Session. This **Factsheet** describes the process by which such legislation is passed. Other methods of passing bills, including those presented by Private Members, are described in **Factsheets L2, L4 and L5**.

GOVERNMENT LEGISLATION

These notes are a basic aid to the understanding of the process whereby government legislation is passed, the terms involved, and the means by which a check can be kept on the progress of any particular bill.

A Government bill may start in either House, although bills the main purpose of which is taxation or expenditure start in the House of Commons. This Factsheet describes the stages of a bill which starts in the House of Commons. A bill which begins its proceedings in the House of Lords still goes through exactly the same stages in the Commons.

Bills typically take weeks or months to complete their passage through Parliament, but the Government can, if it wishes and with the agreement of the House, accelerate progress: for example, the *Criminal Justice (Terrorism and Conspiracy) Bill* went through all its Commons stages on 2 September 1998 and all its Lords stages the following day, following which it received Royal Assent, when Parliament was recalled from the Summer recess following the Omagh bomb.

PREPARATORY STAGES

Bills are drafted by a team of lawyers in the Parliamentary Counsel Office (PCO), which is part of the Cabinet Office, on the instructions of the Government department concerned. There may have been a Green (i.e. consultative) or White (i.e. statement of policy) Paper on its subject before the bill is introduced; or the bill may simply be presented without any prior announcement.

Bills generally consist of "clauses" - which become "sections" in the resulting Act - and "Schedules".

DRAFT BILLS

The Select Committee on the Modernisation of the House of Commons published its first Report - *The Legislative Process* - in July 1997 (HC 190, 1997-98), which welcomed the new Labour Government's announced intention of publishing more draft bills and recommended that more pre-legislative scrutiny should be considered. The Social Security Committee piloted one of the Committee's

recommendations by conducting pre-legislative scrutiny on the draft bill on Pension Sharing on Divorce, published in June 1998; other bills to be treated in this way included the *Local Government (Organisation and Standards) Bill* in 1999 and the *Financial Services and Markets Bill* in 1998–99. Four draft bills were announced in the December 2000 Queen’s Speech, and two in the June 2001 Queen’s Speech.

FIRST READING

The bill first comes to the notice of Members and to the Information Office when the daily Order Paper (or Agenda of the House’s business) contains a Notice of Presentation of the Bill, which looks like this: :

Preliminary Business

Notice of Presentation of Bill

CIVIL DEFENCE (GRANT) [*No debate*]

Mr Secretary Blunkett

Bill to replace section 3 of the Civil Defence Act 1948 in so far as it applies to authorities in England or Wales.

Formal first reading: no debate or decision.

A “dummy” copy of the bill is placed on the Table on the day of presentation. When the moment of presentation is reached, after questions and statements, the Speaker calls “Mr Secretary Blunkett”, the Clerk reads the short title of the bill — “Civil Defence (Grant)” — and the Minister or (more usually) a Government Whip acting on his or her behalf, names a (notional) day for the bill’s Second Reading.

Once it has been presented, each bill is allocated a bill number, which is printed on the bottom left-hand corner of the front page in square brackets (e.g. [Bill 4]). Each time the bill is re-printed (for example, after the committee stage), it is given a new number.

This First Reading stage also forms the House’s order to print the bill, which is done for the House by the Stationery Office. Members of the public may buy copies of all Commons and Lords bills from them. The text of bills is also on the Internet at:

[Http://www.parliament.the-stationery-office.co.uk/pa/pabills.htm](http://www.parliament.the-stationery-office.co.uk/pa/pabills.htm)

The Public Bill Office of the House of Commons exercises a supervisory role during the bill’s passage through the House.

The most convenient way of keeping in touch with the availability of bills is to use the House of Commons *Weekly Information Bulletin* (to which we shall refer as the *Bulletin* - see *Factsheet* P17). In the section entitled Presentation and Publication of Bills and Acts there will be the following entry, e.g:

Presentation of Bills in Parliament

Date	Title and type of Bill	Bill No.	ISBN	Price £
21.6	Civil Defence (Grant) (G)	4	02157000031	1.50

This gives all the information required to order the bill. The *Bulletin* is available at 4pm on Fridays at:

<http://www.parliament.the-stationery-office.co.uk/pa/cm/cmweb-htm>.

