

THE HOUSE OF COMMONS AT WORK

Ninth Edition

ERIC TAYLOR



MACMILLAN

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Eric Taylor

NINTH EDITION

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The House of Commons at Work

Dr Eric Taylor was born at Newcastle upon Tyne in 1918, and educated at King's College, Durham University, and Edinburgh University, where he took his Ph.D. degree. He was appointed in 1942 to the Department of the Clerk of the House of Commons, which provides a training and an education *sui generis*. He was for many years Clerk to the Committee of Privileges, the most venerable and authoritative of Committees in the House of Commons. Among various Select Committees to which he has acted as Clerk are the Estimates Committee, the Select Committees on Nationalized Industries, and the Select Committee on Parliamentary Privilege. He was Clerk of the Journals from 1972 until 1975 and is now Clerk in Charge of Committee Records. Apart from his official work he has for many years been interested in the eighteenth-century poet James Thomson, upon whom he has written a work which will (he hopes) be published in due course.

Preface to the Ninth Edition

WHILE this edition was in the course of preparation the House of Commons in a burst of reforming zeal adopted some of the recommendations of the Report of the Select Committee on Procedure of 1977-8. So far the changes thus made have mainly affected the committee structure of the House, and a large number of committees have been appointed to investigate the conduct of various departments of state.

While it is yet too early to forecast how the new committee structure will develop, there are clear disadvantages in the system. The effect of such a large proportion of the Members of the House engaged in specialized fields, and constantly absent on particular enquiries, is not likely to conduce to the good performance of the principal work of the House – that is, in the Chamber. The hope that it will enable the House to control the Executive better is not supported by experience. It is more likely that it will enable the Executive to control Parliament better. But then that has been the net effect of all the reforms since the last war.

I am indebted to my colleagues Sir Charles Davis, C.B., Messrs H. M. Barclay, W. R. McKay, R. J. Willoughby, S. A. L. Panton, R. B. Sands and M. H. Cooper for help in preparing the corrections and reading the proofs of this edition; and to my secretary, Miss Beatrix Hawkins, who kindly typed the new material.

E. T.

Introduction

PARLIAMENT, like the great Duke, might reasonably complain that it has of late been 'much exposed to authors'. Varying in scope and excellence from the latest edition of Erskine May's *Parliamentary Practice* to the least informed criticisms, more books on this great institution have appeared in the last ten years than, probably, the previous thirty years. It may safely be assumed that so copious a supply must accurately reflect the urgency of the demand. Even without the appearance of these new books on Parliament, the vast increase in the sales of *Hansard*¹ and the long queues which every day wait patiently in rain and sun outside St Stephen's porch in the hope of admission to the galleries are evidence enough of the new and intense interest in Parliament and matters parliamentary. It is undoubtedly a healthy interest. No one can deny that it is to the advantage of a democratic state that its members should be anxious to know as much as possible about the workings of their State and its Government. No one can deny that the desire for such knowledge should be as fully satisfied as possible. There is every justification for as great an abundance of books on this and related subjects as can be provided.

I do not, however, offer this work merely as a contribution to this desirable abundance. At the time when it was first projected (1943) there were hardly any books on the procedure of Parliament which were not either out of date or unprocurable or both. The standard works on the subject, such as the great *Parliamentary Practice* of Erskine May, were not in fact designed for the general reader, even if they had been in print. I wished to provide an account of the procedure of the House of Commons –

¹ The total daily issue of *Hansard* reached 12,100 copies in May 1946: the total issue of the *Weekly Hansard* reached a peak of 16,500 at that period, and although the figures have since declined, they are still running at between 10,000 and 15,000. Up to 1944, the total sales of *Hansard* were less than 3,000.

nothing more – which should be of a reasonable size, intelligible to the educated reader, and readable. I also wished it to be completely accurate in all its details, holding as I did that in a work which is a description of fact, accuracy was essential. It was not my desire to provide a ‘child’s guide to Parliament’. I considered it justifiable to assume a certain knowledge of fundamentals in my readers: for instance, that there are two Houses of Parliament, the one elected, and the other hereditary, and that the Government was selected by the Prime Minister from both Houses. On the other hand, I did not consider myself justified in assuming that the unprofessional reader was equipped with a much closer acquaintance with the facts than this. I wished to take him by the hand and guide him through the intricacies – for they are intricacies – of parliamentary procedure.

