

No 45 DIVISIONS

Revised September 1997

The House of Commons votes by dividing; those voting *Aye* (yes) to any proposition walking through the division lobby to the right of the Speaker and those voting *No* through the lobby to the left. In each of the lobbies there are two desks occupied by Clerks, who tick Members' names off on division lists as they pass through. Then, at the exit doors, the Members voting are counted by two Members, acting as tellers.

Unlike many other legislatures, the House of Commons has not adopted a mechanical or electronic means of voting. This possibility was considered in 1966 by the Procedure Committee but was rejected because it would not have resulted in a significant saving of time to the House, and for other reasons was not convenient.

Historical development

The Speaker has always assessed the opinion of the House (nowadays by saying 'I think the *Ayes* (or *Noes*) have it'). Only if his assessment was challenged, would a count ensue. The numbers supporting any particular proposition would, originally, probably have been counted as they sat on the benches. The custom then grew up of one side remaining where it was, and the other filing out into the ante-room or lobby. This was the case by 1584, when William Lambarde wrote his *Notes* on the procedures and privileges of the House. In 1690, the process was described thus:-

" ... they vote by *yeas* and *nos*, and if it be doubtful which is the greater Number, then the *Yeas* are to go forth, and the *Nos* sit still, because these are content with their present condition, without any addition or alteration of Laws as the other desire; and then some are appointed to number [ie to count] them. But at a Committee, though it be of the whole House ... the *Yeas* go on one side and the *Nos* on the other, whereby they may be discerned."

Indeed, the existence of an ante-chapel to St Stephen's Chapel, which the Commons took over in 1547, probably led to the whole idea of a voting lobby.

The principles of the present system of divisions stems directly from the report of the Select Committee on Divisions of Session 1835 (HC 66), which recommended:-

- "1st **That** upon every Division the House be entirely cleared; the Ayes and the Noes being sent forth into two separate Lobbies:
- 2d **That** four Tellers and four Clerks be appointed, two of each to be stationed at the Entrance of the respective Lobbies:
- 3d **That** the Doors being simultaneously opened by the Speaker's order, the Names of the Members be taken down by the Clerks, on ruled paper, with numbered lines, as they re-enter the House by the opposite Doors, the Tellers counting, and announcing the result at the Table as at present:
- 4th **That** the Lists of the Division be then brought up to the Table by the Tellers, and deposited there for insertion in Alphabetical order in the Votes."

In the rebuildings after the fire of 1834, these recommendations were adopted, and two such division lobbies provided. The supporters and opposers of a motion henceforth had each to file into a separate lobby and had their names recorded: previously, this had not been done.

The lobbies were built parallel with and adjacent to the long sides of the Chamber, and the lobby to the Speaker's right became known as the *Aye* Lobby, that to his left, the *No* Lobby, although they are officially called the East and West Division Lobbies. The same idea was replicated in the post-World War II rebuilding of the Chamber after its destruction in 1941: the width of the lobbies was slightly increased, and oriel bay windows provided, wide enough to accommodate large desks for Members to write at between divisions: the idea being, according to Sir Giles Gilbert Scott, the architect, "to produce a more domestic character on the lines of the long galleries that exist in many fine old houses in England". (The old lobbies were somewhat ecclesiastical in nature and fitted out with much stained glass.)

At the same time, the opportunity was taken to reduce congestion during divisions by arranging the exits from the two lobbies at opposite ends of the Chamber. The word *Aye* replaced *Yea* some 200 years ago, though the change was made in the *Journal* only from 1969-70 onwards. *Yea* is still used in the United States Congress.

Present procedure for a division

The present system dates from 1906. (The rules are now embodied in SO Nos. 38-41).

When a motion is put to the vote, the Speaker (or a deputy) says: "The Question is, that ... [for example, the Bill be read a second time]. As many as are of that opinion say *Aye*", (there then follows a chorus of shouted *Ayes*), "of the contrary *No*" (a similar shout of *No*) "I think the *Ayes* have it...". If there then follow shouts of *No*, the Speaker calls the *Division* by announcing "Clear the Lobbies". The division bells throughout the building ring, the Annunciators display *Division* and the police direct all Strangers to leave the vicinity of the Members' Lobby; they also walk through the public rooms of the House shouting "Division", Members empty out from the cafeterias, offices, libraries, bars and terrace and make their way to the Chamber, where, for divisions taking place on party lines, Whips are on duty to remind the uncertain which way (if any) their party is voting. Meanwhile, the Clerks who take the names of those voting will have reached the high desks provided for them, and will have ready the large alphabetical lists of Members' surnames, on which the ticks are made recording the votes.

