



Factsheet L1 Legislation Series

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House of Commons Information Office

Parliamentary Stages of a Government Bill

At the beginning of each Session of Parliament the Government announces in the Queen’s Speech the legislation it hopes to introduce during that Session. This **Factsheet** describes the process by which such legislation is passed. Other methods of passing bills, including those presented by Private Members, are described in **Factsheets** L2, L4 and L5.

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Government Legislation

These notes are a basic aid to understanding how government legislation is passed, the terms involved, and how to track the progress of a bill.

Preparatory Stages

Bills are drafted by a team of lawyers in the Parliamentary Counsel Office (PCO), a part of the Cabinet Office, on the instructions of the Government department concerned. There may have been a Green (i.e. consultative) or White (i.e. statement of policy) Paper on its subject before the bill is introduced; or the bill may simply be presented without any prior announcement.

Draft Bills

The Select Committee on the Modernisation of the House of Commons published its first Report - *The Legislative Process* - in July 1997 (HC 190, 1997–98). The Report welcomed the new Labour Government's intention to publish more draft bills and recommended that more pre-legislative scrutiny should be considered.

More recently, on the 29 October 2002, the House approved several changes to the procedures of the House. The proposals included in the Second Report of the Modernisation Select Committee – *Modernisation of the House of Commons: a reform programme* (HC 1168, 2001—02) – were agreed to, as were some elements of the Third Report of the Procedure Committee and the Government's response to the Procedure Committee, all published in the 2001-02 session.

The proposals which were agreed included provision for a regular increase in the number of bills published in draft for pre-legislative scrutiny. This complements the new order relating to the carry-over of bills. The House of Lords indicated they would accept Bills subject to a carry-over motion provided the said bill had been through such scrutiny.

For further details concerning the carry-over of bills refer to the heading **Sessional Cycle**.

First Reading

On the day of presentation, a “dummy” copy of the bill is placed on the Table. Once it has been presented, each bill is allocated a bill number, which is printed on the bottom left-hand corner of the front page in square brackets (e.g. [Bill 4]). Each time the bill is re-printed (for example, after the committee stage), it is given a new number.

This First Reading stage also forms the House's order to print the bill, which is done for the House by the Stationery Office.

Explanatory Notes are also published to accompany the bill, although they may not always be available as soon as the bill itself is published.

Second Reading

When the bill is printed, and only then, it can proceed, after examination for compliance with the House's rules, to its first substantive stage. This is called Second Reading.

Before Second Reading, Programme Motions may be moved in order to set out a timetable for the conclusion of proceedings on a bill. More details on Programme Motions can be found in the appendices.

The Second Reading is the time at which the House considers the principle of the bill, and debate is often wide-ranging. The debate on Second Reading is printed in *Hansard*, the Official Report of debates.

The Second Reading is the first stage at which a Government bill can be defeated. At Second Reading the Opposition may object to a bill by tabling a “reasoned amendment”. This is not an amendment to the bill itself, but is technically an amendment to the question which is before the House at Second Reading: “That the bill be now read a second time”, giving the reasons for objecting to the bill. It appears as a Motion on the Order Paper, beginning with the words, “That this House declines to give a Second Reading to the _____ bill because ...”

Money Resolutions and Ways and Means Resolutions

After a bill has been given a Second Reading, any Money or Ways and Means Resolutions are dealt with. Money Resolutions authorise any part of a bill which involves a significant charge on central government funds; Ways and Means Resolutions are needed to authorise the levying of taxes or other charges. These Resolutions are not debatable if they are moved immediately after Second Reading. Otherwise, they may be debated for up to 45 minutes.

Committee Stage

After Second Reading, and any Money or Ways and Means Resolutions have been dealt with, the bill moves to its committee stage. This usually takes place in a **Standing Committee** but may be taken in **Committee of the Whole House** or a **Special Standing Committee**.

The committee will examine each clause and Schedule of the Bill, agreeing or disagreeing to a Motion that it “stand part” of the bill (i.e. leaving it in or deleting it). The committee may also consider amendments to the bill. As well as amendments to existing clauses and Schedules, new clause and new Schedules may be added to the bill.

