

Submission
No 5

**INQUIRY INTO PROCEDURES FOR DEALING WITH
DISORDER BY MEMBERS DURING COMMITTEE
PROCEEDINGS**

Organisation: House of Commons, United Kingdom

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Procedures for dealing with disorder by Members during committee proceedings

Introduction

1. Thank you for the invitation to contribute to your Procedure Committee's inquiry into procedures for dealing with disorder by members during committee proceedings, referred to the Committee by the Legislative Council on 13 March 2024. You have said that it would be useful if I would comment on:
 - specific procedures or practices regarding the authority of a committee chair to manage disorder during parliamentary committee meetings or hearings, and procedures for dealing with related offences or serious disorder; and
 - any recent developments or inquiries.

2. The UK House of Commons is unusual in having two separate committee systems:
 - General committees, mainly engaged in debating and legislating, whose procedures generally mimic those of the plenary Chamber; and
 - Select committees, including the departmentally-related scrutiny committees, cross-cutting committees, joint committees, and those which are focused on the House's own operations. These usually take public evidence, deliberate in private and publish reports to the House with their conclusions and recommendations.

General committees

3. In general committees, a number of formal arrangements control the environment:
 - an impartial Chair is appointed by the Speaker from a panel of senior Members;
 - Standing Orders empower the Chair of the general committee to exercise some of the same powers as Speaker or Deputy Speaker in the House and/or Chair in Committee of the whole House, for example with respect to the closure or to dilatory motions;
 - a different membership is appointed for each general committee on a bill or on a piece of delegated legislation on a 'task-and-finish' basis;

- there is an in-built Government majority on committees, broadly reflecting party composition of the House (and possibly excluding independents and very small parties);
 - individual membership of general committees is determined by the party whips;
 - Public Bill Committees must complete their scrutiny by the deadline imposed by the House in any Programme Order for each Government bill.
4. The use of programming mitigates the risk that an outbreak of disorder in a general committee could ultimately lead to a delay in the legislative process.
 5. General committees, like the plenary chamber itself, conduct practically all their proceedings in public, but media coverage is minimal, public attendance is low, and online viewing is probably limited to stakeholders. Accordingly, any act of disorder would have to be particularly pre-advertised or unusually dramatic to attract any public notice.
 6. The Chair of a general committee will be a Member chosen for their experience and seniority within the House. They have an inherent right to assert their authority to deal with disorder as part of their role in overseeing the orderly transaction of the committee's business.
 7. But the formal disciplinary powers of the Chair in a general committee are very limited. Neither the Chair nor the committee has the power to order the removal of a misbehaving Member, or punish them: the proper course would be for the Chair to report disorderly behaviour to the House.
 8. So if for example a Member defies the Chair by persisting in contemptuous behaviour or refusing to withdraw an unparliamentary expression, the next course of action would be a brief suspension. On resumption, if the Member persisted in their defiance, the Chair should accept a motion to report the Member to the House. If, for whatever reason, the committee is unable to dispose of this motion promptly, the Chair should accept from the Member in charge (or Government whip) a motion to adjourn the

business under consideration. If it is impossible to resolve the latter question in an orderly fashion, the Chair has a reserve power to adjourn the committee for grave disorder without question put, and to report the offence to the House.

9. In determining what action is appropriate in any given case, the need to uphold the authority of the Chair and the dignity of the committee has to be balanced against the desirability, so far as is practicable, of protecting the committee's business which the House has referred to it. Where, for example, a Member of the House who is not a member of the committee refuses to vacate the part of the room reserved for the committee when requested to do so by the Chair, but otherwise causes no overt disruption to proceedings, the committee might proceed with its business, provided that a motion to report the Member to the House had first been agreed.

10. As noted above, programming largely protects against the reporting to the House of the consideration of a Government bill being delayed by disruption. But in March 2001 a committee was unable to conclude proceedings on a bill in accordance with the terms of a programme order because of the refusal of Members not on the committee to withdraw, a matter which the Chair reported to the House. The House subsequently agreed an order providing that the Bill be deemed to have been reported from the Committee as if the outstanding clauses and schedules had been agreed to with outstanding Government amendments.¹

11. In specific cases, following a report from the Chair on behalf of a public bill committee, the House has given that Chair the power to order any Member of the House who was not a member of the committee in question from the committee room and has given the Serjeant at Arms the power to enforce such an order. But no such power is normally available to chairs of public bill committees.

¹ Erskine May [para 28.125](#)

Select committees

12. Chairs of select committees lack formal disciplinary powers. Such committees generally operate on a consensual basis, with any differences of opinion resolved by recorded votes.
13. While cross-party select committees' influence is generally limited to making recommendations rather than the direct exercise of legislative or other power, the media profile of select committees is much higher than that of general committees. Disorder by Members during public select committee proceedings, such as on live television during an oral evidence hearing with a prominent witness, would be likely to receive wide public and media attention.
14. Select committee Chairs have the inherent right to attempt to secure the progress of business, but ultimately they have to rely on their own authority and on the general will of the committee rather than on formal powers. The Chair has no formal power to stop irrelevance or repetition, nor to select amendments on consideration of a report.
15. Most select committee Chairs are elected by secret ballot of the whole House, which reinforces their authority with colleagues.
16. The Chair has an implicit power to suspend a meeting for a reasonable period (including to allow members to vote in a division in the House); but although a Chair normally adjourns a meeting without any formality, if challenged the Chair cannot adjourn a committee unilaterally.

Disorder by Members of a select committee

17. A select committee Chair does not have the power to order a member of the committee whose conduct is grossly disorderly to withdraw.
18. Chairs will generally try to manage conduct during meetings by virtue of their authority as Chair. If a Member refused to comply with or wilfully disregarded the rulings of the

chair, the Chair would be likely in the first place to suspend the meeting for a short time, in order to attempt to resolve the situation.

19. Should the Member concerned continue such disorderly conduct when the meeting was resumed, the committee might attempt to make a special report to the House on the disorderly conduct, for example that "The Committee was unable to proceed with its meeting on [date] because of grave disorder by the hon. Member for X".
20. If it proved impossible to agree the report because of continuing disorder, the Chair would probably move to adjourn the meeting. In that case it might be appropriate for the Chair to make an oral report to the House on their own authority.

Disorder by Members not on the Committee

21. Under S.O. No. 126, a committee has the power to order Members who are not on the committee to withdraw from meetings, or parts of meetings, held in private, if the committee considers that their presence would obstruct its business. The committee might need to be suspended until the Member had left the room.
22. If a Member not on the Committee is disruptive during a public session, the Chair would suspend the meeting until the issue has been resolved. But the Serjeant has no power to remove a Member from a public meeting.

Member suspended from the service of the House

23. If for any reason a Member is suspended "from the service of the House", this includes suspension from service on any committee of the House other than a private bill committee. A suspended Member should not attend meetings of a general or select committee even if they are held away from the parliamentary estate.

I hope that this information is helpful. I am grateful to Liam Laurence Smyth, Clerk of Legislation, and Christopher Stanton, Principal Clerk in the Select Committee Team, for their help in preparing this note. Please let me know if I can be of any further assistance.

Tom Goldsmith, Clerk of the House of Commons

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