



Factsheet L2 Legislation Series

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House of Commons Information Office

Private Members' Bills Procedure

Most primary legislation passed by Parliament originates from bills introduced by the Government (see **Factsheet L1**). There are, however, a number of procedures whereby Private Members, MPs with no governmental responsibilities, may initiate bills and ultimately pass legislation. The various procedures available to such MPs are described in this Factsheet

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Private Members' bills

In the 2007-08 session of Parliament, 32 public bills received Royal Assent. Of these 30 were bills introduced by the Government and 2 were the result of Private Members' bills. There are four ways to introduce Private Members' bills. Over the last twenty years, more than half of the Private Members' bills that received Royal Assent were introduced through the ballot (see appendix A). The other methods of introduction are through the ten minute rule procedure, presentation and Private Members' bills brought from the Lords.

This Factsheet will look at these methods of introduction, in turn, before looking at how Private Members' bills progress through the House of Commons.

The Ballot (Standing Order No.14)

The time set aside by the House for consideration of Private Members' legislation is limited by Standing Order (SO) No. 14:

"Standing Order 14 provides 13 Fridays on which private Members' bills have precedence over Government business. Unless the House decides otherwise, these are the only Fridays on which the House sits"¹

There is, therefore, always enormous pressure on the time available for debating bills introduced by backbench Members. Priority in the use of this time is established by a ballot held shortly after the beginning of each session. The 20 Members who are successful in the ballot gain priority, based on the order in which they are drawn, in consideration of their bills for days in which Private Members' business is considered. Thus, they enjoy a crucial advantage over all other Private Members who may wish to introduce bills of their own. Private Members who have gained a place in the ballot put their bills down for discussion on particular days, nowadays exclusively Fridays. These bills are denoted by "B" in the House of Commons *Weekly Information Bulletin* (see **Factsheet P17**), together with a note of their position in the ballot and a provisional date for a second reading or subsequent stages.

The ballot is drawn on the second Thursday the House sits in each session. The bills of the Members successful in the ballot are formally presented in the House on the fifth sitting Wednesday. In general, only the titles of the bills are known at this stage; their texts may not appear in print until some time after this date.

Bills which are brought in under the ballot procedure, particularly those brought in by Members placed high in the ballot, are generally serious attempts at legislation in a well-defined field. Some bills therefore tend to concern controversial subjects, upon which a Member or group of Members feel strongly. Over 400 Members normally enter the ballot, however, a substantial proportion have no particular subject for a bill in mind. If they are drawn high in the ballot, they will be besieged by pressure groups, other organisations and their own colleagues who will suggest subjects and offer draft bills.

The Government may also offer so called "handout" or "Whips" bills often but by no means exclusively to its own backbenchers. These are usually bills for which the Government has not been able to find time in its programme or, for some other reason, does not want to present itself. However, since such bills come with Government assistance and support, they stand a good chance

¹ Erskine May Parliamentary Practice, 23rd Edition, 2004, p.319

of becoming law and are often taken up.

The ten Members placed highest in the ballot may claim up to £200 expenses in drafting their bills. The figure was fixed in 1971 and has never been revised. The Deputy Leader of the House of Commons, Helen Goodman, recently commented on why the figure has never been increased:

There have been very few claims against the allowance for many years. Alternative sources of assistance to Members have increased greatly since 1971 and, as the Government's response to the Procedure Committee's Fourth Report of Session 2002-03 (HC 333) made clear, the Government have undertaken that the resources of Parliamentary Counsel will be applied to bills which are likely to pass...²

The Ten Minute Rule (Standing Order No. 23)

Bills introduced under Standing Order No. 23, otherwise known as the Ten Minute Rule, are not always serious attempts at legislation. The process is used much more as a means of making a point on the need to change the law on a particular subject. Motions under this rule may also provide the opportunity for a Member to test parliamentary opinion on a subject upon which he/she or other Members may seek to legislate in later sessions. The Ten Minute Rule allows a brief speech in favour of the bill by the Member introducing it. It also allows a speech by a Member opposing the Motion. This has to be made in the House after question time (at, or shortly after, 3.30 pm, although this is often delayed by statements etc.) on Tuesdays and 12.30 pm Wednesdays, when both Members' benches and the press gallery are likely to be well filled. There may also be television coverage of the speech in the early evening news. Standing Order No. 23 allows Members to ask the House permission to introduce a bill. If the House agrees, whether by division or not, the bill will get its first reading. If the House disagrees after a division, the bill cannot be introduced.

