



Factsheet L1 Legislation Series

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Parliamentary Stages of a Government Bill

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 understanding how government legislation is passed, the terms involved, and how to track the progress of a bill.

Preparatory Stages

Bills are drafted by a team of lawyers in the Parliamentary Counsel Office (PCO), a 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 but these are not necessary and the bill may simply be presented without any prior announcement.

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). The Report welcomed the new Labour Government's intention to publish more draft bills and recommended that more pre-legislative scrutiny should be considered.

On the 29 October 2002, the House approved several changes to the procedures of the House. The proposals included in the Second Report of the Modernisation Select Committee – *Modernisation of the House of Commons: a reform programme* (HC 1168, 2001–02) – were agreed to, as were some elements of the Third Report of the Procedure Committee and the Government's response to the Procedure Committee, all published in the 2001-02 session.

The proposals which were agreed included provision for a regular increase in the number of bills published in draft for pre-legislative scrutiny. This complements the new order relating to the carry-over of bills. The House of Lords indicated they would accept bills subject to a carry-over motion provided the said bill had been through such scrutiny.

More recently, the Committee produced a further report – *The Legislative Process*, 7 September 2006, HC 1079 2005-06 in which they concluded:

“Parliamentary scrutiny at the pre-legislative stage can play an important role in improving the law, even where there has already been lengthy and extensive external consultation by Government. Whatever its impact on the passage of legislation, the purpose of pre-legislative scrutiny is not to secure an easy ride for the Government's legislative programme, it is to make better laws by improving the scrutiny of bills and drawing the wider public more effectively into the Parliamentary process.”

Parliamentary scrutiny at the pre-legislative stage can play an important role in improving the law, even where there has already been lengthy and extensive external consultation by Government.

For further details concerning the carry-over of bills refer to the heading **Sessional Cycle**.

First Reading

On the day of presentation, a “dummy” copy of the bill is placed on the Table. 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.

Explanatory Notes are also published to accompany the bill, although they may not always be available as soon as the bill itself is published.

Bills that have been published in the current session of parliament can be found on the website at: <http://www.publications.parliament.uk/pa/pabills.htm>

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.

Before Second Reading, notice may be given of programme motions to set out a timetable for the conclusion of proceedings on a bill, which would be moved and voted on after the second reading debate. More details on programme motions can be found in the appendices.

The Second Reading is the time at which the House considers the principle of the bill and debate is often wide-ranging. A major government bill will normally take about a day to debate (about six hours in practice), although some major bills have spent far longer in the House. The *European Communities Bill* in 1972, for example, spent three days in the Commons at the second reading stage. The debate on Second Reading is printed in *Hansard*, the Official Report of debates.

The Second Reading is the first stage at which a Government bill can be defeated. However, this has not happened since 1986, when the *Shops Bill*, designed to relax the law on Sunday Trading was defeated in the Commons. At Second Reading, the Opposition may object to a bill by tabling a “reasoned amendment”. 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 ...”

Money Resolutions and Ways and Means Resolutions

After a bill has been given a Second Reading, any Money or Ways and Means Resolutions are 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.

Committee Stage

After Second Reading, and any money or ways and means resolutions have been dealt with, the bill moves to its committee stage. This usually takes place in a **public bill committee** (formerly known as a standing committee) but may be taken in a **Committee of the Whole House**.

The committee will examine each clause and schedule of the bill. The committee debates amendments first and after that agree or disagree to a motion that it “stand part” of the bill (i.e. to leave it in or delete it). In addition to deliberating on amendments to existing clauses and schedules, new clauses and new schedules may be added to the bill.

Public Bill Committees

Following the report produced by the Select Committee on Modernisation: *The Legislative Process*, (HC 1097 2005-06), on 1 November 2006 the House agreed to several motions relating to the way legislation is conducted.¹ One change concerned the renaming of standing committees on public bills to public bill committees (which along with other former standing committees come under an umbrella heading of general committees).

The House also decided that public bill committees which examine programmed government bills will be given the power to: “*send for persons, papers and records*” and may hear oral evidence which will be given in public (unless the committee decides otherwise). Programmed government bills which have originated from either the Commons or Lords may summon witnesses; though it is anticipated that this will occur with bills starting in the Commons more so than the Lords. The House also agreed that the: “*oral evidence shall be printed in the official report of the committee's debates and the committee shall have power to report written evidence to the House as if it were a select committee.*”

Furthermore, the notice required regarding the tabling of amendments in committee has been extended from two three days subject to the discretion of the Chair.

A public bill committee generally has about 17 members though this can vary (the Committee of Selection must nominate between 16 and 50 Members to serve on each general committee) and its membership reflects the party composition of the House. 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. A new public bill 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 public bill committees appointed at any one time and they are named after the bill that they examine e.g. the Welfare Reform Bill Committee.

