



Revitalising the Chamber – The role of the back bench Member





Governance of Britain – Revitalising the Chamber: the role of the back bench Member

(The Government's response to the
Modernisation Committee's First Report
of session 2006-07; HC 337)

Presented to Parliament
By the Lord Privy Seal, Leader of the House of Commons
and Minister for Women and Equality
October 2007

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Foreword



The Rt Hon Harriet Harman QC MP
Leader of the House of Commons

In July 2007, the Government set out its proposals for constitutional reform in *The Governance of Britain*¹. We want stronger accountability of the Government to Parliament, greater engagement between Parliament and the people, greater engagement between the Government and the people and strong Cabinet Government.

The Governance of Britain report welcomed the publication on 20 June 2007 of the report of the House of Commons Modernisation Committee, *Revitalising the Chamber: the role of the back bench Member*². The Government is grateful to the Committee for its work and our response is set out in this document.

The Government looks forward to bringing before the House the necessary motions to give affect to the recommendations in this response.

1 CM7170
2 HC337

Introduction

1. The House of Commons is at the heart of United Kingdom's system of parliamentary democracy and the Chamber is at the heart of the House of Commons. The health and vitality of the Chamber is accordingly fundamental to the democratic process. The Government considers the report of the Modernisation Committee to be a helpful contribution to promoting greater effectiveness and interest in the work of the Chamber. Parliament needs to play a more central role in national life. To achieve this, it needs to engage outside interest. The Committee's report, in examining how this interest can be increased, is therefore timely in helping to improve the way Parliament as a whole works within the governance of Britain and in engaging the public with the political process.

2. The report reflects a careful examination of:

- how backbenchers want to use their time to best effect and of the obstacles standing in the way of contributing directly to the work of the Chamber, and
- what other measures can be taken to improve topicality in the Chamber and to make it more the centre of attention.

Responses to the individual recommendations in the report are given below. The Government supports the majority of the recommendations and will be bringing forward the necessary motions to give effect to them where necessary. The Government proposes that any standing order changes which are necessary should initially be on a trial basis for the next session.

The role of the Member

Rec 1 We recommend that the House authorities identify ways of publicising the work of the Chamber. (Paragraph 17)

The Committee has drawn attention to the ways in which the criteria used by the media for selecting and reporting news can in some circumstances tell against reporting of Chamber proceedings (as against select committee work for example). In particular, it is noted that local media may be unlikely to focus on a Member's national – non-constituency related – work. The Government agrees that it would be useful for the House authorities to identify further ways of publicising the work of the Chamber.

Learning the ropes; making induction relevant to the business

Rec 2 The political parties and the House authorities should work together to ensure that the needs of new Members are identified and addressed by any induction programme. (Paragraph 30)

Rec 3 An approach that seeks to manage how information is routinely given to new Members seems to be a sensible way forward. (Paragraph 32)

Rec 4 Members must be involved in delivering part of the induction, either on a party basis or supporting what is delivered corporately. We believe that Members should also be involved in determining the content of the programme and that staff planning the induction process should test out their ideas with Members. The whips' offices and executives of political parties should take steps to facilitate this. (Paragraph 33)

Rec 5 The practical difficulties faced by new Members must be addressed in order to ensure that improvements to the induction process have the greatest chance of success. We acknowledge the important work that the Administration Committee is doing in this regard and welcome both their Report on post election services and the response to it. (Paragraph 34)

Rec 6 The House authorities should provide an overall framework for the induction programme within which the parties have dedicated time. The parties and the House authorities should work together in planning the next induction programme. (Paragraph 35)

Recs 8 & 9 More effort should be made to ensure that, beyond the initial induction programme, briefings are timed so that they mirror the business of the House as far as possible ... Once the initial new Members' briefings have been completed consideration should be given to opening up some briefings to Members' staff and others, such as those in political offices or staff of the House. (Paragraph 40)

4. These recommendations, relating to the ways in which the House authorities, together with the political parties, can assist new Members in learning about how the House's procedures work and how they can make best use of them, are not formally matters for Government. Nonetheless, the Government fully supports the objective of further improvements in the induction processes. The positive developments which have taken place following recent elections – building, as the evidence to the report indicates, on work from at least 1997 onwards – are recognised but also the continuing difficulties which have been identified in making the processes both relevant and timely in a way

which is properly suited to the needs of new Members. The principles identified by the Committee, including the close participation of existing Members and political parties in helping to shape the content of induction programmes, are sound and the Government is ready to support the political parties and the House authorities in delivering them.