Standing Committee

A Standing Committee generally has about 18 members and its membership reflects the party composition of the House. At least one Minister from the Government Department in charge of the bill will be on the committee, as will a front-bench spokesman from each of the opposition parties represented. A new Standing Committee is appointed for each bill and the membership of each committee is discharged when it has reported its bill to the House. There may be several standing committees appointed at any one time, and they are designated by letters (Standing Committee A, Standing Committee B, and so on).

Debates in Standing Committee are published by The Stationery Office in single parts for each sitting, and a consolidated volume for each bill after consideration is complete.

For further details see **Factsheet** L6.

Special Standing Committees

Very occasionally, a bill may be committed to a Special Standing Committee, which spends a limited time investigating the issues involved before going through the bill in the usual way as a normal Standing Committee.

The *Matrimonial and Family Proceedings Bill* 1983–84 is one example of a bill to which this procedure has been applied. The Modernisation Committee has recommended that more use of these committees should be considered. Most recently, the procedure was used for the *Immigration and Asylum Bill* 1998–99.

Committee Of The Whole House

The whole House may consider certain bills at Committee stage. In general, these are bills of constitutional importance - such as the *House of Lords Bill* 1998/99 - those requiring a very rapid passage, and certain financial measures, including at least part of each year's *Finance Bill*. Debates in Committee of the Whole House are published in Commons *Hansard*.

Bills can sometimes be referred to a Select Committee, in which case evidence may be taken and a report made.

The Hybrid bill, which is a special type of Public Bill, is normally sent to a Select Committee see ***Factsheet*** L5.

If a bill is amended by a Committee, it is reprinted and allocated a new bill number.

Report Stage

The next stage is known as the Report stage. At this stage, the House may make further amendments to the bill but does not consider those clauses and Schedules to which no amendments have been tabled.

The Report stage provides an opportunity for Members who were not on the Standing Committee to move amendments to the bill. The delay between Committee and Report allows time for the Government to give further thought to some of the points raised during the committee stage. They may, for example, choose to bring forward their own amendments in lieu of amendments which were rejected or withdrawn in the Committee.

The House may reverse or amend changes made by the Standing Committee. If a bill has been dealt with by a Committee of the whole House, and has not been amended, it progresses straight to Third Reading without a Report Stage.

Third Reading

The final Commons stage of the bill is the Third Reading, usually taken directly after the conclusion of Report. This enables the House to take an overview of the bill, as amended in Committee or on Report. No amendments may be made at this stage. Debates on Third Reading are usually very short.

Lords Stages and Amendments

Once it has passed its Third Reading in the Commons, the bill is sent to the Lords – usually on the next sitting day. The legislative process in the House of Lords is broadly similar to that in the House of Commons. Important differences are:

- (a) after Second Reading, bills are usually committed to a Committee of the whole House.
- (b) there is no guillotine and debate on amendments is unrestricted.
- (c) amendments can be made at Third Reading as well as at Committee and Consideration stage.

The Lords and Commons must finally agree a text of each bill. If the Lords have not amended a Commons bill they inform the Commons of the fact.

If the Lords amend a Commons bill, their amendments are printed and considered by the Commons. Here, the Commons can do three things – firstly, they may agree to the Lords amendments, secondly, they may agree to them with amendments, or, thirdly, they may disagree to them.

If the Commons agree to the Lords amendments, but with amendments of their own, they ask the Lords to agree to those amendments. If they disagree to the Lords amendments, they send a Message giving the reasons for their disagreement and the Lords consider the matter further.

Royal Assent

When a text has been agreed between the Houses, the bill is submitted for the Royal Assent.

The Crown, as the third element in Parliament's composition, must give Assent to a bill for it to pass into law. Such Assent has not been withheld since 1707, but every bill is still required to go through the procedure appointed. After signification of Royal Assent, the bill becomes an Act

Commencement Orders

Some Acts are brought into force immediately, some at a date specified in the Act and others by Commencement Orders, which may activate all or part of the Act, (combinations of the three methods are common). There may be more than one such order for portions of certain Acts — for instance the *Town and Country Planning Act 1971* had 75. Some Acts may not be brought into force for a considerable time — the *Easter Act 1928*, which sought to give a fixed date for Easter, has still not been brought into force, mainly because the various Churches involved have not agreed the date. Commencement Orders are Statutory Instruments, made by a Minister and issued by HMSO. Enquiries about the commencement of statutes should be made to the Government Department concerned, since there is no particular parliamentary involvement with this.