Special Standing Committees

Very occasionally, a bill was committed to what was known as a Special Standing Committee, which spent a limited time investigating the issues involved before going through the bill in the usual way as a normal Standing Committee. However, Standing Order No.91 which provided for these committees was repealed on 1 November and therefore the function of these committees is likely to be taken over by public bill committees. (The *Matrimonial and Family Proceedings Bill* 1983–84 is one example of a bill to which this procedure was previously applied. More recently, the procedure was used for the *Immigration and Asylum Bill* 1998–99).

¹ HC Deb 1 November 2006 cc304-419

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 *European Union (Amendment) Bill 2007/08* and those requiring a very rapid passage such as the *Northern Ireland (St Andrews Agreement) 2006/07*. Certain financial measures, including at least part of each year's *Finance Bill* will also be sent to a Committee of the Whole House. 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. The *Armed Forces Bill*, which comes before Parliament every five years is sent to the Defence Select Committee for scrutiny.

Hybrid bills, which are a mix of public and private legislation, are normally sent to a Select Committee see **Factsheet L5**.

<http://www.parliament.uk/about/how/guides/factsheets1/legislation/15/>

If a bill is amended by a Committee, it is reprinted and allocated a new bill number before progressing to Report Stage.

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. However, the important point to note is that at the Report Stage the bill is considered as a whole rather than clause by clause.

Report stage provides an opportunity for Members who were not on the public bill committee to move amendments to the bill. The delay between Committee and Report allows time for the Government to give further thought to some of the points raised during the committee stage. They may, for example, choose to bring 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 public bill committee. If a bill has been dealt with by a Committee of the whole House, and has not been amended, it progresses immediately to Third Reading without a Report Stage.

Third Reading

The final Commons stage of the bill is the Third Reading, usually 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. No amendments may be made at this stage. Debates on Third Reading are usually very short.

Lords Stages and Amendments

Once it has passed its Third Reading in the Commons, the bill is sent to the Lords – usually 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. Here, the Commons can do three things – firstly, they may agree to the Lords amendments, secondly, they may agree to them with amendments, or, thirdly, they may 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 in the case of the *Hunting Bill* in 2004, 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:

- In each case, the bill must have been taken to the Lords at least one month before the end of the session;
- 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
- 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

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.

The Sessional Cycle

Under normal circumstances, a Public bill must complete all its stages in one session of Parliament. In these circumstances, should a bill fail to complete all its stages; 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.

Under proposals agreed by the House on 29 October 2002, a new order relating to the carry-over of bills was agreed. This allows a Minister of the Crown to move a motion (a ‘carry-over motion’) that proceedings on a Public bill not completed before the end of the session shall be resumed in the next session of Parliament.

Consolidation Bills

A Consolidation bill brings together, sometimes with minor amendments, several existing Acts into one with the object of simplifying the statutes as was the case with the *Companies Act* in 2006. 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" also includes Private Members' bills, for which the system is rather different. For Private Members' bills see **Factsheet L2**:

<http://www.parliament.uk/about/how/guides/factsheets1/legislation/12/>

For Private bills see **Factsheet L4**:

<http://www.parliament.uk/about/how/guides/factsheets1/legislation/14/>

For Hybrid bills see **Factsheet L5**.

<http://www.parliament.uk/about/how/guides/factsheets1/legislation/15/>

Appendix A

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, in a slightly modified form, and have since been included in the Standing Orders of the House as Standing Orders Nos 83A to 83H. These new Standing Orders give more power to the Programming Committee and Programming Sub-committee but limit 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. A description of the new arrangements follows.

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 alter 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 public bill committee (see below), then it can be debated 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 Public Bill Committees

Where a programme order covers proceedings on a bill in a public bill committee, a Programming Sub-committee of the public bill committee is appointed. This consists of one of the Chairmen of the Committee plus seven members of the public bill 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 public bill 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 a 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 public bill committee is appointed under S.O. No. 120 if the allocation of time motion governs proceedings in the public bill committee.

Glossary

Clause

A bill is divided up into sections that Parliament can debate separately. They are known as clauses. Clauses can be amended or added to a bill. When a bill becomes an Act of Parliament these clauses are called sections.

Schedule

Schedules can be found at the end of clauses and fill in the detail of a bill.

Quorum

The very least number of people that must be present in order for business to be conducted.

Motion

A proposal or suggestion moved by a Member.

Order Paper

The Order Paper in the House of Commons is published each sitting day and lists the business of the House and for sittings in Westminster Hall.

