



Cabinet Office

English Votes for English Laws: Revised Proposed Changes to the Standing Orders of the House of Commons and Explanatory Memorandum – October 2015

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Since the publication of the revised proposals for English Votes for English Laws in July, there has been significant interest and the Government has reflected on a number of comments and recommendations received. As a result, the latest proposals include several specific changes taking account of points raised and intended to clarify some aspects of the new rules.

This document contains:

1. the revised text of the changes the Government proposes are made to the Standing Orders (page 4); and
2. a revised explanatory memorandum explaining the changes, which should be read alongside the proposed changes to the Standing Orders (page 24).

A separate explanatory guide was published in July which provides an overview summary of the Government's plans.

Explanation of revision

The new text contains an additional sub-paragraph to the Standing Order relating to the certification of bills, clauses and schedules (SO 83J (8)(a)), and a similar additional paragraph at SO 83P (4) and SO 83U (6).

These new additions enable the Speaker to consult two backbench MPs to assist him in the process of certifying bills, clauses and schedules as relating exclusively to England or England and Wales, should he wish to do so.

Additional text to the Standing Order 83N (1) provides the House with the option to move straight to reconsideration on the same day instead of having to return to the matter on another day of business.

The new text contains a technical amendment to the Standing Order relating to deciding the question on certain other motions (SO 83R (1)(a)) which identifies more precisely the reports relating to revenue support grant which are to be subject to the new legislative process.

The new text also contains an additional sub-paragraph to the Standing Order relating to the certification of finance bills, instruments and motions (SO 83S (3)(f)).

This addition sets out that the test set out in SO 83J is also met in the case of income tax powers devolved to the Scottish Parliament, where the Scottish Parliament may set some rates of income tax by resolution rather than by an Act.

The proposed SO 83U in the previous version, relating to the certification of certain motions which are moved at the end of the Budget statement, has been removed and the subsequent proposed Standing Orders have been renumbered accordingly. This Standing Order specifically dealt with motions which are moved at the end of the budget statement which could be classified as falling under section 5 of the Provisional Collection of Taxes Act 1968. As these motions are similar in effect to other motions which are moved at the end of the budget debate and are covered under the newly numbered SO 83U, the Standing Order has been removed to further simplify the new rules.

Another addition to the new text is paragraph SO 83W (8) in the Standing Order relating to the legislative grand committees. This paragraph makes clear that any MP may take part in debate at legislative grand committee stage though only members of the legislative grand committee may vote, make any motion or move any amendment.

The new text also includes a change to SO 51, which clarifies that the question on each subsequent founding resolution is only put forthwith after certification under the new SO 83U.

Furthermore, an additional paragraph at SO 83F(9) seeks to clarify the procedure and timings for the House to consider all remaining Lords amendments on Commons Consideration of Lords Amendments.

There have also been a number of very minor drafting amendments made to various of the Standing Orders.

I. Revised Proposed Changes to the Standing Orders of the House of Commons

That:

(1) The following new Standing Orders and changes to Standing Orders be made:

“CERTIFICATION OF BILLS, CLAUSES AND SCHEDULES ETC: GENERAL

83J. Certification of bills etc. as relating exclusively to England or England and Wales and being within devolved legislative competence

- (1) The Speaker shall, before second reading-
 - (a) consider every public bill presented by a Minister of the Crown or brought from the Lords and taken up by a Minister of the Crown, and
 - (b) certify any such bill, or any clause or schedule of any such bill, which, in the Speaker’s opinion-
 - (i) relates exclusively to England or to England and Wales, and
 - (ii) is within devolved legislative competence.
- (2) A clause or schedule relates exclusively to England or to England and Wales if (disregarding any minor or consequential effects outside the area in question) it applies only to England or (as the case may be) to England and Wales.
- (3) A clause or schedule which relates exclusively to England is within devolved legislative competence if-
 - (a) it would be within the legislative competence of the Scottish Parliament to make any corresponding provision for Scotland in an Act of that Parliament,
 - (b) it would be within the legislative competence of the National Assembly for Wales to make any corresponding provision for Wales in an Act of that Assembly, or
 - (c) it would be within the legislative competence of the Northern Ireland Assembly to make any corresponding provision for Northern Ireland in an Act of that Assembly and the corresponding provision would deal with a transferred matter.
- (4) A clause or schedule which relates exclusively to England and Wales is within devolved legislative competence if-
 - (a) it would be within the legislative competence of the Scottish Parliament to make any corresponding provision for Scotland in an Act of that Parliament, or
 - (b) it would be within the legislative competence of the Northern Ireland Assembly to make any corresponding provision for Northern Ireland in an Act of that Assembly and the corresponding provision would deal with a transferred matter.
- (5) A bill-
 - (a) relates exclusively to England and is within devolved legislative competence if every clause and every schedule of it relates exclusively to England and is within devolved legislative competence;

- (b) relates exclusively to England and Wales and is within devolved legislative competence if every clause and every schedule of it relates exclusively to England and Wales and is within devolved legislative competence.
- (6) In deciding whether a bill relates exclusively to England or to England and Wales, the Speaker shall treat any clause or schedule whose only effects are minor or consequential effects outside the area in question as relating exclusively to that area.
- (7) In deciding whether a clause or schedule is within devolved legislative competence, the Speaker may take account of any amendments to the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly which-
- (a) are not in force at the time of certification, but
 - (b) are to come into force on a day already fixed by law,
- if the Speaker considers that the clause or schedule is itself only likely to come into force on or after that day; and, for this purpose, an amendment which is in force but applies only in relation to a future period of time (or a clause or schedule which is likely to come into force but so apply) is to be treated as not being in force (or as not likely to come into force) until the start of that period (being a day already fixed by law).
- (8) In deciding whether to certify a bill, clause or schedule under this order, the Speaker
- (a) may consult two members of the Panel of Chairs who are appointed for this purpose by the Committee of Selection, and
 - (b) shall disregard any provision inserted by the House of Lords which, in the Speaker's opinion, has the sole objective of ensuring that Standing Order No. 80(a) (Privilege (bills brought from the Lords)) will apply to the bill
- (9) The Speaker shall announce any decision under this order without giving the reasons for the decision to the House.
- (10) This order shall not apply to the following bills-
- (a) a bill which is certified under Standing Order No. 97(1) (Scottish Grand Committee (bills in relation to their principle)),
 - (b) a bill referred to the Welsh Grand Committee under Standing Order No. 106(1) (Welsh Grand Committee (bills)),
 - (c) a bill referred to the Northern Ireland Grand Committee under Standing Order No. 113(1) (Northern Ireland Grand Committee (bills in relation to their principle)),
 - (d) a bill which falls to be considered by the select committee appointed under Standing Order No. 140 (Joint Committee on Consolidation, &c., Bills),
 - (e) a bill whose main purpose is to give effect to proposals contained in a report by a Law Commission,
 - (f) a tax law rewrite bill,
 - (g) a bill introduced under the Statutory Orders (Special Procedure) Act 1945 or for confirming a provisional order.

(11) This order-

(a) shall not affect the right of every Member to vote on-

- (i) the consideration of estimates, and
- (ii) ways and means motions and motions for money resolutions (other than motions to which Standing Order No. 83V applies), and (b) shall not apply to a Consolidated Fund or Appropriation Bill.

