

PROGRAMMING OF BILLS

This pamphlet is intended for members of the Office of the Parliamentary Counsel.

It does not take account of Standing Orders Nos. 83J to 83X (English votes for English laws).

Unless otherwise stated –

- references to standing orders are to the Standing Orders of the House of Commons relating to Public Business of 10 February 2016 and the addenda up to 7 March 2017, and
- references to Erskine May are to the 24th edition (2011).

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CHAPTER 1 INTRODUCTION

General

1.1 Programme motions are a method of regulating the time spent on proceedings on bills in the House of Commons.¹

1.2 Standing Orders Nos. 83A to 83I set out the procedure for the programming of bills. It is essential to be familiar with the latest version of the standing orders. This pamphlet does not deal with everything in them and is not a substitute for them.

Which bills are programmed?

The general rule

1.3 The majority of government bills are programmed. And, in practice, only government bills are programmed.²

Bills that are not programmed

1.4 The cases in which a government bill is not programmed include the following:

- Where the Business Managers conclude that a programme motion is unnecessary, whether because the bill is short and uncontroversial³ or for other reasons⁴.
- Where the government needs to set a timetable for Second Reading (as well as other stages). It is not possible to use SO Nos. 83A to 83I to programme the Second Reading of a bill. Typically, this issue will arise on a fast-track bill but it can also arise on other government bills.⁵
- Consolidated Fund and Appropriation bills, which are expressly exempted from the operation of SO No. 63 (committal of bills not subject to a programme motion) and have no committee stage.
- Consolidation bills, which have the benefit of their own special parliamentary procedures (SO No. 58).
- Statute law repeals bills (SO No. 58).

1.5 Bills whose main purpose is to give effect to a Law Commission report have the benefit of SO No. 59 (referral to Second Reading committee) but do not have the benefit of a fast-track procedure for their later stages. Such bills could be programmed, but there are no examples of this to date.

1.6 Private members' bills are not programmed (whether or not they are supported by the government). Such bills are debated by the House on Fridays when they have precedence over government bills. If a private member's bill is taken over by the government and dealt

1. They were introduced as an experiment on a handful of bills in the 1997/98 session in response to a recommendation by the Select Committee on Modernisation of the House of Commons in its First Report (HC 190).

2. SO No. 83A applies to a motion for which notice has been given by a Minister of the Crown.

3. For example, the bill for the Arms Control and Disarmament (Inspections) Act 2003.

4. For example, Finance Bills were not programmed between 2003 and 2011.

5. For example, the bill for the Hunting Act 2004.

with other than on a private members' Friday, it may be programmed like any other government bill.⁶ But it is rare for this to happen.

1.7 Private bills are not programmed.

OPC's role in the programming of bills

1.8 OPC are responsible for drafting the various motions and resolutions which are required for the programming of bills, namely –

- the initial programme motion (which must be tabled on a sitting day before the Second Reading of the bill),
- the resolutions and motions that are necessary to see the bill through its committee stage, and
- any supplementary programme motions that might be needed.

1.9 Motions for proceedings on the floor of the House are tabled by the Whips. Draft programming sub-committee resolutions and motions for public bill committee should be sent to the clerks in the Commons Public Bill Office.

1.10 Chapter 5 contains further information about OPC's role in the programming of bills.

Examples

1.11 The Appendices to this pamphlet contain various examples. As with any examples, they need to be treated with caution. The Notes to the Appendices are in Chapter 8 and are essential reading.

Alternatives to the programming of bills

1.12 The amount of time spent on proceedings on bills in the House of Commons can be regulated in other ways. The following alternatives are described below:

- closure of debate;
- allocation of time motion (or “guillotine”);
- business of the House motion.

1.13 The advent of the programming of bills means that these alternatives are not routinely relied on. But they will still be helpful in some circumstances.

Closure of debate

1.14 A *closure of debate* can be sought to close a particular debate (whether on the floor of the House or in public bill committee).⁷

1.15 If a question has already been proposed from the chair (which will happen after the opening speech moving a motion or amendment), a member may move “That the question be

6. See eg. the programming of the bill for the Forced Marriage (Civil Protection) Act 2007, which began in the Lords. Programme motion agreed to immediately after Second Reading (10.07.07).

7. See SO Nos. 36, 37 and 89(3). SO No. 37 provides that, on a division on a closure motion, the question shall not be decided in the affirmative unless at least 100 members vote in support.

now put”. That question must be put forthwith unless it appears to the chair that the motion is an abuse of the rules of the House or an infringement of the rights of the minority.

1.16 If a question has not already been proposed from the chair, a member may move “That the question be now proposed” when a member is in the course of moving a motion or amendment at any stage of proceedings on a bill. The question “That the question be now proposed” must be put forthwith unless it appears to the chair that the motion is an abuse of the rules of the House.

1.17 In practice, the debate needs to have run its course before the chair will agree to put the question on any closure motion.

1.18 The government therefore has no guarantee with a closure motion as to when the question will be put. And each closure motion can only close debate on a single question. This means that the procedure is of little use when there are a large number of questions to be debated on a bill.

Allocation of time motion (or “guillotine”)

1.19 An allocation of time motion (commonly known as a *guillotine*) imposes a mandatory timetable for proceedings on a bill. It operates outside the framework for the programming of bills and therefore must contain provisions equivalent to some of SO Nos. 83A to 83I, eg. for bringing proceedings to a conclusion.

1.20 An allocation of time motion is debatable for up to three hours under SO No. 83.

1.21 The advent of the programming of bills has meant that allocation of time motions now tend to be used mainly to secure the passage of a fast-track government bill where it is desired to set a timetable for Second Reading (as well as other stages of a bill). That cannot be achieved with a programme order.

1.22 It is possible that an allocation of time motion might be required where a bill is not subject to a programme order made at second reading but it becomes necessary at a later stage to regulate time spent on the remaining proceedings. Or an allocation of time motion may be required in order to regulate the time taken on Second Reading of a bill which is intended to be subject to a programme order.⁸

Business of the House motion

1.23 A *Business of the House motion* can, in certain circumstances, set a timetable for particular proceedings on a bill.

1.24 A simple *Business of the House motion* might be useful on occasion where the proceedings concerned are uncontroversial and there is general agreement in the House as to the way forward.⁹ But such a motion does not provide an effective means of regulating proceedings on bills more generally.

1.25 However, like an allocation of time motion, a *Business of the House motion* can contain detailed provisions which ensure that proceedings on a bill are brought to an end in accordance with the timetable specified in the motion.¹⁰

8. See, for example, the allocation of time motion for second reading of the bill for the Water Industry (Financial Assistance) Act 2012 (05.03.12). A programme order for the bill was agreed on 06.03.12.

9. See Erskine May, p.482.

1.26 There is no time limit on debates on Business of the House motions.

Order of consideration motions

1.27 The order in which proceedings are taken at particular stages of a bill can be altered.¹¹ Traditionally, this would have been dealt with by an *order of consideration motion* but now it will often be dealt with in a programme motion. Order of consideration motions therefore have only a limited role in relation to programmed bills.¹²

1.28 However, they remain available in the House of Commons for bills that are not programmed.

The position in the House of Lords

1.29 There is no equivalent to the programming of bills (or allocation of time motions) in the House of Lords.

1.30 The informal timing of proceedings on a bill in the House of Lords is usually a matter for negotiation between the “usual channels” (the government and opposition Chief Whips). This tends to work reasonably well in practice although it is always vulnerable, at least in theory, to disruption.

1.31 A closure motion can be used in the Lords, but this is extremely rare.¹³

1.32 Order of consideration motions continue to be used regularly in the House of Lords (where, at committee stage, they take the form of instructions to the committee).

Advice from Public Bill Office

1.33 The clerks in the Commons Public Bill Office are always happy to advise on matters relating to bill procedure, including programming.

10. See, for example, the Business of the House motions for the bill for the Police (Detention and Bail) Act 2011 (07.07.11) and the bill for the Data Retention and Investigatory Powers Act 2014 (15.07.14).

11. For example, it might be appropriate to alter the order in which the clauses and Schedules (and amendments to them) are discussed in committee. See Note 15 in Chapter 8.

12. A spoof order of consideration may be needed for public bill committee - see paragraphs 3.58 to 3.63. An order of consideration motion may also be needed where no provision as to allocation of time is wanted - see paragraphs 7.11 to 7.14.

13. See the House of Lords Companion to the Standing Orders and Guide to the Proceedings of the House of Lords (2015), paragraphs 4.60 to 4.62. Two closure motions (ie. “That the question be now put”) were carried during committee stage on the Parliamentary Voting System and Constituencies Bill (17.01.11 and 19.01.11). Before that, the procedure had not been used since 1971. A closure motion was also carried in Committee of the whole House on the European Union (Referendum) Bill (31.01.14).

CHAPTER 2 THE INITIAL PROGRAMME MOTION

General

2.1 SO No. 83A(1) enables a Minister of the Crown, before Second Reading, to give notice of a motion providing for committal of the bill and for any proceedings on the bill to be programmed. The initial programme motion must therefore contain –

- provision for the committal of the bill, and
- provision for the allocation of time for at least some of the proceedings on the bill.

2.2 Where such a notice is given, the motion is known as a programme motion and may be made immediately after Second Reading. Once made, a programme motion becomes a programme order.

2.3 It must be tabled before the day of Second Reading.¹⁴

2.4 It can only be tabled on a sitting day, before the House rises.¹⁵

2.5 If moved immediately after Second Reading, the motion is taken forthwith (SO No. 83A(7) to (11)). There is therefore no possibility of amendment.¹⁶ If it becomes clear before Second Reading that the motion needs to be amended, eg. to alter the date on which the bill is to be reported from public bill committee, it is possible –

- (a) to withdraw the motion and table a revised motion before Second Reading (if time allows), or
- (b) to invite the House to agree to the original motion on the understanding that a supplementary motion making appropriate amendments will be tabled shortly afterwards.¹⁷

Provision for committal of the bill

2.6 SO No. 63 provides that, after Second Reading, a bill is committed to a public bill committee unless the House orders otherwise. But SO No. 83A(1) provides that SO No. 63 does not apply if a programme motion is tabled before Second Reading. So a programme motion needs to include provision about committal.¹⁸

2.7 A programme motion will usually provide for the bill to be committed to a public bill committee.

14.Erskine May p.393. That means before the day on which the bill receives its Second Reading. But consider whether there are reasons to table the motion earlier. For example, where Second Reading takes place over two days the motion could be tabled on the first of those days. However, that may prevent those speaking on the first day of debate from making points on the programme motion.

15.See further paragraphs 5.6 to 5.9.

16.See Erskine May p.459-460.

17.Erskine May p.369. See, for example, the programme orders of 17.01.05 and 31.01.05 for the bill for the Constitutional Reform Act 2005 (and Commons Hansard 17.01.05, David Lammy at col 650) and the programme orders of 05.11.13 and 06.11.13 for the bill for the Gambling (Licensing and Advertising) Act 2014.

18.And, if a programme motion is tabled but not moved, the effect is that the bill is not committed after Second Reading. There have been two instances of that happening - motion tabled for the House of Lords Reform Bill (see Order Paper 10.07.12) and motion tabled for the Finance (No. 2) Bill which became the Finance Act 2017 (see Order Paper 18.04.17).

2.8 Sometimes, it will provide for the bill to be committed to a committee of the whole House.

2.9 Sometimes it will provide for it to be committed to a mixture of public bill committee and committee of the whole House (“split committal”).¹⁹

2.10 Bills can also be committed to other committees (for example, a select committee or a joint committee of Lords and Commons), though this is rare.²⁰

Provision for the allocation of time

Committee stage - bill committed to public bill committee

2.11 A programme motion will usually specify the date by which the bill is to emerge from its committee stage (often referred to as the “out date”).

2.12 Initial programme motions do not set a start date for public bill committees. SO No. 88(1) deals with the first meeting of a public bill committee.²¹

2.13 More detailed programming of the public bill committee stage - such as the setting of internal knives for committee stage - is usually left to the programming sub-committee (see Chapter 3). However, there is nothing to stop this being dealt with in the initial programme motion if that is what is wanted.

Committee stage - bill committed to committee of the whole House

2.14 The initial programme motion for a bill committed to a committee of the whole House may contain provision about the order of consideration and internal knives for committee stage.²²

Report and Third Reading

2.15 The initial programme motion is also likely to say –

- how many days will be allocated to the Report and Third Reading stages of the bill²³, and
- when each stage is to end.

19.Proceedings on Finance Bills are often split between committee of the whole House and public bill committee. Other examples of orders committing part of the bill to a committee of the whole House and the rest to a public bill committee include the Human Fertilisation and Embryology Bill (Programme) Order (12.05.08) and the Northern Ireland (Miscellaneous Provisions) Bill (Programme) Order (24.06.13). The Health and Social Care Bill (Programme) (No. 2) Order (21.06.11) re-committed part of the bill to public bill committee.

20.See, for example, the Armed Forces Bill (Programme) Order (15.10.15), which committed the bill to Select Committee and then re-committed it to a committee of the whole House.

21.SO No. 88(1) is about meetings of general committees. A public bill committee is a type of general committee - see SO No. 84.

22.For concerns which may be raised about changing the order of consideration, see paragraph 4.8. For more information about knives, see Chapter 7. For examples of programme motions committing a bill to committee of the whole House, see eg. the motions for the bills for the Recall of MPs Act 2015 (21.10.14), the Scotland Act 2016 (08.06.15), the Cities and Local Government Devolution Act 2016 (14.10.15), the Wales Act 2017 (14.06.16) and the European Union (Notification of Withdrawal) Act 2017 (01.02.17).

2.16 The standing orders do not require the initial programme motion to contain such provision, but it is usual to include it. In some cases this may be the only provision that is required for Report and Third Reading and, if so, its inclusion in the initial programme motion will save the need for a supplementary motion.

2.17 It is unusual for the initial motion to include knives for Report and Third Reading other than by reference to a fixed number of hours before the moment of interruption²⁴ or by reference to the moment of interruption itself.²⁵ Anything that is said at this stage is largely guesswork (except in the case of fast-track bills). So there is not usually much to be gained by diverging from the simplest formula which assumes that proceedings on the bill on the day of Report and Third Reading will start at a normal time. If that assumption proves to be incorrect, or if particular issues on the bill warrant a different or more detailed allocation of time, a supplementary programme motion can be tabled.

SO No. 83B - Programming Committees

2.18 SO No. 83B provides for a programming committee for –

- proceedings in committee of the whole House (if the bill is committed to such a committee), and
- proceedings on Report and Third Reading.