A large section of the British public is probably unaware even of the essentials of the procedure of the House of Commons. But an increasingly large number of people has become very much aware of it, through the reports of Parliament in the press and daily broadcasts. Fairly elementary questions, such as who decides the programme of Parliament, how long does the House sit and why, what is the Adjournment which is so much discussed, I felt needed an answer; and I attempted to answer them in this book. There was another kind of question which I felt also needed an answer – the question asked by the new Member of Parliament, ‘How can I put down an amendment to a Bill? What opportunities will I have of speaking on this subject? How can I oppose this measure?’ These questions also I set out to answer.

Certainly the position with regard to books on Parliament has greatly improved since this book was first projected. But I still feel that there is too great a gap between the sublime, formidable, almost unreadable quality of books like Erskine May,¹ and the ordinary handbook on Parliament, so often grossly inaccurate, pretentious, undignified, and often almost as unreadable as May. There is no reason why a readable book should not be a book of reference. There is a class of worthy people who continue to reiterate that Parliamentary Procedure is out of date and ought to be reformed. They know nothing about Parliamentary procedure, but they know it needs to be reformed because the Press says so. There is here a chance for such people to remedy their ignorance (and perhaps to change their opinions).

¹ The first edition of Erskine May’s *Parliamentary Practice* was in fact an elegant treatise. Constant amendment over the years has produced the railway time-table book with which Members are familiar.

The method of approach which I have employed is perhaps unusual. The effect of the physical accidents of the chamber in which the House of Commons meets is undeniably great. I have, therefore, devoted a first chapter to describing it. But thereafter I have attempted to follow the ramification of the various parts of procedure from the firm basis of formal motion. Though the procedure of the House of Commons is, like so many things English, to a great extent empirical, it is also ultimately based upon firmly held theoretical postulates: upon legal fictions which are almost as old as English history. It has seemed to me that it was in this way possible to bring to the study of procedure a greater unity of view than has usually been achieved in such works. Thus, though the material does not yield itself easily to literary graces, I hoped to produce a book which would combine pleasure with profit, or perhaps offer profit with the minimum of weariness.

It remains for me to express my deep sense of gratitude to the great writers of the past upon procedure, whose works I have pilfered, to the late Lord Campion, Clerk of the House, to the late Commander Sir Stephen King-Hall whose generous encouragement was primarily responsible for my attempting the book, and to my former colleagues, L. A. Abraham, C.B., C.B.E., and the late Sinclair Kingdom, who so kindly revised the work and assisted me in various ways.

Chapter 2 was first published as an article in *Parliamentary Affairs*, some years ago.

Contents

PREFACE TO THE NINTH EDITION	vii
INTRODUCTION	viii
1 THE CHAMBER AS IT WAS AND IS	1
2 THE BASIS OF PROCEDURE	9
3 RULES AND ARRANGEMENT OF SITTINGS	28
Hours of Sitting	28
The Programme of the Day	32
The Programme of the Session	47
Rules of Debate	54
Questions	69
Divisions	76
Closure and Guillotine	80
The Order Paper	83
4 HOW A BILL BECOMES AN ACT	87
5 COMMITTEES	115
6 FINANCIAL PROCEDURE	134
7 PRIVATE LEGISLATION	161
8 THE TROUBLE WITH EUROPE	176
CONCLUSION	179
SELECT BIBLIOGRAPHY	181
INDEX	185

1

The Chamber as it was and is

The English Legislature, like the English people, is of slow temper, essentially conservative. In our wildest periods of reform, in the Long Parliament itself, you notice always the invincible instinct to hold fast by the Old; to admit the minimum of the New; to expand, if it be possible, some old habit or method, already found fruitful, into new growth for the new need. It is an instinct worthy of all honour; akin to all strength and all wisdom. The Future hereby is not dissevered from the Past, but based continuously on it; grows with all the vitalities of the Past, and is rooted down deep into the beginnings of us.