83K. Committal and recommitment of certified England only bills

(1) A bill certified by the Speaker under Standing Order No. 83J as relating exclusively to England and being within devolved legislative competence may only be committed to-

- (a) a public bill committee (to which Standing Order No. 86(2)(iv) (Nomination of general committees) applies), or
- (b) the Legislative Grand Committee (England).

(2) A bill whose current certification by the Speaker (whether under Standing Order No. 83J or 83L) is that it relates exclusively to England and is within devolved legislative competence may only be recommitted to-

- (a) a public bill committee (to which Standing Order No. 86(2)(iv) (Nomination of general committees) applies), or
- (b) the Legislative Grand Committee (England).

83L. Reconsideration of certification before third reading

(1) Paragraph (2) applies in relation to every bill which-

- (a) was eligible for certification under Standing Order No. 83J (whether or not the bill, or any clause or schedule of it, was so certified),
- (b) has been amended since its second reading, and
- (c) has completed the stages before its third reading.

(2) The Speaker shall, before a motion may be made for the third reading of the bill-

- (a) reconsider the bill, and
- (b) certify the bill, or any clause or schedule of it, if the bill or clause or schedule, in the Speaker's opinion-
 - (i) relates exclusively to England or to England and Wales, and
 - (ii) is within devolved legislative competence.

(3) Paragraph (4) applies in relation to every bill which-

- (a) was certified (whether in whole or in part) by the Speaker under Standing Order No. 83J,
- (b) has been amended since its second reading, and
- (c) has completed the stages before its third reading.

- (4) The Speaker shall, before a motion may be made for the third reading of the bill, certify any amendment made to the bill since second reading which, in the opinion of the Speaker-
- (a) related to the bill so far as certified under Standing Order No. 83J,
 - (b) was not made by the Legislative Grand Committee (England) or a public bill committee to which Standing Order No. 86(2)(iv) (Nomination of general committees) applies, and
 - (c) either-
 - (i) resulted in there being no certification under paragraph (2) when there would otherwise have been such a certification, or
 - (ii) changed the area to which a certification under paragraph (2) would otherwise have related.
- (5) Any amendment certified under paragraph (4) shall be certified as relating exclusively to the area to which the certification under paragraph (2) would have related had that amendment not been made (and there shall be no certification as to devolved legislative competence).
- (6) The Speaker shall announce any decision under paragraph (2) or (4) without giving the reasons for the decision to the House.
- (7) The Speaker shall, wherever possible, announce the Speaker's decisions under paragraph (2) or (4) immediately after the conclusion of proceedings on the previous stage of the bill.
- (8) Paragraphs (2) to (8) of Standing Order No. 83J apply for the purposes of certification of bills, clauses, schedules and amendments under this order as they apply for the purposes of certification of bills, clauses and schedules under that order.

83M. Consent Motions for certified England only or England and Wales only provisions

- (1) Paragraphs (2) and (3) apply where-
- (a) a bill, or clauses or schedules of a bill, have been certified under Standing Order No. 83J as relating exclusively to England or to England and Wales and being within devolved legislative competence, and the bill has completed the stages before its third reading without having been amended,
 - (b) a bill or clauses or schedules of a bill have been certified under Standing Order No. 83L(2) as relating exclusively to England or to England and Wales and being within devolved legislative competence, or
 - (c) amendments have been certified under Standing Order No. 83L(4) as relating exclusively to England or to England and Wales.
- (2) A Consent Motion which gives consent to the bill, clauses or schedules or amendments must be passed by the legislative grand committee for the area to which the certification relates before a motion may be made for the third reading of the bill.

- (3) If a Minister of the Crown indicates his or her intention to move a Consent Motion, the House shall forthwith resolve itself into the legislative grand committee which is to consider the motion.
- (4) If a Minister of the Crown indicates his or her intention to move both a Consent Motion which is to be passed by the Legislative Grand Committee (England and Wales) and a Consent Motion which is to be passed by the Legislative Grand Committee (England)-
 - (a) the House shall forthwith resolve itself into the Legislative Grand Committee (England and Wales) to consider the motion for that committee,
 - (b) on moving that motion, the Minister shall also inform the committee of the terms of the motion to be moved in the Legislative Grand Committee (England),
 - (c) any debate in the Legislative Grand Committee (England and Wales) may also relate to the motion for the Legislative Grand Committee (England), and
 - (d) on conclusion of proceedings in the Legislative Grand Committee (England and Wales)-
 - (i) the House shall forthwith resolve itself into the Legislative Grand Committee (England),
 - (ii) a Minister of the Crown shall forthwith move the motion for that committee, and
 - (iii) proceedings in the Legislative Grand Committee (England) shall be brought to a conclusion forthwith.
- (5) Standing Orders No. 83E (Programme orders: conclusion of proceedings on consideration and up to and including third reading) and 83I (Programme orders: supplementary provisions) shall apply for the purpose of bringing proceedings to a conclusion in accordance with paragraph (4)(d)(iii) above (whether or not those proceedings are subject to a programme order) as they apply for the purpose of bringing proceedings to a conclusion in accordance with a programme order.
- (6) On the conclusion of proceedings on a Consent Motion (or, in a case falling within paragraph (4), the conclusion of proceedings on the second Consent Motion), the chair shall report the decision of the committee (or, as the case may be, the decisions of the committees) to the House.
- (7) Subject to paragraph (8), a Consent Motion shall be in the form either “That the Committee consents to the XXX Bill” or “That the Committee consents to [the following certified clauses [and schedules] of the XXX Bill] [and certified amendments made by the House to the XXX Bill]...”; and in the latter case the motion shall identify the clauses or schedules or amendments in question.
- (8) If a Minister of the Crown wishes to propose that a committee should not consent to certain clauses or schedules or amendments, the Consent Motion shall be in the form “That the Committee consents to [the following certified clauses [and schedules] of the XXX Bill] [and certified amendments made by the House to the XXX Bill]... and does not consent to [the following certified clauses [and schedules] of the XXX Bill] [and certified amendments made by the House to the XXX Bill]...”; and in any such case the motion shall identify the clauses or schedules or amendments in question.

- (9) A Consent Motion may only be moved by a Minister of the Crown and may be moved without notice.
- (10) Proceedings under this order may be proceeded with, though opposed, after the moment of interruption.

83N. Reconsideration of bills so far as there is absence of consent

- (1) Where a legislative grand committee decides on a Consent Motion under Standing Order No. 83M to withhold consent to a bill or any clause or schedule of a bill or any amendment-
 - (a) the bill shall be set down for reconsideration unless a Minister of the Crown moves a motion for the bill to be reconsidered (and any such motion may be made without notice, the question on any such motion shall be put forthwith and, if the motion is passed, the House shall proceed forthwith to reconsideration), and
 - (b) any order for the third reading of the bill shall be discharged.
- (2) Reconsideration of the bill shall be for the sole purpose of considering amendments to the bill to resolve matters in dispute as a result of the withholding of consent.
- (3) Paragraphs (2) and (4) to (8) of Standing Order No. 83L, and Standing Order No. 83M, shall apply following reconsideration of a bill in relation to the bill so far as reconsidered as they apply in relation to a bill; but as if-
 - (a) in Standing Order No. 83L(4)-
 - (i) the reference to any amendment since second reading were a reference to any amendment made on reconsideration, and
 - (ii) sub-paragraphs (a) and (b) were omitted, and
 - (b) in the case of any matter, there were a deemed certification in relation to the area or areas to which any relevant previous certification under Standing Order No. 83L(2) or (4) related if there would not otherwise be a certification in relation to that area or areas.
- (4) If, following reconsideration of a bill and the steps taken by virtue of paragraph (3), a legislative grand committee withholds consent to the whole bill (whether or not amended on reconsideration), the bill may not be given a third reading and shall not pass.
- (5) Paragraph (6) applies if, following reconsideration of a bill and the steps taken by virtue of paragraph (3), a legislative grand committee withholds consent to-
 - (a) any clause or schedule of the bill (whether or not amended on reconsideration), or
 - (b) any amendment to the bill,
 but does not withhold consent to the whole bill.
- (6) The bill shall be amended so as to remove any provisions of the bill which are not agreed by the House and any relevant legislative grand committee; and it is the bill as so amended which proceeds to its next stage.

