

Submission
No 7

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

Organisation: House of Lords, United Kingdom

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Conduct in the House of Lords

Chamber

Specific procedures or practices relating to respectful behaviour by members in the Chamber, including, but not limited to, the words spoken in debate, rules concerning civility, and procedures for dealing with behaviour contrary to the standing orders

The House of Lords is self-regulating. The presiding officer (the Lord Speaker) has no power to rule on matters of order. The House does not recognise points of order and the preservation of order and ensuring good conduct is a matter for the House as a whole. Any member may draw attention to breaches of order or failures to observe customs. In practice, it is often a whip who does this, however any intervention is subject to the view of the House as a whole.

When debate becomes heated, it is open to any member of the House to move “that the Standing Order [31] on Personally insulting and offensive speeches be read by the Clerk”. Standing Order 31 (based on a standing order from 1626, but updated in 2021) can be read only on a motion agreed to by the House, and this motion is debatable. The motion is rare and the last time it was moved was on 10 March 1998.

If in a speech a member is thought to be seriously transgressing the practice of the House, it is open to another member to move “that the noble Lord be no longer heard”. It is not necessary for there to be a Question before the House before this motion is moved. The motion, however, is very rare; it is debatable and seldom needs to be decided on Question since members generally conform to the sense of the House as soon as this sense becomes clear. The last time it was moved was 15 July 2011. The effect of agreeing to this motion is to prohibit the member in question from speaking further on the Question before the House which was being debated, but not on any subsequent Question (or debate).

Closure (i.e. the motion “that the Question be now put”) is used in exceptional circumstances where “it is felt to be the only means of ensuring the proper conduct of the business of the House”. It is used to compel the House to come to an immediate decision on the original motion without debate. It was last used on 4 September 2019 six times during the same debate.¹

This is all set out in chapter 4 of the Companion to the Standing Orders and Guide to Proceedings of the House of Lords (“the Companion”), the authoritative guide to Lords procedure.²

The following Standing Orders are relevant to respectful behaviour in the Chamber:

SO 31 Personally insulting and offensive speeches to be avoided [22 February 2021]

In the House and its committees, members should be careful to avoid personally insulting or offensive speeches, which offend the customary courtesy of the House. Members should be prepared to give a favourable interpretation to another member’s words but, if they or the House consider remarks to be personally insulting or offensive, the member responsible should be given an opportunity to apologise. By ordering that this Standing Order be read, the House requires that an apology should be made.

SO 32 Quarrels, to prevent [9 August 1641]

¹ See Minutes of Proceedings for 4 September 2019

<https://lordsbusiness.parliament.uk/?businessPaperDate=2019-09-04§ionId=38>

² The Companion is available online here: <https://www.parliament.uk/globalassets/documents/publications-records/house-of-lords-publications/rules-guides-for-business/companion-to-standing-orders/companion-to-standing-orders-2022.pdf>.

For avoiding of all mistakes, unkindnesses, or other differences which may grow to quarrels, tending to the breach of peace, it is ordered, that if any Lord shall conceive themselves to have received any affront or injury from any other member of the House, either in the Chamber or at any committee, or in any of the rooms belonging to the Lords House of Parliament, they shall appeal to the Lords in Parliament for their reparation; which, if they shall not do, but occasion or entertain quarrels, declining the justice of the House, then the Lord that shall be found therein delinquent shall undergo the severe censure of the Lords House of Parliament.

Relevant rulings that guide practice

The House of Lords does not have a speaker who is able to rule on matters on order or practice.

Recent developments or inquiries

See notes on bullying and harassment at the end of this paper.

Committees

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

There are no specific procedures or practices regarding the authority of committee chairs to manage disorder. Proceedings in committees are self-regulating, as in the House itself.

Where a controversial or high-profile witness is due to give evidence, particularly if there is a risk of disorder, additional Doorkeepers or security guards may be deployed inside and outside the room and the Chair will be reminded of the correct procedures to follow in case of disruption.

Recent developments

There have been no recent developments in this area.

Bullying and harassment in Parliamentary proceedings

Members are also bound by the Code of Conduct in the course of their parliamentary duties. Paragraph 19 of the Code says 'Members are required to treat those with whom they come into contact in the course of their parliamentary duties and activities (including parliamentary proceedings) with respect and courtesy'.³ Behaviour which may amount to bullying or harassment during proceedings may in principle be investigated by the Commissioner for Standards (an arms-length officer of the House), but the Code of Conduct requires him/her and the Conduct Committee to 'recognise as a primary consideration the constitutional principle of freedom of speech in parliamentary proceedings, including but not limited to the need for members to be able to express their views fully and frankly in parliamentary proceedings', so the bar is set high.

In January 2022 a complaint of bullying was made to the Commissioners for Standards about comments made by four members during a debate on an amendment to a bill. This complaint was dismissed at the first stage by the Commissioners. But a member raised concerns in the Chamber

³ www.parliament.uk/hl-code.

that this complaint, made under the Code of Conduct, which related to comments made by members in the Chamber as part of their parliamentary duties had been considered even only as part of a formal initial assessment by the Commissioners.⁴ They considered it contrary to the rights of members under the 1689 Bill of Rights to freedom of speech in Parliament, part of parliamentary privilege.⁵

This led to a report by the Conduct Committee which emphasised that the Commissioners for Standards, as officers of the House (although they are operationally independent), are not external to Parliament and therefore parliamentary privilege extends to them in carrying out their duties.⁶ The report sets a high bar for the Commissioners investigating conduct during proceedings, but proceedings do fall within the Commissioners' jurisdiction as part of the House's procedures for regulating the conduct of its members. This is made explicit by paragraph 19 of the Code of Conduct. However, paragraph 136 of the Guide to the Code of Conduct states that 'policy matters or a member's views or opinions' fall outside the Commissioner's remit. The central point the report makes is that the Commissioners form part of the House's self-regulating system. No member has ever been sanctioned under the Code of Conduct for behaviour during Parliamentary proceedings.

⁴ The Code of Conduct, including the guide to the Code, can be found here: <https://www.parliament.uk/globalassets/documents/lords-commissioner-for-standards/hl-code-of-conduct.pdf>

⁵ The Hansard of this debate can be found here: <https://hansard.parliament.uk/lords/2022-01-19/debates/186DAEF5-320C-4A1B-A1B1-E92D85842E0F/ConductCommittee>

⁶ The Conduct Committee report is available here: <https://committees.parliament.uk/publications/9064/documents/159230/default/>