
INFORMATION NOTE

Supplementary Information on the Operation of Committees on Bills in the United Kingdom Parliament

1. Background

1.1 The Panel on Constitutional Affairs at its meeting on 21 July 2003 requested the Research and Library Services Division to provide supplementary information about the operation of committees in the parliamentary system of the United Kingdom (the UK), with regard to the examination process of legislative proposals, which was touched upon in the research paper entitled "Chairmanship of Parliamentary Committees in Some Selected Places".

1.2 This paper focuses on, in the context of the House of Commons of the UK Parliament, the following aspects:

- (a) the operation of Standing Committees on bills;
- (b) the operation of Second Reading Committees; and
- (c) the operation of Select Committees.

1.3 In the House of Commons, almost all public bills¹ are considered by standing committees, unless the House otherwise ordered.² Other committees which can consider bills include special standing committees, committees of the whole House, second reading committees, select committees and joint committees of Lords and Commons.³

¹ In the House of Commons, there are two basic types of bills - public bills and private bills. Public bills, when enacted, form the general law. They include government bills introduced by Ministers, and private Members' bills introduced by Members who are not Ministers. Private bills are promoted by organizations or persons outside the House. At the committee stage, a private bill is not considered by a standing committee but by either an Opposed Bill Committee or an Unopposed Bills Committee. See Paul Evans, *Handbook of House of Commons Procedure*, Second Edition, Vacher Dod Publishing Limited, 2002, particularly chapters 2 and 11. See also *Standing Orders of the House of Commons - Public Business 2003*, The United Kingdom Parliament, <http://www.parliament.uk>.

² The basic structure of the existing standing committee system have been brought into existence since 1906, see "Standing Committees", HC Factsheets - Series L No. 6, House of Commons Information Office, <http://www.parliament.uk>.

³ For instance, Consolidated Fund Bills are committed to committees of the whole House under the House practice relating to charges; Tax Law Rewrite Bills are committed to the Joint Committee on Tax Law Rewrite Bills; and Provisional Order Bills are dealt with either by Private Bill Committees or by Unopposed Bills Committees. See Standing Order 63 (1).

2. Operation of Standing Committees on Bills

2.1 The main function of standing committees on bills is to scrutinize bills, by going through bills clause by clause, and, if necessary, to make amendments to them.

Formation

2.2 A standing committee on a bill is formed when the bill has passed second reading. The allocation of the bill to a particular standing committee is formally made by the Speaker of the House in accordance with the following arrangements:⁴

- (a) bills relating to the whole country, or just England, Wales or Northern Ireland, will go to ordinary standing committees, each of which is simply designated "A", "B" or "C" and so on; and
- (b) bills relating to Scotland will go to either the First or the Second Scottish Standing Committees.

2.3 No limit is set for the number of standing committees on bills.⁵ In a normal session, there is a maximum of some 10 standing committees. When a committee has reported a bill to the House, it is effectively dissolved.

Appointment of Committee Chairmen

2.4 Each standing committee is chaired by a senior Member appointed by the Speaker from the Chairmen's Panel,⁶ which currently has 32 members.⁷ The Speaker may change the chairmen so appointed from time to time.⁸

⁴ Standing Orders 84 (2) and 101.

⁵ Standing Order 84 (1).

⁶ The Chairmen's Panel consists of the Chairman of Ways and Means (who is the Panel's chairman appointed at the commencement of every Parliament on a motion made by the Prime Minister) and not fewer than 10 senior Members. Under Standing Orders 85 (1) and (4), the Panel is empowered to consider matters of procedure and practice which are not covered by the House rules, and to report to the House from time to time its opinion on matters of procedure relating to standing committees. According to the Chairman of the Chairmen's Panel, Sir Alan Haselhurst, his role in the selection of the Panel's members to chair standing committees is "*limited to the general one of making sure that the most complex bills are presided over by the more experienced chairmen.*"

⁷ According to Frank Cranmer, the Clerk of Bills of the House of Commons of the UK Parliament, at the moment, the Chairmen's Panel consists of 18 Labour Members, 12 Conservatives and two Liberal Democrats. This composition does not fully reflect the balance of parties in the House overall, which should imply 20 Labour Members, eight Conservatives and four Members from the minor parties taken together. The reasons for such deviation are that: first, it is easier for the Panel to appoint two chairmen simultaneously from government and opposition parties of the House for long and controversial bills; and second, it is difficult for minority parties to spare their Members from other duties to sit on the Panel.

