

# CARRYING OVER BILLS

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

Unless otherwise stated –

- references to Erskine May are to the 25th edition (2019);
- references to Standing Orders are to the Standing Orders of the House of Commons relating to Public Business of 6 November 2019 and the addenda up to 2 October 2020;
- references to the Lords Companion to the Standing Orders are to the Companion to the Standing Orders and Guide to Proceedings of the House of Lords (25th edition, 2017).

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## CHAPTER 1 INTRODUCTION

### General

1.1 Until relatively recently, almost all proceedings fell at the end of a session if they were still pending at that time.<sup>1</sup> A public bill which fell at the end of a session would have to be reintroduced in the next session.<sup>2</sup>

1.2 But in the Commons, there is now a “carry-over” procedure for government bills which are introduced there, and which would otherwise fall at the end of one session, to be resumed in the following session. This procedure is to be found in SO No. 80A (see Appendix 1).

1.3 The Lords have also approved the principle that it should be possible for certain government bills introduced in the Lords to be carried over from one session to the next (in the same way as private and hybrid bills). No Standing Orders have been introduced but such bills can be carried over by *ad hoc* motions.<sup>3</sup>

1.4 Neither House permits a public bill (other than a hybrid bill) to be carried over a dissolution of Parliament.<sup>4</sup>

1.5 The decision whether to carry over a bill is ultimately a political judgment. Bills to be carried over from one session to the next are discussed between the “usual channels” (representatives of the major parties). Bills that have undergone pre-legislative scrutiny are thought to be better suited to gaining agreement in the usual channels, although the government can bring forward any bill for carry-over.<sup>5</sup>

1.6 OPC is responsible for drafting any necessary motions to secure a carry-over and may be asked to advise on procedural aspects of carrying over a bill.<sup>6</sup>

### Particular types of bills

1.7 This pamphlet does not deal in detail with the carry-over of Finance Bills, or other bills brought in on ways and means resolutions. In relation to such bills, SO No. 80A is supplemented by SO No. 80B.

1.8 This pamphlet does not deal with the carry-over of hybrid bills, which are usually the subject of bespoke carry-over motions.<sup>7</sup>

1.9 This pamphlet does not deal with the carry-over of private bills. Such bills can be suspended and/or revived.<sup>8</sup>

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1. Erskine May (para 8.6) refers to a number of exceptions: delegated legislation and carried-over private bills or hybrid bills. There are other exceptions, including the continuation of certain select committees after prorogation.

2. Erskine May (para 30.32) sets out some historical background to carry-over.

3. See Erskine May, para 30.35.

4. See Erskine May, final sentence of para 30.35.

5. Even if a bill is not carried over, the government could still introduce a new bill in the same terms in the following session, although proceedings on the bill would have to start from scratch.

6. See also Chapter 34 of the Cabinet Office’s *Guide to Making Legislation* (July 2017).

**Bills that have been carried-over**

1.10 Appendix 2 lists the public bills that have been carried-over. It includes Finance Bills but does not include hybrid bills.

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7. See eg. the motions for the High Speed Rail (London - West Midlands) Act 2017 and the High Speed Rail (West Midlands - Crewe) Bill 2017-19 and 2019 (Oct to Nov). SO No. 80A is not appropriate for use with hybrid bills because, while it applies to public bills generally, a carry-over motion for a hybrid bill would also need to include private bill elements (for example, deemed compliance in the next session with Standing Orders relating to private business) which would take it outside the terms of SO No. 80A. Also, there are aspects of SO No. 80A which would be inconvenient in the case of a hybrid bill (for example, no carry-over to a third session and proceedings on the bill to be completed within 12 months of first reading in the first Session).

8. See Erskine May, para 45.37. See also, in the Commons Standing Orders relating to private business (2017), SO 188A and 188B and, in the Lords Standing Orders relating to private business (2018), SO 150A and 150B.

## CHAPTER 2 PROCEDURE

### Procedure in the Commons under SO No. 80A

2.1 SO No. 80A governs the procedure for carry-over in the Commons of bills introduced in that House (see Appendix 1).<sup>9</sup>

2.2 The main features of the procedure under SO No. 80A are that –

- a carry-over motion may only be made on notice given by a Minister;<sup>10</sup>
- the motion may only be made in respect of a bill presented by a Minister (so a private member’s bill cannot be carried over);<sup>11</sup>
- a separate motion is required for each bill to be carried over;<sup>12</sup>
- if moved on the same day as second reading, the motion is not debated;<sup>13</sup>
- if moved at any other time, debate on the motion is limited to 90 minutes;<sup>14</sup>
- a bill may be subject to the carry-over procedure only once;<sup>15</sup> and
- proceedings on a carried-over bill lapse (unless extended) “on the expiry of the period of twelve months from the date of its first reading in this House” (that is, the first reading of the bill in the Session in which it was originally introduced).<sup>16</sup>

2.3 SO No. 80A also deals with the procedural consequences of carrying over a bill.<sup>17</sup>

2.4 To date, there has been no carry-over in the Commons of a Bill introduced in the Lords. SO No. 80A does not apply to a carry-over motion made for such a bill.<sup>18</sup> Such a bill (including a consolidation bill) could be carried over in the Commons by an *ad hoc* motion. The debate in the Commons on the motion would not be time-limited because the motion would not have the protection of Commons SO No. 80A(1). And a motion would also be required in the Lords.<sup>19</sup>

### Procedure in the Lords

2.5 The procedure in the Lords is much less formal.<sup>20</sup>

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9. Supplemented by SO No. 80B for bills brought in on a ways and means resolution.