CARLYLE, *Past and Present*

IN December 1943 a Select Committee was appointed to consider and report upon plans for the rebuilding of the House of Commons, and upon 'such alterations as may be considered desirable *while preserving all its essential features*'. For two years Members had endured the discomfort of various temporary chambers, since the terrible night of 10 May 1941, when German aircraft dropped showers of incendiary bombs, in an apparent attempt to destroy the entire Houses of Parliament. Captured documents suggest that the real target of the raid was industrial buildings nearby, but the actual chamber of the House of Commons, the scene of a century's political history, was destroyed. Nothing remained of it but the four walls, and heaps of twisted girders and charred timbers. Even in 1943 there were many who thought it was premature to begin the reconstruction. The position of Britain in the world conflict was by no means easy. Later on the rain of flying bombs was to force the Legislature to move again to the adjacent modern building of Church House. But it was felt that the rebuilding would be a gesture of confidence in

democracy: at any rate the Prime Minister thought so, and there were few who were willing in those days to carry disagreement with him to active lengths. So the Select Committee set to work, and in the following October reported the results of its deliberations, together with plans drawn up by the eminent Sir Giles Gilbert Scott, for a new chamber on the same site as the old, and as like the old chamber in all its features as was compatible with modern ideas of ventilation and acoustics.¹ After some debate the report and the plans were adopted by the House, and the new chamber was completed in 1950.

The decision to rebuild in a style so close to the old is deeply characteristic of the House of Commons. It exemplifies to the full that resolute grasp of tradition which attracted the attention of Carlyle in the passage quoted above. And as a matter of fact it conformed to an earlier decision which was very much in point.

The old House itself was, though to a lesser extent, made to resemble that earlier chamber which perished in the fire of 1834. This consisted of the walls and roof of the fourteenth-century Chapel of St Stephen, with a false ceiling, wooden panelling, and a gallery installed by Sir Christopher Wren in the reign of Queen Anne. But though the beautiful fenestration and paintings of the Plantagenet chapel were concealed by the classical embellishments of Wren, the chamber continued to bear the rectangular shape with which King Edward's architect endowed it; the seating ran lengthwise down the room, just as the stalls had run in the old chapel; and, where the altar had been, stood a fine canopied chair for Mr Speaker.

The arrangements which were thus probably fortuitous in the earlier building were adopted deliberately in the chamber which was completed in 1852, against the wishes of the architect, who contemplated a large square room, capable of seating all the Members of the (then very large)² House together. Barry's chamber was, in fact, wider and shorter than St Stephen's Chapel: the classical moulding and Ionic pillars of Wren were supplanted by Gothic corbels and arches – a tribute to the popular Gothic revival then at its zenith – and a profusion of carving designed by Pugin took the place of the Grinling Gibbons of the earlier chamber. But the plan was the same: rectangular, with seats running lengthwise down the room, and the Speaker's chair at the

¹ Acoustic considerations were not allowed to weigh too heavily against the force of aesthetics and tradition. The ceiling, for instance, was to be sloping, as before, though it was known that a ceiling of this shape reflected the sound waves.

² After the union with Ireland there were 658 Members of the House of Commons.

head: and it is still the same. Even the temporary chambers (in Church House and the House of Lords) were fitted out as far as possible to resemble exactly the old House of Commons. In fact, as Mr Churchill pointed out when the Committee was appointed, it would be difficult to see how our procedure could function if the shape of the chamber were altered. It took seven years to build a new chamber: it has taken six hundred years to evolve our procedure.

