

STYLE MANUAL FOR AMENDMENTS TO BILLS

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

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CHAPTER 1 GENERAL

Headings

1.1 The heading of the amendment sheet gives the name of Bill. If it is a Lords starter –

- in the Lords, the Bill title is given as Cats and Dogs Bill [HL]
- the Commons, the Bill title is given as Cats and Dogs Bill [*Lords*]

1.2 The amendment sheet heading also shows the stage at which the amendment is being made (Committee stage, Report stage etc). Both the House and the stage are generated automatically by Lawmaker by reference to the options selected in the dropdown menu when the amendments are created. Make sure that the amendment list is created by reference to the correct version of the Bill in Lawmaker.

Sponsor

1.3 Each amendment has to have a sponsor to move it.

1.4 In the **Commons**, Government amendments are normally tabled in the name of a single Minister¹ –

- in Committee, this is the Minister leading for the Government in Committee (not usually the same person as the Minister in charge of the Bill except in Committee of the Whole House);
- on Report this is the Minister in charge of the Bill (i.e. the person who signed the s.19 statement).

1.5 In the **Lords**, Government amendments are normally tabled in the name of a single Minister as follows –

- in Committee it is the Minister leading for the Government in Committee (who is usually the same person as the Minister in charge of the Bill (i.e. the person who signed the s.19 statement));
- on Report and Third Reading, it is the Minister in charge of the Bill.

1.6 In the case of a Private Member's Bill, amendments that are supported by (or even originate from) the Government may be moved either by the member in charge of the bill or the Government Minister.

1. But this is not always the case: for example amendments to the Deregulation Bill made in Public Bill Committee were tabled in the name of two Ministers, and Report amendments on that Bill were also tabled in the names of the same two Ministers, neither of whom was the Minister who had signed the s.19 statement. Note also that, if the Government wishes to table an amendment that is identical to one already tabled by the Opposition, the Minister's name will simply be added to the Opposition amendment. In the Lords, the Minister's name is added to the bottom of the list of names (so that the list shows the order in which the persons listed added their name the amendment); in the Commons, the Minister's name is put at the top of the list of names, if they are the Minister in charge of the Bill (so this will not be the case for a PMB).

Punctuation, formatting etc

1.7 In both the Lords and the Commons, amendments –

- use double quotes for quoting text;
- do not end with a full-stop.

1.8 However, there are the following differences between the Houses.

1.9 In the **Commons** –

- the clause number appears at the start of the amendment both in Committee and at Report (e.g. Clause 5, page 5, line 5, ...);
- the sponsor name appears on the left-hand side above the amendment (in lower case but with initial capitals).

1.10 In the **Lords** –

- the clause number appears as a heading to the amendment (as well as at the start of the amendment);
- the sponsor name appears underneath the clause number, centred and in upper case.

1.11 The formatting is generated automatically by Lawmaker (and the clause number heading is also generated automatically when the official amendment lists are created; counsel do not need to do anything to add this).

1.12 It is possible to insert amendment numbers in an amendment list, but the PBOs have asked that these are removed before amendments are submitted to them in Lawmaker. Lawmaker will also generate hard references for each amendment (OPC1, OPC2 etc), which do not change.

Note: the general examples in Chapters 2 to 5 applicable to both the Commons and Lords use Commons formatting. However, except where indicated otherwise, the amendment text may be used in the Lords.

What can or must be done as printing?

Amendments to headings

1.13 In both the **Commons** and the **Lords**, the following are not amendable –

- clause headings
- Schedule headings
- Chapter headings
- Part headings
- italic cross-headings above a group of clauses.

1.14 Changes to these (including adding or removing them) must always be done as printing.

1.15 Where a heading is changed by way of printing, parenthetical descriptions elsewhere reproducing that heading may also be changed by way of printing.

1.16 However, italic cross-headings in Schedules are amendable in the **Commons** (at all stages), but may also be changed (or added or removed) as printing. In the **Lords** they may

only be changed (or added or removed) as printing.

1.17 Headings in inserted text are amendable (in both Houses). But they may also be changed as printing.

Insertion of new headings with amendments

1.18 In the **Lords**, it is possible to insert a new cross-heading, Chapter heading or Part heading above a new clause and then to refer in the amendments to the new Chapter or Part.

1.19 This is not allowed in the **Commons**: creation of a new Chapter or Part tends to be done as printing, although if there is a substantive policy decision connected with this, it should be done by motion. Where a new Part or Chapter is created by way of printing, references to a run of clauses constituting the new Part or Chapter can also be changed to references to the new Part as printing.