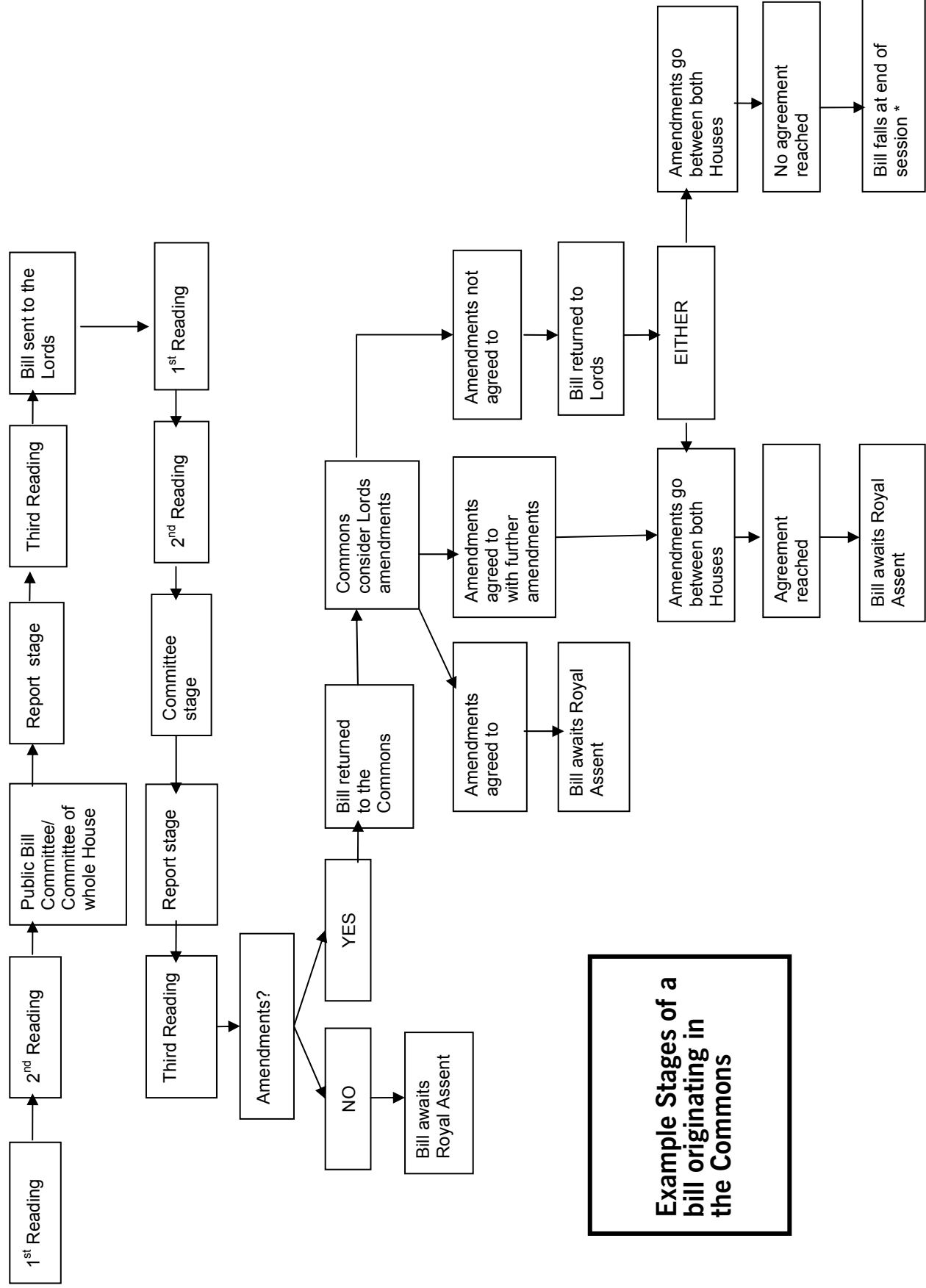
Statutory instrument

Also known as Subordinate Legislation or Secondary Legislation and is legislation made by Ministers under powers granted to them in Acts of Parliament, usually by means of a Statutory Instrument. This prevents the need for an Act of Parliament every time a detail needs to be updated or added to.

The powers themselves are called Statutory Instruments and have the full force of law. The laws made through these powers are also known as Secondary Legislation or Delegated Legislation.

Standing Orders

The Standing Orders are the rules under which Parliament conducts its business and they regulate the way Members behave and debates are organised. Some Standing Orders are temporary and only last until the end of a session or a parliament. There are roughly 150 standing orders relating to public business and over 270 relating to private business.



Example Stages of a bill originating in the Commons

* It is rare for a Bill to fall due to a lack of agreement between the two Houses

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

Select Committee on the Modernisation of the House of Commons, First Report 2005-06, The Legislative Process, 7 September 2006, HC 1097 2005-06

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

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| 3. Clear | <input type="checkbox"/> | Not always clear | <input type="checkbox"/> | Rather unclear | <input type="checkbox"/> |

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