It is interesting to envisage the old chamber as it was before that fateful night in 1941 carried away a room of such glorious memories and such dreary ornamentation. It was not especially large – 68 feet by 45 feet at ground floor level; tiny in comparison with the vast perspectives of the Hall of Representatives at Washington (93 feet by 139 feet). It had a cosy appearance which was enhanced by the deep overhanging galleries all round the room, and by the fact that all the available floor space was packed with seating of the traditional pew-like variety. It was essentially a chamber which lent itself to close debate, repartee, intervention, rejoinder, rather than sounding rhetoric. There was no rostrum; and experience showed that the consequent necessity of speaking from a bench half-way up the House (the benches rose in tiers on either side) made rolling periods and rousing invective extremely difficult. Oratory to any extent was possible only from the front bench, particularly from the despatch-boxes – of which more anon.¹

There can be no doubt that the smallness and intimacy² of the old chamber, continuing the tradition of the even smaller and more intimate Wren chamber, have had a very far-reaching effect upon English political life and feeling. They have probably contributed towards the comparative moderation and willingness to compromise which are characteristic of British politics. And they have certainly been responsible for maintaining the reality and life of the proceedings in the chamber, and for preventing

¹ With this difficulty in mind, one Member even suggested to the Select Committee on Rebuilding that a tall brass rail should be placed upon the backs of the benches of the new chamber, so that the speakers could be ensured of its friendly support when faint with the birth-pangs of a new philippic: but this idea was not adopted in the Committee's report.

² The friendly, intimate atmosphere of the old House was never a feature of the House of Lords, even when converted to a temporary House of Commons. The greater area and height of the chamber, and the narrowness of the galleries were doubtless responsible for this. Perhaps also the intention of the designer had something to do with it. The Lords' chamber was the place where Pugin really 'let himself go'. It has something of real magnificence, which its recent embellishment by the Department of the Environment has maintained.

them from becoming a mere echo of subterranean intrigues or a repetition of discussions in cabal and committee.¹

Whether, however, the seating arrangements of the physical House can be held responsible for the development of the English two-party system, as Mr Churchill seemed to allege on a famous occasion,² is a matter of more doubt. It is true that the separation of the longitudinal benches into two groups, left and right, would seem to favour a strictly dual division of membership. But whenever a party has a large majority in the House some Members of the majority, sometimes a large part of the majority, have to seep across into the benches on the other side. And, after all, nowhere is the two-party system more rigidly developed than in the American House of Representatives, where the seating is arranged in a semicircle.

In any visit to the House of Commons either before the destruction in 1941 or at any time since the opening of the new chamber, our gaze would naturally be attracted, should the House be in Session, to the canopied chair at the head of the chamber, where Mr Speaker sits in the traditional dress of knee-breeches and long black gown – perhaps in the traditional posture, head resting on his hand, both enveloped in the curls of a full-bottomed wig. Beneath him, at a long, rectangular table, the Table of the House, the three Clerks, also in wig and gown, sit recording the decisions of the House. On this table, but on opposite sides near the end furthest from Mr Speaker, always rest two despatch-boxes, bound in brass filigree;³ and at the end of the table is the glittering mace, the symbol of the Queen's authority, resting on two hooks. At the other end of the chamber, in one of the shorter cross-benches, is a chair for the Serjeant-at-Arms. He also appears

¹ The old chamber provided seats for only 346 of a total membership of 615 in 1941; and the dimensions and seating arrangements for Members (346 for 635) of the new chamber are the same as those of the old. It is said that this decision was due to a mistake made by one of the members of the Select Committee, who voted the opposite way from that intended in one of the close divisions in the Committee. Sir Winston Churchill, when introducing the subject of the new chamber in the House, alluded to the advantages of debating in a small chamber, and the depressing effect of meeting in a large chamber that is half-empty. Despite all the advantages of modern amplification, close debate is practically impossible in a room much larger than the old House. The present writer recalls with some unhappiness a visit to a meeting of UNO in a large hall in London. The House of Commons is sometimes dull, but it can never be as dull as that!

² The debate on rebuilding (see *Hansard*, 28 October 1943, col. 404).