1.20 The Commons will however allow an amendment adding text to a Schedule to include a new Part heading or cross-heading.

Explanatory statements on amendments

1.21 Government amendments in both the Commons and the Lords should be accompanied by an explanatory statement: for further information see Chapter 22 of the Cabinet Office Guide to Making Legislation (2022 version).

1.22 It may be helpful to note the following points –

- the statement should be no more than around 50 words;
- we do not capitalise the words “amendment” or “clause” in explanatory statements;
- in the **Commons**, explanatory statements can cross-refer to other amendments by using the hard reference for the amendment number, as generated by Lawmaker;
- in the **Lords**, amendments are only numbered at the point when the marshalled list is produced, so cross-references in explanatory statements in the Lords should be drafted by reference to the clause, page and line number of the amendment in question (and can be drafted in the form “*my* amendment to clause x...”);
- an explanatory statement should still be produced for an amendment to leave out a clause at Committee stage, even though such an amendment is non-selectable (an example text may be “This amendment removes clause 9, which was inserted at Report stage in the Lords.”);
- for amendments at Third Reading in the Lords, the explanatory statement should, where possible, indicate why the amendment is considered suitable for that stage;²
- the standard form for the explanatory statement for the amendment removing the privilege amendment is “This amendment removes the privilege amendment inserted by the Lords.”

Global amendments

1.23 Sometimes a single change in policy (e.g. about the name of a new body) will require a

2. See further, Handling a Bill (March 2023) at para.6.48.

large number of identical or near identical amendments to a Bill. The PBOs in both Houses are firmly of the view that changes of this kind cannot be effected by a single global amendment.

CHAPTER 2 AMENDMENTS TO INSERT TEXT

Inserting words that do not amount to a unit of text

- 2.1 Amendments inserting words **at the beginning of a line** take the following form –
Clause 5, page 5, line 5, at beginning insert “Subject to subsection (4),”
Schedule 1, page 8, line 8, at beginning insert “Subject to paragraph 4,”
Schedule, page 8, line 8, at beginning insert “Subject to paragraph 4,”
- 2.2 Here are examples of amendments inserting words **in the middle of a line** –
Clause 5, page 5, line 5, after “cats” insert “and dogs”
Clause 5, page 5, line 5, after second “cats” insert “and dogs”

NOTE: if there are two identical words in the same line, but one is upper-case and one is lower-case, these are treated as the same word for the purposes of drafting amendments. So an amendment to insert “reasonably” before “practicable” in a subsection beginning “As soon as reasonably practicable” would be drafted as “after second “as” insert “reasonably””.

- 2.3 An amendment inserting words **at the end of a line** looks like this –
Clause 5, page 5, line 5, at end insert “or (3)(b)”³

NOTE: “at end insert” is used even when the amendment is to go in before the final punctuation mark; any errors that creep in from this can be corrected as printing.

Inserting a unit of text (subsection, paragraph etc) into a clause

- 2.4 An amendment **inserting a new subsection** looks like this –
Clause 5, page 5, line 5, at end insert –
“(5A) The application must be heard by the court.”
- 2.5 To **insert a new paragraph into middle of a list** –
Clause 5, page 5, line 5, at end insert –
“(ca) an order made under subsection (4);”
- 2.6 If an amendment is wanted to **insert a new paragraph as the penultimate item in a list with a conjunction**, this is done by inserting the new paragraph (including the conjunction) at the end of the relevant line and removing the existing conjunction as printing.
- 2.7 Take for example, a subsection that provides –
The Secretary of State may take into consideration –
(a) an order made under subsection (1),
(b) regulations made under subsection (3), and
(c) an order made under subsection (6).
- 2.8 An amendment inserting a new paragraph between (b) and (c) would look like this –

3. In the past, the Commons clerks would sometimes use (or suggest that we use) “add” rather than “insert” where text is being added at the end of a clause or Schedule. However, they have now abandoned this practice, and “insert” is now used consistently (as is the case in the Lords).

Clause 5, page 5, line 5, at end insert –

“(ba) an order made under subsection (4), and”

2.9 The “and” at the end of paragraph (b) would be removed as printing.

2.10 To **insert a new paragraph as final item in a list with a conjunction**, the amendment would look like this –

Clause 5, page 5, line 6, at end insert “, and

(d) an order made under subsection (7).”