Explanatory Notes are published to accompany the bill, although they may not always be available as soon as the bill itself is published. They usually include a summary of the main purpose of the bill and a commentary on individual clauses and Schedules. They may also include some background notes describing, for example, earlier legislation in the same area and any reports or inquiries which preceded the bill's introduction. The Explanatory Notes take the number of the bill, with the suffix “-EN” (e.g. [Bill 4-EN])

SECOND READING

When the bill is printed, and only then, it can proceed, after examination for compliance with the House's rules, to its first substantive stage. This is called Second Reading. The date on which the debate is to take place will be announced by the Leader of the House in a Business Statement: these are generally made every Thursday. The Government has indicated they aim to leave two weekends between the printing and Second Reading of a bill, though this is not an invariable rule. The easiest way of keeping in touch with what is to be dealt with each coming week is to use the Forthcoming Business section of the *Bulletin*.

The Second Reading is the time at which the House considers the principle of the bill, and debate is often wide-ranging. It is rare for a Government bill to be denied a Second Reading in the House of Commons: the rejection of the *Reduction of Redundancy Rebates Bill* on 7 February 1977 was the first such occurrence for many years. Another, more notable loss at this stage was that of the *Shops Bill* (intended to deregulate Sunday trading) on 14 April 1986. The debate on Second Reading is printed in *Hansard*, the Official Report of debates, normally available from the Stationery Office on the following day and on the Internet from 9.00am the following day at:

<Http://www.parliament.the-stationery-office.co.uk/pa/cm/cmhansrd.htm>

The Opposition may decide to table a “reasoned amendment” at Second Reading. This is not an amendment to the bill itself, but is technically an amendment to the question which is before the House at Second Reading:

“That the bill be now read a second time”, giving the reasons for objecting to the bill. It appears as a Motion on the Order Paper, beginning with the words, “That this House declines to give a Second Reading to the _____ bill because ...”

SECOND READING COMMITTEE

Some non-controversial bills (e.g. the *Royal Parks (Trading) Bill* 1999–2000) are dealt with in a Second Reading Committee. A Second Reading Committee does not have the power to give a bill a Second Reading: it may only recommend that the bill ought to be read a second time. Such bills are given a Second Reading in the House soon afterwards, without debate. Bills which give effect to recommendations from the Law Commissions are also referred to a Second Reading Committee (see below). The Modernisation Committee recommended in 1997 that greater general use should be made of Second Reading Committees by agreement between the parties.

MONEY RESOLUTIONS AND WAYS AND MEANS RESOLUTIONS

After a bill has been given a Second Reading, and before being considered in Committee, any Money Resolutions or Ways and Means Resolutions that are required are usually dealt with. Money Resolutions authorise any part of a bill which involves a significant charge on central government funds; Ways and Means Resolutions are needed to authorise the levying of taxes or other charges. These Resolutions are not debatable if they are moved immediately after Second Reading. Otherwise, they may be debated for up to 45 minutes.

Those parts of the bill which contain provisions requiring a Money Resolution or a Ways and Means Resolution are printed in italics when the bill is first published. The Standing Committee may not proceed to consider those parts of the bill if the Money or Ways and Means Resolution has not been agreed to. Often, the relevant part of the bill is a single clause entitled “Expenses” which provides for any expenses incurred by the Government in exercising its functions under the Act to be paid out of money provided by Parliament.

COMMITTEE STAGE

After Second Reading, the bill has its committee stage. This usually takes place in a Standing Committee but may be taken in Committee of the whole House or a special Standing Committee (see below). The committee must consider each clause and Schedule of the bill, agreeing or disagreeing to a Motion that it “stand part” of the bill (i.e. leaving it in or deleting it). The committee may also consider amendments to the bill, but the Chairman may decide that amendments will not be considered if they do not meet certain criteria — they must be relevant to the subject matter of the bill, for example, and they may not involve additional expenditure which is not covered by the Money Resolution. As well as amendments to existing clauses and

Schedules, new clause and new Schedules may be added to the bill.

STANDING COMMITTEE

What follows is a brief outline of the Standing Committee stage: for more details see *Factsheet L6*.

A Standing Committee generally has about 18 members and its membership reflects the party composition of the House. For larger, more complicated or more contentious bills, the Standing Committee may have more members, up to a maximum of 50. At least one Minister from the Government Department in charge of the bill will be on the committee, as will a front-bench spokesman from each of the opposition parties represented. Despite their name, a new Standing Committee is appointed for each bill and the membership of each committee is discharged when it has reported its bill to the House. There may be several standing committees appointed at any one time, and they are designated by letters (Standing Committee A, Standing Committee B, and so on).