10. SO No. 80A(1).

11. SO No. 80A(5).

12. SO No. 80A(3).

13. SO No. 80A(1)(a).

14. SO No. 80A(1)(b).

15. SO No. 80A(4).

16. SO No. 80A(13) and (14).

17. See further in paragraph 4.26 onwards.

18. SO No. 80A(6).

19. It is likely that the process would be that, in the second of the two sessions, the bill would be presented in the originating House and a motion would provide for it to be considered to have gone through all its stages in that House and passed. It would then be sent to the second House, where a motion would provide for it to be considered to have completed all the stages completed the previous session and to be set down for the next stage.

20. See Erskine May, para 30.35, and paragraphs 8.08 to 8.10 of the Lords Companion to the Standing Orders.

2.6 Government bills are carried over by *ad hoc* motions. In practice, the eligibility of government bills for carry-over is a matter for informal agreement between the “usual channels” (representatives of the major parties).

2.7 Carry-over is generally restricted to government bills which began in, and have yet to leave, the Lords.

2.8 So far, the only Acts the bills for which have been subject to carry-over in the Lords are the Constitutional Reform Act 2005 and the Trusts (Capital and Income) Act 2013. The Sentencing (Pre-consolidation Amendments) Bill and the Birmingham Commonwealth Games Bill were both carried over at the end of the 2017-2019 session, but the Bills were lost on dissolution at the end of the short 2019 session (see details in paragraphs 3.11 to 3.18, paragraphs 4.34 to 4.38 and Appendix 2).<sup>21</sup>

2.9 To date, there has been no carry-over in the Lords of a bill introduced in the Commons. In 2004 the House of Lords agreed that government bills should be eligible for carry-over once they have been transferred to the second House if they have been subject to pre-legislative scrutiny.<sup>22</sup>

2.10 The carry over procedure does not apply twice to the same bill.<sup>23</sup>

### Section 2 of the Parliament Act 1911

2.11 Section 2 of the Parliament Act 1911 provides that, in certain circumstances, a Bill introduced in the Commons that has been passed by the Commons in two successive sessions can be presented for Royal Assent and become an Act of Parliament without the consent of the House of Lords.

2.12 There have been no examples so far of reliance on section 2 to pass a Bill that has been carried over.

2.13 Although there is no precedent, it would seem that –

- if a bill was introduced in the Commons and carried over in the Commons from one session to the next under SO No. 80A, then the session into which the bill was carried over would be the first session for the purposes of applying section 2;
- if a bill was introduced in the Commons and then carried over while in the Lords, the session into which the bill was carried over would be the second session for the purposes of applying section 2, unless provision was made to the contrary.<sup>24</sup>

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21. The bill for the Trusts (Capital and Income) Act 2013 and the Sentencing (Pre-consolidation Amendments) Bill were Law Commission bills that were subject to the special procedure for non-controversial Law Commission bills.

22. See Erskine May, para 30.35. See also paragraph 7 of the 5th Report of the House of Lords Select Committee on Procedure of the House 2001-02, agreed by the House of Lords on 24.07.02 – subsequently reviewed by Leader’s Group on Review of Working Practices 2003-04 and confirmed by paras 1 to 5 of Lords Procedure Committee in 3rd Report 2003-04, agreed by the House of Lords on 10.11.04. Also see footnote 19 above.

23. See Erskine May, para 30.35.

24. See the discussion in paragraph 8 of the 5th Report of the House of Lords Select Committee on Procedure of the House 2001-02, agreed by the House of Lords on 24.07.02.

## **CHAPTER 3 DRAFTING AND TABLING A CARRY-OVER MOTION**

### **OPC’s role**

3.1 OPC draft carry-over motions on instructions from the Whips.

### **Motions in the Commons**

3.2 In the Commons, a typical carry-over motion is –

“[*name of*] BILL: CARRY-OVER

[*name of Minister in charge of the Bill*]

That if, at the conclusion of this Session of Parliament, proceedings on the [*name of*] Bill have not been completed, they shall be resumed in the next Session.”

3.3 Once the department, the Commons Public Bill Office and the Whips are content with the draft motion, the text should be sent by email to the Whips Office for tabling. It should be sent in RTF and as a PDF.

### *When to table*

3.4 The timing of the tabling of the motion is a matter for the Whips. Notice must be given.<sup>25</sup> A motion under SO No. 80A could be moved on the same day as second reading or any time after that day but before third reading.

### *Debate on carry-over motion*

3.5 A carry-over motion is taken without debate if it is moved on the same day as the second reading. In any other case, the motion is debatable for up to 90 minutes.<sup>26</sup>

3.6 A motion under Commons SO No. 80A(14) to extend the 12 months for proceedings on a carried-over bill is also debatable for up to 90 minutes.

3.7 It is not possible to combine the two motions so as to achieve a single 90-minute debate. The issue of principle represented by each motion is intended to be debated separately.

### *Deferred divisions*

3.8 The Whips may wish to consider tabling a motion to disapply SO No. 41A (deferred divisions), which would otherwise apply to a vote on a carry over motion.<sup>27</sup>

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25. SO No. 80A(1).

26. SO No. 80A(1).

27. See Erskine May, para 30.33. As regards deferral of divisions, see eg. the division on the carry over motion for the bill for the Equality Act 2010 (deferred on 11.05.09 to 13.05.09). As regards motions to disapply SO No. 41A, see eg. the motions agreed to in connection with the carry over motion for the Local Government Finance Bill (23.01.17) and the carry over motion for the Domestic Abuse Bill (02.10.19).