The Sessional Cycle

Under normal circumstances, a Public bill must complete all its stages in one Session of Parliament. In these circumstances, should a Bill fail to do complete all its stages, it may be re-presented in the following Session, but it must begin again at the beginning of the legislative cycle.

The Modernisation Committee, in its Third Report of 1997–98, *Carry-over of Public Bills* (HC 543 1997–98), agreed that “in defined circumstances and subject of certain safeguards”, Government bills should be able to be carried over from one session to the next, in the same way that Private and Hybrid bills may be. The first bill to be treated in this way was the *Financial Services and Markets Bill* 1998–99, which the House agreed to carry over into the 1999–2000 session after a debate on 25 October 1999.

Under proposals agreed by the House on 29 October 2002, a new order relating to the carry-over of bills was agreed. This allows a Minister of the Crown to move a motion (a ‘carry-over motion’) that proceedings on a public bill not completed before the end of the Session shall be resumed in the next Session of Parliament.

The Parliament Acts

A bill may travel backwards and forwards between the two Houses in this way several times. A deadlock is reached once each House has insisted on its position without proposing some alternative. If this does happen, as it did in the case of the *European Parliamentary Elections Bill* in 1998, then the bill may be passed in the following Session of Parliament without the consent of the House of Lords under section 2 of the *Parliament Act 1911*, as amended by the *Parliament Act 1949*. In order for this to happen, three criteria must be met:

In each case, the bill must have been taken to the Lords at least one month before the end of the Session; one year must have elapsed between the Second Reading of the bill in the Commons in the first Session and the bill being passed by the House in the second Session; and the bill in the second session must be identical to the bill in the first session, containing only amendments which are necessary to take account of the passage of time.

This means that the House of Lords may delay a piece of legislation which emanates from the Commons, but may not block it indefinitely or insist on amendments.

In the case of Money bills — bills which, in the opinion of the Speaker of the House of Commons, contain only provisions relating to taxation or expenditure — the *Parliament Act* allows them to be presented for Royal Assent after the first occasion on which they are rejected by the Lords.

Consolidation Bills

A Consolidation bill brings together, sometimes with minor amendments, several existing Acts into one with the object of simplifying the statutes. The progress of such a bill through Parliament differs from that of a Government bill in several respects.

The principal points are that the Lord Chancellor lays before Parliament a memorandum proposing any amendments or minor corrections to the Acts being consolidated, and a notice is published in the London Gazette. Each Consolidation bill begins in the House of Lords where, following the Second Reading, it is committed to a Joint Select Committee of both Houses which considers any written representations, and usually takes evidence from the bill’s draftsman. The Committee may amend the bill and produces a Report, drawing the attention of the two Houses to any points which it believes are of special interest and stating whether or not the bill is “pure consolidation” (i.e. it does not amend the existing law).

Consideration and Third Reading in the Lords, and all stages in the Commons, are usually formal - without debate.

Further Information

The term “Public bill” includes also Private Members’ bills, for which the system is rather different. For Private Members’ bills see ***Factsheet*** L2. For Private bills see ***Factsheet*** L4. For Hybrid bills see ***Factsheet*** L5.

Appendix A

Programme Motions

In November 2000, the House adopted new arrangements for making Programme Orders, which set out a timetable for the conclusion of proceedings on a bill. These arrangements were contained in a series of Sessional Orders, designated A to I, which lapsed at the end of the Session. The Sessional Orders were agreed to again on 28 June 2001, but in a slightly modified form. These Orders gave more power to the Programming Committee and Programming Sub-committee but limited proceedings in the Committee or Sub-committee to two hours, while reducing the amount of time normally available for debate on Programme Motions in the House. This section describes the procedures adopted in June 2001.

Notice must be given of programme motions before Second Reading, and they are usually moved immediately after Second Reading. They are not usually debatable, but they can be amended. If a Motion is made to reduce the amount of time allocated to any stage of a bill, or if it is contrary to a recommendation of the Programming Committee or the Standing Committee (see below), then it can be debated for up to 45 minutes.

Business covered by a Programme Order may continue for the time allocated regardless of standing orders requiring sittings to be brought to an end at certain times (i.e. it is 'exempted business' for the time allocated).

When the time allocated expires, only certain questions may be put, as specified in the sessional orders. In broad terms, they are the question under discussion, questions on amendments moved or motions made by a Minister or on any amendment selected by the Chair for separate division, and other questions necessary to dispose of the business.