2.11 Again, the “and” at the end of paragraph (b) would be removed as printing.

NOTE: New units of text are numbered, so as to make it easier to locate the point of insertion. For insertions into the middle of a list, add a letter after the existing number (e.g. for a subsection between (2) and (3) use “(2A)” and for two paragraphs between (a) and (b) use “(aa)” and “(ab)”); if at the end of a list the numbering just carries on (e.g. for a subsection after (4) use “(5)”); if inserting at the beginning of a list use “(A..)” (i.e. subsections to be inserted before subsection (1) would be “(A1), (A2), (A3)” etc). The numbering is then sorted out to become sequential when the bill is reprinted after the amendments are made.

Inserting a unit of text (paragraph, sub-paragraph etc) into a Schedule

2.12 An amendment **inserting a new undivided paragraph** takes the following form –

Schedule 1, page 8, line 8, at end insert –

“8A In section 38 of that Act, omit subsection (1).”

2.13 An amendment **inserting a new paragraph divided into sub-paragraphs** looks like this –

Schedule 1, page 8, line 8, at end insert –

“8A (1) Section 38 is amended as follows.

(2) In subsection (1), after “cats” insert “or dogs”.

(3) In subsection (4), after “lizards” insert “or snakes”.”

2.14 To **insert a new sub-paragraph** –

Schedule 1, page 8, line 8, at end insert –

“(2A) In subsection (1), after “cats” insert “or dogs”.”

2.15 Amendments to a **Bill with a single Schedule** take the following form:

Schedule, page 8, line 8, at end insert ...

NOTE: as mentioned above, the unit of text to be inserted will be numbered (e.g. (2A) for a sub-paragraph going between (2) and (3)) to make it clear where the insertion goes.

Cross-referring to inserted units of text

2.16 If the inserted unit of text is within a run of subsections or paragraphs, any cross-reference to that run of paragraphs would be assumed to include the new unit. So, for example, if a new subsection (2A) were inserted, a cross-reference elsewhere in the Bill to subsections (1) to (3) would be taken to include new subsection (2A).

2.17 If the inserted unit of text is at the beginning or end of a run of subsections or paragraphs, then amendments to cross-references will be required to make it clear that the inserted unit is to be included.

Inserting paragraph numbering

2.18 If the only change being made is to insert paragraph numbers, with no alteration of the text, then this can be done as printing. So, for example, an amendment would not be needed to change this:

“The Secretary of State must own a cat and care for a dog.”

to this:

“The Secretary of State must –

(a) own a cat, and

(b) care for a dog.”

2.19 Sometimes we wish to insert paragraphing into an existing subsection at the same time as inserting new text. For example we may wish to change this:

“The Secretary of State must own a cat.”

to this:

“The Secretary of State must –

(a) own a cat, and

(b) care for a dog.”

2.20 The amendment for this is done as follows –

Clause 5, page 5, line 5, at end insert “, and

(b) care for a dog.”

2.21 The paragraph number for (a) is inserted as printing. However, if it is not entirely clear where the new paragraph number would go, an amendment can be tabled to indicate this (although, in the **Commons** at least, such an amendment would be unlikely to be selected).

2.22 If changing or adding text immediately before the new paragraph number, the new paragraph number should be included in the amendment. For example, we may wish to change –

“The Secretary of State must own a cat.”

to

“The Secretary of State must, in the course of exercising functions under Part 1 –

(a) own a cat, and

(b) care for a dog.”

2.23 This would be done as follows –

Clause 5, page 5, line 5, after “must” insert “, in the course of exercising functions under Part 1 –

(a) ”

Clause 5, page 5, line 5, at end insert “, and

(b) care for a dog.”

2.24 Depending on the amount of text to be reproduced, it is sometimes clearer to deal with this type of thing by way of a single amendment, as follows –

Clause 5, page 5, line 5, leave out “own a cat” and insert “, in the course of exercising functions under Part 1 –

- (a) own a cat, and
- (b) care for a dog.”

2.25 Which approach to take in this situation will tend to involve a judgement call as to which is clearer and how much text needs to be reproduced. The PBOs are happy to be consulted on this where necessary.

Inserting new clauses and new Schedules

Commons

2.26 In the Commons the amendment does not specify where the new clause or Schedule goes: this is dealt with as printing. New clauses are put at the end of the amendment list in Committee and at the start for Report (subject of course to any programme or order of consideration motion making different provision).

2.27 However, it can be useful for the explanatory statement to be used to indicate where a new clause is to go, particularly if the intention is for it to be encompassed in a reference to a run of clauses or a Part elsewhere in the Bill (such as in a commencement or extent clause).

2.28 Note that a run of new clauses cannot be inserted by a single amendment: a separate amendment is needed for each new clause (see also paragraph [2.48](#) below about inserting whole new Chapters and Parts).