- (7) A Minister of the Crown may move a motion for the bill as so amended to be considered again (“consequential consideration”); and such a motion may be made without notice and the question on any such motion shall be put forthwith.
- (8) If the motion is passed, the House shall proceed forthwith to consequential consideration of the bill as so amended; and any order for the third reading of the bill shall be discharged.
- (9) Consequential consideration of the bill as so amended shall be for the sole purpose of considering minor or technical amendments in consequence of the removal of provisions under paragraph (6).
- (10) Proceedings on reconsideration or consequential consideration, or a motion for reconsideration or consequential consideration, may be proceeded with, though opposed, after the moment of interruption.
- (11) References in the standing orders of this House to consideration of a bill on report shall, so far as relevant and subject to paragraph (12), include reconsideration or consequential consideration of a bill under this order.
- (12) In its application by virtue of paragraph (11), Standing Order No. 72 (Consideration of bill as amended in committee of whole House) has effect as if the words “, as amended in a committee of the whole House,” were omitted.

830. Consideration of certified motions or amendments relating to Lords Amendments or other messages

- (1) The Speaker shall consider any motion relating to a Lords amendment to a bill or to any other message from the Lords in respect of a bill.
- (2) The Speaker shall certify the motion if, in the Speaker’s opinion, it-
 - (a) relates exclusively to England and is within devolved legislative competence, or
 - (b) relates exclusively to England and Wales and is within devolved legislative competence.
- (3) For the purposes of paragraph (2) a motion relates exclusively to England or to England and Wales and is within devolved legislative competence if it or any provision of it-
 - (a) relates to a Lords amendment, or an item in another message, which would, if agreed, result in-
 - (i) a clause or schedule as amended which relates exclusively to England or to England and Wales and is within devolved legislative competence,
 - (ii) a new or unamended clause or schedule which so relates and is within devolved legislative competence, or
 - (iii) the omission of a clause or schedule which so relates and is within devolved legislative competence, or
 - (b) contains proposals which would, if agreed, so result.

- (4) The Speaker shall also certify the motion if, in the Speaker's opinion, it or any provision of it-
- (a) relates to a Lords amendment, or an item in another message, which would, if agreed, result in a clause or schedule, which relates exclusively to England or to England and Wales and is within devolved legislative competence, ceasing to so relate or to be within devolved legislative competence, or
 - (b) contains proposals which, if agreed, would so result.
- (5) Any motion certified under paragraph (4) shall be certified as relating exclusively to the area to which the clause or schedule relates (and there shall be no certification as to devolved legislative competence).
- (6) The same motion may be certified in relation to different areas under paragraphs (2) and (4) or either of them.
- (7) If a division is held on a motion certified under this order, the motion shall be agreed to only if, of those voting in the division-
- (a) in the case of a motion certified in relation to England, a majority of Members and a majority of Members representing constituencies in England,
 - (b) in the case of a motion certified in relation to England and Wales, a majority of Members and a majority of Members representing constituencies in England and Wales, and
 - (c) in the case of a motion certified both in relation to England and in relation to England and Wales, a majority of Members, a majority of Members representing constituencies in England and a majority of Members representing constituencies in England and Wales,
- vote in support of the motion.
- (8) The Speaker shall, in selecting motions relating to Lords amendments or other messages, have regard to the extent to which such motions are drafted so that they can be certified under this order by virtue of every provision of them meeting the test in paragraph (3)(a) or (b) or (4)(a) or (b).
- (9) If a motion relating to a Lords amendment or other message is disagreed to under this order because one of the groups voting in the division has not voted in support of it while another has, the decision of the House shall be-
- (a) in the case of a motion to disagree (or agree) to a Lords amendment or an item in another message, to disagree with it, and
 - (b) in any other case, such decision as would have the effect of leaving the bill so far as it relates to that matter in the same position as it was before the Lords amendment or other message was received from the Lords.
- (10) The Speaker shall announce any decision under paragraph (2) or (4) without giving the reasons for the decision to the House.
- (11) This order does not apply in relation to-
- (a) any motion relating to a bill which was not eligible for certification under Standing Order No. 83J, and

- (b) any of the following motions-
 - (i) any ways and means motion or motion for a money resolution,
 - (ii) any programme motion,
 - (iii) any order of consideration motion,
 - (iv) any motion of, or relating to, the Reasons Committee, and
 - (v) any other motion of a similar kind to a motion falling within any of paragraphs (i) to (iv).
- (12) In this order-
 - (a) references to motions are to be read as including, so far as relevant, references to amendments to Lords amendments and references to amendments to the bill, and
 - (b) the reference in paragraph (3)(a)(i) to clauses or schedules as amended includes, in particular, a reference to clauses or schedules which would be amended by virtue of their territorial application being modified otherwise than in the clauses or schedules themselves.
- (13) Paragraphs (2) to (4), (7) and (8)(a) of Standing Order No. 83J apply for the purposes of deciding under this order whether clauses or schedules relate exclusively to England or to England and Wales and are within devolved legislative competence as they apply for the purposes of the certification of clauses or schedules under that order; and, in the case of a bill which relates exclusively to England or to England and Wales, paragraph (6) of that order also applies for the purpose of deciding under this order whether clauses or schedules so relate.

CERTIFICATION OF INSTRUMENTS AND MOTIONS: GENERAL

83P. Certification of instruments

- (1) The Speaker shall-
 - (a) consider every instrument to which this order applies, and
 - (b) certify any such instrument which, in the Speaker's opinion-
 - (i) relates exclusively to England or to England and Wales, and
 - (ii) is within devolved legislative competence.
- (2) An instrument-
 - (a) relates exclusively to England and is within devolved legislative competence if every provision of it relates exclusively to England and is within devolved legislative competence;
 - (b) relates exclusively to England and Wales and is within devolved legislative competence if every provision of it relates exclusively to England and Wales and is within devolved legislative competence.
- (3) Paragraphs (2) to (4), (6) and (7) of Standing Order No. 83J apply for the purposes of this order; and as so applied those paragraphs have effect as if-

- (a) references to a bill were to an instrument, and
 - (b) references to a clause or schedule were to a provision of an instrument.
- (4) In deciding whether to certify an instrument under this order, the Speaker may consult two members of the Panel of Chairs appointed for this purpose by the Committee of Selection.
- (5) The Speaker shall announce any decision under this order without giving the reasons for the decision to the House.
- (6) This order applies to any instrument (whether or not in draft) upon which proceedings may be taken in pursuance of an Act of Parliament where the instrument-
- (a) meets any of conditions A to C, and
 - (b) is not a report within paragraph (1)(a) to (c) of Standing Order No. 83R.
- (7) Condition A is that the instrument-
- (a) stands referred to a Delegated Legislation Committee pursuant to paragraph (3) of Standing Order No. 118 (Delegated Legislation Committees), or
 - (b) does not stand so referred because sub-paragraph (a) of that paragraph applies to it.
- (8) Condition B is that a member has given notice of a motion of the kind mentioned in paragraph (4)(a) of Standing Order No. 118 in relation to the instrument and the instrument-
- (a) stands referred to a Delegated Legislation Committee, or
 - (b) has been set down for consideration in the Chamber on a particular day.
- (9) Condition C is that the Regulatory Reform Committee has made a recommendation of the kind mentioned in paragraph (1) or (2) of Standing Order No. 18 (Consideration of draft legislative reform orders etc.) in relation to the instrument.