Programming Committee

When a Programme Order covers proceedings which take place in the House itself (Committee of the whole House, Consideration or Third Reading), a Programming Committee is appointed, consisting of the Chairman of Ways and Means and up to eight other members, nominated by the Speaker. The function of the Committee is to divide the bill into various parts and allot to each part such time as it considers appropriate. Proceedings in the Programming Committee are limited to two hours. The House may debate the Programming Committee's resolution for up to 45 minutes and, if it is agreed to, it has effect as if it were included in the Programme Order.

Programming in Standing Committee

Where a Programme Order covers proceedings on a bill in Standing Committee, a Programming Sub-committee of the Standing Committee is appointed. This consists of one of the Chairmen of the Committee plus seven members of the Standing Committee, nominated by the Speaker. Like the Programming Committee in the House, the Programming Sub-committee divides the bill up into parts and allots time to the consideration of each part in the committee. These arrangements must be approved by the Committee.

The Programming Sub-committee may propose a change to the date by which the bill is to be reported to the House (i.e. the date on which the Standing Committee is to complete its

consideration of the bill). If the proposal is agreed to by the Committee, the Government must, within five days, arrange for Motion to be debated in the House which either gives effect to the proposal, confirms the date set in the original Programme Order for the bill, or otherwise alters or supplements the provisions of the original Programme Motion.

The Programming Sub-committee may also make recommendations about the programming of the Consideration and Third Reading of the bill. If they are agreed to by the Committee, the Government must set down a supplemental Programme Motion which gives effect to the Committee's recommendations, confirms the original programme for the bill or otherwise alters or supplements the provisions of the original Programme Motion.

“Guillotine” Motions

A “Guillotine” Motion - properly called an Allocation of Time Motion - is very similar to a Programme Motion. The principal difference is that a Programme Motion is used to formalise a timetable for the bill which has already been agreed to by the “usual channels” (i.e. the Government and Opposition Whips) and an Allocation of Time Motion is generally used when the Government is not able to secure the agreement of the Opposition parties.

Whereas a Programme Motion is not usually debatable, an Allocation of Time Motion is debatable for up to three hours. However, the Motion may provide for proceedings on the bill to be brought to a conclusion once a specified time has elapsed from the beginning of proceedings on the Allocation of Time Motion itself. In this case, any time spent debating the Guillotine is effectively deducted from the time available to spend on the bill.

When an Allocation of Time Motion is agreed to, a Business Committee is appointed under Standing Order No. 82. The Committee's membership and functions are similar to those of the Programming Committee appointed when a Programme Order has been made. Likewise, a Business Sub-committee of the Standing Committee is appointed under S.O. No. 120 if the Allocation of Time Motion governs proceedings in Standing Committee.

Further reading

Select Committee on the Modernisation of the House of Commons, First Report, *The Legislation Process*, 23 July 1997, HC 190 1997-98.

Select Committee on the Modernisation of the House of Commons, Third Report, 1997-98, *Carry-over of Public Bills*, 2 March 1998, HC 543 1997-98.

Select Committee on the Modernisation of the House of Commons, Second Report 1999-2000, *Programming of Legislation and timing of votes*, 15 July 2000, HC 589 1999-2000

These reports can be seen on the Internet at:
<http://www.parliament.uk/commons/selcom/modhome.htm>

Contact information

House of Commons Information Office
House of Commons
London SW1A 2TT
Phone 020 7219 4272
Fax 020 7219 5839
hcinfo@parliament.uk
www.parliament.uk

House of Lords Information Office
House of Lords
London SW1A 0PW
Phone 020 7219 3107
Fax 020 7219 0620
hlinfo@parliament.uk

Parliamentary Education Unit
House of Commons
London SW1A 2TT
Phone 020 7219 2105
Fax 020 7219 0818
edunit@parliament.uk

House of Lords Record Office
House of Lords
London SW1A 0PW
Phone 020 7219 3074
Fax 020 7219 2570
hlo@parliament.uk

Parliamentary Bookshop
12 Bridge Street
Parliament Square
London SW1A 2JX
Phone 020 7219 3890
Fax 020 7219 3866
bookshop@parliament.uk

Factsheet L1 Parliamentary Stages of a Government Bill

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