⁸ Standing Orders 85 (2) and (5), and Standing Order 4 (1).

Rationale of the Appointment System

2.5 The arrangement that the Chairmen's Panel's members are appointed, rather than elected, to chair individual committees is designed mainly for operational needs. The appointments can establish a core body of standby competent and experienced chairmen who can be relied upon to handle complex bills and complicated proceedings confidently and efficiently.⁹ Equally important, as it is not unusual for a bill to take some 20 committee sittings for consideration, chairing a committee (particularly on a long and complex bill) involves a major time-commitment. Additionally, potential chairmen often have other engagements that may conflict with the chairing duties of standing committees. As such, ensuring every committee to have a chairman has sometimes been "*extremely difficult enough*" with the existing appointment system, and "*election would make it impossible*".¹⁰

2.6 The appointment system can also help "*make sure that practice and procedure of the House are properly observed by the committee*".¹¹ This is a major feature of the House's "*dual system of committees*". On the one hand, standing committees act as a miniature version of the "committee of the whole House"¹² in the scrutiny of bills under chairmen who act impartially in the same way as the Speaker chairing in the House. On the other hand, select committees undertake inquiries on matters of government policy, finance and administration under partisan chairmen who take a leading role in the committees' evidence-taking and questioning of witnesses.¹³

Appointment Criteria

2.7 There are a number of practices guiding the appointment of committee chairmen, which include:

- (a) the nature of bills having little relevance to the appointment;¹⁴
- (b) more experienced chairmen, of whatever party, being given the bigger or controversial bills;¹⁵

⁹ Reply from the Clerk of Bills of the House of Commons, 29 September 2003.

¹⁰ Reply from the Chairman of the Chairmen's Panel, 16 September 2003.

¹¹ Reply from the Chairman of the Chairmen's Panel, 3 September 2003.

¹² The "committee of the whole House", chaired by the Chairman of the Ways and Means, refers to an arrangement that the House forms itself into a committee of all of its Members when it decides to debate the committee stage of a bill in the whole House. It is formed for various reasons. For example, the bill is constitutionally significant or need to be passed with great speed. Standing Order 4 (1) states that standing committee chairmen may act as temporary chairmen of the "committees of the whole House" when requested by the Chairman of Ways and Means.

¹³ Reply from the Chairman of the Chairmen's Panel, 3 September 2003.

¹⁴ See *Griffith & Ryle on Parliament: Functions, Practice and Procedure*, second edition by Robert Blackburn and Andrew Kenon, Sweet & Maxwell, 2003, chapter 6: p. 387.

¹⁵ *Ibid.*

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- (c) a "*very strong convention*" that for the sake of impartiality, a member of the Panel who speaks on second reading on a particular bill will not be selected to chair the standing committee on that bill;¹⁶
 - (d) for a bill which is expected to involve heavy workload, that the Speaker can appoint one or more additional chairmen to the committee from both sides (government and opposition parties) of the House;¹⁷ and
 - (e) for governments having a very small or non-existent majority, that the Panel normally appoints two members simultaneously from both sides of the House to chair a standing committee, so that they can "*be regarded as paired for report stage and third reading*".¹⁸

Chairman's Role

2.8 Like the Speaker in the House, the principal task of a standing committee chairman is to interpret and apply the rules, to ensure impartiality¹⁹ and to exercise discipline. The chairman is assisted by a clerk who advises on the committee procedure and looks after the logistics of the committee's business. By convention, the chairman takes no further part in the proceedings on that bill once the bill has finished its committee stage.²⁰

Chairman's Power and Duty

2.9 A standing committee chairman is empowered to perform the same duties as those given to the Speaker and the chairman of the committee of the whole House.²¹ Such duties include:

- (a) selecting or not selecting amendments, new clauses or new schedules, without giving any reasons;²²

¹⁶ Reply from the Chairman of the Chairmen's Panel on 3 September 2003.