83Q. Deciding the question on motions relating to certified instruments

- (1) This order applies to the following motions-
- (a) a motion to approve a certified instrument;
 - (b) a motion of the kind mentioned in paragraph (4)(a) of Standing Order No. 118 in relation to a certified instrument;
 - (c) a motion to disagree with a report of the Regulatory Reform Committee that contains a recommendation of the kind mentioned in paragraph (2) of Standing Order No. 18 in relation to a certified instrument;
 - (d) an amendment to a motion within sub-paragraph (a) or (b).
- (2) If a division is held on a motion to which this order applies, the motion shall be agreed to only if, of those voting in the division-
- (a) a majority of Members, and
 - (b) a majority of Members representing qualifying constituencies,

vote in support of the motion.

(3) In this order-

- (a) “a certified instrument” means an instrument which has been certified under Standing Order No. 83P as relating exclusively to England or to England and Wales;
- (b) “qualifying constituencies” means constituencies in the part of the United Kingdom to which the instrument has been certified as relating exclusively.

83R. Deciding the question on certain other motions

(1) This order applies to the following motions-

- (a) a motion to approve-
 - (i) a report which has been laid before the House under paragraph 5 of Schedule 7B to the Local Government Finance Act 1988 (local government finance report) and which contains a determination under section 78 of that Act (revenue support grant), or
 - (ii) a report which has been laid before the House under section 84A of that Act (revenue support grant: amending report);
- (b) a motion to approve a report which has been laid before the House under section 52ZD of the Local Government Finance Act 1992 (referendums relating to council tax increases: principles);
- (c) a motion to approve a report which has been laid before the House under section 46 of the Police Act 1996 (police grant);
- (d) a motion for a resolution under section 26(2)(b)(ii) of the Higher Education Act 2004 (student fees);
- (e) an amendment to a motion within sub-paragraph (d).

(2) If a division is held on a motion to which this order applies, the motion shall be agreed to only if, of those voting in the division-

- (a) a majority of Members, and
- (b) a majority of Members representing qualifying constituencies,

vote in support of the motion.

(3) In this order “qualifying constituencies” means-

- (a) in the case of a motion within paragraph (1)(a), (b), (d) or (e), constituencies in England;
- (b) in the case of a motion within paragraph (1)(c), constituencies in England or Wales.

CERTIFICATION OF FINANCE BILLS, INSTRUMENTS AND MOTIONS

83S. Modification of Standing Orders Nos. 83J to 83N in their application to Finance Bills

- (1) In their application in relation to a bill within paragraph (2), Standing Orders Nos. 83J to 83N shall have effect with the modifications in paragraphs (3) to (5).
- (2) A bill is within this paragraph if-
 - (a) it is a Finance Bill, or
 - (b) it is a bill which, before second reading, only contained provision which would be within the ordinary scope of a Finance Bill (or would be if the provision was to take effect in the current financial year).
- (3) In Standing Order No. 83J-
 - (a) in paragraph (1)(b)(i) after “Wales” insert “or to England, Wales and Northern Ireland”;
 - (b) in paragraph (2) after “Wales” (in both places) insert “or to England, Wales and Northern Ireland”;
 - (c) after paragraph (4) insert-

“(4A) A clause or schedule which relates exclusively to England, Wales and Northern Ireland is within devolved legislative competence if it would be within the legislative competence of the Scottish Parliament to make any corresponding provision for Scotland in an Act of that Parliament.”;
 - (d) in paragraph (5) after sub-paragraph (b) insert “;
 - (c) relates exclusively to England, Wales and Northern Ireland and is within devolved legislative competence if every clause and every schedule of it relates exclusively to England, Wales and Northern Ireland and is within devolved legislative competence”;
 - (e) in paragraph (6) after “Wales” insert “or to England, Wales and Northern Ireland”; and
 - (f) after paragraph (11) insert-

“(12) The test in paragraph (3)(a), (4)(a) or (4A) is also met if the clause or schedule concerned sets a rate of income tax in respect of any kind of income for a person who is resident in the United Kingdom for tax purposes but is not a Scottish taxpayer where the corresponding rate for a Scottish taxpayer may be set by a resolution of the Scottish Parliament under Chapter 2 of Part 4A of the Scotland Act 1998 (and the reference in paragraph (7) to the legislative competence of the Scottish Parliament includes a reference to that Chapter)”.
- (4) In Standing Order No. 83L, in paragraph (2)(b)(i) after “Wales” insert “or to England, Wales and Northern Ireland”.
- (5) In Standing Order No. 83M-
 - (a) in paragraph (1) after “Wales” (in each place) insert “or to England, Wales and Northern Ireland”;

(b) for paragraph (4) substitute-

“(4) If a Minister of the Crown indicates his or her intention to move Consent Motions which are to be passed by more than one legislative grand committee-

(a) the order in which the Consent Motions are to be considered is:

(i) any motion to be considered by the Legislative Grand Committee (England, Wales and Northern Ireland),

(ii) any motion to be considered by the Legislative Grand Committee (England and Wales), and

(iii) any motion to be considered by the Legislative Grand Committee (England),

(b) the House shall forthwith resolve itself into the legislative grand committee which is to consider the first Consent Motion,

(c) on moving that motion, the Minister shall also inform the committee of the terms of any other Consent Motion to be moved in any other legislative grand committee,

(d) any debate in the first legislative grand committee may also relate to any other Consent Motion to be moved in any other legislative grand committee,

(e) on conclusion of proceedings in the first legislative grand committee-

(i) the House shall forthwith resolve itself into the legislative grand committee which is to consider the next Consent Motion,

(ii) a Minister of the Crown shall forthwith move that motion, and

(iii) proceedings in the second legislative grand committee shall be brought to a conclusion forthwith, and

(f) on conclusion of proceedings in the second legislative grand committee, sub-paragraphs (e)(i) to (iii) shall apply in relation to any third Consent Motion and a third legislative grand committee as they apply in relation to the second Consent Motion and the second legislative grand committee.”;

(c) in paragraph (5) for “(4)(d)(iii)” substitute “(4)(e)(iii) and (f)”;

(d) in paragraph (6) for “second Consent Motion” substitute “Consent Motions”.

83T. Modification of Standing Orders Nos. 83P and 83Q in their application to financial instruments

(1) In their application in relation to a financial instrument, Standing Orders Nos. 83P and 83Q shall have effect with the following modifications.