2.29 An amendment inserting a new clause looks like this:

Name of sponsor

To move the following Clause –

“Adjournment of criminal behaviour order hearing

- (1) This section applies where a court adjourns the hearing of an application for a criminal behaviour order.
- (2) The court may make a criminal behaviour order that lasts until the final hearing of the application.”

Lords

2.30 In the Lords the amendment paper indicates where the new clause or Schedule goes and such amendments are put at the appropriate place on the amendment list. As in the Commons, it is not possible to insert more than one new clause by a single amendment.

2.31 The amendment looks like this:

After Clause 5

After Clause 5, insert the following new Clause—

“Adjournment of criminal behaviour order hearing

- (1) This section applies where a court adjourns the hearing of an application for a criminal behaviour order.
- (2) The court may make a criminal behaviour order that lasts until the final hearing of the application.”

2.32 Instead of expressing a new clause or Schedule to go *after* an existing one, it will sometimes make sense for it to be expressed to go *before* an existing one.

2.33 The “Before Clause/Schedule X” formulation would, for example, be used, where a clause should be inserted immediately after an existing heading.

2.34 The “Before Clause/Schedule X” formulation can also be helpful for reasons relating to the marshalling of amendments.

2.35 Take the example of a Bill with Part 1 consisting of clauses 1 to 10 and Schedule 1 (introduced by clause 5), and with Part 2 consisting of clauses 11 to 20 and Schedule 2 (introduced by clause 15). Amendments are to be made to the Bill to include in Part 2 a new clause 12A introducing a new Schedule 1A. If the new Schedule were expressed to go “after Schedule 1”, then it would appear on the marshalled list immediately after amendments to Schedule 1, and before any amendments to clauses 6 to 10. So it would fall to be debated along with amendments to Part 1 (and also before the new clause 12A introducing it). If, on the other hand, it were expressed to go “before Schedule 2”, then it would appear on the marshalled list after any amendments to clauses 12 to 15, and so would fall to be debated along with the other Part 2 amendments. (And to ensure that the new Schedule 1A was debated alongside the new clause 12A introducing it, they would be grouped together for debate.)

2.36 For a Lords amendment inserting a Schedule into a Bill which doesn’t already have a Schedule, this is drafted so as to insert the new Schedule after the final clause of the Bill. (This is not an issue as regards Commons amendments, as they do not indicate where a new Schedule is to go.)

NOTE: A new Schedule may be given a shoulder reference when drafting the amendment, but this can also be done as printing.

Cross-referring to new provisions which are being inserted by amendment

Cross-referring to a single new clause or Schedule

2.37 Cross-references to a new clause or Schedule in other amendments use the form “section (*Title of new clause*)” or “Schedule (*Title of new Schedule*)”.

2.38 Note that—

- round brackets are used;
- the words comprising the title of the new clause are italicised, but the brackets are not;
- the first letter of the clause title is capitalised.

2.39 If there is a cross-reference elsewhere in the Bill to a run of clauses that will, following the amendment, include the new clause (e.g. a reference in the commencement clause to clauses 2 to 5 in a case where a new clause 4A has been inserted), this can be assumed to include the new clause and no amendment is necessary (although in the Commons, the explanatory statement should make it clear where the new clause should go). But of course an amendment will be needed if the intention is for the new clause 4A *not* to be caught by the existing reference to clauses 2 to 5.

2.40 If the new clause is inserted at the beginning or end of the sequence referred to (e.g. where the reference is to clauses 2 to 5 and the new clause is going in as new clause 1A or 5A), then an amendment will be needed if the intention is for the new clause to be included in the cross-reference.

Cross-referring to a run of new clauses or Schedules

2.41 Where amendments insert a run of several new clauses it is sometimes necessary to refer to all of them together in another amendment.

2.42 In the **Lords**, this can be done by referring to the names of the first and the last of the new clauses as follows:

Clause 5, page 5, line 5, after “3,” insert “(Title of NC1) to (Title of NC5),”

2.43 However, in the **Commons**, this approach is not possible because the placing or order of new clauses is not indicated on the amendment sheet. Instead, all of the clauses within the cross-reference must be referred to by name. So the amendment would look like this:

Clause 5, page 5, line 5, after “3,” insert “(Title of NC1), (Title of NC2), (Title of NC3), (Title of NC4) and (Title of NC5),”

2.44 This would be changed as printing to the clause numbers of the first and last clauses, with “to” in between (i.e. “8 to 12”).