*Programme motion for bill to be carried-over*

3.9 Where a carry-over motion and a programme motion are to be tabled before second reading on a bill and proceedings in Public Bill Committee may start, but not be completed, before the bill is carried over, it is possible for the programme motion to specify a date in the new session as the out-date for the committee stage.<sup>28</sup> Alternatively, the programme motion may specify a date that falls within the first session and, if necessary, the out-date may subsequently be extended by a supplementary programme motion.<sup>29</sup>

*What if Commons proceedings on the Bill are completed before the end of the session?*

3.10 A carry-over order is conditional on proceedings on the Bill not having been completed. If proceedings on the bill are completed before the end of the session, the order will be of no effect. There is no need to revoke it.

### **Motions in the Lords**

3.11 The Lords deal with carry-over motions on an *ad hoc* basis. So far, the procedure has been used only four times – on the bill for the Constitutional Reform Act 2005, the bill for the Trusts (Capital and Income) Act 2013, the Sentencing (Pre-consolidation Amendments) Bill (2017-2019 session) and the Birmingham Commonwealth Games Bill (2017-2019 session).<sup>30</sup> On the basis of those precedents, two motions are needed – a paving motion in the first session, contingent on the bill not completing all its stages in the Lords before the end of that session, and a main motion in the next session, allowing the debate on the bill to pick up where it left off.

3.12 The paving motions for the bills for the Constitutional Reform Act 2005 and the Trusts (Capital and Income) Act 2013 were in similar terms. The latter (agreed to on 28 March 2012) said –

“Trusts (Capital and Income) Bill [HL] – Lord Strathclyde to move to resolve that it is expedient that if the Trusts (Capital and Income) Bill [HL] –

- (a) has not completed all its stages by the end of this session of Parliament, and
- (b) is reintroduced in the next session of Parliament,

the new bill shall, notwithstanding the provisions of Standing Order 46 (*No two stages of a Bill to be taken on one day*), be taken *pro forma* through all the stages completed in this session.”

3.13 The paving motions for the Sentencing (Pre-consolidation Amendments) Bill (agreed on 5 September 2019) and the Birmingham Commonwealth Games Bill (agreed on 9 September 2019) were also in similar terms, the only difference from the precedents being the one

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28.For example, on the bill for the Gambling Act 2005, the programme motion of 01.11.04 required proceedings in Standing Committee (the predecessor to public bill committee) to be concluded by 11.01.05. A carry-over motion for that bill was passed on 01.11.04 and the bill was re-introduced on 24.11.04. See also the bills for the Finance Act 2012 (programme order 16.04.12), the Finance Act 2013 (programme order 15.04.13) and the Finance Act 2016 (programme order 11.04.16).

29.For example, on the bill for the Criminal Justice and Immigration Act 2008, the initial programme order (08.10.07) set an out-date of 30.10.07; a supplementary programme order (11.10.07) changed the out-date to 29.11.07. (The 2006-07 session ended on 30.10.07.)

30.The Sentencing (Pre-consolidation Amendments) Bill and the Birmingham Commonwealth Games Bill were both first introduced in the 2017-2019 session. Both Bills had completed all stages up to and including report stage when Parliament was prorogued. The Sentencing (Pre-consolidation Amendments) Bill was carried over into the short 2019 session, but was lost at dissolution before its third reading. The Birmingham Commonwealth Games Bill was also carried over into the short 2019 session and had its third reading, but was lost at dissolution.



mentioned in paragraph 3.14 below. The latter said –

“Birmingham Commonwealth Games Bill [HL] – Baroness Barran to move to resolve that it is expedient that if the Birmingham Commonwealth Games Bill [HL] –

(a) has not completed all its stages by the end of this session of Parliament, and

(b) is reintroduced in the next session of Parliament,

the Bill as reintroduced shall, notwithstanding the provisions of Standing Order 46 (*No two stages of a Bill to be taken on one day*), be taken *pro forma* through all of the stages completed in this session.”

3.14 Because the main motion in the following session appears to treat the reintroduced bill and the earlier bill as being the same bill, it was thought more consistent to refer in the paving motion to “the bill as reintroduced”.

3.15 The wording of the main motion will depend on the stage reached at the end of the first session.

3.16 The bill for the Constitutional Reform Act 2005 had been through Committee of the whole House and was awaiting report. At the start of the next session, the government moved a Business of the House motion for the stages completed in the first session to be taken on the same day in the second session. The motion (agreed to on 24 November 2004) said –

“Business of the House – The Baroness Amos to move, pursuant to the resolution of the House of 22nd March 2004, That, in the event of a Constitutional Reform Bill having been read a first time in the same form as that reported from the Committee of the Whole House in the last session of Parliament, Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with to enable the bill to be taken *pro forma* through all stages which the bill completed in the last session of Parliament.”

3.17 The bill for the Trusts (Capital and Income) Act 2013 had, by the end of the first session, had second reading only. At the start of the next session on 10 May 2012, the government moved the following Business of the House motion –

“Business of the House – Lord Strathclyde to move, pursuant to the resolution of the House of 28 March, that in the event of a Trusts (Capital and Income) Bill being read a first time in the same form as it stood at the end of the last session of Parliament, Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with to enable the bill to be read a second time *pro forma*.”