2.19 However, the initial programme order usually disapplies SO No. 83B.

2.20 The role of this committee in relation to the committee of the whole House would be broadly similar to that of the programming sub-committee in relation to a public bill committee (without the taking of oral or written evidence).²⁶

2.21 The main difference is that there is no fast-track procedure for a Minister of the Crown to propose a motion (contrast the procedure provided for in SO No. 83C(10) in relation to public bill committees – see paragraphs 3.31 to 3.33).

Later stages

2.22 Nothing sensible can usually be said in the initial programme motion about proceedings on later stages of a bill, such as Commons consideration of Lords amendments and further messages from the Lords. For example, when the initial motion for a Commons bill is tabled, it will not be known whether, and if so how heavily, the bill will be amended in the House of Lords.

2.23 However, it is usual to include a paragraph in the initial programme motion stating that any other proceedings on the bill may be programmed. Doing so draws members' attention to

23. Most initial programme motions provide for a single day. For examples of initial programme motions providing for 2 days, see the Care Bill [*Lords*] (Programme) Order (16.12.13), the Counter-Terrorism and Security Bill (Programme) Order (02.12.14) and the Investigatory Powers Bill (Programme) Order (15.03.16).

24. For details of the moment of interruption, see Chapter 7.

25. But not unknown – see eg. the Intellectual Property [*Lords*] Bill (Programme) Order (20.01.14), the Consumer Rights Bill (Programme) Order (28.01.14) and the Psychoactive Substances Bill [*Lords*] (Programme) Order (19.10.15) which allocated to Report and Third Reading a fixed number of hours beginning with the commencement of proceedings on Report. See also the European Union (Notification of Withdrawal) Bill (Programme) Order (01.02.17) which allocated a specified number of hours from the commencement of proceedings on the bill on a particular day.

26. For further information, see Chapter 3.

the fact that it will be possible to programme further proceedings.²⁷

Prohibition on excluding SO No. 84A(2)

2.24 SO No. 84A(2) provides that a public bill committee to which a bill is, or certain provisions of a bill are, committed by means of a programme order under SO No. 83A has the power to send for persons, papers and records.

2.25 SO No. 83A(3) provides that a programme motion may not disapply SO No. 84A(2).

Provision authorising a committee to sit twice on its first day

2.26 The initial programme motion usually includes provision permitting the public bill committee to sit twice on the first day.

2.27 Such provision is included because of the practical difficulty that arises from the general rule –

- that a public bill committee may only sit in the afternoon or evening as well as in the morning if a motion to that effect has been agreed by the committee, and
- that such a motion cannot be moved on the same day as it is proposed that there should be an afternoon or evening sitting unless oral notice of the intention to move it has been given on a previous day.²⁸

2.28 That difficulty is avoided if the House gives the committee the leave that it requires. The standard provision included in initial programme motions achieves this.

Provision authorising more than one stage to be taken on the same day

2.29 It is a rule of the House that a bill brought in on one or more Ways and Means resolutions may not go through more than one stage on the same day. SO No. 77(2) makes an exception to that rule: Report and Third Reading of such a bill may take place on the same day. The House can, and often does, waive the remainder of the restriction by order. A waiver can be included in a programme motion.²⁹

Prohibition on extraneous material

2.30 Programme motions must not contain extraneous material, ie. material which is not to do with programming.³⁰ The inclusion of such material prevents a motion from being a programme motion and from getting the benefit of SO Nos. 83A to 83I.

27.From the 2017-18 Session, the final paragraph does not mention particular proceedings. (Until the end of the 2016-17 Session, the final paragraph included words in brackets giving examples of proceedings that may be programmed and used different wording for bills starting in the Commons and bills starting in the Lords.)

28.Erskine May, p.866. It might also be argued that it is implicit in SO No. 88(1) that only a single sitting is possible on the first day.

29.Erskine May, pp.586 and 717-18. For an example, see the Stamp Duty Land Tax Bill (Programme) Order (10.12.14). See also Note 12 in Chapter 8.

30.This rule is derived from the principle that extraneous material should not be able to take the benefit of the special procedure provided for programme motions in standing orders.

2.31 The provisions described in the preceding paragraphs of this Chapter are not regarded as extraneous material. Examples of extraneous material include provision about the receiving of written evidence by a public bill committee (see Chapter 3) and provision that the House should not adjourn until a Reasons Committee has reported.

Variation of programme orders

2.32 A programme order may be varied or supplemented at any time by a further programme motion.

2.33 This may happen before Report and Third Reading and before later stages such as consideration of Lords amendments or messages from the Lords.

2.34 But it is also possible to vary or supplement a programme order at other times. For example, a programme order may be varied so as to change –

- the out date for public bill committee;³¹
- the time for the conclusion of proceedings in committee of the whole House;³²
- the time for the conclusion of proceedings on Report and Third Reading.³³

2.35 With one exception, notice must always be given of a motion to vary or supplement a programme motion, ie. the motion must be tabled before the day on which it is to be moved.³⁴ The exception is where the House is adjourned, or a sitting is suspended, before the expiry of the period at the end of which proceedings are to be brought to a conclusion under a programme order. In such a case, a Minister can move a motion to vary or supplement the programme order at the next sitting without notice.³⁵

Annotated examples of initial programme motions

2.36 Appendices 1 to 3 contain examples of initial programme motions. Drafting notes on the examples are in Chapter 8 and are essential reading.

2.37 Motions committing bills to public bill committees are usually in the standard form set out in Appendix 1.

2.38 There is more variation in motions committing bills to a committee of the whole House. An example of this kind of motion is at Appendix 2.

2.39 An example of a motion providing for split committal is at Appendix 3.

31. See, for example, the Children and Families Bill (Programme) (No.2) Order (15.04.13), the Welfare Reform and Work Bill (Programme) (No.2) Order (13.10.15) and the Digital Economy Bill (Programme) (No. 2) Order (18.10.16).

32. See, for example, the Wales Bill (Programme) (No. 2) Order (01.05.14).

33. See, for example, the Pension Schemes Bill (Programme) (No. 3) Order (29.03.17). Proceedings on Report on 22.03.17 were interrupted when the House was suspended. When they were resumed on 29.03.17, the timetable for Report and Third Reading was varied.

34. Erskine May, p.393. See further paragraphs 5.7 to 5.9 and 6.22.

35. See SO No. 83I(7).

CHAPTER 3 PROCEEDINGS IN PUBLIC BILL COMMITTEE

Introduction

3.1 An initial programme motion is moved immediately after the Second Reading of a bill. The bill is committed to a committee in accordance with the terms of the programme order.

3.2 That order will usually provide for the bill to be committed to a public bill committee.

3.3 If it does so, SO No. 83C provides that the order is referred to the public bill committee and is to be considered by a programming sub-committee.³⁶

3.4 After discussion between the usual channels, OPC draft the programming sub-committee resolution which deals with the taking of oral evidence (if any) and the consideration of the bill by the committee. This needs to be done before the first meeting of the programming sub-committee (see paragraph 3.13 onwards).

3.5 It may be necessary to draft and table a “spoof” order of consideration motion (see paragraph 3.58 onwards). If one is needed, it is usually tabled at least a few days before the public bill committee first meets.

3.6 Motions in standard form as regards written evidence and, where relevant, the taking of oral evidence also need to be tabled (see paragraphs 3.11 and 3.23). This needs to be done on a sitting day before the first meeting of the public bill committee.

3.7 Note that motions relating to proceedings on bills committed to a public bill committee get the benefit of SO No. 12(3)(b) and therefore can be tabled on a non-sitting Friday. But such motions do not get the benefit of SO No. 64 and therefore cannot be tabled while the House is in recess (unlike amendments, new Clauses and new Schedules).

Oral and written evidence

3.8 Where a bill is committed to a public bill committee by means of a programme order under SO No. 83A, the committee has the power to send for persons, papers and records (see SO No. 84A(2)).

3.9 As regards the hearing of oral evidence –

- A public bill committee given the power under SO No. 84A(2) or SO No. 63(2)(b) (committal of bills not subject to a programme order) to send for persons, papers and records may hear oral evidence at such meetings as the committee may appoint (see SO No. 84A(3)).
- It will not always do so. For example, a public bill committee on a bill starting in the Lords does not normally hear oral evidence³⁷ and it may be agreed that a public bill committee on a bill that has been subject to pre-legislative scrutiny does not need to hear oral evidence.³⁸

36.Consideration by the sub-committee is, in theory, subject to SO No. 83C(10) (the power of a Minister of the Crown to propose any motion in the public bill committee which could have been the subject of a resolution of the programming sub-committee: see below). In practice, there is usually a programming sub-committee.

37.See the resolution of the House agreed to on 1 November 2006, Commons Hansard col. 304.

38.See eg. the order of the public bill committee on the bill for the Defamation Act 2013 (19.06.12).

- If oral evidence is to be heard then, unless the committee otherwise orders, the oral evidence is to be given in public. The oral evidence is to be printed in the official report of the committee’s debates (see SO No. 84A(3)).

(See further in paragraphs 3.21 to 3.24.)

3.10 As regards written evidence –

- A public bill committee on a bill subject to a programme order may receive written evidence, whether or not there are oral evidence-taking sessions.
- A public bill committee has power to report written evidence to the House as if it were a select committee (see SO No. 84A(3)).

3.11 The receiving of written evidence by public bill committees is not considered to have anything to do with programming, because SO No. 84A(3) does not provide for written evidence (unlike oral evidence) to be given at appointed times. So provision for it is not to be made in the programme motion or a programming sub-committee resolution but in a separate motion, which is usually in the following form –

“That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.”

3.12 The chair might decide not to report evidence, for example, if it is irrelevant or might be held to be an abuse of parliamentary privilege.

Programming sub-committee and PSC resolutions

Members

3.13 The programming sub-committee consists of the chair (or one of the chairs) of the public bill committee and 7 members of that committee. The quorum is 4.³⁹

Main role of the PSC

3.14 The main role of the programming sub-committee is to decide –

- the number of sittings to be allotted to the bill,
- in the case of a bill where oral evidence is expected to be taken –
 - ∇ the number of those sittings which are to be allotted to the taking of oral evidence,
 - ∇ who is to give oral evidence and at which sittings, and
 - ∇ the time to be allotted to each witness,
- the start times of the sittings,⁴⁰
- the order in which the provisions of the bill are to be considered,
- any internal knives, and
- the timing of the final knife to conclude proceedings in committee.

39.SO No. 83C(3) and (4).

40.The programming sub-committee resolution does not usually include provision about when sittings are to end, except for the last sitting. See also Note 20 in Chapter 8.

Order of consideration

3.15 The default order of consideration in committee is: clauses, new clauses, Schedules, new Schedules, preamble (if any), title (if it needs to be amended).⁴¹

3.16 The programming sub-committee can (and often does) alter the order in which the bill is considered. For example, resolutions often provide for each Schedule to be considered immediately after the clause that introduces it.⁴²

Proceedings etc of programming sub-committee

3.17 In order to do its job, the programming sub-committee must meet before the first sitting of the public bill committee. It will do so on a day and at a time of the chair's choosing. Proceedings in the programming sub-committee must be concluded not later than two hours after their commencement.⁴³ The chair can choose when to hold subsequent meetings and will do so as and when the occasion requires.⁴⁴

3.18 The programming sub-committee proceeds as a select committee.⁴⁵ One consequence of this is that it meets in private and so departmental officials cannot attend. Another consequence is that (unlike public bill committees) its proceedings do not have to be suspended for a division in the House although, in practice, they are still likely to be suspended.

3.19 Any resolution of the programming sub-committee is reported to the public bill committee and a motion in the terms of the resolution is put before the public bill committee. The motion cannot be debated for more than half an hour.⁴⁶

3.20 Once made, the provisions of the motion have effect as if included in the programme order for the bill. That is subject to the proviso that the chair may allow a sitting at which oral evidence is heard to continue for up to a quarter of an hour beyond the time provided for in the resolution.⁴⁷

Programming - oral evidence

3.21 Where the public bill committee wishes to exercise its power to take oral evidence, the PSC resolution needs to include provision allocating one or more sessions to the taking of oral evidence.

41. Erskine May, p.570. Note that new clauses and new Schedules will be taken in the order in which they were handed in, except that those tabled by the member in charge of the bill take precedence over the rest. Similarly, amendments that relate to the same point in the bill will be taken in the order in which they are handed in, except that priority is given to any amendment tabled by the member in charge (see Erskine May, p.573).

42. If a resolution refers to a Part or Chapter of the bill, that includes both the clauses contained in the Part or Chapter and the Schedules that they introduce.

43. SO No. 83C(6).

44. Note that (a) the chair does not have power to do so in the rare cases where the programming sub-committee has already arranged its next meeting itself; (b) the proviso to SO No. 88(1) does not apply to a programming sub-committee (because it does not proceed as a general committee) and therefore a programming sub-committee can meet straight after a morning sitting of the public bill committee.

45. Erskine May, p.873.

46. SO No. 83C(9).

47. SO No. 83C(11). Note that the extra quarter of an hour is only available at the end of a sitting and is therefore only of assistance if the chair wishes to extend the questioning of the final witness or panel of witnesses.

3.22 If that power is not to be exercised, the PSC resolution can be silent about oral evidence.

3.23 Where oral evidence is to be heard, a separate standard form motion is usually tabled (in addition to any programme motions) –

“That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.”

3.24 This enables the committee to discuss things like the allocation of questions in private.

Modifying PSC resolutions

3.25 The public bill committee has the power to modify the initial resolution of the programming sub-committee by amending the motion which is put before it.⁴⁸ But it is rare for a public bill committee to do this and the motion is usually agreed at the start of proceedings in the public bill committee.

Modifying public bill committee programme once agreed

3.26 It is much more common for the public bill committee to want to amend a programme that it has already adopted. It can only do so by amending the programme order. There are two ways to do this.

First way: programming sub-committee passes another resolution

3.27 The first way is for the programming sub-committee to pass another resolution. This resolution is then incorporated into a motion which is put before the public bill committee. The public bill committee then agrees the motion (with or without modifications).

3.28 This process can be a little cumbersome, particularly if the public bill committee decides during a sitting to alter the programme for that sitting (for example, to give more time for an important debate).

3.29 In that case, the chair of the public bill committee has to suspend the sitting and, as chair of the programming sub-committee, convene a meeting of the sub-committee.

3.30 The programming sub-committee can then pass the appropriate resolution which is incorporated into a motion which is put before the public bill committee. The public bill committee then reconvenes and can agree to the motion (with or without modifications). But it must first dispose of any question that was before it when the sitting was suspended or adjourn the debate on that question.⁴⁹

48. Here are some examples. (1) Amendment to remove a reference to a witness who was unable to attend – see bill for the Childcare Payments Act 2014 (14.10.14) and bill for the Technical and Further Education Act 2017 (22.11.16). In the first case, the amendment was tabled by the government Whip and moved by the Minister. In the second case, the amendment was moved by the government Whip. SO No.83C(10) did not apply (see paragraph 3.31): it does not apply where the motion before the committee is in terms agreed to by the programming sub-committee, even if amendments are proposed. (2) Amendment to alter the time for a group of witnesses to give oral evidence – see bill for the Education and Adoption Act 2016 (30.06.15). The manuscript amendment was moved by the Minister.