Cross-referring to other provisions

2.45 Where amendments drafted in Lawmaker refer to provisions at a lower level than a clause or Schedule (e.g. subsection or paragraph) that are also being inserted by amendment, the automatic cross-referencing function in Lawmaker should be used.

Cross-referring to existing provisions in the bill

2.46 For amendments being sent to the PBOs using Lawmaker software, the automatic cross-referencing function should be used to refer to existing provisions of the bill. The most recent House bill should be used for this: although that version will be read-only, it can still be opened and cross-reference numbers can be picked up from it.

2.47 The PBOs find it helpful for the covering email to state whether the amendments contain automatic cross-references.

Inserting new Parts or Chapters

2.48 In the **Commons**, a number of new clauses amounting to a new Part are inserted simply as new clauses and the Part heading is inserted by way of printing (unless this involves a substantive policy decision, in which case a motion may be appropriate: see paragraph 1.19).

The same approach is also taken to the insertion of a new Chapter.

2.49 Cross-references to the new clauses have traditionally been done by way of referring to the run of new clauses as explained above (e.g. “sections (*Title of NC1*), (*Title of NC2*), (*Title of NC3*), (*Title of NC4*) and (*Title of NC5*),”) and these references are changed to references to the new Part as printing.

2.50 However, the Commons PBO has agreed that, now that explanatory statements to amendments are used, a cross-reference can refer to the new Part and the explanatory statement can be used to explain what is meant by the reference to the Part (so it could say, for example, “the reference to “[this Part/Part 3A]” is a reference to a new Part expected to be formed by amendments NC1 to NC5”).

2.51 In the **Lords**, new Parts or Chapters are also inserted as a series of individual clauses although, unlike the practice in the Commons, it is permissible for the first new clause in the series to include structure, such as the Part or Chapter heading and number. But the first amendment still takes the form “Insert the following new Clause” (and not “Insert the following new Part/Chapter”).

2.52 In the Lords, since the amendment paper can indicate that a run of new clauses make up a new Part, cross-references can be made to that new Part. A new Part inserted after Part 1 would be numbered Part 1A in the amendments, and this would be changed as printing.

CHAPTER 3 AMENDMENTS TO LEAVE OUT TEXT

Leaving out words

3.1 If leaving out 8 or fewer words, the amendment quotes the words (and any punctuation) to be left out. For example—

Clause 5, page 5, line 5, leave out “or dogs”

Clause 5, page 5, line 5, leave out second “, dogs”

3.2 If leaving out more than 8 words, the amendment quotes the words either side of the words being left out (i.e. unlike amendments to Acts, **the quoted words remain in the Bill**).

3.3 For example, a provision to be amended may say —

“The Secretary of State must take into account the welfare *and wellbeing of all family pets and domesticated farm animals as well as that* of reptiles kept in zoos.”

3.4 An amendment removing the italicised words would, depending on the positioning of the words on the page, be done as follows—

Clause 5, page 5, line 5, leave out from “welfare” to second “of”

Clause 5, page 5, line 5, leave out from “welfare” to [second] “of” in line 6

Clause 5, page 5, line 45, leave out from “welfare” to [second] “of” in line 1 on page 6

Clause 5, page 5, line 5, leave out from beginning to [second] “of” in line 6

Clause 5, page 5, line 5, leave out from “welfare” to end of line

3.5 See also the note to paragraph 2.2 (a word which appears twice, one in upper and once in lower case is treated as the same word for the purposes of drafting amendments.)

Leaving out units of text (e.g. subsections, paragraphs, sub-paragraphs)

3.6 When leaving out a unit of text, such as a subsection, a paragraph or a sub-paragraph, it is described as such (rather than using the approach of leaving out lines, as described below). But note that this only applies to units of text of the Bill itself, not of inserted provisions. And it doesn’t apply to definitions.

3.7 Here are some examples —

Clause 5, page 5, line 5, leave out subsection (1)

Clause 5, page 5, line 5, leave out subsections (1) and (2)

Clause 5, page 5, line 5, leave out subsections (1) to (4)

Clause 5, page 5, line 5, leave out paragraph (a)

Clause 5, page 5, line 5, leave out sub-paragraph (ii)

Schedule 1, page 8, line 8, leave out paragraph 1

Schedule 1, page 8, line 8, leave out sub-paragraph (2)

Schedule, page 8, line 8, leave out paragraph (a)

3.8 When removing a paragraph from a list with a conjunction, the amendment can be expressed simply as removing that paragraph, and, if necessary, the conjunction will be moved as a matter of printing.