5. Particularly important is the point stressed by the Committee that induction processes organised by the House authorities on the official side are fully complementary to those organised by the parties. In practice, it may well be right – though this is not a matter for the Government – for the official programmes to work around the parties’ induction processes, with the latter having priority in organisational terms. It may generally be the case that the overall framework agreed for the programme should allow for the political input to come earlier on.

Using the gap between the election and the Queen’s speech

Rec 7 There should be a longer gap than usually occurred in the past between the election and the day the House first meets to permit some of the practicalities that prevent Members from focusing on their new job to be addressed and to make time for an induction programme before the House starts its work. We recommend that the gap should be about twelve [calendar] days. (Paragraph 39)

6. The date set for the return of the House after an election, initially for the purposes of election of a Speaker and for swearing in, is part of the dissolution proclamation. This is a matter formally for the Prime Minister and it is difficult to specify in advance a precise formula by which the date should be set. But the Committee has made a strong case for there generally to be closer to three weeks, rather than two weeks as has often been the case, between election day and the Queen’s Speech, and for any extra time to be between election and first meeting (rather than between first meeting and Queen’s Speech). The Government accordingly accepts the principle of this recommendation.

Supporting continuous development; information and advice for Members

Rec10 We recommend that the House authorities make continuous development opportunities available to all those who want them. (Paragraph 42)

Rec 11 We recommend that the parliamentary parties review the arrangements they put in place for mentoring the new in-take in 2005 with a view to planning an improved process after the next election. (Paragraph 43)

Rec 12 We recommend that the House authorities and parties work together to decide what sort of extra development activities might be useful and how they might best be resourced and provided. (Paragraph 45)

Recs 13 & 14 We encourage all Members to ask for advice ... We believe that the current short guide to procedure should be expanded. (Paragraph 46)

7. These recommendations relating to the development and maintenance of appropriate post-induction training and development opportunities for both new and existing Members, are for the political parties and the House authorities rather than for Government. The Government would support such developments.

Topical Questions

Rec 15 We recommend that oral Question Time should be divided into two periods: an initial period for oral questions under the current arrangements followed by a period of 'open' questions. (Paragraph 53)

8. The Government supports this recommendation, which should take further – following the reduction in the notice period required for oral questions in 2002 – the process of ensuring that question time is an opportunity where the major issues of the day affecting those departments being questioned can be discussed. It can be unhelpful to all participants – the chair, opposition parties, Government and backbenchers – if topical matters can only be raised by straining artificially to bring the matter within the scope of a tabled question or by requiring the matter to be elevated to separate questioning (eg via an Urgent Question) after question time has finished. The Committee cites the example of the inability of Members to raise then highly topical issues relating to the Rural Payments Agency during Defra questions on 22 June 2006.

9. The Government agrees with the basic proposals for the system as set out in the report, namely:

- the ‘open question’ period to occupy the last 15 minutes of question time for those departments with a full 60³ minute question time and the last 10 minutes for those answering for 40 minutes (the exact periods might need varying according to the nature of the question rota; the system could in due course be extended to departments answering for shorter periods)
- a separate ballot for the ‘closed question’ and ‘open question’ sections of question time, with Members able to enter (and be successful in) both sections
- the form of the ‘open question’ to be a standard form (“If the Secretary of State will make a statement on his/her departmental responsibilities?”)
- the Secretary of State (normally) to answer the first question with a brief answer addressing the major issues of the day, with subsequent questioning involving both Members successful in the ballot and others called by the Speaker (as with Prime Minister’s questions)

10. The Government understands that no specific standing order change is necessary to provide for this system, since the detailed arrangements for question time are under the direction of the Speaker. The agreement of the House can thus be expressed by a resolution endorsing this response. If the principle is agreed by the House, a subsequent Memorandum issued by the Speaker would therefore set out detailed rules and guidance for Members. (This will also allow the Speaker, for example, to make adjustments if necessary to the precise timings following any variations in the rota for oral questions, and – if in due course there were agreement for this – to extend the system to departments answering for shorter periods.)