Sometimes Ten Minute Rule bills do become law if there is general consent, although there is rarely time for debate after their introduction. Standing Order No. 23 bills are marked "T" in the *Weekly Information Bulletin* (see **Factsheet P17**). For statistics and lists of Ten Minute Rule bills that have passed, see the Appendix in this factsheet and **Factsheet L3**.

Not all Ten Minute Rule bills are printed. The Member will often be satisfied with the publicity achieved by his or her speech in the Chamber. If the bill is not printed it cannot make further progress.

Notice

Members may move a motion to bring in a Ten Minute Rule bill by giving notice in the Public Bill Office between five and fifteen sitting days beforehand. This usually means the Tuesday or Wednesday three weeks before. The slots are in practice divided up between the parties according to their representation in the House. No notice may be given until the fifth Thursday of the session.

As notice for the introduction of a Ten Minute Rule bill must be given in advance, the House of Commons Information Office can advise on the titles and dates of forthcoming bills. Details are also printed in parts A and C of the *Future Business* section of the *Vote Bundle* (see **Factsheet P16**).

² HC Deb 23 June 2008 C10w

Ordinary Presentation (Standing Order No. 57)

Standing Order No. 57 effectively permits any Member of Parliament to introduce a bill of his or her choosing after having given due notice. The bill is presented formally, which means that the Member introducing it does not make a speech when doing so. This type of bill cannot be presented until after the ballot bills have been presented and put down for second reading, so they are not likely to be high up the list on Private Members' bill Fridays. They therefore have less chance of being debated and passed into law.

The types of bills introduced under this procedure are varied. Bills that are non-controversial are sometimes introduced under this system and are occasionally passed into law. An example was the *Protection of Birds (Amendment) Bill*, which went through all its stages in the Commons in 67 seconds at a Friday sitting in July 1976. Standing Order No. 57 may also be used for keeping before the House a bill introduced under another procedure in a previous session. In addition, it may be used for re-presenting a bill which had a second reading in a previous session, and which it is thought would make rapid progress once reintroduced.

In general, Standing Order No. 57 bills attract less publicity than Ten Minute Rule bills. Like Ten Minute Rule Bills not all Standing Order No. 57 bills are printed but a Member who is working towards reform in a particular field might nevertheless find it valuable to present and have a printed version of the bill. These bills, also known as ordinary presentation bills, and within the Public Bill Office as "back-of-the-Chair bills", are marked "P" in the *Weekly Information Bulletin*.

Peers Private Members' Bills

Bills introduced by backbench or opposition front-bench Peers which have completed all their stages in the Lords may be taken up in the Commons by a Member. These bills are denoted by "L" in the *Weekly Information Bulletin*. If taken up by a Member of the Commons they are treated as any other Private Member's bill. However, since they usually reach the Commons late in the session; they are likely to be behind the Commons bills in the queue.

Proceedings on Private Members' Bills

Standing Order No. 14, relating to the precedence of Government business, lays down that thirteen Fridays will be devoted to consideration of Private Members' bills each session.

A Member sponsoring a bill may nominate a day for its second reading and it is obviously to the advantage of the Member drawn first in the ballot to nominate the first Friday available (the actual dates available are set out by the House in an order shortly after the beginning of each session). Precedence is usually given to second readings on the first seven Fridays; on the remaining six, later stages and Lords Amendments have precedence.

Debate on an important or contentious bill may be expected to last for nearly the whole of the short Friday sitting (from 9.30 am to 2.30 pm, less any time for petitions, statements or urgent questions). Often the discussion of a bill will not have finished by 14.30. It is thus important for the member sponsoring the bill to receive the support of 100 MPs so that a closure motion can be agreed with at least 100 MPs voting in favour of it. There will usually not be enough time to debate all the bills scheduled for consideration on any individual day, even the ballot bills. These bills will have to be rescheduled for a subsequent Friday.