(2) In Standing Order No. 83P-

(a) in paragraph (1)(b)(i) after “Wales” insert “or to England, Wales and Northern Ireland”;

- (b) in paragraph (2) after sub-paragraph (b) insert”;
 - (c) relates exclusively to England, Wales and Northern Ireland and is within devolved legislative competence if every provision of it relates exclusively to England, Wales and Northern Ireland and is within devolved legislative competence”; and
 - (c) in paragraph (3) for the words from the beginning to “apply” substitute “Paragraphs (2) to (4A), (6), (7) and (12) of Standing Order No. 83J (as modified by Standing Order No. 83S(3))”.
- (3) In Standing Order 83Q(3)(a) after “Wales” insert “or to England, Wales and Northern Ireland”.
- (4) For the purposes of this order an instrument is a “financial instrument” if it is made or proposed to be made in exercise of powers conferred by (and only by)-
- (a) an Act which resulted from a Finance Bill;
 - (b) a provision of an Act which would have been within the ordinary scope of a Finance Bill.

83U. Certification of motions upon which a Finance Bill is to be brought in which would authorise provision relating exclusively to England, to England and Wales or to England, Wales and Northern Ireland

- (1) This order applies to any founding motion which, if passed, would-
- (a) authorise a bill to include provision which would be within the ordinary scope of a Finance Bill, or
 - (b) authorise a Finance Bill to include provision which would not be within the ordinary scope of a Finance Bill.
- (2) The Speaker shall—
- (a) consider every motion to which this order applies, and
 - (b) certify any such motion which, in the Speaker’s opinion, falls within paragraph (3), (4) or (5).
- (3) A motion falls within this paragraph if it would, if passed, only authorise a bill to include provision which-
- (a) relates exclusively to England, and
 - (b) is within devolved legislative competence.
- (4) A motion falls within this paragraph if it would, if passed, only authorise a bill to include provision which-
- (a) relates exclusively to England and Wales, and
 - (b) is within devolved legislative competence.
- (5) A motion falls within this paragraph if it would, if passed, only authorise a bill to include provision which-
- (a) relates exclusively to England, Wales and Northern Ireland, and

- (b) is within devolved legislative competence.
- (6) In deciding whether to certify under this order a motion to which this order applies, the Speaker may consult two members of the Panel of Chairs who are appointed for this purpose by the Committee of Selection.
- (7) The Speaker shall announce any decision under this order without giving the reasons for the decision to the House.
- (8) Paragraphs (2) to (4A), (7) and (12) of Standing Order No. 83J (as modified by Standing Order No. 83S(3)) apply for the purposes of this order; and as so applied those paragraphs have effect as if references to a clause or schedule were to a provision.
- (9) In paragraph (1) “founding motion” means a motion upon which a bill is to be brought in.

83V. Deciding the question on motions certified under Standing Order No. 83U

- (1) If a division is held on a motion which has been certified under Standing Order No. 83U, the motion shall be agreed to only if, of those voting in the division-
 - (a) a majority of Members, and
 - (b) a majority of Members representing qualifying constituencies,vote in support of the motion.
- (2) In this order “qualifying constituencies” means-
 - (a) in a case where the motion concerned was certified as falling within paragraph (3) of Standing Order No. 83U, constituencies in England;
 - (b) in a case where the motion concerned was certified as falling within paragraph (4) of that standing order, constituencies in England or Wales;
 - (c) in a case where the motion concerned was certified as falling within paragraph (5) of that standing order, constituencies in England, Wales or Northern Ireland.

LEGISLATIVE GRAND COMMITTEES

83W. Legislative Grand Committees

- (1) There shall be-
 - (a) a Legislative Grand Committee (England),
 - (b) a Legislative Grand Committee (England and Wales), and
 - (c) a Legislative Grand Committee (England, Wales and Northern Ireland).
- (2) The Legislative Grand Committee (England) shall consist of all Members representing constituencies in England.
- (3) The Legislative Grand Committee (England and Wales) shall consist of all Members representing constituencies in England and all Members representing constituencies in Wales.

- (4) The Legislative Grand Committee (England, Wales and Northern Ireland) shall consist of-
 - (a) all Members representing constituencies in England,
 - (b) all Members representing constituencies in Wales, and
 - (c) all Members representing constituencies in Northern Ireland.
- (5) A Deputy Speaker or a member of the Panel of Chairs may chair a legislative grand committee.
- (6) The functions of the Legislative Grand Committee (England) shall be-
 - (a) to consider any bills committed or recommitted to the committee in accordance with Standing Order No. 83K, and
 - (b) to consider any Consent Motions under Standing Order No. 83M which relate to the committee.
- (7) The functions of the Legislative Grand Committee (England and Wales) and the Legislative Grand Committee (England, Wales and Northern Ireland) are to consider any Consent Motions under Standing Order No. 83M which relate to them.
- (8) Any Member who is not a member of a legislative grand committee may take part in the deliberations of the committee but shall not vote or make any motion or move any amendment.

83X. Legislative Grand Committees: supplementary

- (1) The procedure of this House applicable to a committee of the whole House shall, so far as relevant, be applicable to a legislative grand committee.
- (2) Accordingly, references in the standing orders of this House to a committee of the whole House or to the House in committee, or similar references, shall be read as references to the relevant legislative grand committee.
- (3) Paragraphs (1) and (2) do not apply to Standing Order No. 82 (Business Committee).”

In Standing Order No. 12 (House not to sit on certain Fridays), in line 20, after “notices of” insert “Consent Motions under Standing Order No. 83M (Consent Motions for certified England only or England and Wales only provisions) and of”.

In Standing Order No. 51 (Ways and means motions), in line 12, after “forthwith” insert “or, in the case of a motion to which Standing Order No. 83U applies, forthwith upon the announcement of the Speaker’s decision with respect to the motion under that standing order”.

After Standing Order No. 63(4) (Committal of bills not subject to a programme order) insert-

“(5) In the case of a bill certified by the Speaker under Standing Order No. 83J as relating exclusively to England and being within devolved legislative competence-

(a) committal under this order is subject to Standing Order No. 83K (Committal and recommittal of certified England only bills), and

(b) committal under this order to a public bill committee is accordingly to a public bill committee to which Standing Order No. 86(2)(iv) (Nomination of general committees) applies.

(6) Nothing in this order enables a bill to be committed to any legislative grand committee other than to the Legislative Grand Committee (England) in accordance with SO No. 83K.”

In Standing Order No. 64 (Notices of amendments, &c., to bills), in line 2, after “schedules” insert “, of Consent Motions under Standing Order No. 83M (Consent Motions for certified England only or England and Wales only provisions)”.

In Standing Order No. 73 (Report of bills committed to public bill committees), in line 4, after “bill committee” insert “or the Legislative Grand Committee (England)”.

In Standing Order No. 83A (Programme motions), in line 30, after “and” insert “up to and including”.

In Standing Order No. 83B (Programming committees)-

(a) in line 2, after “reading” insert “or in legislative grand committee or on reconsideration or consequential consideration”, and

(b) in line 14, after “reading” insert “or in legislative grand committee or on reconsideration or consequential consideration”.

In Standing Order No. 83C (Programming sub-committees)-

(a) in line 22, after “and” insert “up to and including”,

(b) in line 62, after “and” insert “up to and including”, and

(c) in line 75, after “and” insert “up to and including”.

In Standing Order No. 83D (Programme orders: conclusion of proceedings in public bill committee or in committee of the whole House)-

(a) in the title, after “House” insert “etc.”, and

(b) in line 2, after “bill committee” insert “, in the Legislative Grand Committee (England) when exercising functions under Standing Order No. 83W(6)(a) (Legislative Grand Committees)”.