¹⁷ Replies from the Chairman of the Chairmen's Panel on 16 September 2003 and from the Clerk of Bills of the House of Commons on 9 October 2003. According to the Clerk of Bills, when more than one chairmen are appointed to a standing committee, they take turns to share the chairing duties by agreement between themselves, to fit their diaries.

¹⁸ Ibid. "*Pairing*" is an informal arrangement where Members in government and opposition parties both agree not to vote in certain divisions, thus cancelling out each other's absence and leaving the government party's majority unaffected. See Evans (2002): p. 240.

¹⁹ According to the Chairman of the Chairmen's Panel, "*if a member of a standing committee felt that its chairman was not acting impartially, he or she would no doubt complain to me; but the tradition of impartial chairmanship is extremely strong in our system and I have never had such a complaint.*"

²⁰ Ibid.

²¹ Standing Order 89 (3).

²² Standing Order 32. See also Evans (2002), chapter 11: p. 130.

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- (b) deciding whether to accept a motion for proposal of the Question or for the closure;²³
 - (c) refusing to allow a dilatory motion in abuse of House rules;²⁴
 - (d) directing members who persist in “irrelevance” or “tedious repetition” of arguments to discontinue their speech;²⁵
 - (e) putting the Question on clause stand part of the bill without further debate, in view of the principle or matters of a clause being “adequately discussed”,²⁶ and
 - (f) exercising a casting vote if the numbers in a division are equal in accordance with “well-understood precedents”²⁷ instead of the chairman's own views of the merits of the issue. There are two basic rules of casting the vote -- to provide opportunity for further discussion; and to leave a bill in its original form.²⁸

Nomination of Committee Members

2.10 After a bill is allocated to a particular standing committee, the Committee of Selection²⁹ meets to consider the membership of the committee. The membership is not permanent but totally ad hoc, with a committee being constituted afresh for every new bill.³⁰ The committee is effectively dissolved after it has reported the bill to the House.

²³ Standing Orders 29 (1), 36 (1) and 37. “Question” refers to the matter before the House or a committee awaiting decision at any time. See Evans (2002), p. 240.

²⁴ Standing Order 35. “Dilatory motion” is a motion for the adjournment of the committee, of the debate or of the House, which can be used to supersede the Question. See Evans (2002), chapter 9: p. 87.

²⁵ Standing Order 42.

²⁶ Standing Orders 68 and 89.

²⁷ Reply from the Chairman of Chairmen's Panel, 3 September 2003.

²⁸ See *Standing Committee Procedure*, House of Commons, *The United Kingdom Parliament*, pp. 88-89, and also Evans (2002), chapter 9: p. 93.

²⁹ The Committee of Selection's principal task is to appoint Members to standing committees and private bill committees. It has nine members, including the “pairing” Whips from the government and official opposition and the Whip of the third largest party in the House. See Evans (2002), chapter 2: p. 20, and also Standing Orders 109-118, *Standing Orders of the House of Commons - Private Business 2001*, <http://www.parliament.uk>.

³⁰ Membership can be changed before the standing committee begins work; after that, replacements can be made only in case of illness or change of ministerial or opposition office. See “Standing Committees”, HC Factsheets - Series L No 6, and May (1997), chapter 27: p. 695.

Number of Members and Quorum

2.11 Not fewer than 16 nor more than 50 Members are nominated by the Committee of Selection to serve on a standing committee.³¹ A typical standing committee has between 16 and 30 members, while larger, more complicated or more contentious bills can have more members up to a maximum of 50. The quorum is 17 or one-third of the number of committee members excluding the chairman, whichever is fewer.³²

Nomination Criteria

2.12 Members are nominated by the Committee of Selection to a standing committee, without any need for further approval by the House, in accordance with the following key criteria:³³

- (a) the qualifications of Members; and
- (b) the composition of the House.