A Member who is placed lower than seventh in the ballot will effectively have to put his or her bill down for a Friday on which it will not be the first to be debated. He or she may hope for two courses of action. If the bill named first is not particularly controversial, and few Members wish to speak, it may be possible to get a debate during part of the time available. Otherwise, the Member may hope to have the bill given a second reading without debate at 2.30 pm. The second option is often the only option open to Private Members with Ten Minute Rule or Standing Order No. 57 bills, or those brought from the Lords.

At 2.30 pm on a Friday the Clerk reads out the titles of bills which are on the Order Paper, in the order in which they have been put down for that day, and in order of precedence of their stages. However, if any Member shouts *object* when the title of a bill is read, the second reading is adjourned, even if all the other Members should be in favour of the bill.

It is, therefore, only non-controversial bills that are likely to get through without debate. If the bill is objected to, the Member in charge of the bill, or another member on their behalf, may nominate another Friday and seek to persuade those who objected not to repeat their action. It is, however, often a Government Whip who will shout object. If this is the case, unless the sponsoring Member can reach an accommodation with the Government, it is unlikely the bill will make further progress. The Government may have any number of reasons for objecting to the passage of a bill. For example, it may disagree with its objectives or it may be intending to introduce similar legislation itself or at least to look into the practicalities of doing so.

If no new day is nominated, the bill is regarded as dropped but there is no finality in this, since the bill can have another day appointed subsequently. If no member does shout object, however, the bill will proceed to its committee stage.

Other Stages

A bill that successfully gets a second reading on a Friday will usually be committed to a public bill committee (formerly known as a standing committee – see section on committee stage below). However, it may go to a committee of the whole House if the Member proposes it to the Speaker. Its committee and later stages may then go through “on the nod” (**without debate or division**) on a later Friday (subject to objection at any point).

Private Members' bills have, however, occasionally, gone through all stages in one day, although the Chair has described this as an *unusual procedure*. The procedure is as follows:

- the Question for second reading is agreed to
- the Member in charge of the bill moves for it to be committed to the committee of the whole House
- the Speaker asks "Committee what day?"
- the Member in charge replies "Now Sir [or Madam]"
- the House proceeds to a lightning committee stage (again, provided a Member does not object), during which, as in all committees of the whole House, the Speaker leaves the Chair
- the Mace is put under the Table
- the author of the bill begs to report that the committee has considered the bill and made no amendment
- the Mace is replaced, and the Speaker takes the Chair
- the Report and third reading are usually taken without further ado

In this type of committee stage, amendments may be made to a bill as they were, for instance, to the *Consumer Arbitration Agreements Bill* on 12 February 1988. However, they cannot be debated and any attempt to debate them would be reckoned to constitute objection.

Second Reading Committee

It is possible for a back-bencher in charge of a Private Member's bill (whether introduced under the ballot, the Ten Minute Rule, Standing Order No. 57 or brought from the Lords) to move that the bill be referred to a second reading committee (see **Factsheet L1**). No motion to have such a bill referred to a second reading committee may be moved before the eighth Private Members' bill Friday. The objection of a single Member can still prevent a bill going to second reading committee. A Member may also seek to have a Private Member's bill relating exclusively to Scotland referred to the Scottish Grand Committee in place of a second reading on the floor of the House.

Closure

A major impediment to a bill getting a second reading (and to completing its report stage) is the necessity to secure the closure of debate. If opponents of the bill are still speaking just before 2.30 pm, the sponsor of the bill or a colleague must seek to move *that the Question be now put* otherwise the debate would be interrupted and stand adjourned without the Question having been put.

The Chair will not permit the closure to be moved if insufficient debate has taken place but, after a full days' debate, this is usually allowed. In addition, bills sometimes fail because fewer than the 100 Members who are required to vote in favour of the closure in fact do so. In report stage debates, it may be necessary to move *that the Question be now proposed* on an amendment, and again, 100 Members must vote in favour of such a motion for it to be approved and the bill to make further progress. To be sure of getting the bill over these hurdles, a sponsor must usually do a fair amount of unofficial whipping in advance.

A bill which is either sponsored by a Member who was placed very low in the ballot, introduced under the Ten Minute Rule or Standing Order No. 57, or brought from the Lords will often have to take its chance at 2.30 pm. It thus follows that such bills are very unlikely to make any further progress unless its contents are such as to arouse absolutely no dissent.