49. See, for example, proceedings in standing committee on the bill for the Traffic Management Act 2004 (05.02.04).

Second way: Minister of the Crown proposes a motion

3.31 A second way of modifying the programme is to be found in SO No. 83C(10). This enables a Minister of the Crown to propose any motion in the public bill committee which could have been the subject of a resolution of the programming sub-committee. The motion is treated for the purposes of SO No. 83C as if it were a motion in the terms of a resolution of the programming sub-committee, with one important modification: proceedings on the motion lapse if any member of the public bill committee objects to it.

3.32 SO No. 83C(10) therefore enables the programme to be altered quickly, but only if everyone is agreed on the way forward.

3.33 If there is time to give notice of the SO No. 83C(10) motion it is probably advisable to do so (and the motion is usually tabled by OPC). But this may not always be possible, for example, where a desire to change the programme arises during the course of a sitting.⁵⁰

Impermissible alternative

3.34 A motion to adjourn to a later date than that previously determined cannot be used to amend the sitting days and times of the public bill committee. This kind of motion would be possible in the case of bills that are not programmed⁵¹ but it is not possible in the case of bills that are programmed. One of the two ways outlined above must therefore be used instead.

Suspending sittings

3.35 The chair of a public bill committee has power to suspend the committee informally, provided that the suspension is not of unreasonable length. It may sometimes be appropriate to invite the chair to exercise that power, rather than proposing an amendment of the programme order.

Adding sittings

3.36 Adding to the agreed number of sittings will involve varying the programme order. The variation must be agreed to by the committee before the day of the additional sitting.⁵²

3.37 It is worth noting that where a sitting is informally suspended by the chair, that does not involve adding to the number of sittings. Rather, the sitting continues and can be resumed later in the day. For example if, having previously agreed that the committee will adjourn at 7.30 pm, the usual channels agree that the committee will meet again after a dinner break at 8.30 pm and sit until 10.30 pm, that does not require a variation of the programme order. It is simply a longer than anticipated afternoon sitting.

50.Examples of motions under SO No. 83C(10) include the motions moved in relation to the bills for the Health and Social Care Act 2012 (08.03.11, where no notice was given), the Pensions Act 2011 (14.07.11, where notice was given), the Housing and Planning Act 2016 (19.11.15, changing order of consideration, where notice was given), the Energy Act 2016 (28.01.16, removing the sitting that afternoon, where no notice was given), the Policing and Crime Act 2017 (24.03.16, removing the sitting that afternoon, where it appears that no notice was given), the Investigatory Powers Act 2016 (12.04.16, changing sitting times, where notice was given) and the Higher Education and Research Act 2017 (08.09.16, adding a witness, where notice was given).

51.See Erskine May pp.864-5.

52.This is an aspect of the rule that also prevents a public bill committee sitting twice on the first day – see paragraphs 2.26 to 2.28.

Alternative drafting approaches when modifying resolutions and orders

3.38 There are two main approaches to modifying resolutions and orders –

- a stand-alone motion that replaces the original resolution or order in its entirety (ie. that repeats any provision that is still needed);⁵³
- a motion that amends the original resolution or order.⁵⁴

3.39 Occasionally a different approach has been used.⁵⁵

Additional powers of the programming sub-committee

3.40 A programming sub-committee can make –

- proposals about the date by which the bill is to be reported to the House of Commons,⁵⁶ and
- recommendations about the programming of the Report and Third Reading stages of the bill.⁵⁷

3.41 It does this in the form of a resolution of the sub-committee which is reported to the public bill committee (see the example in Appendix 7). An identical resolution is then tabled before the public bill committee and, if the public bill committee passes it, the resolution is reported to the House as a resolution of the public bill committee. A supplemental programme motion has to be tabled in response to the committee’s proposal (as explained further below).⁵⁸

Proposals altering “out date” - procedure

3.42 Where a resolution of the public bill committee is reported to the House under SO No. 83C(12) proposing an alteration to the date by which the bill is to be reported to the House, a supplementary programme motion must be set down before the House for a day not later

53. An example is the motion agreed by the public bill committee on 09.05.06 in relation to the bill for the Education and Inspections Act 2006, which dealt with remaining proceedings on the bill.

54. See eg. the motions agreed in relation to the bills for the Pensions Act 2004 (22.04.04) (substituted Table), the Children and Families Act 2014 (18.04.13), the Welfare Reform and Work Act 2016 (13.10.15) and the Digital Economy Act 2017 (20.10.16) (changed “out date”), the Energy Act 2016 (28.01.16) and the Policing and Crime Act 2017 (24.03.16) (left out sitting), the Trade Union Act 2016 (15.10.15) and the Higher Education and Research Act 2017 (08.09.16) (added witness) and the Housing and Planning Act 2016 (19.11.15) (changed order of consideration).

55. For example, in the case of the bill for the Companies Act 2006. The first PSC resolution for that Bill (20.06.06) was in the usual form and the order of consideration was long and complex. Subsequently it was decided that there should be a different “out date” and two extra sitting days. The clerk suggested passing a stand-alone second PSC resolution making provision only for the timing of future sittings and the final knife and saying nothing about the order of consideration. The second PSC resolution (06.07.06) adopted this approach. (On the previous day the programme order for the bill had been amended to provide for the new “out date” from committee.) When the motion in the terms of the second PSC resolution was agreed to by the committee, the clerk “consolidated” the first and second Orders of the standing committee.

56. SO No. 83C(5)(d).

57. SO No. 83C(5)(e).

58. SO No. 83C(13) and (14).

than the fifth sitting day after the day when the report was made—

- giving effect to the public bill committee's recommendations,
- otherwise altering or supplementing the provisions of the original programme of the bill, or
- confirming the date set in the original programme order for the bill.⁵⁹

3.43 If the motion gives effect to the committee's recommendations, and does not reduce the amount of time already allocated to the proceedings, it is taken forthwith. Otherwise, it can be debated for not more than three-quarters of an hour.⁶⁰

Proposals altering "out date" - further comments

3.44 Proposals to change the date by which a bill is to be reported to the House of Commons occur from time to time.

3.45 Some interesting timing issues have arisen.

3.46 For example, in the case of the bill for the Identity Cards Act 2006—

- the programming sub-committee agreed its resolution proposing a change of out date on Thursday 7 July 2005;
- a motion of the House implementing the proposal was tabled on Monday 11 July (before the standing committee met);
- the standing committee met on the morning of Tuesday 12 July and accepted the PSC resolution and, later the same day, the House agreed the motion implementing the proposal.

3.47 One interesting feature of this case was that the programming sub-committee resolution also specified sitting times for the additional day that was being proposed and set knives for all the remaining days (including the additional day) on the assumption that the proposal about the additional day would be implemented. And one of these knives fell before the House agreed the motion implementing the proposal for the additional day. Presumably, if the House had not agreed the motion, it might have been necessary to have another PSC resolution revising the remaining knives once again.

3.48 While the above commentary concentrates on a proposal emanating from the programming sub-committee or the public bill committee to alter the out date from committee, there is of course also the possibility that the government may decide that it wishes to change the out date and table a supplementary programme motion to achieve that.

3.49 If such a motion is passed and the programming sub-committee subsequently passes a resolution proposing the same change to the out date, the public bill committee's resolution will not fall within SO No. 83C(12)(a) and so does not need to be reported to the House.⁶¹

Recommendations about programming of Report and Third Reading - procedure

3.50 In the case of a resolution of the public bill committee making a recommendation about the programming of the bill on Report and Third Reading, a supplementary programme

⁵⁹SO No. 83C(13).

⁶⁰SO No. 83A(7), (8), (10) and (12). See also paragraphs 7.3 to 7.10.

motion must be set down before the Consideration of the bill on Report—

- giving effect to the public bill committee’s recommendations,
- otherwise altering or supplementing the provisions of the original programme of the bill, or
- confirming the original programme order for the bill.⁶²

3.51 If the motion gives effect to the committee’s recommendations, it is taken forthwith, unless it reduces the amount of time already allocated to the proceedings, in which case it can be debated for not more than three-quarters of an hour.⁶³

3.52 If the motion makes further provision for proceedings on Report and Third Reading otherwise than in accordance with the committee’s recommendations, it can be debated for not more than three-quarters of an hour.⁶⁴ This includes the case where the motion simply confirms the original programme order for the bill.

Recommendations about programming of Report and Third Reading - further comments

3.53 Recommendations about the programming of a bill on Report and Third Reading are not common.⁶⁵

3.54 They are usually confined to the overall time allocated to proceedings. But they can propose changes to the order of consideration and internal knives for Report stage.⁶⁶

3.55 The procedure for making recommendations about the programming of a bill on Report and Third Reading has its limitations. In particular, it is difficult to propose detailed knives when the bill has not yet been reported from the public bill committee and reprinted. Further clauses or Schedules might still be added to the bill.

3.56 In addition, no amendments will have been tabled for the Report stage and so it is difficult to know how much time to allow for debate without knowing what members are interested in debating.

Use of Minister’s power under SO No. 83C(10)

3.57 The power of a Minister of the Crown to make a motion in a public bill committee

61. Here are some examples. (1) In connection with the bill for Commissioners of Revenue and Customs Act 2005, the House agreed to extend the date by which the bill was to be reported to the House of Commons on Monday 10 January, which was the same day as the programming sub-committee met. The standing committee did not agree the PSC resolution containing the proposal to change the out date until Tuesday 11 January when it was reported to the House. No motion was subsequently set down before the House: it would simply have done what had already been done. (2) The “out date” for public bill committee on the Welfare Reform and Work Act 2016 was changed from 15 October to 20 October by the Welfare Reform and Work Bill (Programme) (No.2) Order (13.10.15) and there was a subsequent motion in the Public Bill Committee (15.10.15). (3) The “out date” for public bill committee on the Digital Economy Act 2017 was changed from 27 October to 1 November by the Digital Economy Bill (Programme) (No.2) Order (18.10.16) and there was a subsequent motion in Public Bill Committee (20.10.16).

62. SO No. 83C(14).

63. SO No. 83A(7), (9), (10) and (12). See also paragraphs 7.3 to 7.10.

64. SO No. 83A(7), (9) and (12). See also paragraphs 7.3 to 7.10.

65. Two examples are the resolutions which resulted in supplementary programme motions on the bills for the Police Reform Act 2002 (09.07.02) and the Age-Related Payments Act 2004 (08.06.04).

66. See, for example, the resolution of Standing Committee E on the bill for the Communications Act 2003, as reported to the House on 06.02.03.

which could have been the subject of a resolution of the programming sub-committee enables the public bill committee (if no-one objects) to decide, without the need for a prior meeting of the programming sub-committee, on a proposal about the date by which the bill is to be reported to the House or a recommendation about the programming of the Report and Third Reading stages of the bill. The power has not so far been used in this way.

“Spoof” order of consideration motions

3.58 A resolution of a programming sub-committee will usually deal with the order of consideration of the clauses and Schedules in the bill. But the programming sub-committee does not usually meet until a day or so before the public bill committee.

3.59 It may be helpful for a “spoof” order of consideration motion to be tabled before the first meeting of the public bill committee. After it has been tabled, notice of the “spoof” motion appears on the amendment paper.

3.60 The motion serves a number of purposes:

- It alerts members of the public bill committee to the proposed order in which the clauses and Schedules of the bill are to be considered and so enables them to table amendments at the right time.⁶⁷
- It authorises the Commons Public Bill Office to marshal any amendments which have been tabled in the order in which it is expected that the proceedings will take place.
- It acts as a fall-back for the Minister in the unlikely event that the programming sub-committee is unable to agree a resolution.

3.61 The motion is in the following form:

KNOW-HOW BILL COMMITTEE

[Name of Minister taking bill through committee]

To move, That the Bill be considered in the following order, namely, Clauses 1 to 5, Schedule 1, Clauses 6 to 16, Schedule 2, Clause 17, Schedule 3, Clauses 18 to 33, new Clauses, new Schedules, remaining proceedings on the Bill.

3.62 The motion does not usually need to be moved, because by the time the proceedings begin it will usually have been superseded by the resolution of the programming sub-committee.

3.63 If the programming sub-committee agrees a resolution before the day of the first meeting of the public bill committee, the “spoof” motion can be withdrawn.⁶⁸

67.It will be useful particularly where (a) it is proposed to alter the order of consideration, and (b) a programme motion in terms of the PSC resolution will not appear on the amendment paper in good time before the deadline for tabling amendments for the first sitting involving line-by-line consideration of the bill. That is likely to be a concern for bills on which there is to be no oral evidence-taking or just one day of oral evidence-taking.

68.It is helpful to remind the committee clerk to remove the “spoof” motion from the amendment paper.

Motions to change sitting times

Where sittings are affected by SO No. 9(1)

3.64 Under the proviso to SO No. 9(1), if the House returns from a recess on a Tuesday or Wednesday, it follows Monday sitting times. That means that a public bill committee sitting on that day will be barred from sitting between 1pm and 3.30pm.⁶⁹ This may require a consequential change to the programme order if the recess had not been announced at the time the motion for the order was drafted.

Where sittings are, or may be, affected by a Sittings of the House motion

3.65 From time to time a Sittings of the House motion may be moved to treat a day (say, a Tuesday) as if it were a different day (say, a Thursday). The purpose of such a motion is to change the time at which the House meets and the moment of interruption.⁷⁰ The House may want to do that, in particular, in relation to the last sitting day before a recess, in order to enable members to get through the parliamentary business and leave early.

3.66 If a public bill committee is to sit on the day in question, it may be necessary or desirable for the committee to adjust the times at which it is to sit on that day. In particular, the rules in SO No. 88 about when public bill committees cannot sit (which are different on different days) may mean that the committee's sitting would otherwise be cut short.⁷¹

3.67 If the Sittings of the House motion is not agreed to before the motion for the public bill committee needs to be tabled, the latter may need to be drafted so that it is contingent on the passing of the former.⁷²

Annotated examples of PSC resolutions

3.68 Appendices 4 to 6 contain examples of initial PSC resolutions –

- oral evidence, no internal knives (Appendix 4);
- no oral evidence or internal knives (Appendix 5);
- no oral evidence, with internal knives (Appendix 6).

3.69 Appendix 7 contains an example of a PSC resolution recommending variation of the original programme order.

3.70 Drafting notes on the examples are in Chapter 8 and are essential reading.

69. The times at which public bill committees may not sit are set out in Note 18 in Chapter 8. See for example the order of the public bill committee on the Prisons and Courts Bill (28.03.17), which provided for the committee to sit on Tuesday 18 April at 4.30pm and 7.30pm. Tuesday 18 April was the Commons first day back after its Easter break.