³ The old famous black boxes were destroyed in the bombing. The elaborate new boxes, of an exotic puriri wood, were a gift from the Dominion of New Zealand.

in black knee-breeches, but, unlike Mr Speaker, is girt with a sword, and sits bare-headed. On the green leather-covered benches on either side sit or lounge the representatives of the people, sometimes in large numbers, as on the occasion of some crucial speech, but more often in ones or twos, like scattered oases in a vast desert of green leather. On the front bench upon the Speaker's right sit the principal Members of the Government: ministers, under-secretaries, and whips.¹ On the opposite front bench sit the leaders of the Opposition, and other privy councillors. These benches are known as the Treasury bench and the Opposition front bench respectively. Front-bench Members have the privilege of anchoring themselves to the despatch-boxes on the table while delivering their speeches, so that they can clutch, smite, and lean upon them. Mr Gladstone's signet rings did almost as much damage to the old despatch-boxes, through a parliamentary life of half a century, as his oratory did to the cause of Protection and the Ottoman Empire. Indeed he is said to have showered blows upon the box and the table, and even on one occasion to have struck the mace itself.²

Round the green benches of the old chamber clustered many famous memories, of great events, and of great personages. There so often Gladstone, with his white hair and flashing eyes, had leant upon the table and pointed a finger at his great opponent sitting opposite him – Disraeli, immovable, with arms folded, and inscrutable dark eyes fixed on the ground. Those two figures, with their words and their actions, seem to sum up the history of England – nay, of the whole world – in the nineteenth century. The ghosts of Parnell and the Irish obstructionists – the huge figure of Bradlaugh – Lord Randolph Churchill, stocky and ebullient – the elegant Joseph Chamberlain – a hundred figures that are part of history, and, in a manner, part of ourselves, lingered amid the dim oaken woodwork of that old chamber. Palmerston, straight as a die (though over seventy years of age), had sat there with his hat over his eyes throughout the whole of many a long parliamentary day, and pretended to slumber; Lord John Russell had sat there, leaning backwards, with his arms folded across his chest; Balfour, sitting on his shoulder-blades, and contemplating the glass ceiling with philosophic detachment. Great speeches had thundered across the floor – Gladstone on the Bulgarian atrocities in 1877, for instance, a speech which Balfour afterwards said would always be unequalled 'as a feat of parliamentary courage, parliamentary

¹ And (once) Dame Irene Ward.

² Marquess Curzon of Kedleston, *Modern Parliamentary Eloquence*, p. 27.

skill, parliamentary endurance, and parliamentary eloquence'; Asquith, 'the last of the Romans', denouncing Tariff Reform; and last and certainly not least Sir Winston Churchill avowing the intention of the nation, in the last extremity of peril, so to bear itself that if the British Empire were to endure a thousand years, 'men will still say, "this was their finest hour"'.¹

A few months after this speech was delivered the chamber which re-echoed to the delighted cheering of his hearers was destroyed. Almost all the arrangements and topography of the old chamber have been reproduced in the new. There are a few improvements. The accommodation for visitors is increased by 137 seats; the interior decoration is more restrained; the wood-carving is less indiscriminately exuberant; the grim, varnished woodwork of old has been replaced by a more modern, and, perhaps, slightly less depressing grey oak, and a new system of ventilation¹ prescribed by Dr Oscar Faber replaces the old method of pumping dry, smelly air through the floor. Some of these improvements have been slightly disappointing: the ventilation gives rise to chilly draughts, and the acoustics, even with amplifiers, are not perfect. Members at the bar, or behind the Chair, often cannot hear the front bench speakers (this deficiency in acoustics has been attributed to the greater restraint in ornament). It is probably true that the style of the old chamber contained more vitality.² The new chamber is perhaps a more comfortable place; but it hardly retains the memories of the old chamber, and it is unlikely that it will, in the end, prove the scene of events such as the old chamber witnessed:

The oldest hath borne most; we that are young
Shall never see so much, nor live so long.