The exit doors from the Lobbies will be locked during this time, except to admit the Clerks. There are now 3 desks in each lobby; the Government's large majority at the 1997 General Election made necessary the addition, on 30 June, of one extra Clerk to each lobby, enabling a larger number of Members to vote in the same lobby more quickly.

Tellers will be appointed by each side, and their names are given to the occupant of the Chair. Two minutes after the original "The Question is..." (timed by an interval timer on the Clerks' table) the Speaker again puts the question. If challenged by the tellers or other Members he says "The Ayes to the Right, the Noes to the Left: tellers for the Ayes, Mr A and Mr B, tellers for the Noes, Mr C and Mrs D". Should the further question not be challenged, the Speaker announces "The Ayes (or Noes) have it" and the division is called off; the Annunciators then state *Division off*.

Assuming the division is on, when the tellers are ready, the exit doors are opened, and the counting process - the recording of names by the Clerks, and the counting by the tellers - begins. Eight minutes after the original question, the Speaker orders "Lock the doors", and the Doorkeepers lock the three entrances to each lobby: the last occupant of each lobby, usually a Whip, announces "all out" and the tellers give the figures to the Clerks at the Table.

When both lobbies have been counted, and the figures entered on a card, this is given to the senior Teller for the majority. The Tellers then line up just beyond the Table, with the tellers for the majority to the Speaker's left. Then, bowing to the Speaker, they advance; and the Teller standing near the Opposition despatch box announces the numbers. A Clerk, standing by the despatch box, takes the card to the Speaker who reads the figures again, and then announces, "So the Ayes (or Noes) have it". The result is displayed on the Annunciators and the Speaker, after calling the House to order, moves on to the next business. The Division List is sent to Hansard and to the Editorial Supervisor of the Vote for printing.

A common occurrence during a Division is for a Whip (official or unofficial) to display a notice - usually holding it aloft - reading, for instance, *Another Division expected* or *No more votes till 10pm*. Indeed, Members on both sides of the House use the certain knowledge that colleagues, however senior, are likely to be in the Division Lobby, as an opportunity to exchange messages and information, one reason that electronic voting has not, hitherto, appealed.

The time allowance used to be two minutes, at one time measured by a large hourglass manipulated by the Clerks at the Table. This was increased to six, and then to eight minutes when the Norman Shaw Buildings, some distance away on Victoria Embankment, were occupied in March 1975. The eight minutes are nowadays measured by an electronic interval timer.

Time taken by divisions

A division rarely takes less than ten minutes and often enough takes more than fifteen. In the nineteenth century, with a House of over 700 (Irish Members additionally present) twenty was not unknown. The average length of a division was calculated to be 11 minutes 30 seconds: it has not changed significantly over the last ten or so years.

Nodding through

A Member who is in the precincts of the Palace, but too ill to reach the Lobby, may be *nodded through*. That is, the Whips, having ascertained his or her view on the issue, and having informed the Clerks and tellers, will cause him or her to be added to the appropriate list of those voting, and one to be added to the total. Nodding through is permissible only if the Member is present in the precincts.

Voting twice

There is no means in the House whereby a Member may register an abstention. But Members may continue to occupy their seats during a division to signify abstention.

A Member who has voted by error may, if he or she has time, cross over to the other lobby and vote again, hence nullifying the effect of his or her original vote, though of course this procedure does not allow him actually to register a vote in favour of the proposition on which he made the first mistake. Members can also, if they wish, stay in the lobby and not register a vote at all.

Strangers voting

There have been various instances in the past of persons who were not Members being counted in a Division. For instance, on 27 February 1771:-

"The Speaker had no sooner declared that the Noes had it (Noes 165; Yeas 155), than it was discovered that a Stranger had come in and been told as one of the Noes. He was brought up to the Table by Mr *Byng* and Mr *Buller*. Questioned by the Speaker, he said, 'My name is *Thomas Hunt*. I live in *Dartmouth Street* I follow no business, but live on my fortune. I heard somebody in the Lobby say, the doors were open, and that anybody might go in. I was going up to the gallery, with other gentlemen of my acquaintance ... I came into the lobby a little before the gentlemen were coming out ... I have been used to come into this House and gallery. *I have been told in divisions before this*'.