A Standing Committee may dispose of a short bill in a single sitting, but a long or controversial bill might take many weeks.

Standing Committees on Government bills may meet on Tuesdays and Thursdays, in the morning and in the afternoon. Each committee determines its own pattern of sittings (for example, they may decide not to meet on Thursday afternoons). This is usually done by means of a Sittings Motion which is debated at the beginning of the committee's first meeting. The exact times and places of meetings are given in the *Bulletin*, in the Standing Committees section; as are announcements of names of members who are to serve on each such Committee, and subsequent changes in membership. The clauses which have been dealt with are noted in the same section.

Debates in Standing Committee are published by The Stationery Office in single parts for each sitting, and a consolidated volume for each bill after consideration is complete.

SPECIAL STANDING COMMITTEES

Very occasionally, a bill may be committed to a Special Standing Committee, which spends a limited time investigating the issues involved before going through the bill in the usual way as a normal Standing Committee. The *Matrimonial and Family Proceedings Bill* 1983–84 is one example of a bill to which this procedure has been applied. The Modernisation Committee has recommended that more use of these committees should be considered. Most recently, the procedure was used for the *Immigration and Asylum Bill* 1998–99.

COMMITTEE OF THE WHOLE HOUSE

The whole House may consider certain bills at Committee stage. In general, these are bills of constitutional importance - such as the *House of Lords Bill* 1998/99 - those requiring a very rapid passage, and certain financial measures, including at least part of each year's *Finance Bill*. Debates in Committee of the Whole House are published in *Commons Hansard*.

Bills can sometimes be referred to a Select Committee, in which case evidence may be taken and a report made. This is an exceptional occurrence, except for the quinquennial *Armed Forces Bill*, which is always referred to a select committee. During the 1997–2001 Parliament, only one other bill was treated in this way. The *Adoption and Children Bill* was referred to a select committee on 26 March 2001 but the Committee did not have time to complete proceedings on the bill before Parliament was dissolved for the 2001 general election.

For the special type of Public bill called a Hybrid bill, which is normally sent to a Select Committee, see ***Factsheet*** L5.

If a bill is amended by a Committee, it is reprinted and allocated a new bill number. In the *Bulletin* this will be the second of the numbers which follow the bill title in the Complete List of Public Bills in each. This version of the bill carries a rubric on the front page, "As Amended in Standing Committee A" or "As Amended in Committee", if it was considered in Committee of the whole House.

REPORT STAGE

The next stage is known as the Consideration, or Report stage. At this stage, the House may make further amendments to the bill but does not consider those clauses and Schedules to which no amendments have been tabled. The Consideration stage provides an opportunity for Members who were not on the Standing Committee to move amendments to the bill, and the delay between Committee and Consideration allows time for the Government to give further thought to some of the points raised during the committee stage, sometimes bringing forward their own amendments in lieu of amendments which were rejected or withdrawn in the Committee. The House may reverse or amend changes made by the Standing Committee. If a bill has been dealt with by a Committee of the whole House, and has not been amended, it progresses straight to Third Reading without a Consideration Stage.

THIRD READING

The final Commons stage of the bill is the Third Reading, usually taken directly after the conclusion of Consideration. This enables the House to take an overview of the bill, as amended in Committee or on Consideration. No amendments may be made at this stage. Debates on Third Reading are usually very short.

Each stage of the bill is noted as it occurs in Progress on Bills in the *Bulletin*, and the history of the various stages is readily available from the Complete List of Public Bills section.

PROGRAMME MOTIONS

In November 2000, the House adopted new arrangements for making Programme Orders which set out a timetable for the conclusion of proceedings on a bill. These arrangements were contained in a series of Sessional Orders, designated A to I, which lapsed at the end of the Session. The Sessional Orders were agreed to again on 28 June 2001, but in a slightly modified form which gave more power to the Programming Committee and Programming Sub-committee but limited proceedings in the Committee or Sub-committee to two hours, while reducing the amount of time normally available for debate on Programme Motions in the House. This section describes the procedures adopted in June 2001.

Notice must be given of programme motions before Second Reading, and they are usually moved immediately after Second Reading. They are not usually debatable, but they can be amended. If a Motion is made to reduce the amount of time allocated to any stage of a bill, or if it is contrary to a recommendation of the Programming Committee or the Standing Committee (see below), then it is debatable for up to 45 minutes.

Business covered by a Programme Order may continue for the time allocated regardless of standing orders requiring sittings to be brought to an end at certain times (i.e. it is 'exempted business' for the time allocated).