70. For details of the moment of interruption, see Chapter 7.

71. The times are set out in Note 18 in Chapter 8. For an example, see the order of the House (05.07.12) "That, on Tuesday 17 July, the House shall meet at 11.30am and references to specific times in the standing orders of this House shall apply as if that day were a Wednesday" and the order of the public bill committee on the Enterprise and Regulatory Reform Bill (10.07.12) altering the times at which it was to sit on 17 July and the final knife on that day.

72. See eg. the motion agreed by the public bill committee on the Legal Aid, Sentencing and Punishment of Offenders Bill (14.07.11): "That if, on Tuesday 19 July, references to specific times in the Standing Orders of this House apply as if that day were a Wednesday, paragraph (1)(c) of the Order of the Committee of 12 July shall be amended by leaving out '10.30 am and 4.00 pm' and inserting '9.00 am and 1.30 pm'." (At the time, general committees could not normally sit between 1 pm and 3.30 pm on Tuesdays or between 11.25 am and 1.30 pm on Wednesdays.)

CHAPTER 4 OTHER PROCEEDINGS ON A BILL

Report and Third Reading

4.1 The initial programme motion will usually have specified the number of days available for Report and Third Reading and the times at which proceedings on Report and on Third Reading must be concluded.

4.2 Sometimes, this will be all that is needed (and, accordingly, no supplementary motion will be needed).

4.3 But if further provision is needed, it will be necessary to have a supplementary programme motion, which will usually be debatable for three-quarters of an hour (see paragraphs 7.3 to 7.10).

4.4 If a supplementary programme motion is debatable, amendments to the motion (including manuscript amendments) are possible, subject to the Speaker's power of selection.⁷³ But the government cannot table amendments to its own motion.

Changes to order of consideration

4.5 The default order of consideration on Report is: new clauses, amendments to clauses, new Schedules, amendments to Schedules.⁷⁴

4.6 Sometimes, the only additional provision that is needed will be an alteration to the order in which proceedings are taken on Report. In these circumstances –

- a separate order of consideration motion can be tabled, or
- it may be possible to use a supplementary programme motion.⁷⁵

4.7 The case for changing the normal order of consideration on Report may not be as strong as in committee, particularly if everything is being debated on the same day. But the order may be changed eg. to bring forward matters for debate.

4.8 If contemplating changing the order of consideration, it is worth noting that the Commons Public Bill Office may raise concerns about –

- (a) provision about the order of consideration which will require intricate last minute marshalling of amendments (with the risk that mistakes may be made), and
- (b) provision about the order of consideration in a form which appears to pre-empt decisions of the Speaker on grouping and selection, eg. provision referring to numbered amendments, new clauses or new Schedules.

73. See eg. the debate on the following – Serious Organised Crime and Police Bill (Programme) (No.2) (03.02.05) (amendment withdrawn); Constitutional Reform and Governance Bill (Programme) (No.2) (03.11.09) (amendment not selected); Crime and Courts Bill (Programme) (No.2) (13.03.13) (amendment withdrawn); Crime and Courts Bill (Programme) (No.3) (18.03.13) (amendment negated on division); Financial Services (Banking Reform) Bill (Programme) (No.2) (08.07.13) (manuscript amendment agreed to).

74. Erskine May, p. 589. Note that new clauses and new Schedules will be taken in the order in which they were handed in, except that those tabled by the member in charge of the bill take precedence over the rest. (see Erskine May, pp.590-91).

75. See paragraphs 7.11 to 7.14.

Other provision

4.9 A supplementary programme motion may be needed if the days or times originally specified for Report and Third Reading need to be altered or if more detailed knives need to be allocated to proceedings on Report.

4.10 A bill to be carried over must not fall foul of the requirement under SO No. 80A that proceedings on the bill in the Commons are not completed before the end of the Session in which it is introduced. As a result –

- if the bill is to have two or more days on Report, they may be scheduled to take place in different Sessions;⁷⁶
- it may be necessary to provide for Report and Third Reading to take place on different days, so that the bill can have its Report stage in the Session in which it was introduced and Third Reading in the subsequent Session.⁷⁷

Programming committees

4.11 The initial programme order usually disapplies SO No. 83B (see paragraphs [2.18](#) to [2.21](#)).

Ping pong

4.12 The initial programme motion usually envisages that other proceedings on the bill might be programmed.

4.13 Most commonly, these will be proceedings on Commons consideration of Lords amendments or on other messages from the Lords. But there may occasionally be other sorts of proceedings, such as proceedings on re-committal of a bill.⁷⁸

4.14 The usual channels will decide nearer the time of any such proceedings whether they need to be programmed.

4.15 As for other motions varying or supplementing a programme motion, notice is required for any programme motion dealing with these proceedings.⁷⁹

4.16 Time is often short in connection with proceedings on Commons consideration of Lords amendments or on other messages from the Lords. It is therefore sometimes necessary to table a programme motion dealing with such proceedings before the Lords Message has arrived detailing the amendments to be considered.

4.17 A motion dealing with ping pong is usually not debatable (for further information, see paragraphs [7.3](#) to [7.10](#)).

76. See eg. proceedings on the Financial Services Bill (first day of Report on 23.04.12, second day of Report, following reintroduction, on 10.05.12); proceedings on the Criminal Justice and Courts Bill (first day of Report on 12.05.14; second day of Report, following reintroduction, on 17.06.14); proceedings on the Policing and Crime Bill (first day of report on 26.04.16; second day of Report, following reintroduction, on 13.06.16).

77. See eg. the programme order of 25.04.12 for the bill for the Civil Aviation Act 2012 and Notes 28 and 29 in Chapter 8.

78. On recommitment, see paragraph [7.15](#) onwards.

79. Erskine May, p.393. See further paragraphs [5.7](#) to [5.9](#).

Annotated examples of supplementary motions

4.18 Appendices 8 to 11 contain examples of supplementary programme motions. Drafting notes on the examples are in Chapter 8 and are essential reading.

4.19 Appendices 8 and 9 are for Report and Third Reading.

4.20 Appendices 10 and 11 are for ping pong. Appendix 10 is for a bill that started in the Commons and Appendix 11 is for a bill that started in the Lords.

CHAPTER 5 LOGISTICS OF PRODUCING DRAFT MOTIONS/RESOLUTIONS

Draft programme motions

- 5.1 It is OPC's responsibility to draft programme motions.
- 5.2 The key players in the process are the Whips, the Commons Public Bill Office and the government department concerned.
- 5.3 The first draft of a programme motion is produced by OPC on instructions from the Whips. A reasonably early chat with them is advisable.
- 5.4 Once a first draft has been produced, it should be circulated to the Whips, the Commons Public Bill Office and the department. It may then need to be revised.
- 5.5 The Whips are responsible for tabling the motion. If the programme motion is drafted in FrameMaker, email the Whips both a pdf version and a version saved with the .rtf suffix.
- 5.6 Notice of the initial programme motion must be given before the day of Second Reading of the bill.⁸⁰
- 5.7 Notice must be given of motions varying or supplementing the initial programme motion (except as provided by SO No. 83I(7)).⁸¹
- 5.8 Notice of a programme motion will not be accepted while the House is not sitting. SO No. 64 (amendments etc. during recess) does not extend to such motions. So –
- at the beginning of a Session, a programme motion cannot appear on the Order Paper until the day after the first sitting day;
 - during a Session, a programme motion that is needed for proceedings on the first day back after a recess must be tabled before the House adjourns for the recess.
- 5.9 Programme motions cannot be tabled on a non-sitting Friday, except where they relate to a bill in public bill committee (SO No. 12(3)).

Draft programming sub-committee resolutions

- 5.10 It is OPC's responsibility to draft the initial programming sub-committee resolution.
- 5.11 OPC might also expect to be involved in the drafting of any resolutions varying or supplementing the initial resolution. But this will not always be possible if, for example, a new resolution is required urgently during the course of a sitting of a public bill committee when OPC are not in attendance. In these circumstances, the committee clerk will draft the appropriate resolution.
- 5.12 OPC will usually be instructed by the Whips on the initial programming sub-committee resolution but the department may deal with some matters of detail, such as the order of consideration.
- 5.13 Once a first draft has been produced, it should be circulated to the Whips, the Commons

⁸⁰.See paragraph 2.3.

⁸¹.As regards the exception under SO No. 83I(7), see paragraph 6.22.

Public Bill Office and the department. It may then need to be revised.

5.14 Once it has been agreed, the final version of the resolution should be emailed to the committee clerk (with the Whips and Department copied in). The text should be sent in Word or in the .rtf format.

5.15 The committee clerk is responsible for distributing the draft resolution at the meeting of the programming sub-committee.

Attendance at programming sub-committees

5.16 OPC sometimes attends the first meeting of the programming sub-committee.

5.17 The purpose of attending is to assist the clerk in redrafting the resolution if the programming sub-committee decides to amend it.

5.18 In a simple case where no opposition is expected to the proposed resolution, it may not be necessary for OPC to attend. In more complicated cases, it may be very important for OPC to be there. It is sensible to check whether the committee clerk would like OPC to be present.

Draft programming committee resolutions

5.19 The logistics of producing a resolution of a programming committee are likely to be similar to those for producing a resolution of a programming sub-committee.

5.20 However, since the initial programme order for a bill usually disapplies SO No. 83B, the logistics of producing a resolution of a programming committee are largely untested.⁸²

82. See paragraphs 2.18 to 2.21. The supplementary programme motion for the European Communities (Amendment) Bill agreed to on 11.07.01 was moved in accordance with a resolution of the Programming Committee (under Sessional Orders A to I on programming which were in force at that time).

CHAPTER 6 PROGRAMME MOTIONS AND STANDING ORDERS

General

6.1 The regime for programming bills is largely self-contained but it still needs to fit in with the other standing orders of the House.

6.2 A knowledge of these standing orders is therefore necessary for a full understanding of the way in which the regime works.

Standing orders that are disapplied

6.3 Some standing orders are disapplied by the regime for programming bills because they are simply inconsistent with that regime.

6.4 SO No. 83A(1) disapplies SO No. 63 which would otherwise govern the committal of bills.⁸³

6.5 SO No. 83A(14) provides that SO No. 83 (debate on motion for allocation of time to bill limited to 3 hours) does not apply to programme motions.

6.6 SO No. 83A(15) provides that SO No. 82 (Business Committee) and SO No. 120 (Business sub-committees) do not apply if a programme order applies to a bill.⁸⁴

Standing orders that are adapted

6.7 Some standing orders are adapted so that they can also benefit programme motions.

6.8 Proceedings on a programme motion are made exempted business and so can commence or continue after the moment of interruption (SO No. 83A(13)).⁸⁵

6.9 The standing orders determine the questions which will be put for decision at the point at which proceedings are to be brought to a conclusion.

6.10 In committee and on Report, the chair or the Speaker has the power to select amendments for separate decision (see SO Nos. 83D(2)(c) and 83E(2)(c)). The Speaker does not have a similar power on consideration of Lords amendments or subsequent stages (see SO Nos. 83F and 83G).

Effect of SO No. 83I

6.11 Proceedings in the House, and in committee of the whole House, on bills that are the subject of programme orders are protected in various ways under SO No. 83I (programme orders: supplementary provisions). It is important to note that these protections do not guard

83. See paragraph 2.6.

84. SO Nos. 82, 83 and 120 are the standing orders about allocation of time motions. They mirror aspects of the programming procedure.

85. A “programme motion” includes a motion to vary or supplement a programme order (SO No. 83A(5)). For an example of a supplementary programme motion taken after the moment of interruption, see the Marriage (Same Sex Couples) Bill (Programme) (No. 3) (16.07.13).

against every eventuality.

Certain programmed proceedings are exempted business

6.12 SO No. 83I(2) provides that proceedings in the House, or in committee of the whole House, which are subject to a programme order are “exempted” business “for any period after the moment of interruption allocated to them in accordance with the programme order”.

6.13 If proceedings take place on the same day as the House agrees to the programme order that allocates time to them and the programme order expressly allocates time “at today’s sitting”, then SO No. 83I(2) enables the proceedings to start or continue after the moment of interruption on that day.⁸⁶

6.14 If proceedings take place on a later day and the programme order expressly names that day and allocates time on that day, then SO No. 83I(2) enables the proceedings to start or continue after the moment of interruption on that day.⁸⁷

6.15 The position is different if proceedings take place on a later day and the programme order does not expressly name the day in question, as will often be the case with proceedings on a Lords Message following the initial consideration of Lords amendments. If the programme order simply sets a knife to fall a fixed number of hours after commencement of the proceedings, then it has been held that SO No. 83I(2) does not enable the proceedings to start after the moment of interruption. But, if the proceedings start before the moment of interruption, the programme order does enable them to continue after that time.

6.16 In circumstances in which SO No. 83I(2) does not apply, the House can still start or continue proceedings after the moment of interruption if it first agrees to a Business of the House motion (sometimes known as a “ten/seven/five o’clock motion”) permitting that. Such a motion usually says –

“That at this day’s sitting consideration of [say, Lords Amendments to the Know How Bill] may be proceeded with, though opposed, until any hour.”

Interruption of programmed proceedings

6.17 SO No. 83I(3) ensures that proceedings on bills that are the subject of programme orders cannot be interrupted under any standing order relating to the sittings of the House (for example, SO No. 9(3) which gives the moment of interruption for each sitting day).

6.18 SO No. 83I(4) makes provision about emergency debates.

Dilatory motions

6.19 SO No. 83I(6) ensures that only a Minister of the Crown can make a dilatory motion in relation to proceedings on bills that are the subject of programme orders.⁸⁸ And the question on any such motion is to be put forthwith. This cuts down the scope for delaying programmed proceedings.

86. Subject to the terms of the programme order, eg. the order may provide expressly for proceedings to conclude at the moment of interruption. For an example of proceedings on a programmed bill commencing after the moment of interruption, see Commons consideration of Lords amendments to the Marriage (Same Sex Couples) Bill (16.07.13).

87. Again, subject to the terms of the programme order.

88. Like the rest of SO No. 83I, the restrictions on dilatory motions do not apply to proceedings in public bill committee.

6.20 A dilatory motion is, loosely speaking, a motion which may be moved during a debate on a question and which is aimed at delaying proceedings on a bill. Typical examples are motions to adjourn the debate or to adjourn further consideration of the bill, eg. motions to adjourn the further consideration of Lords amendments to a bill and motions that the chair do report progress or do leave the chair.⁸⁹

6.21 The member concerned moves the motion as a distinct question which interrupts and supersedes the question already under consideration (as opposed to proceeding by way of amendment to the original question).

