



Factsheet L6 Legislative Series

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House of Commons Information Office

General Committees

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The report of the Modernisation Select Committee, *The Legislative Process*, in July 2006 recommended changes to Standing Committees as they existed in the House of Commons.

The committee's recommendations focussed on those standing committees associated with the consideration of Public Bills but precipitated a change in the naming of other committees that previously came under the heading of standing committee.

Now, under the umbrella term of General Committee, several types of committee exist:

- Public Bill Committees which conduct detailed examination of Bills before Parliament (see **Factsheets** L1 and L4)
- Delegated Legislation Committees that consider Statutory Instruments (see **Factsheet** L7)
- European Committees that examine Community Documents and "matters" remitted to them by the House (see **Factsheet** L11)
- Grand Committees focussed on regional issues (see **Factsheet** P8), and
- Second Reading Committees that provide a formal alternative to second reading on the Floor of the House.

This Factsheet discusses the history and the current use made of these committees by the House of Commons.

Background

There are several different types of general committee, the most common being those that examine public bills. Until 2006, these types of committee were called standing committees and their responsibility was to examine public bills clause by clause and if they so wished, line by line.

After 2006, standing committees were renamed public bill committees and were given the additional power to take evidence from officials and experts outside of Parliament.

The history of committees in the House of Commons

Business in the House of Commons Chamber is not always conducted with the Speaker in the chair. When the House resolves itself into a Committee of the whole House, the Speaker leaves his chair and the Chairman of Ways and Means presides instead. The Chairman of Ways and Means also presides during the budget speech, though the House is not in committee during that time.

The use of the Committee of the whole House is believed, in part, to have been a procedural way of allowing the House to consider matters (especially of the financial kind) without needing the Speaker to be present. At that time there were concerns that the Speaker was too close to the Monarch and that Members of Parliament had to be able to confer without the Monarch being informed of their discussions.

As the number of issues requiring consideration by the House of Commons, under normal procedures and as a Committee of the whole House, increased, pressure on time on the Floor of the House increased. This was alleviated by having a system of committees where the House could delegate certain functions to members of these committees who could meet away from the floor of the House and report to the House their resolutions and recommendations.

Grand committees on religion, courts of justice, trade and grievances allowed these issues to be considered away from the floor of the House.

Select committees had existed in some form since the seventeenth century. In 1979 a new select committee structure was established to shadow government departments (see **Factsheet P2**). At the end of the nineteenth century; three standing committees were established for the consideration of bills. These soon became the usual forum for debating the details of legislation.

Over time, the select committee system evolved to the point where the committees' memberships would stand over a whole Parliament, while the standing committees mostly became ad hoc, convening to scrutinise a bill or an individual statutory instrument.

The naming of the committees had become confusing as those committees called select committees were, in practical terms, standing committees while those called standing committees were ad hoc, or select.

The changes implemented on recommendation of the Modernisation Select Committee in 2006, in part, aimed to remove some of this confusion of names by changing the nomenclature of standing committees to better reflect what they did.

The House would now have select committees and general committees. This factsheet discusses the variety of general committees, their role and the documents they produce.

The consideration of public bills

Throughout its history the Commons has been faced with the problem of how best to deal with matters of specific detail, such as clause by clause analysis of bills. An assembly of up to 700 members is not an ideal forum for amending every bill in such detail. Committees in the House date from the early 1400s: by the latter part of the 17th century, some bills were committed to territorially chosen committees. For example, the *Poor Law Certificates Bill* went to a committee of 47 named Members and "All the Members for Gloucester, Southampton and Wilts, and for the Principality of Wales". This made a committee of some 65 Members.

The present form of committee consideration of bills has its origin in the mid-19th century. In an article in 1854, Erskine May, the great authority on parliamentary procedure, suggested a system of grand committees, of about 100 members. These would be nominated by a committee of selection, which would consider various matters sent to them by the House, along the lines of a committee of the whole House. In 1878, something of May's 1854 suggestion was recommended, with four special committees being mooted, to consider bills loosely classed under religion, law, local government and trade. At this time, the 17th century idea of territorial committees was revived but not put into practice.