Committee Stage

Like all public bills, Private Members' bills have to pass through a committee stage. Prior to the 2006-07 session, public bills were examined by standing committees. However, following the report produced by the Select Committee on Modernisation: ***The Legislative Process, 7 September 2006, HC 1097 2005-06***, the House of Commons debated several motions regarding the legislative process and it was decided that standing committees would be renamed as Public Bill Committees from the beginning of the following session and would come under the heading of General Committees.

The same priority system applies here as at the other stages and this is a substantial impediment to the passage of bills, particularly long or complex ones. In addition, the House agreed that:

Furthermore, Public Bill Committees, unlike standing committees will have the power to call for both written and oral evidence from bodies outside of Parliament.

Government Time

The Government can make time available other than on a Friday for the discussion of a Private Members bill, if it considers that the House should be given an opportunity to discuss it more fully. In this case, the bill must become a Government Order of the day on the day in which it is down for consideration. The reason for this is that Standing Order No. 14(4) states that only Government business can have precedence on days other than Private Members' bill Fridays. It is, however, rare for the Government to make this time available.

The House of Commons Information Office can advise on what dates have been nominated by Members for the next stage of their bills.

Success Rates

Factsheet L3 gives details of all the Private Members' bills that have reached the Statute Book since the 1948-49 session. However, a Private Member's bill may be considered successful even if it does not become an act. Bills are sometimes withdrawn or allowed to lapse if, for instance, the Government gives an assurance that it will institute an enquiry into the subject, or if it undertakes to introduce legislation on some future occasion to the satisfaction of the bill's sponsor. Moreover, the promoting Member may consider the publicity aroused over a bill to be in itself useful.

Appendix A

The Success Rate of Private Members' Bills since 1983-84

Session	Successful Bills				Total Bills Introduced						
	Ballot	Presentation	Ten Minute Rule	Lords	Total	Ballot	Presentation	Ten Minute Rule (d)	Lords	Total	
(a) 1983-84	9	2	0	2	13	20	21	66	6	11	118
1984-85	11	4	2	4	21	20	28	42	13	7	97
1985-86	13	4	0	4	21	20	31	56	2	5	112
(b) 1986-87	7	4	0	4	15	20	29	30	2	6	85
(a) 1987-88	9	2	0	2	13	20	37	58	10	4	119
1988-89	6	2	0	1	9	20	64	54	6	3	141
(c) 1989-90	8	2	0	1	11	19	54	48	6	5	126
1990-91	11	8	0	1	20	20	48	46	4	5	119
(b) 1991-92	8	2	0	3	13	20	17	17	1	4	58
(a) 1992-93	6	3	2	5	16	20	63	74	8	9	166
1993-94	8	2	0	6	16	20	37	49	4	10	116
1994-95	9	1	3	4	17	20	32	52	4	9	113
1995-96	12	1	1	3	17	20	17	43	8	9	89
(b) 1996-97	14	0	1	7	22	20	23	26	0	7	76
(a) 1997-98	5	2	1	2	10	20	27	88	2	12	147
1998-99	7	0	0	1	8	20	18	55	0	11	104
1999-2000	5	0	0	1	6	20	20	57	5	7	104
(b) 2000-01	0	0	0	0	0	20	17	24	0	2	63
(a) 2001-02	5	0	2	1	8	20	24	65	1	5	114
2002-03	13	0	0	0	13	20	18	55	1	4	97
2003-04	5	0	0	0	5	20	13	56	1	13	102
(b) 2004-05	0	0	0	0	0	20	16	18	1	1	55
2005-06	3	0	0	0	3	20	17	75	4	18	130
2006-07	3	0	0	1	4	20	19	48	2	9	96
2007-08	2	0	0	0	2	20	20	58	1	2	100
Total of above	179	39	12	53	283	499	710	1,260	92	178	2,451

(a) Long session (after General Election)

(b) Short session (before General Election)

(c) a Member who was successful in the ballot did not introduce a Bill

(d) Figure in italics is number of motions for leave to bring in a Bill which were negated

Further reading

Please see factsheet L3 for the success rate of Private Members' Bills before 1983.

For developments on the procedure of Private Members' Bills from the early nineteenth century to the early 1950s, P.A. Broomhead's, *Private Member' Bills in the British Parliament, 1956*, pp9-13 is a useful source.

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