No notice required of further motion to vary etc programme order if sitting adjourned or suspended

6.22 SO No. 83I(7) makes provision about cases in which, at any sitting, the House is adjourned, or the sitting is suspended, before the end of the period at the end of which proceedings are to be brought to a conclusion under a programme order. It provides that no notice is required of a motion made at the next sitting by a Minister of the Crown for varying or supplementing the provisions of a programme order.

6.23 This does not prevent the disruption to the programming of bills caused by such events but it does enable a quick recovery from that disruption.

Private business

6.24 Private business may be set down to be taken on a day on which proceedings on a programmed bill are to take place.

6.25 If this happens, it can seriously compromise the timing of the knives for that day.

6.26 The Whips should know a little in advance whether any private business is to be taken on the day in question.

6.27 If this is the case, a variation of the programme order may be necessary.

89.SO No. 35(2).

CHAPTER 7 MISCELLANEOUS POINTS

Motions, orders and resolutions

7.1 A programme motion, when agreed to, becomes either a resolution or an order, depending on whether it has direct effect. Public bill committees and the House make programme orders. Programming sub-committees (of public bill committees) make resolutions.

Moment of interruption

7.2 Periods of time in programme motions are often described by reference to the “moment of interruption”. That is the moment when debate in the House is interrupted and after which opposed business cannot be taken, unless it is exempted business (see SO Nos. 9(3) to (6), 11(2)(b) and 15). That moment varies depending on the day. Currently (with effect from 15 October 2012) it is –

- 10.00 pm on Mondays,
- 7.00 pm on Tuesdays and Wednesdays,
- 5.00 pm on Thursdays, and
- 2.30 pm on Fridays (when government business is not normally taken).

Is the programme motion debatable?

7.3 It is always important to establish whether a proposed programme motion will be debatable and, if so, for how long.

7.4 SO Nos. 83A(7) to (12) deal with this and need to be read carefully.

The basics

7.5 Broadly speaking, a programme motion will be taken without debate unless it falls within one of four exceptions. The second exception, under SO No. 83A(8), is the one most frequently encountered in practice.

7.6 The exceptions are –

- SO No. 83A(8): where –
 - ∇ a public bill committee has reported a resolution under SO No. 83C(12) proposing an alteration of the date by which the bill is to be reported to the House,
 - ∇ a motion is tabled before the House under SO No. 83C(13), and
 - ∇ the motion does not give effect to the public bill committee's proposal.
- SO No. 83A(9): where the motion makes further provision for proceedings on Report or Third Reading otherwise than in accordance with a resolution of the public bill committee under SO No. 83C(14) (recommendations of public bill committee for Report and Third Reading).⁹⁰
- SO No. 83A(10): where the motion reduces the amount of time allocated under a programme order for any proceedings on the bill (whether or not it also increases

the amount of time allocated for other proceedings on the bill and whether or not the reduction has already been approved by the public bill committee).⁹¹

- SO No. 83A(11): where the motion relates to a resolution of a programming committee.

7.7 If a debate is necessary, it cannot last for more than three-quarters of an hour.

7.8 In practice the terms of a supplementary programme motion may discourage debate on the motion, eg. where it imposes knives that fall a number of hours after the commencement of proceedings on the motion.

Some details

7.9 A motion that reduces the amount of time allowed for a particular stage by the original programme order will be debatable because of SO No. 83A(10) even if it is in the same terms as the recommendation of the public bill committee (and therefore escapes SO No. 83A(8) or (9)).

7.10 A supplementary programme motion that imposes an internal knife is normally debatable under SO No. 83A(10) (motion reducing the amount of time allocated under a programme order for any proceedings on a bill), even if it does not reduce the amount of time allowed for a particular stage.⁹² It could only plausibly be regarded as not debatable if it was in accordance with a resolution of a public bill committee and it also significantly increased the amount of time allowed for debate. That would be judged by the clerks on a case-by-case basis.

Whether an order of consideration motion is a programme motion

7.11 Whether a motion is a programme motion will affect both the form of the motion and whether (and, if so, for how long) it can be debated. The time for debate on a programme motion is restricted. The time for debate, for example, on an order of consideration motion is not.

7.12 Normally, a programme motion must, for any stage for which it makes provision, at a minimum allocate time for that stage (normally an end-time).

7.13 A programming sub-committee resolution (or motion under SO No. 83C(10)) can contain only provision about the order of consideration, on the basis that it supplements the existing programme order agreed to by the House.⁹³

7.14 A supplementary programme motion for Report and Third Reading will often, in

90.This exception is not limited to the case where the programme motion is a mandatory motion under SO No. 83C(14) set down in response to a recommendation of a public bill committee but disagreeing with the recommendation. It extends to any motion making further provision for Report or Third Reading even where there has been no recommendation of a public bill committee. Such a motion is, after all, otherwise than in accordance with a recommendation of the public bill committee. It is worth noting that this wide construction significantly limits the scope of the third exception in SO No. 83A(10).

91.Note that SO No.83A(10) refers to a reduction of the amount of time allocated under a programme order. It does not cover a motion allocating time, rather than reducing the time previously allocated (such as most programme motions for proceedings on consideration of Lords amendments).

92.See, for example, the motions of 20.10.09 and 03.11.09 on the Constitutional Reform and Governance Bill, which both provided for proceedings in committee of the whole House to be completed in 4 days.

93.Note that SO No. 83C(5)(b) expressly contemplates that a programming sub-committee resolution may be made about the allocation of proceedings to each sitting.

practice, need to include provision other than provision about the order of consideration, eg. provision omitting paragraphs of the original programme order or imposing or adjusting knives.⁹⁴

Re-committal

7.15 A programme motion may be used to re-commit a bill and deal with the programming of the committee to which it is recommitted.⁹⁵

7.16 An alternative approach is to use two separate motions – a motion dealing with the re-committal and a programme motion dealing with the out date for the committee and other programming issues.

First approach

7.17 If the first approach is used, SO No. 83C (concerning programming sub-committees) and SO No. 84A (concerning the power of the committee to send for persons etc., and to hear oral evidence) apply to the proceedings. References in those standing orders to “committed” include “re-committed” and the bill would be re-committed by means of a programme order under SO No. 83A.⁹⁶

7.18 It may be desirable to provide for re-committal to the same public bill committee which considered the bill in the first instance. The committee would then have the same members and chairs, although they could be changed by a Committee of Selection. If the bill is simply re-committed to “a public bill committee”, a new committee would have to be appointed.

7.19 For partial re-committal, the motion must specify the provisions to be re-committed. There is no need to say anything about new clauses or new Schedules.

7.20 The question on the programme motion would be put forthwith under SO No. 83A(7), unless one of the exceptions in SO No. 83A(8) to (11) applied or SO No. 83A(7) was disappplied by a Business of the House motion.⁹⁷

Second approach

7.21 If the second approach is used, and the bill as a whole is re-committed, SO No. 74 would apply. That permits only a brief statement in support of a motion to re-commit and a brief statement in opposition to the motion, before the question is put without further debate.

7.22 However, the standing orders are silent in relation to partial re-committal, and consequently there is no limit on debate about a motion to partially re-commit a bill – unless, of course, a separate motion is tabled to restrict the debate (although that separate motion would itself be debatable).

7.23 It may be necessary to draft the re-committal motion in a manner which would attract SO Nos. 83C and 84A(2) and (3) (and, indeed, any other relevant standing orders). The

94. See, for example, the motions of 20.06.11 and 18.10.11 on the bill for the Pensions Act 2011. The later motion set one internal knife for Report stage.

95. On recommitment generally, see Erskine May, pp.592-3.

96. See eg. Health and Social Care Bill (Programme) (No.2) Order (21.06.11).

97. See eg. the Business of the House motion of 20.06.11 in connection with the bill for the Health and Social Care Act 2012.

Commons Public Bill Office would need to be consulted.

Motion providing for themed debates

7.24 An innovation on the bill for the European Union (Amendment) Act 2008 was the Business of the House motion of 28.01.08 dealing with proceedings in committee alongside themed debates.⁹⁸ On each allotted day for the bill, proceedings began with a government motion relating to a major theme of the Treaty of Lisbon, followed by proceedings in committee on the bill relating to that theme.

Carried over bills

7.25 A number of points can arise in relation to the programming of bills carried over from a previous Session under SO No. 80A. See eg. paragraph 4.10 and Notes 6, 28 and 29 in Chapter 8.

Knives

7.26 “Knives” are times at which proceedings or parts of proceedings are to conclude.

7.27 The provision in programme motions setting knives usually requires proceedings to be “brought to a conclusion” at a particular time. That wording reflects the wording of SO Nos. 83D(1), 83E(1), 83F(1) and 83G(1), which provide that those standing orders apply “for the purposes of bringing [specified proceedings] to a conclusion in accordance with a programme order”.

Effect

7.28 Knives can be used to group matters for decision. But the Speaker or chair retains the discretion to group amendments together for debate, even if the programme order means that they will fall to be decided at different times.

Subject matter

7.29 There are various ways of referring to the subject-matter of specific knives.

7.30 Specific knives may refer to new clauses or new Schedules “relating to” particular Parts or Chapters of a bill or “relating to” (or “to the subject matter of”) particular clauses or Schedules.⁹⁹ (A reference to a Part or Chapter of a bill includes a Schedule introduced by a clause contained in the Part or Chapter.)

7.31 In the case of amendments, knives might refer to amendments “to” a Part, Chapter, clause or Schedule.¹⁰⁰ It is preferable (if possible) to avoid referring to amendments

⁹⁸See the motion headed “Business of the House (Lisbon Treaty)”.

⁹⁹For references to Parts and Chapters, see eg. Scotland Bill (Programme) Order (08.06.15); Housing and Planning Bill (Programme) (No.2) Order (05.01.16); Digital Economy Bill (Programme) (No. 3) Order (28.11.16); Wales Bill (Programme) (No. 2) Order (12.09.16). For references to clauses and Schedules, see eg. Wales Bill (Programme) Order (14.06.16). For references to “the subject matter of” clauses and Schedules, see eg. Cities and Local Government Devolution Bill [*Lords*] (Programme) Order (14.10.15); Children and Social Work Bill [*Lords*] (Programme) (No. 2) Order (07.03.17).

“relating to” a Part or Chapter or a particular clause or Schedule because of the risk that an amendment may “relate” to more than one Part, Chapter, clause or Schedule.¹⁰¹

7.32 Specific knives may refer to new clauses or new Schedules “relating to” a particular subject.¹⁰²

7.33 It is preferable (if possible) to avoid referring to “amendments relating to” a particular subject, because of the risk that an amendment may “relate to” more than one subject and that confusion may ensue.¹⁰³

7.34 Specific knives can operate by reference to other descriptions of clauses, Schedules and amendments – eg. new clauses standing in the name of a Minister of the Crown;¹⁰⁴ new clauses appearing on the Order Paper not later than a specified date.¹⁰⁵

7.35 Specific knives can, more rarely, operate by reference to numbered new clauses or new Schedules. In exceptional cases, this may be the only sensible way to pick out the amendments concerned.¹⁰⁶

7.36 The more specific the knife, the greater the risk that it may go wrong, eg. if the amendment concerned is withdrawn. This risk has to be balanced in the particular circumstances of each case.

7.37 The effect of a knife referring to new Clauses/new Schedules/amendments relating to more than one subject or part of the bill will depend on how it is phrased and punctuated. It is sensible to check the effect of such knives with the Commons Public Bill Office.¹⁰⁷

7.38 The effect of an entry referring to “new Clauses, new Schedules and amendments

100. Where a programme motion refers to amendments to a Part or Chapter, they would be taken in the following order: amendments to clauses in that Part/Chapter (in the order in which the clauses appear in the bill) followed by amendments to Schedules in that Part/Chapter (in the order in which the Schedules appear in the bill).

101. For examples of the use of that formulation, see Small Business, Enterprise and Employment Bill (Programme) (No. 2) Order (18.11.14); Immigration Bill (Programme) (No. 2) Order (01.12.15); Housing and Planning Bill (Programme) (No. 2) Order (05.01.16); Policing and Crime (Programme) (No. 2) Order (26.04.16).

102. For example, Education and Adoption Bill (Programme) (No. 2) Order (16.09.15); Trade Union Bill (Programme) (No. 2) (10.11.15); Digital Economy Bill (Programme) (No. 3) Order (28.11.16); Policing and Crime Bill (Programme) (No. 2) Order (26.04.16); European Union (Notification of Withdrawal) Bill (Programme) Order (01.02.17).

103. For examples of the use of that formulation see eg. Health and Social Care (Programme) (No.3) Order (06.09.11); Finance Bill (Programme) (No.2) Order (02.07.12); Immigration Bill (Programme) (No. 2) Order (01.12.15); Housing and Planning Bill (Programme) (No. 2) Order (05.01.16); Policing and Crime (Programme) (No. 2) Order (26.04.16).

104. For example, Growth and Infrastructure Bill (Programme) (No.2) (17.12.12); Finance Bill (Programme) Order (26.10.15).

105. For example, Finance (No.4) Bill (Programme) (16.04.12).

106. For example, Energy Bill (Programme) (No.2) Order (03.06.13); Welfare Reform and Work Bill (Programme) (No. 3) Order (27.10.15). Note the possible concern about pre-empting the Speaker’s decision on selection and grouping - see paragraph 4.8(b).

107. The discussion in the following paragraphs is by reference to proceedings on Report. The usual order of consideration in committee of the whole House is different.

relating to X, Y or Z” is as follows –

- new Clauses relating to any of X, Y or Z would be considered in the usual order, ie. new Clauses tabled by the member in charge first, then other new Clauses in the order in which they are tabled;
- then new Schedules relating to any of X, Y or Z would be considered in the usual order, ie. following the same rules as those applying to new Clauses;
- then all amendments relating to X, Y or Z would be taken in bill order.

7.39 These principles apply even where X, Y and Z are provisions of the bill. So the effect, for example, of an entry referring to “new Clauses and new Schedules relating to Part 3 or 4” would be that new Clauses relating to either Part 3 or Part 4 would be taken first, followed by new Schedules relating to either Part 3 or Part 4.

7.40 Contrast the effect of an entry referring to “amendments, new Clauses and new Schedules relating to the following: (a) X; (b) Y; (c) Z”. The effect of the semi-colons is that –

- new Clauses, new Schedules and amendments relating to X would be considered first;
- then new Clauses, new Schedules and amendments relating to Y;
- then new Clauses, new Schedules and amendments relating to Z.¹⁰⁸

Timing – general

7.41 There are various ways of expressing the timing of the knives and much will depend on the result that needs to be achieved.

7.42 It is helpful, where possible, for knives to operate by reference to actual times.¹⁰⁹ But this approach can only be used if the precise day on which proceedings are to commence is known (because the appropriate times will differ depending upon which day of the week it is).