Topical Debates

Rec 16 The topicality of debates in the Chamber should be improved. We believe that the House will attract greater attention from Members, the public and the media if it finds a means of debating topical issues. (Paragraph 57)

³ This includes the time taken by Prayers (likewise for the references to departments answering for 40 minutes)

Rec 17 We recommend that provision should be made in Standing Orders for topical debates on issues of regional, national or international importance to be held on one day each week. Topical debates would last for an hour and a half and be taken immediately after questions and statements but before the main business of the day. (Paragraph 59)

11. The Government agrees with the case made for improving the topicality of debates in the Chamber and in particular for a system of regular 90 minute topical debates on issues of regional, national or international importance. In accordance with later recommendation (Rec 23) of the report, this would be a debate on a motion ‘That this House has considered [the matter of xxx]’. Since such motions are intended to replace main ‘adjournment’ debates, they should not be amendable. The Government agrees also that specific provisions and understandings are needed to govern speaking time in such debates, in accordance with the principles set out under Rec 32 of the report (see paragraph 28 below).

12. The Government agrees that such a debate should take place on a weekly basis. Although a pattern of such debates taking place on a particular day each week might emerge, in practice the scheduling of debates would have to remain with the Leader of the House to reflect the demands of other business (including, as the report observes, the desirability of avoiding Opposition Days where possible). The selection of debate – not least to ensure that the subject is genuinely “regional, national or international” which could not be guaranteed under a ballot system – would be announced by the Leader of the House following discussions in the usual channels and following representations from opposition parties and backbenchers. If the slot identified for the topical debate in a given week is on a Monday or Tuesday then the subject would generally be announced at the preceding Thursday business statement. But in order to preserve maximum opportunity for topicality, then where the slot for the debate is on a Wednesday or Thursday, it is envisaged that the subject would be notified to the House by the tabling of the relevant motion on the preceding Monday.

Business Questions

Rec 18 We believe there is a case for formalising business questions in Standing Orders. (Paragraph 64)

13. The Government is grateful for the agreement of the House authorities to a form of words to be used on the Order Paper on Thursdays making specific provision for Business Questions.

Urgent Questions and Urgent Debates

Rec 19 We recommend that guidelines be drawn up to help Members understand what sorts of issues and events might meet the criteria set out in Standing Order No. 21(2). We see a case for extending this advice to cover urgent debates under Standing Order No. 24 and the other opportunities for back bench Members to raise urgent or topical issues. The guidance could usefully include some examples of the types of issues that could be brought up under the different opportunities available to Members. (Paragraph 66)

14. The Government agrees with this recommendation, which would be a matter for the Speaker and the Table Office to put in hand. It agrees that there is no need to alter the current wording of Standing Order No 21(2) providing for Urgent Questions, but recognises, with the Committee, that Members may not be fully aware of the opportunities open to them for urgent questions and debates under present procedures. It may well be that with the introduction of the new open topical questions and topical debates processes there will be less pressure for these, but nevertheless Members should find fuller guidance helpful.

Rec 20 We believe the Speaker should have greater discretion to vary when a debate, initiated through a successful Standing Order No. 24 application, is held and to decide its length. The Speaker would need to exercise this discretion in consultation with the business managers to mitigate the impact on planned business. (Paragraph 71)

15. The Government agrees with this recommendation, which would leave unchanged the criteria on which the Speaker decides to grant an emergency debate but would assist the House in scheduling any debates which have been granted. The present standing order creates a very inflexible process for the scheduling and timing of such debates. The proposed change would allow the Speaker greater freedom to grant debates by scheduling them, in consultation with business managers, in a way which fitted more conveniently into the House's existing business.