Standing Committees

The eventual nature of the committees was decided in 1882, when two standing committees were established to consider bills: one on law, justice and legal procedure, the other on trade, manufactures and shipping. The final impetus behind the establishment of these committees was the Irish party's tactics of taking up the time of the whole House on committee stages (33 sittings on the Irish Land Law Bill of 1881). The House was unsure how the new committees were to be regarded: procedure in them was to be "as in a select committee, unless the House shall otherwise order". Though procedure in standing committees was modelled on that of select committees, in time it came to resemble that in Committee of the whole House.

Number of Committees

Each committee had sixty to eighty permanent members and up to fifteen more might be added for a particular bill. The chairmen were drawn from a panel. The first bill to be dealt with in this way was the *Bankruptcy Bill* in 1883. Only a few bills were examined before the committees lapsed but they were resuscitated in March 1888. In 1894, a Scottish committee was established to consider Scottish bills, consisting of all the Members for Scotland and 15 from elsewhere (again allowed to lapse between 1895 and 1906).

During the period of the Liberal Government, more changes were made that brought into existence the basic standing committee structure which existed in the House from 1906 until 2006. First, the two committees were to be replaced by four, each dealing with bills irrespective of subject and they were to be lettered A, B, C and D.

Second, all public bills, except those concerned with supply or taxation, were sent to standing committees unless the House otherwise ordered. One committee dealt with private Members' bills. A Scottish standing committee was retained for bills exclusively relating to Scotland and the government mooted the possibility of a similar Welsh committee.

In 1919, the number of committees was increased from four to six and the size reduced from sixty to forty (the numbers were subsequently adjusted several times). Between 1939 and 1944, no standing committees were constituted but, once re-established, the size was again reduced (normally to twenty Members).

After the war the standing membership disappeared (thus invalidating their description as standing committees) and it was accepted that each committee would be constituted afresh for each new bill. The number of committees grew to five in 1945 and to "as many as may be necessary" in 1948. In 1948, provision was made that a bill relating only to Scotland might be sent to the Scottish standing committee for "consideration in relation to its principle". In the same year, it was agreed to divert consideration of certain estimates to this committee (a similar experiment had been tried (not just for Scotland) and discarded in 1919). These functions were later transferred to the Scottish Grand Committee.

The establishment of Public Bill Committees

The Modernisation Select Committee proposals in *The Legislative Process* report (HC 1097) recommended that the name and nature of standing committee scrutiny of bills should change. Thus from the start of the 2006-07 session these committees would be called public bill committees which would be one of the types of general committees established.

Before these recent changes there were often up to ten standing committees (A to H and First and Second Scottish) formed each session, each of which was brought into existence when a bill was first referred to it. The change from standing committees to public bill committees has meant that a bill would no longer be assigned to a particular standing committee but instead to a public bill committee named for the bill. That is, the Welfare Reform Bill would be assigned to the Welfare Reform Bill Committee rather than, for example, Standing Committee A.

By standing order, a bill is usually referred to a public bill committee immediately after second reading. However, the House can also refer a bill to a number of other committees including a Committee of the whole House, a select committee or Grand Committees (see **Factsheet L1**).

Membership of Committees

After a bill has received its second reading and progressed to committee stage, the Committee of Selection meets to consider the numbers to serve on the committee for that particular bill and which Members should constitute it. It has to have regard to the political composition of the House and may receive representations from individual Members who wish to serve on the committee, from the Whips of the various parties and the department concerned.

In making its decision it has regard to many factors. For example, to the interest

shown in the debate on second reading, to party requirements, to the number of times Members have been summoned to other committees and to other calls on their time. Normally, the Committee of Selection meets on Wednesdays and the names of those selected to serve are published in the *Votes and Proceedings* (and can be obtained from the House of Commons Information Office) on Thursday mornings. The names are also published in the *Weekly Information Bulletin* the following Saturday. All public bill committees will include one or more relevant Ministers, Opposition Spokesmen and Whips.

Members nominated cannot always serve, for a variety of reasons, and names may be changed until the committee begins work. Thereafter, substitutions may be made only in case of illness or Ministerial appointment or change. Alterations in membership are noted in the *Weekly Information Bulletin*. The maximum number of Members is 50, the minimum 16.

Normally only those nominated to a committee can attend it as Members. Exceptionally the Attorney General and Solicitor General who are known as the "Law Officers" may attend and speak, though they may not vote. Under a rarely used Standing Order, any Minister may take part in the proceedings of any public bill committee on a bill brought in on a ways and means resolution.