7.43 Where actual times are used and proceedings are to be taken on the day on which the programme motion is considered, the words “at today’s sitting” tend to be added for clarity.

7.44 A formulation that counts back from the moment of interruption is common. It lacks flexibility if proceedings begin unexpectedly late on the day in question, eg. because there are an unusual number of government statements. That risk has to be weighed against the benefit of a prompt finish for business.

7.45 Occasionally knives are set that count on from the moment of interruption.¹¹⁰

7.46 Alternative, and slightly more flexible, formulations include counting a set number of

108. See, for example, the Housing and Planning Bill (Programme) (No. 2) Order (05.01.16).

109. See for example, Enterprise and Regulatory Reform Bill (Programme) (No.2) Order (16.10.12); Care Bill [*Lords*] (Programme) (No.2) Order (10.03.14); Infrastructure Bill [*Lords*] Programme (No.2) Order (26.01.15); Education and Adoption Bill (Programme) (No. 2) Order (16.09.15). See also most orders covering proceedings in public bill committee.

110. See, for example, Parliamentary Voting System and Constituencies Bill (Programme) (No.2) Order (12.10.10) which set a final knife for proceedings in committee of the whole House one hour after the moment of interruption; Wales Bill (Programme) (No.2) Order (01.05.14) which set a knife ninety minutes after the moment of interruption on the first day of proceedings in committee of the whole House.

hours forwards from:

- the commencement of proceedings “on the Bill”,¹¹¹
- the commencement of proceedings on a particular stage, eg. on Report,¹¹² or
- the commencement of proceedings on the motion for the programme order.¹¹³

7.47 These formulations ensure a fixed period of time for the debates, whenever the debates start, but not a prompt finish at the moment of interruption.

7.48 Another variation is to provide for proceedings to finish at the moment of interruption or, if later, a set number of hours after the commencement of, say, Report stage¹¹⁴ or the commencement of proceedings on the programme motion.¹¹⁵ The set number of hours is effectively a long stop to ensure that the proceedings can be debated for at least that period of time.

Timing – risks

7.49 With knives that operate by counting back from the moment of interruption or by reference to fixed points in time, there is a risk that a knife may fall before the proceedings in question have actually begun.

7.50 In such a case, the knife would fall at the first possible moment after the time set out in the programme order, ie. when the business that was required to be disposed of earlier has been disposed of.

111. See, for example, paragraph (5) of Armed Forces Bill (Programme) (No. 2) Order (16.12.15); Cities and Local Government Devolution Bill [*Lords*] (Programme) (14.10.15); European Union (Notification of Withdrawal) Bill (Programme) (01.02.17).

112. See, for example, Protection of Freedoms Bill (Programme) (No. 4) Order (19.03.12); Growth and Infrastructure Bill (Programme) (No. 3) Order (16.04.13) (consideration of Lords amendments); Consumer Rights Bill (Programme) (No. 2) Order (13.05.14); Psychoactive Substances Bill [*Lords*] (Programme) Order (19.10.15); Policing and Crime Bill (Programme) (No. 2) Order (26.04.16); Commonwealth Development Corporation Bill (Programme) Order (29.11.16).

113. See, for example, Crime and Courts Bill [*Lords*] (Programme) (No. 3) (18.03.13); Taxation of Pensions Bill (Programme) (No. 2) Order (03.12.14); Childcare Bill [*Lords*] (Programme) (No. 2) (25.01.16); Digital Economy Bill (Programme) (No. 3) Order (28.11.16); Pension Schemes Bill (Programme) (No. 2) and (No. 3) Orders (22.03.17 and 29.03.17).

114. See, for example, the Constitutional Reform Bill (Programme) (No. 2) Order (31.01.05) and the Corporate Manslaughter and Corporate Homicide Bill (Programme) (No. 2) Order (16.05.07).

115. See, for example, the Clean Neighbourhoods and Environment Bill (Programme) (No. 2) Order (21.01.05).

CHAPTER 8 DRAFTING NOTES ON EXAMPLES IN APPENDICES

8.1 These are the Notes referred to in Appendices 1 to 11 (see eg. [1]).

Note 1 (heading)

8.2 The name of the bill should be in capitals. It is not preceded by “The”. For a Lords bill, insert “[LORDS]” after “BILL” in the title.

8.3 For supplementary programme motions, the number of the motion should be given.

Note 2 (tabling)

8.4 A programme motion should normally be tabled only in the name of the Minister in charge of the bill.

Note 3 (introductory words)

8.5 There is no particular magic to the standard introductory words for programme motions. The motion does, though, need to begin with “That” because the Minister is begging to move “that ...”.

8.6 It is thought helpful to identify the bill again in the body of the motion (in case the heading is omitted on the Order Paper). For a Lords bill, insert “[Lords]” after “Bill”.

Note 4 (committal)

8.7 See paragraphs [2.6](#) to [2.10](#).

Note 5 (“so far as not previously concluded”)

8.8 The words “(so far as not previously concluded)” make it clear that proceedings can be brought to an end early, ie. that the motion is not ordering proceedings to continue until the end of the time allotted for them.

Note 6 (out date for public bill committee)

8.9 The out date for public bill committee is usually a calendar day. That prevents the public bill committee from sitting beyond midnight on that day (unless the House sits later than that).

8.10 But a requirement to bring proceedings to a conclusion on a particular calendar day will not be construed as including reporting the bill to the House on that day. It is therefore possible for the public bill committee to sit on that day beyond the rising of the House (but before midnight).

8.11 Difficulties may arise in identifying the appropriate out date for proceedings in committee on a bill that might be carried over while in the middle of its committee stage. An out date should be specified, even if it may need to be changed. In difficult cases, consult the Commons Public Bill Office.

Note 7 (enabling public bill committee to sit twice on first day)

8.12 See paragraphs 2.26 to 2.28.

Note 8 (provision in initial programme motion about Report and Third Reading)

8.13 See paragraphs 2.15 to 2.17.

Providing for Report and Third Reading to take place on a single day

8.14 The standard wording for initial programme orders assumes that Report and Third Reading will take place on a single day (as will often be the case). That day is usually divided between Report and Third Reading. One hour is usually allowed for Third Reading but anything is possible.

8.15 It will not often be possible to be sure, before Second Reading, of the precise date for Report and Third Reading. So –

- it is usually safer to refer to the “moment of interruption” than to try to anticipate the precise day on which Report and Third Reading will fall, and
- referring to “the day on which those proceedings are commenced” gives maximum flexibility.

8.16 However, the standard wording does not have the effect that Report and Third Reading must take place on the same day. The government can delay Third Reading as follows: when the Speaker asks at the end of Report “Third reading, what day?”, the government whip may answer “Tomorrow, sir” and proceedings on Third Reading would not be commenced. One reason for delaying Third Reading might be to give the government an opportunity to recommit the bill.

Providing for Report and Third Reading to take place over 2 or more days

8.17 The initial programme motion may provide for Report and Third Reading to take place over 2 or more days, although that is unusual in an initial programme motion, except in the case of fast-track bills.¹¹⁶

8.18 Instead of paragraphs (4) and (5) in the motion in Appendix 1, the motion would need to say:

“(4) Proceedings on Consideration and Third Reading shall be taken in [two] days in accordance with the following provisions of this Order.

(5) Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion [one hour before the moment of interruption] on the [second] day.

(6) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption of the [second] day.”

8.19 If the formulation “... taken in [X] days in accordance with the following provisions of this Order” is used, the government can delay Third Reading by the Minister or whip responding to the question from the Speaker “Third Reading, what day?” with “Tomorrow, sir” (or, in the event that the Speaker does not ask that question, by not moving the motion for Third Reading).

116. See paragraph 2.15 and footnote 23.

Note 9 (“Proceedings” or “Any proceedings” on Report)

8.20 In the Standing Orders –

- SO No. 71 provides that a bill reported from a committee of the whole House without amendment does not have a Report stage, but
- SO No. 73 provides that a bill reported from a public bill committee has a Report stage, whether or not it is amended by the committee.

8.21 So –

- where a bill is committed to a public bill committee, the programme motion refers to “proceedings” on Report, reflecting the fact that there is always a Report stage;
- where a bill is committed to a committee of the whole House, the programme motion refers to “any proceedings” on Report, reflecting the fact that there is no Report stage if a bill is not amended in a committee of the whole House (SO No. 71).

8.22 Where there is split committal, the practice is for the programme motion to provide for the bill to be treated as if reported entirely from a public bill committee.

Note 10 (disapplication of SO No. 83B)

8.23 See paragraphs [2.18](#) to [2.21](#).

8.24 Where a programme motion commits a bill to a committee of the whole House, an alternative drafting approach is for separate paragraphs to disapply SO No. 83B for committee and for Report and Third Reading. For an example, see the initial programme order for the Parliamentary Voting System and Constituencies Bill (06.10.10).

Note 11 (provision in initial programme motions about other proceedings)

8.25 It is usual to include a paragraph about other proceedings on the bill (eg. Commons consideration of Lords amendments) in the initial programme motion (see paragraph [2.23](#)).

Note 12 (committee of the whole House, Report and Third Reading to be taken together)

8.26 If a knife is to cover committee of the whole House and also Report and Third Reading, the initial programme motion will look rather different from the example in Appendix 2.

8.27 In such a case, paragraph (2) of the motion may read as follows:

“(2) Proceedings in Committee, any proceedings on Consideration and proceedings on Third Reading shall be taken [in three days] [at today’s sitting] in accordance with the following provisions of this Order.”

8.28 The points discussed in *Note 8* (providing for Report and Third Reading to take place over 2 or more days) are relevant here.

8.29 If the bill is brought in on Ways and Means resolutions, it may be necessary to disapply the rule against such a bill going through more than one stage (other than Report and Third Reading) on the same day (see paragraph [2.29](#)) eg. by saying:

“(2) Notwithstanding the practice of the House as to the intervals between stages of Bills brought in on Ways and Means Resolutions, proceedings”

8.30 The format of the rest of the motion will depend on whether there are knives for different stages (there usually are), internal knives, changes to the order of consideration, a desire to have different proceedings on different days etc.

8.31 For examples, see the programme orders for the bills for:

- the European Union (Notification of Withdrawal) Act 2017 (01.02.17) (internal knives and changes to order of consideration);
- the Armed Forces Act 2016 (15.10.15) (no internal knives or changes to order of consideration);
- the European Union (Approvals) Act 2015 (02.11.15) (no internal knives or changes to order of consideration);
- the Electoral Registration and Administration Act 2013 (23.05.12) (internal knives and changes to order of consideration).

Note 13 (whether to allow proceedings to “run ahead”)

8.32 Where a motion provides for proceedings to be taken in 2 or more days and says simply that proceedings are to be taken in a particular order, that allows proceedings to “run ahead”, eg. if the motion says that proceedings on Part 1 of the bill are to be concluded by the moment of interruption on the first day but, in the event, they are in fact concluded before that time, proceedings on Part 2 of the bill could begin straightaway.

8.33 If you want to ensure that different proceedings are taken on different days (eg. because different Ministers are responsible for different parts of the bill and only available on particular days), the motion needs to make that clear by saying:

“2. Proceedings in the Committee shall be taken in [two] days.

3. The proceedings shall be taken on the days shown in the first column of the following Table and in the order so shown.”

8.34 Also, rows need to be inserted in the Table specifying the days on which the proceedings are to be taken, for example:

<i>TABLE</i>	
<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
<p><i>First day</i></p> <p>Clauses 1 to 9, Schedule 1, Clauses 10 to 12, Schedule 2, Clauses 13 to 23</p>	<p>The moment of interruption on the first day.</p>
<p><i>Second day</i></p> <p>Clauses 24 to 26, Schedule 3, Clauses 27 to 29, Schedule 4, new Clauses, new Schedules, remaining proceedings on the Bill.</p>	<p>The moment of interruption on the second day.</p>

If the programme order does not allow proceedings to “run ahead” across days, a supplementary programme motion may be needed if business proceeds more quickly than expected.¹¹⁷

Note 14 (knives)

8.35 For information on the different ways of referring to the subject matter of knives and expressing the timing of knives, see Chapter 7.

8.36 For an example of an initial programme order with no knives, see the programme order of 06.09.10 for the bill for the Parliamentary Voting System and Constituencies Act 2011. A supplementary programme order (of 12.10.10) subsequently added knives.

8.37 For an example of a programme order which does not have separate knives for Report and Third Reading, see the Terrorist Anti-Freezing etc Bill (Programme) (No. 2) Order (14.12.10).

Note 15 (order of consideration)

8.38 For the default order of consideration, see paragraphs 3.15 (committee) and 4.5 (Report).

8.39 There are numerous reasons for varying the order of consideration. They include common sense (for example, discussing a Schedule with the clause which introduces it), the issues which members wish to debate, the amount of time that is required to prepare government amendments on a particular topic and the availability of Ministers or opposition members.

8.40 If a motion or resolution refers to a Part or Chapter of a bill, the default order of consideration is: clauses in that Part (in the order in which they appear in the bill) followed by Schedules in that Part (in the order in which they appear in the bill).

8.41 It may make sense to provide for the final provisions of the bill (ie. the clauses about commencement, extent etc) to be dealt with after all of the other clauses and Schedules, new clauses and new Schedules.

8.42 Where the order of consideration does not refer specifically to all clauses, Schedules, new clauses and new Schedules, those not referred to will need to be covered by a reference to “remaining proceedings [on the Bill] [on Consideration]”. The “remaining proceedings” are taken in the default order. If desired, that could be spelled out.

8.43 Where the order of consideration deals expressly with all clauses, Schedules, new clauses and new Schedules, the reference to “remaining proceedings on the Bill” is still needed to catch any amendments to the long title. It is also a helpful safety-net in case anything else is missed when listing the order of proceedings on the bill.

Note 16 (split committal – new clauses and new Schedules)

8.44 When providing for split committal, consider whether any new clauses or new Schedules should be committed to committee of the whole House. If only specified clauses are committed to committee of the whole House, new clauses closely related to the specified

¹¹⁷See, for example, the Recall of MPs Bill (Programme) Order (21.10.14) and the Recall of MPs Bill (Programme) (No.2) Order (03.11.14), which reduced the number of days in committee of the whole House from 3 to 2 after business proceeded more quickly than expected on the first day.

clauses will have to be debated in public bill committee.

Note 17 (PSC resolution - reference to first meeting of committee)

8.45 The first paragraph of a PSC resolution sets out when the committee is to meet. The words in brackets in paragraph 1 in Appendices 4, 5 and 6 reflect the fact that the first meeting of a public bill committee is summoned by the chair under SO No. 88(1) (rather than by prior agreement of the programming sub-committee).