2.13 In particular, the Committee of Selection always seeks to ensure that a committee's membership reflects the party composition of the House.³⁴ Normally, the membership includes, on the government side, one or more Ministers, the Whip and senior Members who are known to specialize in the relevant field or who have indicated an interest, for example, by speaking on second reading. The selection of Members from the opposition is similar. On a controversial bill which divides the House on cross-party lines, the strength of opinion as expressed in any division on second reading is properly reflected in the membership. On an uncontroversial private Member's bill, the views of the Member in charge are sought on the membership of the committee. Other factors which can be considered in the selection process include individual Members' wish and the number of times Members have been summoned to other standing committees.

³¹ Standing Order 86 (1).

³² Standing Order 89 (1).

³³ Standing Order 86 (1).

³⁴ See May (1997), chapter 27: p. 693.

Proceedings for Consideration of Bills

Rules of Debate

2.14 Standing Committees usually hold their meetings in public, although they can agree to sit in private.³⁵ The basic rules of debate which apply in the House and in the "committee of the whole House" apply also in standing committees.³⁶

Duty of Committee to proceed with Bill

2.15 There is a general presumption that a standing committee should proceed with a bill referred to it by the House.³⁷ If a committee does not wish to proceed, it must:³⁸

- (a) agree to a motion to that effect; normally such motion can only be made by the Member in charge, and can be accepted by the chairman of the standing committee either before the consideration has begun or during the proceedings;
- (b) if the motion in (a) is agreed to, order the chairman to report the bill without amendment, or so far as amended, to the House; and
- (c) produce a special report explaining the reasons for its action.

Priority of Bills to be Considered

2.16 While bills are generally considered in the order in which they are allocated to each committee, in practice, government bills take precedence in all except Standing Committee C which is designated by the Committee of Selection as the committee in which private Members' bills take precedence.³⁹

³⁵ See Evans (2002), chapter 2: p. 17.

³⁶ *Standing Committee Procedure*, House of Commons, 2002, pp. 55-56.

³⁷ *Ibid*, p. 41.

³⁸ *Ibid*, pp. 41-43.

³⁹ Standing Order 84 (3).

Admissibility of Amendments

2.17 The critical process of considering a bill is the debate on amendments. For each sitting, the chairman of the standing committee regularly makes known the provisional list of selected amendments and the proposed groupings of amendments which can be altered in the light of arguments raised by members in the debate. While the arbitrary power to select amendments rests with the chairman, the chairman is advised to exercise such power by the committee clerk in accordance with a set of rules⁴⁰ supported by precedents and rulings. In particular, an amendment:

- (a) must be relevant to the subject matter and within the scope of the bill and of the clause to which it relates;
- (b) must not be equivalent to a negative of the bill or must not reverse the bill's principle as agreed to by the House on second reading;
- (c) must not leave out a clause, or the only effective words of a clause, or the words upon which the rest of the clause is dependent;
- (d) must not be vague, trifling or tendered in a spirit of mockery, or render the clause unintelligible or ungrammatical, or re-open a question already thoroughly covered; and
- (e) must not impose or increase a public charge which is not authorized by a ways and means resolution or a money resolution.

⁴⁰ See Evans (2002), chapter 11: p. 131 and also *Manual of Procedure in the Public Business*, House of Commons, 14th edition, Her Majesty's Stationery Office, London, 1987, chapter 8: pp. 82-83.

Curtailment of Debate

2.18 In order to ensure that proceedings on bills be completed on time, the following two mechanisms are in place for setting time limits for the debate of bills:

- (a) *Allocation of Time Order (ATO)*: colloquially known as "guillotine", ATO is "an order of the House which limits the time available to debate any stage or stages of a bill".⁴¹ It is normally introduced at the point when the government finds that progress on a major bill is being frustrated by prolonged debate at the committee stage.⁴² An ATO motion can only be moved by the Minister in charge of the bill, and can only apply to proceedings on a bill.⁴³ When the House agrees to the motion relating to the proceedings in a standing committee, the Speaker appoints seven members from the committee to form a business sub-committee to be chaired by the committee chairman.⁴⁴ The sub-committee makes a resolution on the timetable for considering the bill.⁴⁵ The resolution must be decided by the committee without amendment or debate; and

⁴¹ Standing Order 83.