General debates

Rec 21 For the majority of regular debates we recommend rebalancing the current allocation of days and mix of subjects. (Paragraph 82)

16. The selection of full or half day debates in Government time on substantive issues, whether the debates regularly held each year or one-off debates, is not a matter of firm rules but inevitably a flexible process forming part of the regular discussions of business managers. The Government is happy to take into account in future the points made in the committee's report, including considering the length of the Queen's Speech debate and the length of the Budget debate, and the spread of time between foreign policy, defence and security issues. Of course this is not in practice a matter solely for Government and the selection and length of such debates reflects also discussions through the usual channels. It is not easy to find time to schedule debates in additional areas unless Members are willing to give up or shorten debates in traditional areas.

Rec 22 We recognise that there are good arguments both ways here. The Government should listen carefully to representations from the main Opposition parties and from back bench Members of all parties about whether a debate should take place on a substantive motion to which amendments could be tabled, and a vote held if necessary, or whether it should take place on a motion that allows a debate without the House having to come to a resolution in terms. (Paragraph 84)

17. The Government fully recognises both the advantages and disadvantages identified by the Committee of holding such debates on substantive motions rather than on adjournment motions. Representations from Opposition parties and from back bench Members on these matters are taken into account when decisions are made, and future discussions in the usual channels can reflect the spirit of this recommendation.

Rec 23 and 24 We recommend that debates held for the purpose of discussing a topic be renamed 'general debates' and that debate should take place on a motion 'That this House has considered [the matter of] [subject]'. ... There should be a strong convention that such motions moved for the purpose of having a general debate would not be amended (Paragraph 85)

18. As the Committee notes, where a debate is not being held on the basis of a substantive motion, so that the House is not being invited to come to a decision on a specific form of words, then the present method – i.e. debating whether the House should adjourn – is very obscure to outside observers. This is unhelpful in the context of wider attempts to help to make the parliamentary process more accessible and relevant to all. The Government therefore agrees with the proposal from the Committee that such debates should become known as 'general debates' and take place on a more intelligible form of words, namely

'That this House has considered [the matter of xxx]' – a form of motion commonly used in Grand Committees and delegated legislation committees.

19. Such 'general' debates would be taking place with no expectation of a division (though of course a division would still be technically possible). As the Committee notes, it would be helpful for it to be clear that such motions would not be subject to amendment. Establishing a convention in the House from a standing start can be difficult, and it could well be for the convenience of the House for the principle to be clearly incorporated into the standing orders. This would entail specifically defining such motions in the standing orders, in terms of the wording of the motion and, as the Committee notes, the requirement for such motions to be titled and expressed in neutral terms – i.e. terms not conveying argument. (Where the House wished to debate a subject on a motion in this form but it was not in the opinion of the Speaker expressed in neutral terms, it would accordingly be an amendable motion.)

20. As indicated above (see para 11) the proposed new 'topical debates', and SO No 24 debates, would be general debates and thus take place on such a motion. The principle of adjournment debates would continue however in other contexts, for example for the daily half hour debates and the pre-recess adjournment debates.

Rec 25 We recommend that the Order Paper for Westminster Hall makes clear that the debates there are general debates, on particular subjects (Paragraph 86)

21. As the Committee notes, the introduction of such debates would not be intended to alter procedure in Westminster Hall. Debates there would thus also formally continue to be on the motion to adjourn. But the Government agrees with the recommendation that the Order Paper for Westminster Hall should identify the debates as general debates and be set out in a way which would make the process clearer for the public.

Rec 26 We recommend that the subject and initiator of each end-of-day adjournment debate be recorded in the formal minutes of the House as well as on the Order paper. (Paragraph 87)

22. The Government agrees with the Committee that it would be helpful for the public record for the formal minutes of the House (the Votes and Proceedings and the Journal of the House) to make clear the subject and initiator of all the other adjournment debates.

Short debates

Rec 27-29 We believe that opportunities for a number of shorter debates can be created without any procedural change and that these would encourage more Members to participate... We are convinced that greater flexibility in managing the business of the House is needed... The Government and opposition parties should agree more flexible use of time, splitting some of the current all-day non-legislative debates into two or more shorter, more focused debates where appropriate. (Paragraph 89)

23. The Government is happy to use its best endeavours to achieve the objectives of these conclusions and recommendations. The length of time provided for debates are matters for discussion between the different interests and parties within the Usual Channels and opposition parties therefore have a role to play. There may well be occasions where two or more shorter debates can take place where previously a full day's debate might have been scheduled, but for which in practice there was limited support. But there will certainly remain occasions on which the House will welcome and expect a full day's debate on a single topic.