In Standing Order No. 83E (Programme orders: conclusion of proceedings on consideration or third reading)-

- (a) in the title for “or” substitute “and up to and including”,
- (b) in line 2, after “and” insert “up to and including”, and
- (c) in line 22, at end, insert-

“(5) In the application of this order to proceedings on a Consent Motion in legislative grand committee, the references to the Speaker in paragraph (2) are to be read as references to the Chairman of Ways and Means or either Deputy Chairman.”

After Standing Order No. 83F(7) (Programme orders: conclusion of proceedings on consideration of Lords amendments), at the end of line 35, insert-

“(8) Where a single question would be put under paragraph (3)(a), (4)(a) or (7) in circumstances where some or all of the amendments concerned are certified under Standing Order No. 83O (Consideration of certified motions or amendments relating to Lords Amendments or other messages) in relation to a particular part or parts of the United Kingdom, the Speaker shall put forthwith-

- (a) a single question on any amendments for which the certification is in relation to England,
- (b) a single question on any amendments for which the certification is in relation to England and Wales,
- (c) a single question on any amendments for which the certification is both in relation to England and in relation to England and Wales, and
- (d) a single question on any amendments for which there is no certification.

(9) Where a single question would be put under paragraph (6) in circumstances where, if there were (or are) separate motions to agree in relation to each of the remaining Lords amendments, some or all of the motions would be (or are) certified under Standing Order No. 83O (Consideration of certified motions or amendments relating to Lords Amendments or other messages), the Speaker shall put forthwith-

- (a) in the case of any remaining Lords amendments for which there would be (or are) motions certified in relation to England, the question that this House agrees with the Lords in those amendments,
- (b) in the case of any remaining Lords amendments for which there would be (or are) amendments certified in relation to England and Wales, the question that this House agrees with the Lords in those amendments,
- (c) in the case of any remaining Lords amendments for which there would be (or are) motions certified both in relation to England and in relation to England and Wales, the question that this House agrees with the Lords in those amendments, and
- (d) in the case of any remaining Lords amendments for which there would be (or are) motions which would not be (or are not) certified, the question that this House agrees with the Lords in those amendments.

(10) If a division is held on a question put under paragraph (8) or (9), the amendments shall be agreed to only if, of those voting in the division-

- (a) in a case falling within sub-paragraph (a) of that paragraph, a majority of Members and a majority of Members representing constituencies in England,
- (b) in a case falling within sub-paragraph (b) of that paragraph, a majority of Members and a majority of Members representing constituencies in England and Wales,
- (c) in a case falling within sub-paragraph (c) of that paragraph, a majority of Members, a majority of Members representing constituencies in England and a majority of Members representing constituencies in England and Wales, and
- (d) in a case falling within sub-paragraph (d) of that paragraph, a majority of Members,

vote in support of them.

(11) Paragraph (9) of Standing Order No. 83O shall apply to a decision made by virtue of paragraph (10) above on a question as it applies in relation to a decision made by virtue of paragraph (7) of that order on a motion.”

In Standing Order No. 83G (Programme orders: conclusion of proceedings on further messages from the Lords)-

- (a) in line 12, after “shall” insert “, subject to paragraphs (6) and (7),” and
- (b) at the end of line 14 insert-

“(6) Paragraph (7) applies where, if there were (or are) separate motions to agree in relation to each of the remaining Lords proposals, some or all of the motions would be (or are) certified under Standing Order No. 83O (Consideration of certified motions or amendments relating to Lords Amendments or other messages).

(7) The Speaker shall put forthwith-

- (a) in the case of any remaining Lords proposals for which there would be (or are) motions certified in relation to England, the question that this House agrees with the Lords in those proposals,
- (b) in the case of any remaining Lords proposals for which there would be (or are) motions certified in relation to England and Wales, the question that this House agrees with the Lords in those proposals,
- (c) in the case of any remaining Lords proposals for which there would be (or are) motions certified both in relation to England and in relation to England and Wales, the question that this House agrees with the Lords in those proposals, and
- (d) in the case of any remaining Lords proposals for which there would be (or are) motions which would not be (or are not) certified, the question that this House agrees with the Lords in those proposals.

(8) If a division is held on a question put under paragraph (7), the proposals shall be agreed to only if, of those voting in the division-

- (a) in a case falling within sub-paragraph (a) of that paragraph, a majority of Members and a majority of Members representing constituencies in England,
 - (b) in a case falling within sub-paragraph (b) of that paragraph, a majority of Members and a majority of Members representing constituencies in England and Wales,
 - (c) in a case falling within sub-paragraph (c) of that paragraph, a majority of Members, a majority of Members representing constituencies in England and a majority of Members representing constituencies in England and Wales, and
 - (d) in a case falling within sub-paragraph (d) of that paragraph, a majority of Members,
- vote in support of them.

(9) Paragraph (9) of Standing Order No. 83O shall apply to a decision made by virtue of paragraph (8) above on a question as it applies in relation to a decision made by virtue of paragraph (7) of that order on a motion.”

In Standing Order No. 83I (Programme orders: supplementary provisions), in line 2, after second “House” insert “or in legislative grand committee”.

In Standing Order No. 86 (Nomination of general committees), in line 33, at end insert-

- “(iv) for the consideration of any bill certified by the Speaker under Standing Order No. 83J (or, in the case of recommitment after recertification, Standing Order No. 83L) as relating exclusively to England and being within devolved legislative competence, the Committee of Selection, in nominating Members to a public bill committee, shall have regard to the composition of that part of the House consisting of Members representing constituencies in England; and no Member who does not represent a constituency in England shall be nominated to such a committee”; and

(2) The new Standing Orders, and the changes to Standing Orders, made by this order do not apply in relation to-

- (a) any bills which have had a Second Reading in this House on or before the day on which this order is made,
- (b) any bills introduced in the previous Parliament which have been carried over into this Parliament,
- (c) any instruments or draft instruments laid on or before the day on which this order is made, and
- (d) any motions agreed to on or before that day.

II. Revised Explanatory Memorandum

This Revised Memorandum is published alongside the Government's revised proposed changes to House of Commons Standing Orders to assist understanding of how they affect the legislative process.

Primary Legislation

83J. Certification of bills etc. as relating exclusively to England or England and Wales and being within devolved legislative competence

This Standing Order sets out how English Votes will apply to Government bills once they are introduced in the House of Commons. The process is as follows:

- The Speaker of the House of Commons certifies whole bills (or clauses and schedules within them) using the following test:
 - Does the bill, clause or schedule relate only to England, or England and Wales?
And:
 - Is the subject matter devolved to one or more of Scotland, Wales or Northern Ireland?
- If the test is met, a bill, or clauses or schedules within it, are to be subject to the new process. The two elements of the test are both required: in general, a clause that relates only to England will often be on a matter which is devolved, but this will not always be the case.
- For the purposes of certification, the Speaker discounts any minor or consequential effects of individual clauses or schedules on other parts of the UK (paragraphs (2) and (6)). So for example, where a bill relates only to England in terms of its impacts, but makes a minor alteration to a piece of legislation which is Scotland- or Northern Ireland-only, the Speaker would be required to disregard this for the purposes of certification; or where a clause would be certified as England-only except for consequential effects, the clause will be certified as England-only. The judgement of what is minor or consequential is for the Speaker.
- Paragraph (7) allows for the planned devolution of a power (to Scotland, Wales or Northern Ireland) to be taken into account by the Speaker in certain circumstances. For example, the planned timing of the devolution of powers to Scotland may inform decisions on certification in relation to measures for England that are set to come into force after the relevant powers have been devolved to Scotland.
- Paragraph (8) allows the Speaker to consult two backbench MPs to assist him in the process of certifying bills, clauses and schedules as relating exclusively to England or England and Wales, should he wish to do so.
- The Speaker must announce to the House decisions on certification without giving reasons (paragraph (9)).
- Private Members' bills are not subject to the new rules; nor will some other bills of specified types (paragraph (10)).