3.18 There was a combined main motion for the Sentencing (Pre-consolidation Amendments) Bill and the Birmingham Commonwealth Games Bill. Both Bills had, by the end of the first session, been through report stage. The motion (agreed on 16 October 2019) was in the following terms –

“Business of the House – The Lord Privy Seal (Baroness Evans of Bowes Park) to move, pursuant to the resolutions of the House of 5 September and 9 September, that the Sentencing (Pre-consolidation Amendments) Bill (HL) and the Birmingham Commonwealth Games Bill [HL] having been read a first time in the same form as they stood at the end of the last Session of Parliament, Standing Order 46 (*No two stages of a Bill to be taken on one day*) be dispensed with to enable the bills to be taken *pro forma* through the remaining stages which they had completed in the last Session of Parliament.”

## **CHAPTER 4 RE-INTRODUCTION OF CARRIED-OVER BILLS**

### **Preparation for re-introduction**

*The text of the bill (printing points and italics)*

4.1 The text of a carried-over bill must be the same when reintroduced as that of the bill at the end of the previous session,<sup>31</sup> though it may be possible to make printing corrections for re-introduction.

4.2 In the Commons, printing points are taken. Commons SO No. 80A(10), which requires the re-introduced bill to be “in the same terms” as its predecessor, does not prevent that.

4.3 In the Lords, the main motions for the reintroduced bills have in each case referred to a bill “in the same form”. Minor printing corrections were made in the case of the bill for the Constitutional Reform Act 2005. And in the case of the Sentencing (Pre-consolidation Amendments) Bill and the Birmingham Commonwealth Games Bill (both carried over to the short 2019 session but not enacted), an opportunity was provided to check a proof of the Bill before reintroduction.

4.4 For a bill in the Commons, it may also be necessary to agree with the Commons Public Bill Office a list of italics to include in the re-introduced bill. This will depend on the stage that the bill has reached by the end of the first session.

4.5 For example, the School Transport Bill (2004-05 not enacted) was reprinted without italics. In the first session, a money resolution to support the financial provisions of the bill had been passed immediately after second reading of the bill, all of the relevant provisions had been stood part of the bill in committee and the bill had been reported from committee without amendment.

4.6 But the bill for the Criminal Justice and Immigration Act 2008 was reprinted with all italics. The bill had not completed its passage through committee before the end of the first session and only some of the italicised provisions had been stood part of the bill.

*Statement under section 19 of the Human Rights Act 1998*

4.7 A new statement under section 19 of the Human Rights Act 1998 will need to be made for the bill as reintroduced in the second session. The person giving the statement might not be the person who gave it first time round.

*Names of presenter and supporters*

4.8 The names of the presenter and the supporters (in the Commons) or the presenter (in the Lords) should be obtained from the department for the bill as reintroduced in the second session. Again, these might not be the same as first time round.

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31. This might mean that the re-introduced bill contains provisions that are not covered by the long title if a new clause was added to the bill in the previous session but the consequential amendment to the long title was not reached before the session ended.

### *Explanatory Notes*

4.9 A new set of Explanatory Notes is, in general, required for the bill as reintroduced in the second session unless the text of the bill has not changed since the bill was introduced in the first session.

### *Queen's or Prince's consent*

4.10 Since February 2015, Queen's or Prince's consent is signified at third reading of a bill.<sup>32</sup> All of the bills carried over to date have been carried over before their third reading in the first House.

4.11 Previously, Queen's or Prince's consent was signified at the second or third reading of a bill, depending on the extent and nature of the way in which the Queen's or Prince's prerogatives and interests were affected by the Bill. Where consent was signified on second reading, the question arose as to whether consent needed to be re-signified when the bill was carried-over.<sup>33</sup>

4.12 Both Houses have endorsed the practice of not requiring consent to be re-signified when a Bill has been carried over from one session to the next.<sup>34</sup>

## **Re-introduction**

### *Timing*

4.13 It is for the Whips to determine the date of re-introduction of a carried-over bill in consultation with the department.

### *Electronic text of bill*

4.14 Where a bill is carried-over in the Commons, the Commons Public Bill Office use the existing electronic files to reprint the bill as it stands when the House prorogues. They will add any amendments made in the first session, make any agreed printing changes and invite OPC to check the resulting text.

4.15 Where a bill is carried-over in the Lords, discuss with the House authorities what is required.

### *What to give the Commons Public Bill Office*

4.16 To re-introduce a carried-over bill in the Commons, it is necessary to send the Public Bill Office a new Notice of Presentation, giving the long and short titles of the bill (the long title or even the short title may, of course, have been amended in the first session).

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32.This results from the approval by the Commons on 24.02.15 of its Procedure Committee's 4th Report of Session 2014-15 and the approval by the Lords on 30.10.14 of its Procedure Committee's 3rd Report of Session 2014-15. (The change for the Lords was dependent on the Commons making the same change.)

33.Consent was re-signified for the bill for the Constitutional Reform Act 2005 (carried-over in the Lords). Consent was not re-signified for the bill for the Constitutional Reform and Governance Act 2010 (carried-over in the Commons).

34.This results from the approval by the Commons on 24.02.15 of its Procedure Committee's 4th Report of Session 2014-15 and the approval by the Lords on 29.01.15 of its Procedure Committee's 4th Report of Session 2014-15.

4.17 It is not necessary to send the text of the bill (see paragraph 4.14).

4.18 OPC's covering letter to the Public Bill Office should say that the bill is being re-introduced and should, for ease of reference, give the date of the carry-over order.