3.9 Taking the example given at paragraph 2.7, a subsection provides —

The Secretary of State may take into consideration –

- (a) an order made under subsection (1),
- (b) regulations made under subsection (3), and
- (c) an order made under subsection (6).

3.10 An amendment removing either paragraph (b) or (c) would be expressed simply as “leave out paragraph [(b)/(c)]” and the “and” at the end of paragraph (b) would be moved to after paragraph (a) as a matter of printing.

3.11 If an amendment is wanted to remove a paragraph from a list consisting only of two paragraphs, the same approach can be taken: the amendment is expressed as a removal of that paragraph, and both the conjunction and the paragraph numbering would be removed as printing.

3.12 When leaving out a paragraph of a Schedule with a cross-heading above it, this can either be done by an amendment leaving out the paragraph and taking the cross-heading out as printing, or it can be done by an amendment leaving out a whole number of lines (see below).

3.13 When asked for preferences, both the **Commons** and the **Lords** PBOs preferred the first of these approaches (although both acknowledged that either approach was acceptable).

Leaving out whole number of lines

3.14 Amendments are drafted in this form if the lines to be left out are not a whole unit of text. This form is often used in the case of provisions inserting new text into other Acts (e.g. an amendment removing a subsection from an inserted section). It is also used when removing definitions.

3.15 Here are some examples –

Clause 5, page 5, leave out line 5

Clause 5, page 5, leave out lines 5 and 6

Clause 5, page 5, leave out lines 5 to 8

Clause 5, page 5, line 5, leave out from beginning to end of line 2 on page 6

Leaving out clauses and Schedules: Committee

3.16 At Committee stage (in both the Commons and the Lords), there is a clause (or Schedule) stand part debate, so amendments to leave out clauses or Schedules are out of order.

3.17 However, the amendment sheet can indicate an intention to oppose the Question on clause stand part, and if the Government knows that they will be opposing the question, it is helpful to provide such an indication in advance.

3.18 In the **Commons**, an amendment indicating an intention to oppose the Question on clause (or Schedule) stand part would take the following form –

Page 5, line 5, leave out Clause 5

Page 8, line 8, leave out Schedule 1

Page 8, line 8, leave out the Schedule

3.19 And although such an amendment is out of order (and therefore not selectable), as a matter of practice such amendments are often tabled. An explanatory statement should also be provided (see paragraph 1.22).

3.20 In the **Lords**, a notice of opposition to the motion that the clause stand part of the Bill is tabled instead of an amendment. The notice looks like this –

Clause 5

LORD SPONSOR

Lord Sponsor gives notice of his intention to oppose the Question that Clause 5 stand part of the Bill.

3.21 Or, in the case of more than one sponsor (including female peers) –

The above-named Lords give notice of their intention...

3.22 Or, to leave out a Schedule –

Schedule 3

BARONESS SPONSOR

Baroness Sponsor gives notice of her intention to oppose the Question that Schedule 3 be the Third Schedule to the Bill.

Leaving out clauses and Schedules: Report (and Lords Third Reading)

3.23 At Report (and on Third Reading) there is not a separate clause stand part debate, so amendments to leave out clauses or Schedules are in order.

3.24 In the **Commons**, such amendments take the following form –

Page 5, line 5, leave out Clause 5

Page 8, line 8, leave out Schedule 1

Page 8, line 8, leave out the Schedule

3.25 In the **Lords**, the amendment does not identify the page and line number, and looks like this –

Clause 5

LORD SPONSOR

Leave out Clause 5

Leaving out multiple clauses, Chapters or Parts

3.26 The **Commons** PBO tend to prefer each clause or Schedule to be dealt with separately, both in Committee (where such amendments are not selectable in any event) and on Report.

This is to provide clarity in the marshalled list of amendments so that Members can immediately see from looking at the marshalled list that a clause is likely to be opposed.

3.27 However, where a very large number of provisions is to be left out, the Commons PBO has agreed that it may be clearer to take them together. So in the Finance Bill 2017, where around 80 clauses were to be omitted in the pre-election wash-up, the PBO agreed to include a note at the beginning of the marshalled list, saying that the Chancellor of the Exchequer had given notice of his intention to oppose the question that certain clauses and Schedules stand part of the Bill, and then listing them in one go (the precise wording being the PBO's). The note also indicated that the effect of opposing the question was that the provisions would be left out. In a case like this, it is worth seeking the views of the Commons PBO on whether this might be a preferable approach.