Note 18 (PSC resolution - sitting times of public bill committees)

8.46 Public bill committees cannot generally sit between –

- 1.00 pm and 3.30 pm on Mondays,
- 11.25 am and 1.30 pm on Tuesdays or Wednesdays, or
- 9.25 am and 11.30 am on Thursdays.

(See the proviso to SO No. 88(1). These times took effect from 15 October 2012.)

8.47 If knives are programmed to fall at 11.25am on a Tuesday or 9.25am on a Thursday, the committee must not adjourn until the relevant questions have been disposed of. (This practice is by analogy with SO No. 88(2)(ii).)

8.48 Public bill committees usually sit on Tuesdays and Thursdays. For private members' bills, they sometimes sit on Wednesdays. Where they sit, they usually sit at the following times –

Mondays – 4.30pm to 6.30pm (approx) and 7.30pm onwards

Tuesdays – 9.25am to 11.25am and 2pm onwards

Wednesdays – 9.25am to 11.25am and 2pm onwards

Thursdays – 11.30am to 1.00pm (approx) and 2pm onwards

8.49 Note that, under the proviso to SO No. 9(1), if the House returns from a recess on a Tuesday or Wednesday, it follows Monday sitting times.

Note 19 (PSC resolution - sitting times)

8.50 Sometimes a PSC resolution will just specify sitting times on Tuesdays and Thursdays rather than setting out the date and time of each sitting separately.

8.51 If it does so, it is necessary to keep an eye out for periodic adjournments. Public bill committees can sit notwithstanding any adjournment of the House (SO No. 88(3)). So, for example, a committee could sit after the House has adjourned for the Christmas recess. This possibility needs to be excluded in the resolution if it is not the intention of the committee to sit over Christmas.

8.52 One way to exclude this possibility is to add the words “when the House is sitting”. For example, paragraph 1 of the resolution might say:

“...the Committee shall meet when the House is sitting on Tuesdays at 9.25am and 2.00pm and on Thursdays at 11.30am and 2.00pm;”¹¹⁸

118. See eg. paragraph 1 of the resolution of Standing Committee F of 21.01.04 on the Civil Contingencies Bill.

8.53 Alternatively, it may be possible to rely on implication if, for example, it is clear from the order of consideration, the knives and the number of sittings that the resolution is not contemplating that the committee will be sitting over the adjournment.

Note 20 (PSC resolutions - end times for sittings)

8.54 PSC resolutions do not generally include end times for morning or afternoon sittings of the committee (although, in practice, if the final knife for all remaining proceedings falls in an afternoon sitting, it is an end time for that sitting).

8.55 SO No. 88 provides long-stop end times for morning sittings on Tuesdays, but not Thursdays (see *Note 18* above).

8.56 Afternoon sittings are usually brought to an end by the committee agreeing to adjourn at a suitable moment.

Note 21 (PSC resolution - oral evidence - “until no later than”)

8.57 The “until no later than” formulation used in the table of witnesses in Appendix 4 is intended to allow the committee to move on if a witness fails to appear or has less to say than anticipated. It also means that the chair has a means of bringing proceedings with a particular witness to a close.

8.58 Note the proviso to SO No. 83C(11) which provides that the chair may allow a sitting at which oral evidence is heard to continue for up to a quarter of an hour beyond the time provided for in the resolution (see paragraph 3.20).

Note 22 (PSC resolution - oral evidence - witnesses)

8.59 As far as possible, organisations should be named, rather than specific witnesses.

8.60 Where the only witnesses are from a single source, the Table of witnesses could be replaced by something along the following lines:

“the Committee shall hear oral evidence from [the Treasury] on [Tuesday 15 January], and the hearing of that evidence shall (so far as not previously concluded) be brought to a conclusion at [1 pm];”¹¹⁹

8.61 If a witness (or witnesses from a particular body) are to give evidence at more than one sitting, it is sufficient simply to mention the witness (or body) as many times as necessary.¹²⁰

8.62 If, unusually, witnesses are unknown at the time that the PSC resolution is agreed, the resolution may refer to eg. “Additional witnesses to be decided by the Committee”.¹²¹

119. See eg. the motion agreed to on 15.01.08 by the public bill committee dealing with the bill for the National Insurance Contributions Act 2008.

120. See eg. the motion agreed to on 27.01.09 by the public bill committee dealing with the bill for the Policing and Crime Act 2008, which provided for the Association of Chief Police Officers of England and Wales and Northern Ireland to give evidence on a number of occasions.

121. See eg. the motion agreed to on 27.02.07 by the public bill committee for the bill for the UK Borders Act 2007.

Note 23 (PSC resolution - introducing order of consideration)

8.63 Note the reference to “proceedings on consideration of the Bill in Committee” in paragraph (3) in Appendix 4. This is to draw a distinction between proceedings where oral evidence is taken and proceedings where the bill is considered line by line.

Note 24 (where part of proposed order of consideration follows default order)

8.64 The words in square brackets (in paragraph (2) in Appendix 7 and in paragraph (2) in Appendix 9) merely spell out the order in which the remaining proceedings would in any event be taken (see paragraph 4.5). In such a case, it is possible to compress those words (“amendments to the Bill”) or indeed to omit them.

Note 25 (PSC resolution - recommendation about order of consideration on Report)

8.65 When the programming sub-committee passes its resolution about Report and Third Reading, it will not know what clauses and Schedules the bill will contain, and how they will be numbered, when the bill emerges from public bill committee.

8.66 This will not matter if the order of consideration is in very general terms (for example, clauses relating to particular Parts or subjects). But if the proposals are more detailed, alternative approaches would need to be discussed with the Commons Public Bill Office.

8.67 See also paragraphs 3.55 and 3.56.

Note 26 (giving effect to proposal or recommendation of public bill committee)

8.68 This note is about supplementary programme motions under SO No. 83C(13) and (14) that give effect to:

- a proposal of a public bill committee (as reported to the House) to alter the date by which a bill is to be reported to the House of Commons, or
- a recommendation of a public bill committee (as reported to the House) about the programming of Report and Third Reading on a bill.

8.69 It may be helpful to refer in the supplementary programme motion to the proposal or recommendation as reported to the House. For example, where the motion follows the committee’s resolution:

“That, in accordance with the Resolution of the Public Bill Committee of 25 September 2016, ...”.¹²²

Where the motion does not merely contain provisions giving effect to the committee’s report:

“That pursuant to the Report [25 June 2016] from the Public Bill Committee...”.¹²³

8.70 That will not be possible where a motion is tabled before the proposal or recommendation has been reported to the House.¹²⁴

122. See eg. the Age-Related Payments Bill (Programme) (No. 2) Order (08.06.04).

123. See eg. the Police Reform Bill [*Lords*] (Programme) (No. 2) Order (09.07.02).

124. As was the case with eg. the supplementary programme motions for the bills for the Commissioners for Revenue and Customs Act 2005 (10.01.05) and the Identity Cards Act 2006 (12.07.05).

Note 27 (supplementary programme motions - drafting approaches)

8.71 The example in Appendix 8 omits the paragraphs of the original programme order relating to Report and Third Reading and makes new, freestanding provision for those stages.

8.72 An alternative approach is to textually amend the original order, eg. by saying “For paragraphs (4) and (5) substitute – “(4) ...””¹²⁵

8.73 Both approaches involve varying the original order, which is important because, in order to be a programme motion and get the benefit of the standing orders on programming, the new motion must vary or supplement the original order (SO No. 83A(5)).

8.74 The freestanding approach tends to be clearer and is more commonly used.¹²⁶

8.75 But the alternative approach can be useful if a small portion of the initial motion is being replaced (for example, altering the out-date for proceedings in public bill committee). In such a case replacing an entire paragraph of the original motion would obscure the change.¹²⁷

8.76 It may occasionally be appropriate to rescind a previous order.¹²⁸

Note 28 (supplementary programme motion - Report and Third Reading on separate days)

8.77 It may occasionally be necessary to provide for Report and Third Reading to take place on different days, eg. to enable a bill that is to be carried over to make progress without falling foul of the requirement under SO No. 80A that proceedings on the bill in the Commons are not completed before the end of the Session in which it is introduced. A simple motion to achieve this was agreed to for the Civil Aviation Bill (25.04.12). It said –

“1. ...

2. Proceedings on Consideration and proceedings on Third Reading shall be taken on two days in accordance with the following provisions.

Consideration

3. Proceedings on Consideration shall be taken on the first day and shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Third Reading

4. Proceedings on Third Reading shall be taken on the second day and shall (so far as not previously concluded) be brought to a conclusion two hours after their commencement.”

8.78 Where more elaborate provision is needed in a motion of this kind, eg. providing knives for proceedings on Report, a table would be the clearest way of setting that out (see eg. *Note*

125. See eg. the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill (Programme) (No. 2) Order (08.10.13).

126. See eg. the Children and Social Work Bill [*Lords*] (Programme) (No. 2) (07.03.17).

127. See eg. the Digital Economy Bill (Programme) (No. 2) Order (18.10.16), the Welfare Reform and Work Bill (Programme) (No. 2) Order (13.10.15), the Wales Bill (Programme) (No. 2) Order (30.04.14), the Recall of MPs Bill (Programme) (No. 2) Order (03.11.14), the Children and Families Bill (Programme) (No. 2) Order (15.04.13), the Financial Services Bill (Programme) (No. 2) Order (21.02.12), the Groceries Code Adjudicator Bill [*Lords*] (Programme) (No. 2) Order (21.11.12) and the European Union Bill (Programme) (No.2) Order (24.01.11).

128. See eg. the Pension Schemes Bill [*Lords*] (Programme) (No. 3) Order (29.03.17). Proceedings on Report on 22.03.17 were interrupted when the House was suspended. When they were resumed on 29.03.17, the timetable for Report and Third Reading was varied.

13 above).

Note 29 (carried over bill)

8.79 Where the bill has been carried over and the previous programme order or orders were agreed to in the previous Session, the opening words should mention that, eg. for a motion for ping pong –

“That the following provisions shall apply to the Know-How Bill for the purpose of supplementing the Order of 30 January 2016 in the last Session of Parliament (Know-How Bill (Programme)), as varied by the Order of 25 April 2016 in that Session (Know-How Bill (Programme) (No.2)) ...”.¹²⁹

Note 30 (ping pong - Lords Message)

8.80 Paragraphs (1) and (2) of SO No. 78 govern Commons consideration of Lords amendments and indicate why there is usually no need for provision enabling the initial Lords Message to be considered forthwith.

8.81 In essence, Commons consideration of Lords amendments usually takes place on the day for which it is put down as an order of the day. SO No. 78(2) then applies: it provides that the amendments are to be considered without any question being put (unless the member in charge nominates a future day for their consideration).

8.82 However, if Commons consideration of Lords amendments is not an order of the day (and it will not be where the amendments are considered on the day the Commons receives them), SO No. 78(1) provides that the amendments shall be appointed to be considered on a future day unless the House orders them to be considered forthwith. In such a case, to avoid having to allow time for the debate of a motion that the Lords amendments are to be considered forthwith, the programme motion makes provision enabling them to be considered forthwith without any question being put. (See also *Note 31*.)

Note 31 (ping pong - bill starting in the Commons - Lords amendments considered on day received)

8.83 This note is about cases in which Lords amendments are to be considered on the day on which they are received. This can happen where, for example, the message from the Lords is sent after the Commons has risen.

8.84 As notice must be given of the supplementary programme motion for ping pong, the motion must be tabled not later than the day before the Lords amendments are received.

8.85 In place of paragraph (1) of Appendix 10, something along the following lines would be needed:

“(1) Any Message from the Lords may be considered forthwith without any Question being put.

(2) Proceedings on consideration of any Lords Amendments which may be received shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at today's sitting.”¹³⁰

¹²⁹See eg. the Policing and Crime Bill (Programme) (No. 3) (10.01.17).

¹³⁰See eg. the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill (Programme) (No. 3) Order (22.01.14).

8.86 A further difficulty, in this kind of case, is that if any change to the order of consideration or any internal knives are wanted, the motion may need to describe the Lords amendments rather than refer to the numbered amendments (because it will be tabled before the composite list of Lords amendments is sent to the Commons).

Note 32 (ping pong - “at today’s sitting”)

8.87 The words “at today’s sitting” are included to make it clear that the intention is to commence the proceedings on that day. See paragraphs 6.12 to 6.16.

Note 33 (ping pong - references to final knife)

8.88 Even where the final knife in the Table of knives, in effect, specifies the time at which the proceedings as a whole are to be brought to a conclusion, it is helpful for that time also to be set out in paragraph (1) of the motion. Of course, it is important to make sure that the knife specified in paragraph (1) is consistent with the effect of the provisions in the Table.

Note 34 (ping pong - no knives)

8.89 A number of supplementary programme motions omit paragraphs (2) and (3) of the motion in Appendix 10 (ie. they have no internal knives and make no changes to the order of consideration).

8.90 Where no internal knives are wanted but there is a desire to change the order of consideration, omit paragraphs (2) and (3) and insert a paragraph along the following lines:

“The Lords Amendments shall be considered in the following order: Nos. 2, 3, 5, 6, 10, 1, 4, 7 to 9 and 11 to 35.”¹³¹

Note 35 (ping pong - “packaging”)

8.91 Provision about the order of consideration of Lords amendments needs to take account of any “packaging” of Lords amendments. In particular, where several Lords amendments are to be disagreed to with an amendment in lieu of all of them, those Lords amendments should be placed together in the order.

Note 36 (ping pong - subsequent stages)

8.92 It is not thought to matter whether a programme motion talks about “any Question being put”, “any further Question being put” or “any Question put”. The first option seems to be the most commonly used.

Note 37 (ping pong - treatment of further messages from Lords)

8.93 The supplementary programme motion usually expressly permits any further message to be considered forthwith, but does not oblige it to be considered forthwith. That provides the flexibility of being able to decide what is appropriate at the relevant time.

8.94 Under SO No. 78(1), the House already has the option of considering a Lords message forthwith (ie. without it having been set down as an order of the day). But the question on

¹³¹See eg. the Wales Bill (Programme) (No. 3) Order (24.01.17) and the Neighbourhood Planning Bill (Programme) (No. 3) Order (28.03.17).

whether to do so would be subject to debate and vote. The provision in the supplementary programme motion allows the House to move immediately to consideration of a Lords message, if the government so wishes, without the need for this proposition to be put to the House. (See also *Notes 30 and 31* above.)

Note 38 (supplementary programme motion for ping pong - bill starting in the Lords)

8.95 In Appendix 11, paragraph (1) might not always be necessary or appropriate in the particular circumstances of the case, eg. if, when the motion is tabled, the Message from the Lords will already have been received.¹³²

132. See eg. the Care Bill [*Lords*] (Programme) (No. 3) Order (12.05.14) (the message came from the Lords on 08.05.14); the Groceries Code Adjudicator Bill [*Lords*] (Programme) (No. 4) Order (16.04.13) (the message came from the Lords on 14.03.13); the Crime and Courts Bill [*Lords*] (Programme) (No. 4) Order (22.04.13) (the message came from the Lords on 26.03.13).