⁴² The conditions under which governments may wish to introduce the guillotine include: (a) opposition Members make prolonged debates on large numbers of amendments; (b) even the regular application of the closure will not succeed in achieving much progress; and (c) many committee meetings may prove necessary before even the first few clauses of the bill are agreed. See *Griffith & Ryle on Parliament* (2003), chapter 7: p.413.

⁴³ Standing Order 83.

⁴⁴ Standing Order 120. The sub-committee members are normally sought from the whips.

⁴⁵ Standing Order 120 (3).

- (b) *Programme Order*: as an alternative to "the blunt weapon of the guillotine",⁴⁶ programme orders are similar in effect to guillotines. These orders are used to formalize the timetables for consideration of bills which have been agreed to by the "usual channels" (i.e. the government and opposition Whips), while guillotines are used when the government is unable to secure an agreement from opposition parties.⁴⁷ Motions on such orders are usually moved immediately after a bill's second reading, and are usually not debatable.⁴⁸ When the House agrees to a programme motion on proceedings on a bill in a standing committee, the Speaker appoints a programming sub-committee whose constitution and duties are the same as the business sub-committee. Nevertheless, this sub-committee can propose a change to the date on which the standing committee is to complete its consideration of bill. It can also make recommendations on the programming of the report stage and third reading of the bill.⁴⁹ Moreover, normally moved by the Minister in charge of the bill, motions on the resolutions by the sub-committee are amendable and debatable.⁵⁰

Report of Bill

2.19 At the end of all proceedings, the standing committee chairman proposes the final Question that the bill be reported to the House. It is otiose and hence out of order to debate in detail on such Question.⁵¹ As soon as the Question is agreed, the committee is adjourned indefinitely. It should be noted that when there is a guillotine, the chairman normally can report the bill to the House without putting the Question.

⁴⁶ See *Chairmen's Panel Report – The Modernization Committee's Proposals Concerning the Legislative Process*, House of Commons, The United Kingdom Parliament, 1997, <http://www.publications.parliament.uk>. See also "Parliamentary Stages of a Government Bill", HC Factsheets – Legislation Series No 1, House of Commons Information Office, August 2001, <http://www.parliament.uk>.

⁴⁷ See "Parliamentary Stages of a Government Bill".

⁴⁸ See Evans (2002), chapter 11: pp. 147-148, and also *Standing Committee Procedure, 2002*: pp. 61-62.

⁴⁹ At report stage, further detailed amendments can be made by the House, including those by the government and Members who are not on the standing committee. On third reading, the House takes an overview of the bill, and no amendments of substance, or having any substantive effect, may be made. See Evans (2002): p. 240, and "Parliamentary Stages of a Government Bill".

⁵⁰ See "Parliamentary Stages of a Government Bill".

⁵¹ See *Standing Committee Procedure, 2002*, p. 40.

Recommittal of Bills

2.20 It is rare but possible that when further committee consideration is necessary, a bill on report stage or third reading can be re-committed by the House to the standing committee as a whole, or in respect of a part of the bill, or in respect of certain amendments. In such cases, the chairman and members of the standing committee appointed for the bill's previous committee stage resume their duties again.

3. Operation of Second Reading Committees

3.1 Apart from ordinary standing committees, a bill can be committed to a second reading committee for consideration. These committees are a special kind of standing committees.⁵² Their methods of appointment of the chairman and members as well as the chairman's powers are the same as those for standing committees on bills.⁵³ Each committee is constituted afresh for every new bill.

Formation

3.2 A bill is referred to a second reading committee by a motion in the House taken without debate. However, such a motion can be blocked by 20 or more Members objecting. The Member in charge of a private Member's bill can only move such a motion with the leave of the House.⁵⁴

Function

3.3 The committee is set up for considering the principle of a bill. It does not have power to give a bill a second reading, but can recommend to the House whether the bill ought to be read a second time or not. The bill is then given a second reading in the House without amendment or debate.

