

No 1

THE PARLIAMENTARY STAGES OF A GOVERNMENT BILL

Revised October 1996

We have found that considerable difficulty is experienced by many outside Parliament in understanding the process by which the House of Commons scrutinises draft Government legislation.

These notes are a basic aid to the understanding of that process, the terms involved, and the means by which a check can be kept on the progress of any particular Bill. We shall follow a Government Bill through its Parliamentary stages, and assume that it starts in the Commons. (It must be stressed that the Cats (Licensing) Bill is entirely imaginary, and there is absolutely no prospect known to us of legislation on this subject being introduced!) Most contentious Bills do start in the Commons, but one which is brought from the Lords has to go through exactly the same Commons stages.

This *Factsheet* deals only with Government Bills. For details of the procedure which is adopted for Private Members' (ie backbench) Bills, see *Factsheet* No 4.

The Bill will be composed by Parliamentary Draftsmen (also known as Parliamentary Counsel), who are civil servants, on the instructions of and in close liaison with, the Department of the Government concerned. It will naturally embody the policy of the administration; as expressed, perhaps, in their party election manifesto, or in the Queen's Speech. It may also embody the recommendations of a Royal Commission or Departmental Committee; and the text of the Bill will have been worked on and changed considerably during consultations within the Government, and possibly in Cabinet Committees. There may have been a Green or White Paper on its subject: the results of Government consideration of any consultation exercise will have been incorporated by the time it is presented to the House.

FIRST READING

The Bill first comes to the notice of Members and to the Public Information Office when the daily *Order Paper* (or Agenda of the House's business) contains the following item:

AT THE COMMENCEMENT OF PUBLIC BUSINESS

Notice of Presentation of Bill

Mr Secretary Black

CATS (LICENSING): Bill to make provision for the annual licensing of domestic cats, and for connected purposes

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, the Speaker calls "Mr Secretary Black", the Clerk reads the short title of the Bill - *Cats (Licensing)* - and the Minister (that is, the Minister in charge of the Department introducing the Bill) or a Whip acting on his or her behalf, names a (notional) day for the Bill's Second Reading. 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 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*). In the section entitled **Progress on Bills**, you will see the following entry:

Bills Introduced into the Commons

<u>Date</u>	<u>Title of Bill</u>	<u>Type</u>	<u>HC Bill No.</u>	<u>Member in Charge</u>
18.5	Cats (Licensing)	Government	22	Mr T Black

and below, the publication details:

<u>Date</u>	<u>Title of Bill</u>	<u>Type</u>	<u>HC Bill No.</u>	<u>Standard Book No</u>	<u>Price</u> £
20.5	Cats (Licensing)	Government	22	(0103022827)	10.85

This last entry gives all the information required to order the Bill.

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, which 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 have said 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: 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. It is intended to present the texts of Bills on the Internet. Some texts, but not all, will be available during 1996-97.

Some non-controversial Bills (e.g. Law of Property (Miscellaneous Provisions) Bill 1993-94) are dealt with in a *Second Reading Committee*; and exclusively Scottish Bills in *Scottish Grand Committee* (see **Factsheet** No 43). In practice, both types of Bill are given a Second Reading by the whole House soon afterwards, without debate. On 19 December 1994 the House agreed that any Bills giving effect to Law Commissions' recommendations should be referred to a Second Reading Committee. In addition, the Leader of the House announced the intention 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. Money Resolutions and Ways and Means Resolutions on Bills had been debatable, the former for 45 minutes, the latter without time limit: from 25 January 1995 they have been debatable (for a maximum of 45 minutes for both) only if raised at a time other than immediately after Second Reading.

COMMITTEE

The next stage in the career of the Bill is called the **Committee**, which involves clause by clause consideration of the measure. The Committee may generally amend the Bill as it thinks fit, provided that the amendments made are relevant to the subject matter of the Bill. Amendments and new clauses may be moved by the Minister, the Opposition spokesmen, or by any Member of the Committee.

Most routine Bills go to a *Standing Committee*. What follows is a brief outline of the Standing Committee stage: for more details see *Factsheet* No 43.

A Standing Committee is a group of Members reflecting party strength in the House, often about 18 in number, though especially on complex or contentious bills, larger Committees, are common. They are constituted to deal with Bills as and when necessary - there have been up to ten sitting at one time. They are designated by letters (eg Standing Committee A, Standing Committee B) and, in addition, up to two deal with Bills relating exclusively to Scotland (the 1st and 2nd Scottish Standing Committees). A complex or politically contentious Bill may be in Standing Committee for many weeks.