When the time allocated expires, only certain questions may be put, as specified in the sessional orders. In broad terms, they are the question under discussion, questions on amendments moved or motions made by a Minister or on any amendment selected by the Chair for separate division, and other questions necessary to dispose of the business.

PROGRAMMING COMMITTEE

When a Programme Order covers proceedings which take place in the House itself (Committee of the whole House, Consideration or Third Reading), a Programming Committee is appointed, consisting of the Chairman of Ways and Means and up to eight other members, nominated by the Speaker. The function of the Committee is to divide the bill into various parts and allot to each part such time as it considers appropriate. Proceedings in the Programming Committee are limited to two hours. The House may debate the Programming Committee's resolution for up to 45 minutes and, if it is agreed to, it has effect as if it were included in the Programme Order.

**PROGRAMMING IN
STANDING COMMITTEE**

Where a Programme Order covers proceedings on a bill in Standing Committee, a Programming Sub-committee of the Standing Committee is appointed. This consists of one of the Chairmen of the Committee plus seven members of the Standing Committee, nominated by the Speaker. Like the Programming Committee in the House, the Programming Sub-committee divides the bill up into parts and allots time to the consideration of each part in the committee. These arrangements must be approved by the Committee.

The Programming Sub-committee may propose a change to the date by which the bill is to be reported to the House (i.e. the date on which the Standing Committee is to complete its consideration of the bill). If the proposal is agreed to by the Committee, the Government must, within five days, arrange for Motion to be debated in the House which either gives effect to the proposal, confirms the date set in the original Programme Order for the bill, or otherwise alters or supplements the provisions of the original Programme Motion.

The Programming Sub-committee may also make recommendations about the programming of the Consideration and Third Reading of the bill. If they are agreed to by the Committee, the Government must set down a supplemental Programme Motion which gives effect to the Committee's recommendations, confirms the original programme for the bill or otherwise alters or supplements the provisions of the original Programme Motion.

“GUILLOTINE”MOTIONS

A “Guillotine” Motion - properly called an Allocation of Time Motion - is very similar to a Programme Motion. The principal difference is that a Programme Motion is used to formalise a timetable for the bill which has already been agreed to by the “usual channels” (i.e. the Government and Opposition Whips) and an Allocation of Time Motion is generally used when the Government is not able to secure the agreement of the Opposition parties.

Whereas a Programme Motion is not usually debatable, an Allocation of Time Motion is debatable for up to three hours. However, the Motion may provide for proceedings on the bill to be brought to a conclusion once a specified time has elapsed from the beginning of proceedings on the Allocation of Time Motion itself. In this case, any time spent debating the Guillotine is effectively deducted from the time available to spend on the bill.

When an Allocation of Time Motion is agreed to, a Business Committee is appointed under Standing Order No. 82. The Committee's membership and functions are similar to those of the Programming Committee appointed when a Programme Order has been made. Likewise, a Business Sub-committee of the Standing Committee is appointed under S.O. No. 120 if the Allocation of Time Motion governs proceedings in Standing Committee.

LORDS STAGES AND AMENDMENTS

Once it has passed its Third Reading in the Commons, the bill is sent to the Lords - usually, but not necessarily (especially if the bill has been substantially amended) on the next sitting day. The legislative process in the House of Lords is broadly similar to that in the House of Commons. Important differences are:

- (a) after Second Reading, bills are usually committed to a Committee of the whole House.
- (b) there is no guillotine and debate on amendments is unrestricted.
- (c) amendments can be made at Third Reading as well as at Committee and Consideration stage.

The Lords and Commons must finally agree a text of each bill. If the Lords have not amended a Commons bill they inform the Commons of the fact.

If the Lords amend a Commons bill, their amendments are printed and considered by the Commons. The Commons may agree to the Lords amendments, or agree to them with amendments, or disagree to them. If the Commons agree to the Lords amendments but with amendments of their own, they ask the Lords to agree to those amendments. If they disagree to the Lords amendments, they send a Message giving the reasons for their disagreement and the Lords consider the matter further.