- Paragraph (11) makes clear that all MPs will be able to vote on the Government's annual spending plans (known as the Estimates) and the legislation that provides statutory authority for this expenditure. It also makes clear that where there are financial implications associated with any bill – either additional spending or new taxation – all MPs will be able to vote on the relevant decisions. These are called money resolutions for spending and ways and means resolutions for taxation.

83K. Committal and recommittal of certified England only bills

This Standing Order provides that entirely England-only bills are considered by English MPs only at Committee stage - whether in public bill committee or on the floor of the House in a Legislative Grand Committee (paragraph (1)).

A public bill committee on an England-only bill consists of MPs for constituencies in England and membership will reflect the party proportions in England (amendment to Standing Order No. 86 in paragraph (15) of the motion).

On the floor of the House, the Legislative Grand Committee (England), comprises all MPs for constituencies in England.

The same rule applies in the event that a bill is recommitted for further consideration in Committee by the House (paragraph (2)).

83L. Reconsideration of certification before third reading

This Standing Order requires the Speaker to re-certify a bill and the clauses and schedules within it after Report stage (if it has been amended at Committee or Report stage). This is to ensure that English or English and Welsh MPs are asked to consent to the bill, or the English and Welsh provisions within it, in the Consent Motion process.

The test applied is the same as when the bill was introduced (set out in new SO No. 83J). Paragraphs (4) and (5) ensure that all amendments to the bill that affect or change the certification are subject to the consent of English or English and Welsh MPs. This is to prevent the whole House amending the bill at Report stage as it relates to England or England and Wales without MPs from England or England and Wales having the opportunity to consent to, or veto, such changes.

83M. Consent Motions for certified England only or England and Wales only provisions

This Standing Order provides for a new legislative process following Report stage, where a bill or provisions of it have been certified by the Speaker. Legislative Grand Committees are formed to consider Consent Motions relating to England- or England and Wales-only bills or provisions of bills.

The process is as follows:

- After Report stage, a 'Legislative Grand Committee' is formed of all English, or English and Welsh, MPs to consider any Consent Motion relating to a bill, or clauses and schedules within a bill, certified as relating to England- or England and Wales-only. The timing of the Legislative Grand Committee is subject to programming: in many cases it is anticipated that it could follow straight after Report stage.

- The Consent Motion may be amended, for instance, if English or English and Welsh MPs wish to veto some or all of the clauses. Amendments to the text of the bill within clauses cannot be made at this stage. A Minister may also propose that the Committee does not consent to specified clauses and schedules (paragraph (8)).
- If there are no amendments to the motion, the decision on the Consent Motion can be taken immediately, or may be debated if Members wish to do so. If there are amendments, they can be debated and voted on.
- At the end of any debate the Legislative Grand Committee decides on the Consent Motion and any proposed amendments to it, with or without a vote. Only English or English and Welsh MPs may vote.
- Where there are both English and English and Welsh provisions requiring consent, there is a single debate but the decisions on consent are taken consecutively, first by English and Welsh MPs for provisions certified as English and Welsh and then by English MPs for provisions certified as English (paragraphs (4)-(6)).

83N. Reconsideration of bills so far as there is absence of consent

This Standing Order provides for a new legislative stage following the Consent Motion process only if a bill, or clauses/schedules within it, have been vetoed. This is the Reconsideration stage. In effect, this is a second Report stage which only looks at matters relating to the vetoed provisions.

The process is as follows:

- Any bill which has had some of its clauses provisionally vetoed by a Legislative Grand Committee cannot proceed directly to Third Reading. Instead, the bill goes to a Reconsideration stage (paragraph (1)).
- The sole purpose of the Reconsideration stage is to consider changes to the bill to resolve matters that were vetoed at the Consent Motion process (paragraph (2)).
- Reconsideration stage includes all MPs. The Government and others may make amendments to the bill in response to the veto of clauses by a Legislative Grand Committee. This stage is designed to enable compromises to be reached between the whole House and the Legislative Grand Committee.
- Following the agreement of amendments at Reconsideration stage, a Minister may prompt the formation of the relevant Legislative Grand Committee(s) a second time in order to give consent to the amendments made.
- If the Consent Motion is in relation to the whole bill (because the whole bill is certified and is in dispute) and is not agreed, the whole bill cannot proceed (paragraph (4)).
- If the Legislative Grand Committee does not give consent to the amendments made at Reconsideration stage, those parts of the bill that are not agreed are removed and the rest of the bill proceeds (paragraphs (5) and (6)). For bills starting in the Lords, a message to this effect is returned to that House with the Commons amendments.

- If, as a result of the removal of clauses and schedules from the bill at Reconsideration stage, the rest of the bill requires consequential amendments to make it technically workable, there is a further stage: “reconsideration or consequential consideration” (paragraphs (7)-(10)). This allows the Government to make the necessary technical amendments to the bill immediately before it proceeds to Third Reading. It is governed by a programme motion, like other stages.

830. Consideration of certified motions or amendments relating to Lords amendments and other messages

This Standing Order deals with the process by which the Commons considers Lords amendments or other Lords messages (“ping pong”). The same principles apply to the consideration of Lords amendments that relate to England or England and Wales: namely, that both the whole House and the English or English and Welsh MPs must agree for them to remain in the bill.

The process is as follows:

- The Speaker is required to certify any motions relating to Lords amendments or Lords messages which relate to England, or England and Wales, only.
- Paragraphs (2) to (6) ensure that English, or English and Welsh, MPs have the opportunity to veto Lords amendments that may make changes to the bill or parts of the bill that relate to England or England and Wales.
- Where there is a vote relating to a certified Lords amendment, there must be a majority of both the whole House and of all English, or English and Welsh, MPs. For example, where a motion that is certified as England-only is proposed in relation to a Lords amendment, a majority of the whole House of Commons and a majority of MPs from English constituencies need to agree the motion before it is accepted (paragraph (7)).
- This double majority is achieved by a single vote, in which the votes of the whole House and of the English, or English and Welsh, MPs are recorded separately, allowing two results to be given.
- Where there is a double majority in favour of a motion to agree the Lords amendments, they are agreed and a message to this effect is sent to the House of Lords.
- Where either the whole House or the English, or English and Welsh, MPs do not agree to a motion relating to the Lords amendments, the amendments are not agreed and a message to this effect is sent to the House of Lords. For example, if the motion before the House of Commons is “That this House disagrees to the Lords amendment”, a disagreement within the House of Commons would result in a message of disagreement being sent to the Lords. This has the effect of ensuring that where there is disagreement in the Commons over Lords amendments, the relevant part of the bill is left as it was when the Commons last agreed it (paragraph (9)).
- Similar rules apply for subsequent messages from the Lords as apply for Lords amendments.
- The Speaker is required to seek to ensure that decisions relating to England-, or England and Wales-only, Lords amendments are put to the House separately wherever possible (paragraph 8).

- In summary, any amendments proposed by the Lords to English or English and Welsh provisions must receive the consent of both the whole House and English or English and Welsh MPs before they can become law.

Secondary Legislation

83P. Certification of instruments

The Speaker is generally required to consider for certification affirmative statutory instruments and negative statutory instruments which have been set down for a decision on the floor of the House on a specified day or have been referred to a delegated legislation committee.

