Revision of the Standing Orders

First, may I apologise for providing you with such extensive reading material during the Summer recess. The enclosed papers are the result of a comprehensive review of the Standing Orders which I commissioned some months ago. I would be very grateful if you and your Committee could now consider the revision, and take matters forward.

The Standing Orders of the House of Commons codify much of the procedures and practices of the House but do not describe them. Some practices, such as the rule that members should not speak twice in the same debate derive from decisions of the Chair, and are considerably older than the Standing Orders, which are hardly mentioned in early editions of Erskine May. But the Standing Orders have developed into a mechanism for regulating parliamentary business and it is important that they are kept up to date.

The Standing Orders are frequently added to, repealed or amended. They have been changed more than 200 times between 2000 and end of last Session, an average of more than 17 revisions a Session—and each revision may contain several individual amendments. In the same period there have been 48 new Standing Orders and 10 repeals. This as had the incidental effect of making the numbering of the Standing Orders rather erratic, with frequent insertions between existing Orders. But despite these continuing changes, the Standing Orders do not always reflect the developments in the actual practice of the House: for example, programme orders invariably disapply certain paragraphs of the Standing Orders.

My first aim in commissioning the review was to remove anomalies and make
the Standing Orders easier to use. I reluctantly decided against attempting to rewrite the Standing Orders in plain English, on the grounds that this would make the process take considerably longer for little practical advantage, since the Standing Orders are not an all-purpose handbook of parliamentary procedure.

I have also proposed that provisions that are not used should be repealed. But my concern for the rights of individual members and of minorities has meant that some provisions (such as Members rising in their places to ensure an emergency debate (SO No. 24) and petitions for present personal grievance (SO No. 155)) have been kept, even though they are very rarely used.

The suggested revisions of the Standing Orders fall into three broad groups:

- revisions that bring the Standing Orders into line with the House's current practice but entail substantive changes to the provisions of the Standing Orders;
- less significant revisions; and
- drafting changes.

The reasons for each substantive change (therefore marked in red) are set out in the annex.

Less significant revisions (marked in yellow) bring the Standing Orders in line with current practice and remove unused provisions. All proposals to repeal Standing Orders are in this group.

Purely drafting changes (marked green) fall into a number of categories:

- removal of archaisms
- changes for clarity
- changes of timing convention
- amendments for gender-neutral language, such as 'he or she' for 'he', when the pronoun does not refer to a holder of a specific office, or drafting to avoid the need to use a gendered pronoun.

The most significant-or at least the most visible-change in this group is that 'clause', wherever it appears, is replaced by 'section'.

I attach the following documents:

- a summary of the changes, with the Standing Orders coloured according to the group they fall into;
- the text of the changes, with both the amendments and relevant noted colour-coded;
- a short explanation of the drafting changes, including the principles behind the gender-neutral revisions and:
- a proposed re-numbering of the Standard Orders.
I am sending copies of this letter and attachments to: Mr Speaker, the Deputy Speakers, the Leader of the House, the Shadow Leader of the House, and the Chief Whips of the three major parties. Rather than me (or my successor) acting as a go-between, they might like to let you have comments direct in order to inform your Committee’s consideration, with a copy to my office so that we can prepare to give evidence to your Committee.