THE PARLIAMENT ACTS

A bill may travel backwards and forwards between the two Houses in this way several times. A deadlock is reached once each House has insisted on its position without proposing some alternative. If this does happen, as it did in the case of the *European Parliamentary Elections Bill* in 1998, then the bill may be passed in the following Session of Parliament without the consent of the House of Lords under section 2 of the *Parliament Act 1911*, as amended by the *Parliament Act 1949*. In order for this to happen, three criteria must be met:

- (a) In each case, the bill must have been taken to the Lords at least one month before the end of the Session;
- (b) one year must have elapsed between the Second Reading of the bill in the Commons in the first Session and the bill being passed by the House in the second Session; and
- (c) the bill in the second session must be identical to the bill in the first session, containing only amendments which are necessary to take account of the passage of time.

This means that the House of Lords may delay a piece of legislation which emanates from the Commons, but may not block it indefinitely or insist on amendments.

In the case of Money bills — bills which, in the opinion of the Speaker of the House of Commons, contain only provisions relating to taxation or expenditure — the *Parliament Act* allows them to be presented for Royal Assent after the first occasion on which they are rejected by the Lords.

ROYAL ASSENT

When a text has been agreed between the Houses, the bill is submitted for the Royal Assent.

The Crown, as the third element in Parliament's composition, must give Assent to a bill for it to pass into law. Such Assent has not been withheld since 1707, but every bill is still required to go through the procedure appointed. After signification of Royal Assent, the bill becomes an Act, and is printed and sold both individually and in the annual series of Public and General Acts.

THE SESSIONAL CYCLE

Under normal circumstances, a Public bill must complete all its stages in one Session of Parliament. If it fails to do so, it may be re-presented in the following Session, but it must begin again at the beginning of the legislative cycle. The Modernisation Committee, in its Third Report of 1997–98, *Carry-over of Public Bills* (HC 543 1997–98), agreed that “in defined circumstances and subject of certain safeguards”, Government bills should be able to be carried over from one session to the next, in the same way that Private and Hybrid bills may be. The first bill to be treated in this way was the *Financial Services and Markets Bill* 1998–99, which the House agreed to carry over into the 1999–2000 session after a debate on 25 October 1999. Its effect was to stay proceedings on the bill in Standing Committee A at the end of the 1998–99 Session and to carry it over into the next Session, when the Committee resumed at the point in the bill it had previously reached.

COMMENCEMENT ORDERS

Some Acts are brought into force immediately, some at a date specified in the Act and others by Commencement Orders, which may activate all or part of the Act, (combinations of the three methods are common). There may be more than one such order for portions of certain Acts — for instance the *Town and Country Planning Act 1971* had 75. Some Acts may not be brought into force for a considerable time — the *Easter Act 1928*, which sought to give a fixed date for Easter, has still not been brought into force, mainly because the various Churches involved have not agreed the date. Commencement Orders are Statutory Instruments, made by a Minister and issued by HMSO. Enquiries about the commencement of statutes should be made to the Government Department concerned, since there is no particular parliamentary involvement with this.

CONSOLIDATION BILLS

A Consolidation bill brings together, sometimes with minor amendments, several existing Acts into one with the object of simplifying the statutes. The progress of such a bill through Parliament differs from that of a Government bill in several respects.

The principal points are that the Lord Chancellor lays before Parliament a memorandum proposing any amendments or minor corrections to the Acts being consolidated, and a notice is published in the London Gazette. Each Consolidation bill begins in the House of Lords where, following the Second Reading, it is committed to a Joint Select Committee of both Houses which considers any written representations, and usually takes evidence from the bill's draftsman. The Committee may amend the bill and produces a Report, drawing the attention of the two Houses to any points which it believes are of special interest and stating whether or not the bill is "pure consolidation" (i.e. it does not amend the existing law).

Consideration and Third Reading in the Lords, and all stages in the Commons, are usually formal - without debate.

FURTHER INFORMATION

The term "Public bill" includes also Private Members' bills, for which the system is rather different. For Private Members' bills see *Factsheet* L2. For Private bills see *Factsheet* L4. For Hybrid bills see *Factsheet* L5.

FURTHER READING

Select Committee on the Modernisation of the House of Commons, First Report, *The Legislation Process*, 23 July 1997, HC 190 1997-98.

Select Committee on the Modernisation of the House of Commons, Third Report, 1997-98, *Carry-over of Public Bills*, 2 March 1998, HC 543 1997-98.

Select Committee on the Modernisation of the House of Commons, Second Report 1999-2000, *Programming of Legislation and timing of votes*, 15 July 2000, HC 589 1999-2000

These reports can be seen on the Internet at:
<http://www.parliament.uk/commons/selcom/modhome.htm>

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Providing information on the work, history and membership of the House of Commons

Factsheet L1

The Parliamentary Stages of a Government Bill

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