The Speaker is required to apply the same test set out in new SO No. 83J to these statutory instruments but must apply it to the instrument as a whole (paragraphs (1) to (3)). So, for an instrument to be certified as England-only the entirety of it must be England-only. The inclusion of UK-wide provisions would mean that the instrument would be subject to the normal procedures for statutory instruments rather than the new English Votes procedure.

83Q. Deciding the question on motions relating to certified instruments

This Standing Order sets out the process for voting on motions relating to statutory instruments.

It provides for such motions to be subject to a double majority: a majority of both the whole House and of relevant MPs, must vote in favour of the motion for it to be agreed (paragraph (2)).

Motions to approve statutory instruments will continue to be subject to deferred divisions (i.e. a paper-based vote on a separate day) when they are taken at the end of the day (after the “moment of interruption”) and are opposed. Both results of any deferred division will be announced.

Where there is a division in the House on an instrument or motion, there will be a single vote in which the votes of the whole House and of the English, or English and Welsh, MPs are recorded separately, and two results are announced.

83R. Deciding the question on certain other motions

This Standing Order applies the English Votes process to a small number of statutory decisions relating to England, or to England and Wales, that are taken by the House of Commons but do not relate directly to statutory instruments. These include decisions on the distribution of the Revenue Support Grant (England-only) and the Police Grant (England and Wales only). If there is a vote on one of these motions, both a majority of the whole House of Commons and of English or English and Welsh (as the case may be) MPs must vote in favour for the motion to be agreed. This double majority vote is taken in a single division, as described above.

Finance Bills & Related Matters

83S. Modification of Standing Orders Nos. 83J to 83N in their application to Finance Bills

This Standing Order sets out that for Finance Bills the test for certification in SO No. 83J is modified so that the first part of the test is:

- Does the bill, or clause or schedule, relate only to England, or to England and Wales, or to England, Wales and Northern Ireland?

This is to ensure that MPs representing constituencies in England, Wales and Northern Ireland are asked to consent to Finance Bills, or clauses or schedules of Finance Bills, which relate exclusively to England, Wales and Northern Ireland and concern devolved taxes.

Standing Order 83W establishes a Legislative Grand Committee (England, Wales and Northern Ireland) for the purpose of considering Consent Motions which are required in respect of a clause or schedule of a Finance Bill which has been certified as relating exclusively to England, Wales and Northern Ireland.

The modifications made by Standing Order 83S also apply in relation to bills which are not Finance Bills but which, when introduced, only contain provisions which would be within the ordinary scope of a Finance Bill (such as a bill which is concerned solely with stamp duty land tax). This means that bills which are akin to a Finance Bill are also capable of being certified as relating exclusively to England, Wales and Northern Ireland. The modifications made by this Standing Order do not apply to bills where only some of the provisions would be within the ordinary scope of a Finance Bill.

The rest of SO No. 83S makes consequential modifications to SOs Nos. 83J to 83N which reflect the modified test.

83T. Modification of Standing Orders Nos. 83P and 83Q in their application to financial instruments

This Standing Order applies to instruments made under a Finance Act. It also applies to instruments made under a provision of any other kind of Act in a case where the provision concerned would have been within the ordinary scope of a Finance Bill.

The effect of the Standing Order is to enable financial instruments of this sort to be certified by the Speaker as relating exclusively to England, Wales and Northern Ireland (and not only as relating exclusively to either England or to England and Wales). Where a financial instrument of this sort is certified as relating exclusively to England, Wales and Northern Ireland any motion relating to the instrument (such as a motion to approve the instrument) requires the support of a majority of those MPs who represent constituencies in England, Wales and Northern Ireland (as well as the support of a majority of all MPs).

The Speaker is required to apply the same test as applies to primary legislation to these statutory instruments but must apply it to the instrument as a whole, as for other instruments. So, for an instrument to be certified as England, Wales and Northern Ireland-only the entirety of it must be England, Wales and Northern Ireland-only. The inclusion of UK-wide provisions would mean that it would be subject to the normal procedures for statutory instruments rather than the new procedure.

83U. Certification of motions upon which a Finance Bill is to be brought in which would authorise provision relating exclusively to England, to England and Wales or to England, Wales and Northern Ireland

This Standing Order sets out the certification process for motions which are moved at the end of the Budget Debate.

At the end of the Budget Debate the Chancellor moves motions which authorise the upcoming Finance Bill to include provisions which give effect to the proposals outlined in the Budget speech.

The effect of this Standing Order is to require the Speaker to certify any of these motions which would, if passed, only authorise the Finance Bill to include provision which-

- relates exclusively to England, to England and Wales or to England, Wales and Northern Ireland, and
- is on a subject matter devolved to one or more of Scotland, Wales or Northern Ireland.

The Standing Order also applies to motions which would authorise a bill other than a Finance Bill to include provision of a kind that could ordinarily be included in such a Finance Bill. So, for example, a motion which authorised a bill other than a Finance Bill to include provisions about stamp duty land tax would be required to be considered for certification under this Standing Order.

83V. Deciding the question on motions certified under Standing Order 83U

This Standing Order makes provision about what is to happen when there is a division in the House of Commons on a motion which has been certified by the Speaker and relates to a Finance Bill.

This Standing Order provides that where there is a division on a motion which has been certified, the motion shall be agreed to only if, of those voting in the division-

- a majority of MPs vote in support (as is ordinarily required), and
- a majority of those MPs who represent constituencies in the parts of the United Kingdom that would be affected by the motion vote in support of it.

Legislative Grand Committees

83W. Legislative Grand Committees

This Standing Order establishes three separate Legislative Grand Committees: for England; England and Wales; and England, Wales and Northern Ireland. They consist of all MPs for constituencies in the relevant parts of the UK (paragraphs (1) to (4)). As explained under 83X, these Legislative Grand Committees take place in the Chamber during the course of a sitting of the House, in the same way as a Committee of the whole House. Any MP may take part in debate at these Legislative Grand Committees although only members of the relevant Legislative Grand Committee may vote, make any motion or move any amendment.

The Legislative Grand Committee (England) may be asked to consider at Committee stage a bill that is certified as entirely England-only if it is not referred to a public bill committee of England-only MPs. This is the equivalent of a Committee of the whole House.

Otherwise, the functions of these Legislative Grand Committees are to consider any Consent Motions relating to bills, or clauses and schedules within them, that have been certified and therefore require the separate consent of MPs representing the relevant constituencies. For example, where a bill contains clauses that are certified as England-only and clauses that are certified as relating to England and Wales-only, these two sets of clauses require the consent of the two relevant Legislative Grand Committees, as well as the whole House.

83X. Legislative Grand Committees: supplementary

This Standing Order provides for the proceedings in the new Legislative Grand Committees to be similar in nature to those in Committee of the whole House.

Other paragraphs of the motion

The other paragraphs of the motion make consequential amendments to other Standing Orders to apply them to the new legislative stages established. In particular, they ensure that the Standing Orders governing programming are applied to the new legislative stages.

Paragraph (2) concerns the commencement of the new Standing Orders. They apply to:

- all bills that have a Second Reading in the House of Commons after the date on which the new Standing Orders are agreed by the House;
- all statutory instruments laid after the day on which the new Standing Orders are agreed by the House; and
- any other motions to which the new rules apply that are decided after the day on which the new Standing Orders are agreed by the House.

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