Debating Committee Reports

Rec 30 We believe there should be a weekly committee half-hour in Westminster Hall in which a Minister can make a brief response to a committee report, selected for debate by the Liaison Committee, followed by the Chairman or other Member of the Committee. The remainder of the half-hour slot would be available to the opposition front benches and back bench Members generally. The usefulness of these weekly slots in Westminster Hall should be kept under review. We also see no reason why it should not be possible for committee reports to be debated in Westminster Hall on substantive motions: this may require a change to Standing Order No. 10 to make clear that debates on reports of this kind cannot be blocked by six Members. (Paragraph 91)

24. In the first part of this recommendation, the Committee proposes half hour debates (on the adjournment) in Westminster Hall on reports which have been recently published and to which therefore there has not been any government response. The Minister would give a preliminary response in introducing the debate. In a variant form of the idea, canvassed in the discussion in the report, the half hour would take the form of comments rather than of a debate. The Government has considered this idea, but is not persuaded that such a development would be an improvement on the current use of time. Committees already have opportunities for drawing the attention of the House and

external commentators to new reports and the principal extra value of the proposed reform would be to require the Minister to make preliminary comments. The Government does not consider that it would generally be helpful to require a Minister to contribute to a debate in this way before the Government has had a proper opportunity to develop its response to the report.

25. The Government is also not persuaded that the present arrangements for holding full debates on select committee reports, once the response has been received, need changing at this stage, as proposed in the second part of the recommendation. As the House is aware, a significant number of reports are debated on Thursday afternoons in Westminster Hall, with around two thirds of all Thursday afternoon sittings devoted to such debates; this is in addition to the numbers included in other debates through 'tags' to other motions. The introduction of substantive motions would change the nature of these debates considerably as well as introducing the possibility of amendments to the motions. Since divisions could not in practice take place in Westminster Hall itself, this would entail referral of both the amendment and the main question to the House for decision. But since the deferred division system cannot accommodate so-called 'contingent' questions – i.e. cases where a range of alternative questions for decision arise depending on the decision taken on a preliminary question – these questions would have to take place in the House, either at prime slots for the taking of other business or after the moment of interruption. The Government does not believe there is currently an appetite in the House for such a development.

Time limits on speeches; list of speakers in debate

Rec 31 We believe that in heavily over-subscribed debates the Speaker should have the discretion to impose a twenty minute limit on speeches from the front benches with an additional minute given for each intervention up to a maximum of fifteen minutes of additional time. (Paragraph 94)

26. Hitherto, the House has not been in favour of limiting front bench speaking time, taking the view that flexibility was needed in this area and in particular that it would be important to preserve the freedom of Ministers and other spokesmen to take interventions. Such interventions are vital to the process of debate and to the ability of the House to gain a proper understanding of the policy being expressed. They also allow individual members to make specific points without having to seek to make a full speech. Instead of a formal limit the Government broadly accepted the recommendations in previous reports from both the Modernisation and Procedure Committees that front bench speeches

should be limited to 20 minutes of prepared material, with opposition parties accepting comparable limits.

27. The Government agrees however that it would now be appropriate to allow this approach to be more firmly codified by allowing the Speaker to impose limits of this nature for busy debates. The safeguards the Committee has identified to allow interventions – providing up to a maximum of 15 minutes of such additional time – should provide the House with the leeway required to ensure that Ministers’ and other party spokesmen’s contributions can be properly explored. It should be noted that this still allows for up to 105 minutes of front bench time altogether, if the Minister and both major opposition parties were to take interventions involving the maximum time. This would frequently exceed the amount of time taken up by front benches at present and the House might reasonably hope that significantly less time than this would be taken in practice.