Something must be said of the Palace of Westminster, of which the chamber of the House of Commons forms a part. This huge range of Gothic buildings, with its fine towers, which lines the Thames at Westminster, is the most outstanding instance of how near the modern architect may approach the Gothic ideal, and how impossible it is for him to attain it. The architect, Sir Charles Barry, was not, as a matter of fact, a Gothic architect by conviction. Perhaps it is for that reason that the river front of the Palace is so lovely, as seen from a distance, from the other side of the river, for instance, and so uninteresting when examined at

¹ By alternating streams of fresh air, cleaned and heated by electric plates.

² Sir Nikolaus Pevsner, *London and Westminster*.

close quarters. Barry had all the fine sense of proportion and outline of a Renaissance architect; and only on the river front had he a real opportunity to exercise his talents. But his junior collaborator, Pugin, was an almost fanatical admirer of the Gothic style. All the interior decoration, and much of the exterior detail is his work. It makes a pleasant change from the concrete building in the modern idiom.

The Palace of Westminster, as rebuilt by Barry, covers eight acres of ground, and contains eleven hundred rooms, but accommodation for Members, although much improved, has never satisfied them. They have an imposing library, smoking-room, and refreshment rooms: dining-rooms and cafeterias for guests. Before 1950 they had only two miles of corridor in which to talk to their friends and dictate their letters to their secretaries. They each had a little locker in which to keep a few papers. Only Ministers, and Chairmen of important Committees had rooms of their own. It was, however, discovered that in the space which Barry used for the old chamber, several floors and a number of extra rooms could be built. It would appear that the greater part of the total volume of the old chamber and its appurtenances was only ventilating space which had not even efficiency to recommend it. Now, in the dim recesses under the new chamber there have been installed conference rooms, interviewing rooms, small secretarial rooms, and the 'pool' of Members' secretaries and typists. In the courtyards, on the roof, and across the road more rooms have been made for Members.

Something has therefore been done to provide greater facilities for the work and comfort of Members. But the average M.P. must still expect to spend many boring and frustrated hours in the chamber. He will spend his time out of the chamber in one of the innumerable committees, official and unofficial, which proliferate in the modern Parliament, in the library dealing with his correspondence, in the refreshment rooms taking his meals, in the smoking-room sharing his feelings with his colleagues, in his room dictating letters to a secretary, or – if he prefers it – in the rooms of the various secretarial agencies which are available for Members within the Palace. His various other amenities include the river Terrace, radio and television sets, and an occasional cinematograph show. While sometimes complaining, he will probably find great enjoyment in his parliamentary life. The rooms which are available to him in the Palace are extremely spacious and comfortable. The whole of the building has a dignity which modern erections, because of their economy and efficiency, are unable to achieve. Members felt this deeply when, in consequence

of bombing, they were forced to move into the neighbouring Church House, an almost new building, in 1940,¹ 1941, and 1944.

On at least two occasions since the last war attempts have been made to enlarge the premises of Parliament considerably. In the last of those occasions a competition was held and the design of a vast new building chosen for the site across Bridge Street, where Members would have enjoyed spacious rooms and all manner of amenities, down to sauna baths and a swimming-pool. Then the financial blizzard struck again and the new design, together with the Channel Tunnel and the airport on Maplin Sands was consigned to gather dust and to harbour spiders.

More recently the buildings which have been immortalized in countless thrillers as New Scotland Yard and which were some years ago vacated by the Metropolitan Police who are now accommodated in an even newer Scotland Yard off Victoria Street became available. The old buildings, being spacious and the work of a distinguished architect, Norman Shaw, and not too far from the Palace of Westminster, have been taken over for Parliament as a useful adjunct. Part of the library is already there, and as rooms are converted, more and more will be appropriated to the use of Members and officers of the House.

This, briefly, is the setting of the parliamentary drama. We may now pass on to consider the nature and the rules of the play.

¹ In November 1940 Parliament was actually opened by the King in Church House.