4.19 The covering letter should include –

- (a) the names of the presenter and supporters (in the correct form and order),
- (b) the list of italics agreed with the Public Bill Office, and
- (c) confirmation that the new section 19 statement has been signed.

4.20 If revised Explanatory Notes are required, the Public Bill Office should be given them as soon as they are ready (typically this task will fall to the department).

4.21 The Commons Public Bill Office will arrange for up to 30 printed copies of the bill and the Explanatory Notes to be provided free of charge to the Minister in charge of the bill. OPC's covering letter should confirm how many copies the Minister would like.

#### *What to give the Lords Public Bill Office*

4.22 To re-introduce a carried-over bill in the Lords, it is necessary to write to the Public Bill Office giving the long title of the bill, the name of the presenter and confirmation that the new section 19 statement has been signed. On the bill for the Constitutional Reform Act 2005, the Lords Public Bill Office asked for confirmation of the date of first reading.

4.23 Discuss with the House authorities whether it is necessary to send the text of the Bill (see paragraph 4.15). OPC did not send the text of the Bill for the re-introduction of the Sentencing (Pre-consolidation Amendments) Bill or the Birmingham Commonwealth Games Bill, but were given the opportunity to comment on a proof.

4.24 The same requirements for the revised Explanatory Notes apply in the Lords as in the Commons.

4.25 A Business of the House motion relating to the re-introduction of the bill will also need to be tabled (see paragraphs 3.11 to 3.18). The Whips drafted and tabled the combined Business of the House motion for the Sentencing (Pre-consolidation Amendments) Bill and the Birmingham Commonwealth Games Bill.

#### **After re-introduction**

##### *Resumption of proceedings in the Commons*

4.26 SO No. 80A(10) ensures that proceedings on a carried-over bill will resume in the second session from the stage which they had reached in the first session.

4.27 For example, if proceedings on the bill in Public Bill Committee were begun in the first session but not completed, SO No. 80A(10)(a) ensures that the parts of the carried-over bill that were not considered in committee in the first session will stand committed to a Public Bill Committee in the second session.<sup>35</sup> For example, the entry in the Votes and Proceedings for 16 November 2006 for the bill for the Welfare Reform Act 2007 said –

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<sup>35</sup>The membership of the committee might have to change if, for example, a member of the public bill committee in the first session had, in the interim, ceased to be a member of Parliament or a Minister. The Committee of Selection has the necessary flexibility to achieve the right result.

“And the same was read the first and second time without Question put, and stood committed to a Public Bill Committee in respect of Clauses Nos. 34 to 69 and Schedules Nos. 5 to 8, pursuant to Standing Order No. 80A (Carry-over of bills) and Order [24th July 2006].”

4.28 SO No. 80A(10)(b) makes similar provision for cases in which proceedings on the bill in Committee of the whole House were begun in the first session but not completed. For example the entry in the Votes and Proceedings for 19 November 2009 for the bill for the Constitutional Reform and Governance Act 2010 said –

“Bill read the first and second time, and committed to a Committee of the whole House without Question put (Standing Order No. 80A and Order, 20 October 2009); ...”

4.29 If proceedings on report were begun in the first session but not completed, SO No. 80A(10)(d) has the effect that proceedings resume in the second session with the next day of report. For example, the entry in the Votes and Proceedings for 19 May 2016 for the bill for the Policing and Crime Act (which was carried over after the first day of report) said –

“Bill read the first and second time without Question put (Standing Order No. 80A and Order 7 March 2016); to be further considered on Monday 23 May ...”.

4.30 A financial resolution passed in respect of a bill will continue to apply to it if the bill is carried over to the next session.

4.31 As regards programming, under SO No. 80A(12) a programme order from the previous session continues to have effect in relation to the carried-over bill. It will be necessary to consider whether any adjustments to the programme order are required in the light of the timetable for the bill in the new session.

4.32 Where a programme order from the first session is to be varied or supplemented in the second session, the opening words of the motion to vary or supplement should include a reference to the order as being “in the last session of Parliament”.

4.33 If a carried-over bill was certified in the previous session under SO No. 83J (certification of bills as relating exclusively to England or England and Wales and being within devolved legislative competence), the certification will continue to have effect in relation to the bill in the new session.<sup>36</sup>

#### *Resumption of proceedings in the Lords*

4.34 The resumption of proceedings in the Lords will be governed by the procedure motion passed in relation to the bill in the second session. This can be tailored to produce the right result depending upon the stage reached by the bill in the first session (see paragraphs 3.11 to 3.18).

4.35 On the bill for the Constitutional Reform Act 2005 –

- the new session began on 23 November 2004;
- on 24 November, the bill was read the first time, the Business of the House motion was agreed on the floor of the House and then the carried-over bill was read a second time and committed and reported from committee *pro forma*.

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<sup>36</sup>See the bill for the Policing and Crime Act 2017 - Speaker’s certificate under SO No. 83J (02.03.16); carried over after first day of Report and reintroduced 19.05.16; Speaker’s provisional certificate under SO No. 83L (08.06.16); Speaker’s final certificate under SO No. 83L (13.06.16).

4.36 On the bill for the Trusts (Capital and Income) Act 2013 –

- the new session began on 9 May 2012;
- on 10 May 2012, the bill was read the first time, the Business of the House motion was agreed on the floor of the House and then the carried-over bill was read a second time *pro forma*.