3.4 The idea of setting up such committees is to save time⁵⁵; and, in effect, only uncontroversial bills are referred to them.⁵⁶ For example, Tax Law Rewrite Bills and any public bill whose main purpose is to implement proposals by the Law Commissions are normally referred to these committees.⁵⁷

⁵² Standing Order 90 (3).

⁵³ Reply from the Clerk of Bills of the House of Commons, 29 September 2003.

⁵⁴ Standing Orders 90 (1) and (2).

⁵⁵ The Select Committee on Modernization Committee recommended in 1997 that "*greater use should be made of second reading committees to consider non-controversial bills which did not raise substantial issues of principle*", see Select Committee on Modernization of the House of Commons, *First Report*, <http://www.publications.parliament.uk>.

⁵⁶ See "Parliamentary Stages of a Government Bill".

⁵⁷ Standing Orders 59 and 60.

3.5 Second reading committees have been rarely used in the past several decades. Between 1987 and 2000, only 32 government bills were considered in such committees. A recent example is the Royal Parks (Trading) Bill 1999-2000.⁵⁸

Proceedings for Consideration of Bills

3.6 Second reading committees proceed in standing committee format under neutral chairmen, each of which usually has one sitting only. The rules of debate governing the committees are the same as those applying to the second reading debate in the House.

4. Operation of Select Committees

Types and Functions

4.1 There are two basic types of select committees:

- (a) regularly appointed select committees which are enshrined in standing orders. They include the 17 departmental select committees responsible for examining the expenditure, administration and policies of the principal government departments; four domestic committees to consider the services provided for the House; and some other committees more concerned with the scrutiny of government legislation; and
- (b) occasional ad hoc select committees, which include select committees on bills.

4.2 In general, select committees have three major functions: to take evidence from witnesses; to deliberate; and to report to the House on their findings.

Election of Committee Chairmen

4.3 Unlike standing committees, the chairman of a select committee is not appointed by the Speaker but elected by a simple majority from among its members at the first meeting. Whether a chairman is to come from the government or opposition is agreed in advance through the "*usual channels*". Normally, the Member so elected remains as the chairman for the remainder of the Parliament.

⁵⁸ See "Parliamentary Stages of a Government Bill" and Griffith & Ryle (2003), chapter 6: pp.394-395.

Chairman's Role

4.4 The role of a select committee chairman is quite different from that of a standing committee chairman in that the select committee chairman:

- (a) is not required to apply and interpret many rules, as there is very little formal procedure either for the examination of witnesses in public or for the deliberation in private;
- (b) is not under the strict obligation of impartiality; and
- (c) takes a leading part in the committees' deliberations, and can exercise the casting vote on the basis of personal judgement, rather than in accordance with well-understood precedents.⁵⁹

Chairman's Power and Duty

4.5 Unlike a standing committee chairman, except for the casting vote, a select committee chairman has no special powers under standing orders to regulate the committee's proceedings and so must govern by consent. In particular, the chairman has no power to select amendments, new clauses or new schedules (if the select committees are considering bills), to accept a motion for the closure of a debate, and to deal with dilatory motions and irrelevance or tedious repetition of arguments.⁶⁰

Nomination of Committee Members

4.6 Similar to the practice of standing committees, the Committee of Selection plays an important role in nominating Members to select committees but with two distinctive features:⁶¹

- (a) while appointments to standing committees do not require the House's approval, nominations to select committees have to be approved by the resolutions of the House on amendable motions; and
- (b) while the Committee of Selection nominates Members to all standing committees, it is responsible for the nominations of Members to the 17 departmental select committees only, with nominations to other select committees coming from party whips.

⁵⁹ Evans (2002), chapter 3: pp. 29-30.

⁶⁰ See May (1997), chapter 26: p. 638.

⁶¹ See *Griffith & Ryle on Parliament* (2003), chapter 11: pp. 574-576, and Evans (2002), chapter 2: p. 20.