Committee Meetings

The first meeting is commonly (for Government bills) on the Tuesday after nomination of the committee. In the intervening period, the Speaker, through the Secretary to the Chairman of Ways and Means, will have appointed one or more Chairmen, taken from the Chairman's Panel (a group of some 35 senior backbenchers), to preside impartially over the committee. A Clerk will also have been allocated, normally from the Public Bill Office but from elsewhere in the Department of Chamber and Committee Services if necessary.

When the committee meets, it will be for the Member in charge of the bill to suggest times for subsequent sittings and also the order in which the clauses should be taken. Public bill committees on Government bills normally meet on Tuesdays and Thursdays and those on private Members' bills on Wednesdays. Morning meetings usually start at 10.30 on Tuesdays and 9.00 or 9.30 am on Wednesdays and Thursdays and must be adjourned not later than 1.00pm on Tuesdays, 11.25 am on Wednesdays and 10.25 am on Thursdays (or 15 minutes later if the consideration of the bill can be completed in that extra time. Afternoon sittings, if any, usually start at 4.00 or 4.30 pm on Tuesdays, 2.00 or 2.30pm on Wednesdays and 1.00 or 1.30pm on Thursdays; they may continue to any hour.

Programming Sub-Committee

If a programme order applies to proceedings in public bill committee, a programming sub-committee (consisting of the Chairman and seven members nominated by the Speaker) may make proposals about the number of sittings and timing of proceedings, which the full committee may debate for up to half an hour and may amend. The full committee may also make proposals to the House for changes in the date for reporting the bill or in the programming of consideration and third reading.

An additional consideration for programming sub-committees of the public bill committees is the programming of any oral evidence sessions.

Taking evidence

In 2006, public bill committees acquired the power to receive written and oral evidence. The Scrutiny Unit which is part of the Committee Office in the House of Commons is responsible for co-ordinating the evidence-taking sessions of public bill committees, including the receipt of written submissions. The first public bill committee to take oral evidence was the one examining the Local Government and Public Involvement in Health Bill and the evidence was heard on 30 January 2007.

Prior to the 2006 changes, committees making a detailed consideration of a bill could not take evidence from outside Parliament unless the House sent the bill to a select committee or special standing committee rather than to the usual standing committee.

Special standing committees were, in effect, an amalgam of select and standing committees, whereby a limited number of evidence-taking sessions could be held before the normal standing committee procedure was adopted.

The type of bill hitherto referred to this type of committee has been non-controversial in party terms but may involve complex or novel questions of policy. It has been usual for the Chairman of the select committee shadowing the bill's sponsor department to chair the special standing committee during evidence-taking sessions and for a Chairman from the Panel to take subsequent stages. Members of special standing committees were nominated by the Committee of Selection and normally included some members of the relevant departmental select committee.

Taking written evidence

Written evidence can be submitted by anyone, in a procedure similar to that of select committees, and can be received at any time after the bill is first published (even though the committee will not have been established at that point). The committee can report written evidence to the House, at its first meeting and subsequently as further memoranda are received. Reporting evidence allows it to be published. Those who wish to submit memoranda are asked to submit them by the time the bill has its second reading, in order to inform any oral evidence taken.

Taking oral evidence

The committee will be able to take oral evidence as part of its deliberations, although it is not expected that more than four of the committee's sittings will be used in this way. The programming resolution agreed by the programming sub-committee will include a programme of witnesses to give oral evidence. The committee will consider this during its deliberations on the programme motion. It is expected that every public bill committee will hear from the Minister as a minimum. Any oral evidence sessions normally take place at the start of the Committee's work, after which the committee will revert to the traditional deliberation on clauses and amendments.

Amendments

Amendments are tabled in the name of one or more individual Members, whether by

Ministers, Opposition or backbenchers of any party. These are first printed (on blue paper) as *Notices of Amendments... given on ...*, and a list of them follows. Those amendments yet to be considered are then reprinted (on white paper and marshalled in the correct sequence as they relate to the text of the bill) for each sitting of the committee. All these documents are issued in the Vote Bundle (see **Factsheet P16**) and the House of Commons Information Office can make information from them available to enquirers. Amendments are also available on the Parliamentary website as they appear in the Notices prior to the committee sitting and all marshalled lists are retained on each bills' individual webpage.