4.37 On the Sentencing (Pre-consolidation Amendments) Bill –

- the new session began on 14 October 2019;
- the re-introduced bill was read the first time on 15 October 2019;
- the Business of the House motion was agreed on 16 October 2019, and then the Bill was read a second time, committed and reported from a Special Public Bill Committee and the Report was received *pro forma*.

4.38 On the Birmingham Commonwealth Games Bill –

- the new session began on 14 October 2019;
- the re-introduced bill was read the first time on 15 October 2019;
- the Business of the House motion was agreed on 16 October 2019, and then the Bill was read a second time, committed and reported from a Committee of the Whole House and the Report was received *pro forma*.

#### *Amendments*

4.39 Amendments which have been tabled, but not decided on, in either House before the end of the first session will need to reappear in the second session (taking account, of course, of any changes to page and line numbering in the print of the re-introduced bill resulting from amendments made in the first session). This may include amendments that have been debated, but not decided on, as a result of groupings.

4.40 In the Commons, amendments are retabled automatically under the terms of SO No. 80A(11).

4.41 If there were outstanding amendments in the name of someone who is no longer a member of the House, these would not be re-tabled. That would be consistent with the approach on an ordinary bill, where such amendments would simply be removed from the Order Paper. Amendments in the name of a former Minister would automatically transfer to the name of the former Minister's successor. The Public Bill Office would invite the Opposition to agree any comparable change to the names of their frontbench team.

4.42 In the Lords, the process can be dealt with in the procedure motion for carry-over. If it is not dealt with there, the amendments need to be retabled. On the bill for the Constitutional Reform Act 2005, the Lords Public Bill Office were content for the department to circulate its proposed amendments on report informally before the new print was available.

#### **Extension of 12 month period in the Commons**

4.43 The 12 month period for completion of proceedings on a carried-over bill runs from first reading in the first session. This is taken to mean that the 12 month period begins on the day of presentation.

4.44 Recent motions under SO No. 80A(14) to extend the carry-over period have said –

“*[name of]* BILL (CARRY-OVER EXTENSION):

*[name of Minister in charge of the Bill]*

That the period on the expiry of which proceedings on the *[name of]* Bill shall lapse in pursuance of paragraph (13) of Standing Order No. 80A shall be extended by *[number of]* days until *[date]*.”

4.45 For example, the bill for the Consumer Rights Act 2015 was introduced on 23 January 2014. A carry-over extension motion was agreed on 12 January 2015 extending the carry-over period by 67 days to 30 March 2015.<sup>37</sup>

4.46 The requirement to complete proceedings within 12 months does not include a requirement to get Royal Assent within that period. Where a bill leaves the Commons before the end of the 12 month period, but is still in the Lords when the period ends, the question is whether amendments are made in the Lords. If the bill passed the Lords without amendment, it could proceed directly to Royal Assent without the need to extend the 12 month period. But if it were amended in the Lords (whether before or after the end of that period) and returned to the Commons after the end of that period, then the period would need to be extended to permit Commons Consideration of Lords Amendments (and any further stages).

4.47 Motions to extend the carry-over period have so far been moved before the expiry of the 12 month period. The Commons Public Bill Office has indicated that, if the carry-over period had expired, a bespoke motion to extend would be possible.

4.48 The Commons Public Bill Office has also indicated that it would be possible to have a motion under SO No. 80A(14) to extend a period already extended under that provision.

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<sup>37</sup>Under the Fixed-term Parliaments Act 2011, Parliament was dissolved on 30 March 2015.

## APPENDIX 1 COMMONS SO NO. 80A

### “80A Carry-over of bills

- (1) Subject to the following provisions of this order, a Minister of the Crown may give notice of a motion (a “carry-over motion”) that proceedings on a public bill not completed before the end of the Session shall<sup>38</sup> be resumed in the next Session of Parliament; and the Speaker shall put any question necessary to dispose of proceedings on such a motion (other than a motion relating to a bill brought in upon a ways and means resolution) –
  - (a) forthwith if the motion is made on the day the bill is read a second time; or
  - (b) not more than one and a half hours after the commencement of proceedings on the motion if the motion is made at any other time.
- (2) A carry-over motion may be proceeded with, though opposed, after the moment of interruption.
- (3) A carry-over motion shall not be made in respect of more than one bill.
- (4) A carry-over motion shall not be made in respect of a bill carried over from a previous Session of Parliament.
- (5) A carry-over motion may be made only in respect of a bill presented by a Minister of the Crown.
- (6) The provisions of this order shall not apply to a carry-over motion made in respect of a bill brought from the Lords.
- (7) Paragraphs (8) to (11) of this order shall apply to any bill (other than a bill brought in upon a ways and means resolution) ordered to be carried over to the next Session of Parliament in pursuance of a carry-over motion.
- (8) If proceedings in committee on the bill are begun but not completed before the end of the first Session, the chair shall report the bill to the House as so far amended<sup>39</sup> and the bill and any evidence received by the committee<sup>40</sup> shall be ordered to lie upon the Table.
- (9) In any other case, proceedings on the bill shall be suspended at the conclusion of the Session in which the bill was first introduced.
- (10) If a bill is presented in the next Session in the same terms<sup>41</sup> as the bill reported to the House under paragraph (8) or as it stood when proceedings were suspended under paragraph (9), the bill shall be read the first and second time without question put, shall be ordered to be printed, and –
  - (a) in the case of a bill reported from a public bill committee under paragraph (8), shall stand committed to a public bill committee in respect of those clauses and schedules not ordered to stand part of the bill in the first Session;
  - (b) in the case of a bill reported from a committee of the whole House under paragraph (8), shall stand committed to a committee of the whole House in respect of those clauses and schedules not ordered to stand part of the bill in the first Session;

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38. The use of “shall” reflects the fact that the House will expect the government to re-present a bill if a carry-over order has been made in respect of it. Once this has been done, the government can, if it wishes, bring proceedings on the bill to a halt (as on any other bill).