3.28 In the **Lords**, separate amendments (or at Committee, notices) are required to leave out more than one clause or Schedule. If, however, circumstances are such that it might be clearer to provide for the omission of a large number of clauses together, it would be worth approaching the Lords PBO for their view on what can be done.

CHAPTER 4 AMENDMENTS TO SUBSTITUTE TEXT

Substituting text other than whole clauses

4.1 Amendments to substitute text are expressed as amendments to leave out and insert. (**not** to “substitute”). The conventions outlined in Chapters 2 and 3 apply.

4.2 Here are some examples –

Clause 5, page 5, line 5, leave out “may” and insert “must”

Clause 5, page 5, line 5, leave out second “the” and insert “a relevant”

Clause 5, page 5, line 5, leave out from “welfare” to “kept” and insert “of all animals”⁴

Clause 5, page 5, line 5, leave out subsection (5) and insert –

“(5) The Secretary of State must own a cat.”

Clause 5, page 5, line 5, leave out subsection (5) and insert –

“(5) The Secretary of State must own a cat.

(5A) The cat must be a black cat.”

Clause 5, page 5, leave out lines 5 to 7 and insert –

““authorised officer” has the meaning given by regulations;”

Clause 5, page 5, line 5, leave out “the local authority or housing body” and insert “–

(i) the local authority,

(ii) the housing body, or

(iii) the chief officer of police,”

Clause 5, page 5, line 5, leave out “That ground is” and insert “Those grounds are –

(a) ”

NOTE: When substituting a subsection, the new subsection is given the same number as the subsection being substituted. And when substituting more than one subsection for a subsection, the new subsections are numbered, for example (5), (5A), (5B) etc.

Substituting clauses or Schedules

4.3 In the **Commons**, it is not possible to do a direct substitution of a clause: this can only be done as an amendment to leave out a clause (at Report) or by opposing the question that the clause stand part (in Committee) and an amendment to insert a new clause (see Chapters 2 and 3).

4.4 However, the Commons PBO have suggested that, where a new clause is intended to be a substitute, it would be helpful for this to be stated in the explanatory statement to the amendment, as this would flag to the Chair that the two amendments should be grouped together at Report (in Committee, the amendment to remove the clause would not be selected).

4.5 In the **Lords**, amendments substituting clauses or Schedules are possible.

4.6 An amendment substituting a clause would look like this:

4. this example is based on the text used in paragraph 3.3 (“The Secretary of State must take into account the welfare and wellbeing of all family pets and domesticated farm animals as well as that of reptiles kept in zoos.”)

Clause 5

LORD SPONSOR

Leave out Clause 5 and insert the following new Clause –

“Feline requirements of Secretary of State

- (1) The Secretary of State must own a cat.
- (2) The cat must have –
 - (a) four legs, and
 - (b) whiskers.”

4.7 However, the Lords PBO have confirmed that it is not possible to make a single amendment to substitute two new consecutive clauses for a single existing clause. This would have to be done as two amendments: the first would be in the form above (i.e. “Leave out Clause 5 and insert the following new Clause...”); and the second would insert the second new clause after Clause [5] (as described in Chapter 2).

4.8 An amendment substituting a Schedule would look like this:

Schedule 3

LORD SPONSOR

Leave out Schedule 3 and insert the following new Schedule –

“SCHEDULE 3

CATS OWNED BY THE SECRETARY OF STATE

- 1 Tabby cat
- 2 Siamese cat
- 3 Manx cat.”

CHAPTER 5 AMENDING TEXT IN TABLES

Inserting a new line into a table

- 5.1 The amendment will look like this –
Schedule 18, page 240, line 31, at end insert –

“Cats Act 1993 (c. 12)	Section 14.”
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NOTE: it is possible to adjust the borders using “border options” in the Lawmaker table dialog box.

Amending text of one column in a table

- 5.2 The column number should be included before the text of the amendment.

- 5.3 Here are some examples –

Schedule 5, page 55, line 5, column 3, leave out “or (3)”

Schedule 4, page 60, line 7, column 1, leave out from beginning to “is” in line 13 and insert –

“(a) The usual address of each party to the proposed marriage (b) If the usual address of a party”	
--	--

Schedule 18, page 243, line 26, in column 2, at end insert –

“Section 14.”

Schedule 18, page 243, line 26, in column 2, at beginning insert –

“Section 14.”

NOTE: the form “at beginning insert” can be useful if the new text has to line up with existing text in column 1, and this would not be clear by using “at end insert”.