Standing Committees on Government Bills meet commonly on Tuesdays and Thursdays, and either only in the mornings or, nowadays, in the afternoons as well often from the start. The exact times and places are given in the *Bulletin*, in the section *Standing Committees*; 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 consolidated for each Bill after consideration is complete.

It was decided on 30 October 1980 to inaugurate a one-session experiment (later made permanent) whereby some Bills could be committed to a *Special Standing Committee*, which could spend 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. From 27 February 1986, the Standing Orders relating to such Committees were made permanent (see *Factsheet* No 36) and revised from the experimental form they had previously. Any Member may move that a Bill be sent to a Special Standing Committee. However, this procedure has been used only occasionally.

The whole House may consider certain Bills at Committee stage. In general, these consist of Bills of constitutional importance - such as the European Communities (Amendment) Bill 1992-93, 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, but this is an exceptional occurrence. For the special type of Public Bill called a *Hybrid*, which is normally sent to a Select Committee, see *Factsheet* No 35.

If a Bill is amended by a Committee, it is reprinted as amended and allocated a fresh 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 issue - ie the number 47 in the entry:-

CATS (LICENSING), Mr T Black (Government)

A) Commons (22, 47).

REPORT

The next stage is known as the **Report**, or Consideration stage, which constitutes a detailed review of the Bill as amended in Committee. Further amendments, and alteration of amendments made by the Committee, may be made at this stage and new Clauses added. All Members may speak and vote at this stage, unlike in Standing Committee. Although there is provision for Report to be taken in Committee, this practice has been followed only once, when the Water Resources Bill was so considered on 8 May 1968. 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 - there is no Report Stage.

THIRD READING

The final Commons stage of the Bill is the **Third Reading** often taken directly after the conclusion of Report. This enables the House to take an overview of the Bill, as amended in Committee or on Report, and to permit it to proceed, or otherwise, as might seem appropriate. Substantive amendments cannot be made at this stage. Except for Bills of major political or constitutional importance Third Reading is usually very short, or indeed it may be taken formally.

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.

GUILLOTINE

Some Bills may be *guillotined* - that is, have debate on them restricted. For an explanation of this process, see **Factsheet** No 23.

LORDS STAGES AND AMENDMENTS

The Bill is now sent to the Lords - usually, but not necessarily (especially if the Bill has been radically amended) on the same or 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 Report.

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. In the case of an impasse between the Houses, the Parliament Act 1949 provides for the will of the Commons to prevail, basically after one year's delay as it did, for instance with the War Crimes Bill. The Lords have no power to amend a Money Bill.

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

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. Each Act is given a Chapter (*Cap*) number; our hypothetical Bill might, for example, become the Cats (Licensing) Act 1995, Cap 22. All Public Acts have a number in arabic figures: roman numerals and italic type refer to Local and Personal Acts, respectively. For tracing and citing Acts, see *Factsheet No 44*.

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 has still not been brought into force. Commencement Orders are Statutory Instruments, made by a Minister. Enquiries about the commencement of statutes must be made to the Government Department concerned, since there is no particular parliamentary involvement with this.

CONSOLIDATION BILLS

A Consolidation Bill brings together, often with some 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 - detailed by the Consolidation of Enactments (Procedure) Act 1949.

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. Report and Third Reading in the Lords, and all stages in the Commons, is usually formal - without debate. On 19 December 1994 the House of Commons agreed that Consolidation Bills should not require a Committee stage and that Third Reading was to be taken formally.

FURTHER INFORMATION

It should be noted that the term "Public Bill" includes also Private Members' Bills, for which the system is rather different. For **Private Members' Bills** see *Factsheet* No 4. For Private Bills see *Factsheet* No 33. For **Hybrid Bills** see *Factsheet* No 35.

This Factsheet is necessarily an abbreviated exposition of a complex subject and does not attempt to cover every aspect of the field.

The Public Information Office (Tel: 0171-219 4272) will gladly answer any queries or difficulties arising from, or further to, these notes, or suggest other sources of information.

The help of colleagues in the Public Bill Office and within the Department of the Library was readily given towards the preparation of these notes, and is gratefully acknowledged.

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November 1984
Revised October 1996

October 1996 FS No.1 Ed 17 Pr 1 300
ISSN 0144-4689

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