39. The precise timing of the report to the House will be a matter for the chairman acting on advice. The report must be made before the end of the session but can only be made if the proceedings in committee are not completed before the end of the session.

40. The reference to evidence received by the committee was inserted by an amendment made on 01.11.06. The amendment was consequential on the replacement of Standing Committees with Public Bill Committees, which have power to receive oral and written evidence (see SO No. 84A).

41. This appears to preclude even amendments of the kind permitted by section 2(4) of the Parliament Act 1911. However, it does not preclude certain printing changes (see paragraphs 4.2 and 4.3).



- (c) in the case of a bill committed to a public bill committee but on which proceedings on the bill were not begun, shall again stand committed to a public committee;
  - (d) otherwise shall be set down as an order of the day for (as the case may be) committee, consideration, further consideration or third reading.
- (11) Notices of amendments, new clauses and new schedules given in respect of parts of a bill not disposed of in the first Session shall be reprinted as notices in respect of the bill as presented and proceeded with under paragraph (10).
- (12) A programme order relating to a bill which is carried over to the next session of Parliament shall continue to apply in the next Session.
- (13) Proceedings on a bill ordered to be carried over to the next Session of Parliament shall lapse on the expiry of the period of twelve months from the date of its first reading in this House<sup>42</sup> and the bill shall be laid aside unless the House shall order, in pursuance of a motion under paragraph (14), that proceedings on the bill be extended for a specified period.
- (14) A motion may be made by a Minister of the Crown to extend for a specified period proceedings on a bill which would otherwise lapse under paragraph (13),<sup>43</sup> and any such motion—
- (a) may contain provisions amending or supplementing a programme order in respect of the bill;
  - (b) may be proceeded with, though opposed, after the moment of interruption;

and the Speaker shall put any question necessary to dispose of proceedings on any such motion not later than one and a half hours after the commencement of those proceedings.”

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<sup>42</sup>See paragraph 4.43.

<sup>43</sup>See paragraphs 4.44 to 4.48.

## **APPENDIX 2 BILLS THAT HAVE BEEN CARRIED-OVER**

### **IN THE COMMONS**

#### **UNDER AD-HOC MOTION**

##### **Financial Services and Markets Act 2000**

Suspension motion 25.10.99  
Carried over during committee stage  
Reintroduced 18.11.99

#### **UNDER TEMPORARY STANDING ORDER<sup>44</sup>**

##### **Planning and Compulsory Purchase Act 2004**

Carry over motion and carry over extension motion 10.06.03 (extended by 6 months)  
Carried over after committee stage  
Reintroduced 01.12.03

##### **European Parliamentary and Local Elections (Pilots) Act 2004**

Carry over motion 21.10.03  
Carried over after committee stage  
Reintroduced 27.11.03

##### **Mental Capacity Act 2005**

Carry over motion 11.10.04  
Carried over after committee stage  
Reintroduced 24.11.04

##### **School Transport Bill 2004-05 (not enacted)**

Carry over motion 28.10.04  
Carried over after committee stage  
Reintroduced 24.11.04

##### **Gambling Act 2005**

Carry over motion 01.11.04  
Carried over during committee stage  
Reintroduced 24.11.04

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44.A temporary Standing Order was made on 29 October 2002, with SO No. 80A in effect “upgrading” it to permanent status from 26 October 2004.

**UNDER SO NO. 80A**

**Introduced in 2005-06 and carried over into 2006-07**

**Welfare Reform Act 2007**

Carry over motion 24.07.06  
Carried over during committee stage  
Reintroduced 16.11.06

**Corporate Manslaughter and Corporate Homicide Act 2007**

Carry over motion 10.10.06  
Carried over after committee stage  
Reintroduced 16.11.06  
Carry over extension motion 18.07.07 (extended by 7 days)  
(first reading in first session 20.07.06)

**Introduced in 2006-07 and carried over into 2007-08**

**Child Maintenance and Other Payments Act 2008**

Carry over motion 04.07.07  
Carried over after committee stage  
Reintroduced 07.11.07

**Criminal Justice and Immigration Act 2008**

Carry over motion 08.10.07 (tabled 25.07.07, see Order Paper 26.07.07)  
Carried over during committee stage  
Reintroduced 07.11.07

**Introduced in 2007-08 and carried over into 2008-09**

**Banking Act 2009**

Carry over motion 14.10.08  
Carried over after report stage  
Reintroduced 04.12.08

**Political Parties and Elections Act 2009**

Carry over motion, moved on 20.10.08; agreed on 22.10.08 (deferred division)  
Carried over after committee stage  
Reintroduced 04.12.08  
Carry over extension motion 13.07.09 (extended by 15 weeks until 29.10.09)  
(first reading in first session 17.07.08)

**Introduced in 2008-09 and carried over into 2009-2010 (last session of Parliament)**

**Equality Act 2010**

Carry over motion, moved on 11.05.09; agreed on 13.05.09 (deferred division)  
Carried over after committee stage  
Reintroduced 19.11.09

**Child Poverty Act 2010**

Carry over motion 20.07.09  
Carried over after committee stage  
Reintroduced 19.11.09