Not all amendments that are tabled are discussed. Amendments that are out of order for any reason cannot be called and the Chairman has discretion whether or not to select amendments that are in order. The power of selection, for debate (or just for decision), first introduced for standing committees in 1934, was designed to reduce the possibility of obstruction of bills by proliferation of amendments; it is now owing to the large number of amendments commonly tabled, in constant use. The Chairman also has power to group amendments for discussion (and thus to select - or not select - them for decision).

The Chairman is advised on the exercise of these powers by the Clerk of the committee, who is periodically authorised to release lists giving the provisional selection of amendments. Such lists are available in the Public Bill Office as well as in the committee room.

Fate of Amendments

Once selected, an amendment does not have actually to be moved but, once moved, it can be withdrawn only if no voice is raised in objection. It can be agreed to, with or without division, or negatived, with or without division. Not every selected amendment is pressed to a division: in many cases, its promoter may withdraw it upon undertakings of various degrees of certainty by Ministers: "to look at the matter again" is a common phrase. The fate of any individual amendment can be determined the following day from the paper of Public Bill Committee Proceedings which is part of the Vote Bundle. Formal minutes are also prepared after the committee has concluded its work. These are not published but are available for inspection.

After all the amendments to a particular clause or schedule have been dealt with, the committee has to decide whether the clause should remain in the Bill. This is done on the Question "That Clause ... (as amended) ... stand part of the Bill" . Debate is of course normally permissible on each clause but chairmen, if they think there has been adequate discussion during debate on amendments, have the right to put the stand part question without further ado. Clauses may be divided or transposed, etc. if the committee so decides after debate.

New Clauses

Further provisions or extensions, provided they are within the scope of the bill, can be proposed not only in amendments but also, if appropriate, as new clauses. These are usually taken after all the clauses in the bill as it reached the public bill committee have been dealt with. They are selected by the Chairman in the same way as

amendments and debated on the motion, "That the Clause be read a second time" . Amendments to new clauses are debated once the new clause has been read a second time, before the committee decides whether the new clause should be added to the bill.

Reports of Debates

These committees do not meet on the Floor of the House and thus their proceedings do not form part of the Official Report of Parliament (Hansard). However the debates are recorded in the same way as those in the Chamber and are printed in the Official Report of Public Bill Committees for each sitting. These proceedings are available from each bills' own webpage, The Stationery Office and also the House of Commons Information Office can often advise where they may be consulted.

Since the 1997/98 session, the standing committee debates have also been made available on the Parliament website. Public bill committee debates are also now available on this page and both can be accessed from: (<http://www.publications.parliament.uk/pa/cm/stand.htm>). From this page it is simply a matter of choosing which session is required and then selecting the relevant committee. Meetings of the committee are listed by the topic concerned or by the title of the legislation considered by the committee.

After the conclusion of the committee, its proceedings are reissued, with corrections, in a consolidated form in ochre bindings and these form the basis of the sessional volumes.

Changes of Title

If the subject matter of a bill has undergone sufficient alteration in the committee (for instance, by addition of new clauses within its original scope), its short title may be changed. This is done by amendment to the citation clause, normally the last clause in the bill. If any amendments have been made which are not within the long title, i.e., the initial words describing the bill, following "*A Bill to ...*" (though they are admissible as within the scope of the bill) the committee may alter the long title and report to the House that it has done so.

Instructions

The House may resolve that the public bill committee may do something which otherwise would not be permissible (e.g. to include in the bill provisions which do not fall strictly within its scope) or that it must follow some course (e.g. to omit part of a bill). Instructions are of ancient origin (in fact the *Poor Law Certificate Bill* from the 17th century had two instructions attached to it, one of each kind). They are fairly unusual these days.

Reporting the bill to the House

When the committee has considered and decided upon all the selected amendments and all the clauses and schedules (on questions for "standing part") and all the selected new clauses, etc, the final question proposed and decided, normally without debate, is that the bill (or the bill, as amended) be reported to the House. The report is made formally to the House, by book entry without debate and appears in the *Votes and Proceedings*. It is noted also in the General Committees – public meetings/membership section of the *Weekly Information Bulletin*. If the bill has been

amended, it will be reprinted as amended with a new HC Bill number.

The fact that a public bill committee has amended the bill does not, as sometimes thought, necessarily mean that the amended version will form the text of the eventual Act. The House of Commons may overturn the verdict of the committee on the consideration (more commonly called report) stage, which is taken on the floor of the House (see **Factsheet L1**) and the House of Lords may further alter or reverse the amendments made in the public bill committee. Full account of the committee stage is taken by the Speaker and his or her advisers in selecting amendments for report stage when time is obviously very limited and when in principle committee stage debates should not be repeated.