Rec 32 Front bench speeches in the one and a half hour topical debates we recommended earlier in the Report should be limited to ten minutes each. However, front bench spokesmen could receive an additional minute for each intervention they accepted up to a total of ten minutes with similar limits set for smaller parties in proportion to the time limits the Speaker recently announced for statements. The Official Opposition and second largest opposition party spokesmen should be able to choose whether to make an opening or a wind-up speech (although additional time for interventions may not be practicable at the end of a debate). The minister with responsibility for the topic would reply to the debate in a speech lasting no more than five minutes. Back bench speeches in topical debates should be limited to not less than three minutes, the precise allocation depending on the number of Members who wished to speak. (Paragraph 95)

28. The Government agrees that the limits identified for major debates would be too long for the new 90 minute topical debates and therefore agrees with this recommendation. But the Government suggests that, while it would be appropriate for the limits to be included in the standing order in relation to the opening speeches, this would work less well for the Minister’s closing speech. For example, if more time remained out of the 90 minutes than would be filled by the specific maximum limit set down (because it transpired that fewer speakers had taken part in the debate overall than had been expected, or Members had spoken for less than the time allotted), then it would not be for the benefit of the House for the Minister’s closing speech to be artificially constrained. Instead, the recommended principle that the Minister’s closing speech should be no longer than 5 minutes should be applied by the occupant of the chair using informal means.

Rec 33 The Speaker should have greater flexibility to vary time limits during debates with the objective of allowing all those who wish to speak to participate. We recommend that the Standing Orders be amended to give the Speaker greater discretion in setting and revising time limits on speeches, including raising or removing limits if appropriate. (Paragraph 97)

29. The Government agrees with this recommendation.

Rec 34 We do not see a need for lists of speakers in debates. (Paragraph 99)

30. The Government notes this conclusion.

Multitasking

Rec 35 Removing barriers to participation is important and the use of handheld devices to keep up to date with e-mails should be permitted in the Chamber provided that it causes no disturbance. (Paragraph 100)

31. The Government is content with this conclusion, which draws a sensible balance between reasonable accommodation of modern working needs and the over-riding importance of ensuring that debate is conducted under appropriate conditions. The Speaker will need to be satisfied that the necessary technical requirements have been fulfilled before the new arrangements can commence.

Private Members' Motions

Rec 36 and Rec 37 We believe there should be more opportunities for back bench Members to initiate business ... We recommend an experiment with a ballot for opportunities for debating Private Members' Motions using one of the longer slots each week in Westminster Hall on a trial basis for a whole Parliamentary Session. We recommend that this experiment should take place during the 2008-09 Session. (Paragraph 114)

32. It is vitally important to the health of Parliament that individual Members have opportunities to initiate matters for discussion and, as the report notes, there are a range of procedures open to backbench Members to raise matters. It is important that the available procedures involve not just question time and other proceedings such as statements but also opportunities to initiate subjects for debate. Again, as the report notes, the introduction of the additional time created by the establishment of Westminster Hall proceedings has increased these opportunities. The

Committee suggests there may now be a case for experimenting with the re-introduction of substantive private Members' motions.

33. Such a step would not in practice be without difficulties for the House. One of the reasons the previous procedures for such motions in the past were not universally popular was that there was a tension between the process of substantive motions and the inevitable involvement of whipping in what would otherwise be less divisive – while still important – business. In the case of Westminster Hall debates, as with substantive motions on select committee reports, any votes would be referred to the House. Such motions could be subject to the moving of amendments and thus any resulting votes would have to be taken in the main Chamber during normal business or after the moment of interruption since they could not be subject to the deferred division procedure. The Government does not believe there is currently the appetite in the House for additional voting at such times.

34. The Government considers however that there is a case for further consideration of the kinds of business which might be taken in Westminster Hall generally and the issue could be an appropriate topic for the Modernisation Committee. Any such consideration by the Committee would no doubt include further consideration of select committee and private Members' business and could take into account how the new topical debate procedures had settled down.

The impact of programming

Rec 38 We recommend the operation of programming is kept under review. (Paragraph 123)

35. The Government agrees with this conclusion.

Resource implications

Rec 39 We recommend that any debate on the proposals contained in this report should be accompanied by an explanatory memorandum that sets out the resource implications, as far as these can be known or estimated. (Paragraph 129)

36. A memorandum setting out estimated costs for the recommendations in the report has been provided by the Office of the Clerk of the House.

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