Number of Members and Quorum

4.7 The number of members of most select committees is laid down by standing orders. Currently, 15 of the 17 departmental select committees have a membership of 11.⁶² Some committees, such as Public Accounts Committee, have 16 members. The quorum of a select committee is normally three or a quarter of the number of its members, whichever is greater.⁶³

Nomination Criteria

4.8 The nomination of select committee membership is in approximate proportion to party strength in the House. In the Parliament elected in 2001, a typical select committee of 11 members has seven Labour, three Conservative and one minor party Members. In addition, the two major parties, by practice, give priority to senior Members to serve on departmental committees.

Powers of Select Committees

4.9 The powers of each select committee vary, depending on its functions. In general, a committee can have some or all of the following powers to:

- (a) report opinion and observations on any matters referred to it for the House's consideration, and make a special report of any matters to bring to the notice of the House;⁶⁴
- (b) send for persons, papers and records;
- (c) appoint specialist advisers either to supply information or to elucidate matters of complexity;
- (d) appoint a sub-committee which has the same powers available to the committee;
- (e) communicate evidence with other committees ;
- (f) meet whenever it chooses; and
- (g) adjourn from place to place, i.e. to sit and hear evidence outside the precincts of the House.

⁶² Standing Order 152 (2).

⁶³ Standing Order 124 (1).

⁶⁴ Standing Order 133.

Proceedings for Inquiry

Rules of Deliberation

4.10 Unlike standing committees which normally proceed entirely by debate, select committees proceed by deliberation and usually by the taking of evidence as well. Moreover, they always sit in private; and only meet in public when hearing evidence.⁶⁵

Process of Inquiry

4.11 When a select committee is appointed by the House to deliberate a matter, the scope of its deliberation is defined by the order of reference laid down by standing orders. If the House decides that the scope of deliberation of the committee should be extended, it can enlarge the order by giving the committee an instruction. However, it is up to each committee to decide how to interpret the order, and thus how to use the powers given to it by the House in the course of deliberation.⁶⁶

4.12 A select committee often sets non-binding terms of reference for each inquiry as an indication of its main areas of interest. The normal process for an inquiry involves:⁶⁷

- (a) choosing the subjects for inquiry;
- (b) seeking written evidence from interested parties;
- (c) hearing oral evidence from witnesses;
- (d) conducting study visits at home or abroad;
- (e) drafting, discussing, approving and publishing a report;
- (f) asking the government to reply within 60 days; and
- (g) following up the report in the way of debate or by seeking further evidence.

⁶⁵ Standing Order 125 (1).

⁶⁶ See May (1997), chapter 26: p. 633.

⁶⁷ See "Departmental Select Committees", HC Factsheets - Procedure Series No.2, House of Commons Information Office, <http://www.parliament.uk>, and May (1997), chapter 26: pp. 646-658.

Select Committees on Bills

4.13 It is rare but possible that the House commits a bill to a select committee for deliberation after second reading.⁶⁸ If the House decides to do so, it passes a separate order of reference, forming the committee, appointing its members, fixing its quorum, specifying its scope of deliberation, and granting it any necessary powers to consider the bill.⁶⁹

4.14 A select committee on a bill hears evidence, deliberates the bill clause by clause, and prepares a report. When empowered or directed by an instruction, it can consolidate two or more bills into a bill, divide a bill into two or more bills, or extend the operation of a bill. It can also make amendments to the bill in private sessions, which are not published outside the committee. The rules which govern the admissibility of amendments in a standing committee apply equally to proceedings in a select committee on a bill. For example, in dealing with clauses or amendments which involves charges on public funds, a select committee is subject to the same restrictions as a standing committee.

4.15 When a select committee reports the bill to the House, it is usual for the bill to be recommitted to a committee of the whole House or to a standing committee.⁷⁰ It should be noted that the committee has no power to decide against a bill, although it can negative all the clauses, and make a special report to the House.⁷¹

Prepared by Thomas WONG
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Tel: 2869 9621

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⁶⁸ Recent examples include Armed Forces Bill (1999-2000) and Adoption of Children Bill (2000-01).

⁶⁹ See Evans (2002), chapter 11: p. 137.

⁷⁰ See May (1997), chapter 26: pp. 686-687.

⁷¹ Ibid.

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