Recommittal of bills

If, on report or third reading, it appears that further committee consideration is necessary, the bill may (if the House so decides on a motion) be recommitted to the public bill committee as a whole, or in respect of some particular part or proposed extension of it. In such cases (which are rare) the members of the public bill committee nominated for the Bill's previous committee stage are used again. A high profile example was the *Hunting Bill 2002-03* which owing to extensive amendment in the report stage was examined in standing committee both in 26 sittings between January and February 2003 and in a further two sittings in July. On the rare occasions when a bill is sent to a select committee, it is recommitted either to a Committee of the whole House or to a public bill committee.

Splitting of bills

It is possible, though rare, for bills to be split and referred to different public bill committees or to be committed partly to a Committee of the whole House and partly to a public bill committee. The latter is the usual course adopted nowadays with the Finance Bill and it can be used with other bills - as it was for the *Greater London Assembly Bill 1997-98* and the *Hunting Bill 2000-01*.

Other General Committees

Public bill committees have been the major focus of this sheet but there are other general committees: the Scottish Grand Committee (1957), the Welsh Grand Committee (1960) (**Factsheet P8**), the Northern Ireland Grand Committee (1975) (**Factsheet L8**), the various delegated legislation committees (1974) (**Factsheet L7**) and the European Committees (1980) (**Factsheet L11**).

These exist to debate matters referred to them by the House (except the Scottish Grand Committee, which debates adjournment motions on topics selected by the political parties). They do not take evidence or make substantial reports of any kind. Normally, the matters referred to them are of special interest to limited groups of Members. This applies particularly to the Scottish, Welsh and Northern Ireland Grand Committees and the Regional Grand Committees for the English regions.

The role of the Scottish Grand committee was extensively revised with effect from the beginning Session 1994-95; the powers of the Welsh Grand Committee were similarly extended in 1995.

Standing Order No. 117A, which has effect until the end of the current Parliament, provides for Regional Grand Committees for each of the 8 English regions.

Committees discussing "matters" can only debate the motion that they have considered the matter and, if agreed to, is formally reported to the House at the conclusion of their proceedings.

Second Reading Committees

To save time in the Chamber, second reading committees may be set up to consider the principle of a bill. There is an equivalent procedure whereby the Scottish Grand Committee considers the principle of Scottish bills. In effect, only non-controversial bills are so referred and second reading committees are constituted afresh for each bill with the membership made known as for all other general committees. They may report that the bill either should, or should not, be read a second time; in the latter case they are empowered to state their reasons. The motion for a second reading is then taken in the House without debate. Recent examples of bills dealt with in this way are the *Royal Parks (Trading) Bill 1998-99*, the *Income Tax (Earnings and Pensions) Bill 2002-03* and the *Income Tax (Trading and Other Income) Bill 2004-05*.

Delegated Legislation Committees

There are also general committees to consider statutory instruments (and allied documents such as Church of England Measures) referred to them by the House. Each committee is constituted afresh for each new item, or group of related items, referred to it. The committee simply debates the instrument (for a maximum of 90 minutes - 2 hours 30 minutes in the case of a Northern Ireland instrument) and reports that it has considered it: in the case of instruments subject to affirmative resolution, formal approval is normally given, without debate, in the House (usually the next day), though the House can divide and reject the instrument if it wishes. Members of the House who are not members of the committee may speak but not vote in such committees.

European Committees

From 1990-91, documents recommended by the European Scrutiny Committee for further consideration by the House have, unless the House otherwise orders, been referred to one of three European committees (see **Factsheet L11**). These committees may sit for up to 2 hours 30 minutes, inclusive of any time taken up with a statement by a Government minister.

Each committee has thirteen members nominated by the Committee of Selection for the consideration of each European Union document referred to the committee.

Further reading

Modernisation Committee.
The Legislative Process (HC 1097)
2005-06

House of Commons Library Standard
Note
Modernisation: Public Bill Committees
SN/PC/04541

Liaison Committee
The work of committees in 2007 (HC
427)
2007-08

Links
Scrutiny Unit
http://www.parliament.uk/parliamentary_committees/scrutinyunit.cfm

Webpage on general committees
<http://www.parliament.uk/about/how/committees/general.cfm>

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
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Factsheet L6 General Committees

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