APPENDIX 1 INITIAL PROGRAMME MOTION: BILL TO PUBLIC BILL COMMITTEE

The example below is for both Commons and Lords bills. The only differences are explained in Notes 1, 3 and 11.

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL: PROGRAMME MOTION [1]

Secretary Black [Name of Minister in Charge of the Bill] [2]

That the following provisions shall apply to the Know-How Bill [3]:

Committal

(1) The Bill shall be committed to a Public Bill Committee. [4]

Proceedings in Public Bill Committee

(2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) [5] be brought to a conclusion on Thursday 9 June 2016. [6]

(3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets. [7]

Consideration and Third Reading

(4) Proceedings [9] on Consideration shall (so far as not previously concluded) [5] be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced. [8]

(5) Proceedings on Third Reading shall (so far as not previously concluded) [5] be brought to a conclusion at the moment of interruption on that day.

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading. [10]

Other proceedings

(7) Any other proceedings on the Bill may be programmed. [11]

APPENDIX 2 INITIAL PROGRAMME MOTION: BILL TO COMMITTEE OF THE WHOLE HOUSE

The example below is for both Commons and Lords bills. The only differences are explained in Notes 1, 3 and 11.

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL: PROGRAMME MOTION [1]

Secretary Black [Name of Minister in Charge of the Bill] [2]

That the following provisions shall apply to the Know-How Bill: [3]

Committal

(1) The Bill shall be committed to a Committee of the whole House. [4]

Proceedings in Committee

(2) Proceedings in Committee of the whole House shall be completed in three days. [12]

(3) The proceedings shall be taken in the order shown in the first column of the following Table. [13]

(4) The proceedings shall (so far as not previously concluded) [5] be brought to a conclusion at the times specified in the second column of the Table. [14]

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Clause 1, Schedule 1, Clauses 2 to 4, Schedule 2, new Clauses relating to Part 1, new Schedules relating to Part 1	The moment of interruption on the first day.
Clause 5, new Clauses relating to Part 2, new Schedules relating to Part 2	The moment of interruption on the second day.
Clause 6, Schedule 3, clauses 7 and 8, new clauses relating to Part 3, new Schedules relating to Part 3, remaining proceedings on the Bill [15]	The moment of interruption on the third day.

Consideration and Third Reading

(5) Any proceedings [9] on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.[8]

(6) Proceedings on Third Reading shall (so far as not previously concluded) [5] be brought to a conclusion at the moment of interruption on that day.

Programming committee

(7) Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading. [10]

Other proceedings

(8) Any other proceedings on the Bill may be programmed. [11]

APPENDIX 3 INITIAL PROGRAMME MOTION: SPLIT COMMITTAL

The example below is for both Commons and Lords bills. The only differences are explained in Notes 1, 3 and 11.

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL: PROGRAMME MOTION [1]

Secretary Black [Name of Minister in Charge of the Bill] [2]

That the following provisions shall apply to the Know-How Bill: [3]

Committal

(1) The following shall be committed to a Committee of the whole House—

- (a) Clauses 4, 11, 14 and 23 and Schedule 2;
- (b) any new Clauses or new Schedules relating to value added tax. [16]

(2) The remainder of the Bill shall be committed to a Public Bill Committee. [4]

Proceedings in Committee

(3) Proceedings in Committee of the whole House shall be completed in two days. [12]

(4) The proceedings shall be taken in the order shown in the first column of the following Table. [13]

(5) The proceedings shall (so far as not previously concluded) [5] be brought to a conclusion at the times specified in the second column of the Table. [14]

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Clauses 4 and 11 and Schedule 2	The moment of interruption on the first day.
Clauses 14 and 23 and any new Clauses or new Schedules relating to value added tax [15]	The moment of interruption on the second day.

(6) Proceedings in the Public Bill Committee shall (so far as not previously concluded) [5] be brought to a conclusion on Thursday 9 June 2016. [6]

(7) The Public Bill Committee shall have leave to sit twice on the first day on which it meets. [7]

(8) When the provisions of the Bill considered, respectively, by the Committee of the whole House and by the Public Bill Committee have been reported to the House, the Bill shall be proceeded with as if it had been reported as a whole to the House from the Public Bill Committee. [9]

Consideration and Third Reading

(9) Proceedings [9] on Consideration shall (so far as not previously concluded) [5] be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.[8]

(10) Proceedings on Third Reading shall (so far as not previously concluded) [5] be brought to a conclusion at the moment of interruption on that day.

Programming committee

(11) Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to proceedings on Consideration or to proceedings on Third Reading. [10]

Other proceedings

(12) Any other proceedings on the Bill may be programmed. [11]

**APPENDIX 4 PSC RESOLUTION FOR PUBLIC BILL COMMITTEE PROCEEDINGS
(ORAL EVIDENCE, NO INTERNAL KNIVES)**

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL

DRAFT RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 23 February) [17] meet—
 - (a) at 2.00 pm on Tuesday 23 February;
 - (b) at 11.30 am and 2.00 pm on Thursday 25 February;
 - (c) at 9.25 am and 2.00 pm on Tuesday 1 March;
 - (d) at 11.30 am and 2.00 pm on Thursday 3 March;
 - (e) at 9.25 am and 2.00 pm on Tuesday 8 March;
 - (f) at 11.30 am and 2.00 pm on Thursday 10 March;
 - (g) at 9.25 am and 2.00 pm on Tuesday 15 March;
 - (h) at 11.30 am and 2.00 pm on Thursday 17 March; [18] [19] [20]
- (2) the Committee shall hear oral evidence in accordance with the following Table;

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 23 February	Until no later than 11.25 am [18] [21]	Home Office [22]
Tuesday 23 February	Until no later than 5.30 pm	Immigration Law Practitioners Association
Tuesday 23 February	Until no later than 6.30 pm	Immigration Advisory Service
Thursday 25 February	Until no later than 12.15 pm	National Car Parks
Thursday 25 February	Until no later than 1.00 pm	Trades Union Congress; Transport and General Workers' Union

*Programming Pamphlet – APPENDIX 4 PSC resolution for Public Bill Committee proceedings
(oral evidence, no internal knives)*

Thursday 25 February	Until no later than 3.00 pm	Professor Ross Anderson, Cambridge University; Phil Booth, National Coordinator, NO2ID
Thursday 25 February	Until no later than 5.00 pm	Liberty
Tuesday 1 March	Until no later than 11.25 am	Migrationwatch

- (3) proceedings on consideration of the Bill in Committee **[23]** shall be taken in the following order: Clauses 1 to 17; Schedule 1; Clauses 18 to 31; Schedules 2 and 3; Clauses 32 to 35; new Clauses; new Schedules; remaining proceedings on the Bill; **[15]**
- (4) the proceedings shall (so far as not previously concluded) **[5]** be brought to a conclusion at 5.00 pm on Thursday 17 March.

**APPENDIX 5 PSC RESOLUTION FOR PUBLIC BILL COMMITTEE PROCEEDINGS
(NO ORAL EVIDENCE OR INTERNAL KNIVES)**

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL

DRAFT RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 7 June) **[17]** meet—
 - (a) at 2.00 pm on Tuesday 7 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 9 June;
 - (c) at 9.25 am and 2.00 pm on Tuesday 14 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 16 June; **[18] [19] [20]**
- (2) the proceedings shall be taken in the following order: Clauses 1 to 17; Schedule 1; Clauses 18 to 31; Schedules 2 and 3; Clauses 32 to 35; new Clauses; new Schedules; remaining proceedings on the Bill; **[15]**
- (3) the proceedings shall (so far as not previously concluded) **[5]** be brought to a conclusion at 5.00 pm on Thursday 16 June.

**APPENDIX 6 PSC RESOLUTION FOR PUBLIC BILL COMMITTEE PROCEEDINGS
(NO ORAL EVIDENCE, WITH INTERNAL KNIVES)**

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL

DRAFT RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 7 June) [17] meet—
 - (a) at 2.00 pm on Tuesday 7 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 9 June;
 - (c) at 9.25 am and 2.00 pm on Tuesday 14 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 16 June; [18] [19] [20]
- (2) the proceedings shall be taken in the order shown in the first column of the following Table; [15]
- (3) the proceedings shall (so far as not previously concluded) [5] be brought to a conclusion at the times specified in the second column of the Table. [14] [18]

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Clauses 1 to 17; Schedule 1	5.00 pm on Thursday 9 June
Clauses 18 to 20	11.25 am on Tuesday 14 June
Clauses 21 to 31; Schedules 2 and 3	5.00 pm on Tuesday 14 June
Clauses 32 to 35; new Clauses; new Schedules; remaining proceedings on the Bill	5.00 pm on Thursday 16 June

APPENDIX 7 PSC RESOLUTION THAT PUBLIC BILL COMMITTEE RECOMMENDS VARIATION OF INITIAL PROGRAMME MOTION

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL

DRAFT RESOLUTION OF THE PROGRAMMING SUB-COMMITTEE

That the Public Bill Committee recommends that the Order of 25 May 2016 (Know-How Bill (Programme)) be varied as follows:

- (1) Paragraphs (4) and (5) of the Order shall be omitted.
- (2) Proceedings on Consideration shall be taken in the following order: new Clauses and new Schedules relating to Part 2; remaining new Clauses and new Schedules; [amendments to the clauses of the Bill; amendments to the Schedules to the Bill;[24]] remaining proceedings on Consideration. [15] [25]
- (3) Proceedings on new Clauses and new Schedules relating to Part 2 and remaining new Clauses and new Schedules shall (so far as not previously concluded) [5] be brought to a conclusion two hours before the moment of interruption on the day on which those proceedings are commenced. [14]
- (4) Proceedings on amendments to the clauses of the Bill, amendments to the Schedules to the Bill and remaining proceedings on Consideration shall (so far as not previously concluded) [5] be brought to a conclusion one hour before the moment of interruption on that day.
- (5) Proceedings on Third Reading shall (so far as not previously concluded) [5] be brought to a conclusion at the moment of interruption on that day.

APPENDIX 8 SUPPLEMENTARY PROGRAMME MOTION FOR REPORT AND THIRD READING (WITH INTERNAL KNIVES)

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL: PROGRAMME (NO. 2) MOTION [1]

Secretary Black [Name of Minister in Charge of the Bill] [2]

That the Order of 25 May 2016 (Know-How Bill (Programme)) be varied as follows: [26] [29]

(1) Paragraphs (4) and (5) of the Order shall be omitted. [27]

(2) Proceedings on Consideration shall be taken in the order shown in the first column of the following Table. [13]

(3) The proceedings shall (so far as not previously concluded) [5] be brought to a conclusion at the times specified in the second column of the Table. [14]

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to Part 3	Two and a half hours after the commencement of proceedings on Consideration
Remaining new Clauses and new Schedules	Four and a half hours after the commencement of proceedings on Consideration
Remaining proceedings on Consideration [15]	Five and a half hours after the commencement of proceedings on Consideration.

(4) Proceedings on Third Reading shall (so far as not previously concluded) [5] be brought to a conclusion six and a half hours after the commencement of proceedings on Consideration. [28]

APPENDIX 9 SUPPLEMENTARY PROGRAMME MOTION FOR REPORT AND THIRD READING (NO INTERNAL KNIVES)

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL: PROGRAMME (NO. 2) MOTION [1]

Secretary Black [Name of Minister in Charge of the Bill] [2]

That the Order of 25 May 2016 (Know-How Bill (Programme)) be varied as follows: [26] [29]

(1) Paragraphs (4) and (5) of the Order shall be omitted. [27]

(2) Proceedings on Consideration shall be taken in the following order: new Clauses and new Schedules relating to Part 2; remaining new Clauses and new Schedules; [amendments to the clauses of the Bill; amendments to the Schedules to the Bill; [24]] remaining proceedings on Consideration. [15]

(3) Proceedings on Consideration shall (so far as not previously concluded) [5] be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced. [14]

(4) Proceedings on Third Reading shall (so far as not previously concluded) [5] be brought to a conclusion at the moment of interruption on that day.

APPENDIX 10 SUPPLEMENTARY PROGRAMME MOTION FOR CONSIDERATION OF LORDS AMENDMENTS AND SUBSEQUENT STAGES

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL: PROGRAMME (NO. 3) MOTION [1]

Secretary Black [Name of Minister in Charge of the Bill] [2]

That the following provisions shall apply to the Know-How Bill for the purpose of supplementing the Orders of 25 May 2016 (Know-How Bill (Programme)) and 2 July 2016 (Know-How Bill (Programme) (No.2)) [29]:

Consideration of Lords Amendments

(1) Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) [5] be brought to a conclusion three hours after their commencement at today's sitting. [14] [30] [31] [32] [33]

(2) The proceedings shall be taken in the order shown in the first column of the following Table. [35]

(3) The proceedings shall (so far as not previously concluded) [5] be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Lords Amendments</i>	<i>Time for conclusion of proceedings</i>
Nos. 1 to 22	One hour after the commencement of proceedings on consideration of Lords Amendments
Nos. 23 to 41	Two hours after the commencement of those proceedings
Nos. 42 to 74 [35]	Three hours after the commencement of those proceedings [14] [33]

Subsequent stages

(4) Any further Message from the Lords may be considered forthwith without any Question being put. [36] [37]

(5) The proceedings on any further Message from the Lords shall (so far as not previously concluded) [5] be brought to a conclusion one hour after their commencement.

**APPENDIX 11 SUPPLEMENTARY PROGRAMME MOTION FOR CONSIDERATION
OF LORDS MESSAGE AND SUBSEQUENT STAGES**

The numbers in square brackets are references to drafting notes (see Chapter 8).

KNOW-HOW BILL [LORDS]: PROGRAMME (NO. 3) MOTION [1]

Secretary Black [Name of Minister in Charge of the Bill] [2]

That the following provisions shall apply to the Know-How (No.2) Bill [*Lords*] for the purpose of supplementing the Orders of 25 May 2016 (Know-How (No.2) Bill [*Lords*] (Programme)) and 2 July 2016 (Know-How (No.2) Bill [*Lords*] (Programme) (No.2)): [29]

Consideration of Lords Message

(1) Any Message from the Lords may be considered forthwith without any Question being put. [36] [37] [38]

(2) Proceedings on that Message shall (so far as not previously concluded) [5] be brought to a conclusion one hour after their commencement at today's sitting. [32]

Subsequent stages

(3) Any further Message from the Lords may be considered forthwith without any Question being put. [36] [37]

(4) The proceedings on any further Message from the Lords shall (so far as not previously concluded) [5] be brought to a conclusion one hour after their commencement.