After a long debate the question was again put and the House divided. Yeas 153: Noes 164. Mr *Hunt* was discharged after a warning from the Speaker".

The idea of clearing the lobbies derives from this sort of incident: security is now such that an intrusion of this kind would be virtually impossible.

Pairing

Pairing is an arrangement whereby a Member of one party agrees with a Member of an opposing party not to vote in a particular division. Such arrangements have to be registered with the Whips, who will take action to check compliance with the arrangements. Pairing is not permitted on divisions of the greatest political moment.

The idea is systematised, such that pairing arrangements may last for months or years and cover all divisions in that time, and can be extended in cases of sickness, absence on parliamentary delegations, etc. Pairing is not an arrangement recognised by the House's rules.

In the 1983 Parliament, the pairing system was modified. With a large Government majority, bisques (a term derived from croquet) were organised, whereby a proportion of their members might be absent, unpaired, on specified days. The system continued in the 1987 Parliament, but not after the General Election of 1992. Bisques were so arranged

that the Government could always expect a reasonable majority, and could always command the votes needed for the Closure. It is not yet certain whether this system, perhaps modified, will be reinstated in the 1997 Parliament.

Division Lists

Division Lists are issued, generally available on the day after for divisions up to 10 pm, in *Hansard*. There is no official record kept of the number of times a particular Member has voted; (However, up to 1983, the *Political Companion* edited by F W S Craig did attempt to show the number of times each Member had voted in every Parliament; a computer database is now kept by an outside company, Campaign Information; and division lists in *Hansard on CD-Rom* are searchable) or analysis of a Member's voting pattern on particular issues. Nor are party affiliations recorded in the Division Lists.

On request, the Press may obtain from the Public Bill Office of the Clerk's Department one copy of the manuscript lists, fifteen minutes after each Division.

From time to time mistakes may be made in the counting of the numbers, or in the recording of the names, of those voting. Occasionally, where a mistake has demonstrably occurred, Mr Speaker may order the record of a division to be amended. Changes may also be made if a Member has been omitted from a list and his or her name can be recorded in the bound volume of *Hansard*, and in the Division List issued with the Vote.

If, in the opinion of the occupant of the chair, a Division is claimed unnecessarily, he may under SO No 40 call each side to rise successively in their places. He or she may then declare the Ayes or Noes have it, or proceed to, and name tellers for, a Division, as he or she thinks fit. This procedure was invoked, for instance, by the Deputy Speaker during debate on the remaining stages of the Firearms (Amendment) Bill on 25 May 1988, and is a relic of early practice on divisions (see above).

Quorum

If fewer than 40 Members, including the occupant of the chair and the tellers, have participated in a Division, the House proceeds to the next business, and the business voted upon stands over until the next sitting. Members who wish to defeat a particular item of business may engineer a division and then stay out of the lobbies if by doing so they can render the division inquorate.

Procedure if the votes on a Division are equal

If both sides record the same number of votes, which happens only very rarely, the occupant of the chair has a casting vote. The principles on which this decision will be based are :-

that the Speaker should always vote for further discussion, where that is possible; that, where no further discussion is possible, decisions should not be taken except by a majority; and that a casting vote on an amendment to a bill should leave the bill in its existing form.

The Chair has only occasionally to give a casting vote in the Chamber. This happened in the 1974-79 Parliament (see, for example, the debate on 27 May 1976) and in the 1992-97 Parliament on 22 July 1993 but has not occurred since.

Pecuniary Interests

A Member may not vote on a matter in which he or she has a pecuniary interest.

Points of order

To raise a point of order during a division a Member must be *seated and covered*. Because most Members do not now wear hats, two collapsible opera hats are kept, one on each side of the Chamber, for this purpose. (See also *Factsheet* No 52).

Acknowledgements

The compiler of this Factsheet would like to record his thanks to the former Clerk of Divisions, Douglas Millar, and his colleagues in the Public Bill Office, for their comments on a draft of the paper, and to Mr Gary Waller, formerly MP for Keighley, for pointing out an error in earlier editions relating to *bisques*.

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Revised September 1997

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September 1997 No 45 Ed 9 Pr1 250

ISSN 0144-4689

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