CHAPTER 6 AMENDING THE LONG AND SHORT TITLES

Amending the long title

- 6.1 Amendments to the long title always go at the end of an amendment list.
- 6.2 In the **Commons**, an amendment to the long title looks like this –
Title, line 2, after “dogs;” insert “to make provision about cats;”
- 6.3 In the **Lords**, an amendment to the long title looks like this –

In the Title

LORD SPONSOR

Title, line 3, leave out “provide for” and insert “make provision about”

NOTE: As with clauses, the heading is generated automatically by Lawmaker when the official lists are produced.

Amending the short title

- 6.4 The short title can be amended simply by amending the citation clause.
- 6.5 For example, the short title of the Holocaust (Stolen Art) Restitution Bill was changed to the Holocaust (Return of Cultural Objects) Bill.⁵ Subsection (1) of clause 3 (short title and commencement) provided –
“(1) This Act may be cited as the Holocaust (Stolen Art) Restitution Act 2009.”
- 6.6 The amendment was worded as follows –
Clause 3, page 2, line 11, leave out “(Stolen Art) Restitution” and insert “(Return of Cultural Objects)”
- 6.7 If the short title is amended in Committee, this fact has to be separately reported to the House. The PBOs can provide further advice on the procedure.

5. see Commons Hansard, 10 June 2009.

CHAPTER 7 MOVING TEXT

7.1 Clauses and Schedules can be moved to a different place in the Bill.

7.2 In the **Commons**, subsections and paragraphs of Schedules can also be moved.

7.3 In the **Lords** this is possible but seems never to have been done, and the Lords PBO has suggested that the same result could be achieved by two amendments.

7.4 Strictly speaking, text is moved not by an amendment but by a motion.

7.5 In the **Commons**, motions to move text are placed in the marshalled list with the clause (or other provision) which is to be moved. They look like this –

Secretary Sponsor

Page 1, line 1, that clause 1 be transferred to the end of line 32 on page 20.

Page 20, line 4, that clauses 14 to 17 be transferred to the end of line 32 on page 20.

Page 20, line 6, that subsection (2) of clause 14 be transferred to the end of line 32 on page 20.

Page 35, line 1, that Schedule 8 be transferred to the end of line 32 on page 65.

Page 40, line 17, that paragraph 44 of Schedule 8 be transferred to the end of line 10 on page 100.

7.6 When asked whether it would be possible to have a single motion to move a whole Part, including its Schedules, the Commons PBO replied that they could not find any examples of this, and suggested this be dealt with by two motions, one to move the clauses and the other to move the Schedule(s) (and the two motions would be grouped together for debate).

7.7 In the **Lords**, motions to move text are put in the amendment sheet with the clause to which they relate. Such motions look like this –

Clause 5

LORD SPONSOR

Transpose Clause 5 to after Clause 62

7.8 Note that in the Lords, each clause has to be dealt with individually, so moving two or more clauses would look like this –

Clause 5

LORD SPONSOR

Transpose Clause 5 to after Clause 62

Clause 6

LORD SPONSOR

Transpose Clause 6 to after Clause 62

Clause 7

LORD SPONSOR

Transpose Clause 7 to after Clause 62

CHAPTER 8 SPLITTING TEXT

8.1 A clause or Schedule can be divided.

8.2 In the **Commons**, this would be done as a motion (which would go in the marshalled list with the provision to which it relates). The motion looks like this –

Secretary Sponsor

Page, 5, line 5, that Clause 5 be divided into two clauses, the first (*Title of first clause*) consisting of subsections (1) to (5) and the second (*Title of second clause*) consisting of subsections (6) to (10).

8.3 In the **Lords**, the amendment is also put on the amendment sheet with the clause or Schedule to which it relates. It looks like this –

Clause 5

LORD SPONSOR

Divide clause 5 into two clauses, the first (*Title of first clause*) to consist of subsections (1) to (5) and the second (*Title of second clause*) to consist of subsections (6) to (10)

8.4 It is possible to split a clause by taking out a middle chunk. The text of such an amendment in the Lords would look like this –

Divide clause 2 into two clauses, the first (*Functions*) consisting of subsections (1) to (3) and (9) to (13A) and the second (*Cold-calling*) consisting of subsections (4) to (8)

8.5 The PBOs have confirmed that it would be technically possible to divide a paragraph of a Schedule in the same way, but this is very rare, as it would usually be done as printing.

8.6 New sections in inserted text can be split as an ordinary amendment inserting a new section heading; a motion would not be needed. Such an amendment would look like this –

Page 15, line 47, at end insert –

“83E Regulations”

8.7 The subsection numbering of the new section would be changed as printing.