**Constitutional Reform and Governance Act 2010**

Carry over motion 20.10.09  
Carried over during committee stage (committee of whole House)  
Reintroduced 19.11.09

**Introduced in 2010-12 and carried over into 2012-13**

**Local Government Finance Act 2012**

Carry over motion, moved on 10.01.12; agreed on 11.01.12 (deferred division)  
Carried over after committee stage  
Reintroduced 10.05.12

**Civil Aviation Act 2012**

Carry over motion 30.01.12  
Carried over after report stage  
Reintroduced 10.05.12

**Financial Services Act 2012**

Carry over motion 06.02.12  
Carried over after 1st day of report stage  
Reintroduced 10.05.12

**Finance Act 2012**

Carry over motion 16.04.12  
Carried over during committee stage  
Reintroduced 10.05.12

**Introduced in 2012-13 and carried over into 2013-14**

**Marriage (Same Sex Couples) Act 2013**

Carry over motion 05.02.13  
Carried over after committee stage  
Reintroduced 09.05.13

**Energy Act 2013**

Carry over motion 19.12.12  
Carried over after committee stage  
Reintroduced 09.05.13  
Carry over extension motion 18.11.13 (extended by 13 weeks until 27.02.14)  
(first reading in first session 29.11.12)

**Children and Families Act 2014**

Carry over motion 25.02.13  
Carried over after committee stage  
Reintroduced 09.05.13  
Carry over extension 20.01.14 (extended by 46 days until 21.03.14)  
(first reading in first session 04.02.13)

**Financial Services (Banking Reform) Act 2013**

Carry over motion 11.03.13  
Carried over after committee stage  
Reintroduced 09.05.13

**Finance Act 2013**

Carry over motion 15.04.13  
Carried over during committee stage  
Reintroduced 09.05.13

**Introduced in 2013-14 and carried over into 2014-15 (last session of Parliament)**

**Finance Act 2014**

Carry over motion 01.04.14  
Carried over after committee stage  
Reintroduced 05.06.14

**Wales Act 2014**

Carry over motion 31.03.14  
Carried over after committee stage  
Reintroduced 05.06.14

**Consumer Rights Act 2015**

Carry over motion 28.01.14  
Carried over after 1st day of report stage  
Reintroduced 05.06.14  
Carry over extension motion 12.01.15 (extended by 67 days until 30.03.15)  
(first reading in first session 23.01.14)

**Deregulation Act 2015**

Carry over motion 03.02.14  
Carried over after 1st day of report stage  
Reintroduced 05.06.14  
Carry over extension motion 13.01.15 (extended by 67 days until 30.03.15)  
(first reading in first session 23.01.14)

**Criminal Justice and Courts Act 2015**

Carry over motion 24.02.14  
Carried over after 1st day of report stage  
Reintroduced 05.06.14  
Carry over extension motion 13.01.15 (extended by 54 days until 30.03.15)  
(first reading in first session 05.02.14)

**Introduced in 2015-16 and carried over into 2016-17**

**Investigatory Powers Act 2016**

Carry over motion 15.03.16  
Carried over after committee stage  
Reintroduced 19.05.16

**Finance Act 2016**

*Certified under SO No. 83J (EVEL): England and Wales and Northern Ireland only provisions*  
Carry over motion 11.04.16  
Carried over after second reading  
Reintroduced 19.05.16

**Policing and Crime Act 2017**

*Certified under SO No. 83J (EVEL): England-only provisions and England-and-Wales only provisions*  
Carry over motion 07.03.16  
Carried over after 1st day of report stage  
Reintroduced 19.05.16

**Introduced in 2016-17; carry over prevented by election (8 June 2017)**

**Local Government Finance Bill (not enacted)**

*Certified under SO No. 83J (EVEL): England-only provisions*

Carry over motion 23.01.17

(completed committee stage)

**Vehicle Technology and Aviation Bill (not enacted)**

Carry over motion 06.03.17

(completed committee stage)

**Prisons and Courts Bill (not enacted)**

*Certified under SO No. 83J (EVEL): England and Wales only provisions*

Carry over motion 20.03.17

(began committee stage)

**Finance Act 2017**

*Certified under SO No. 83J (EVEL): England and Wales and Northern Ireland only provisions*

Carry over motion 18.04.17

Completed all stages in 2016-17 session following announcement of election

**Introduced in 2017-19 and carried over into 2019 session**

**Domestic Abuse Bill (not enacted as lost at dissolution before December 2019 election)**

*Certified under SO No. 83J (EVEL): England-only and England and Wales only provisions*

Carry over motion 02.10.19

(completed second reading)

**IN THE LORDS**

**Constitutional Reform Act 2005**

Carry over motion 22.03.04

Carried over after committee of the whole House

Reintroduced and Business of the House motion 24.11.04

**Trusts (Capital and Income) Act 2013**

Carry over motion 28.03.12

Carried over after second reading committee and second reading

Reintroduced and Business of the House motion 10.05.12

**Sentencing (Pre-consolidation Amendments) Bill (not enacted as lost at dissolution before December 2019 election)**

Carry over motion 05.09.2019

Carried over after report stage

Reintroduced 15.09.19

Business of the House motion 16.10.19

(Bill with the same title introduced in the 2019-21 session)

**Birmingham Commonwealth Games Bill (not enacted as lost at dissolution before December 2019 election)**

Carry over motion 09.09.2019

Carried over after report stage

Reintroduced 15.10.19

Business of the House motion 16.10.19

(Bill with the same title introduced in the 2019-21 session)