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**CONTRIBUTION**

by

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on

**“A useful discipline: the letter in the Library”**

**Geneva Session**  
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## **THEME: In the news and innovations at parliament**

A useful discipline: the letter in the Library

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On 29 January 2020, Speaker Sir Lindsay Hoyle published a letter to the Clerk of the House, as follows:

“I am well aware that you and your colleagues will always strive to give me the best possible advice, and that there will be occasions when our views differ. As you know, I welcome franks advice and place a high regard on the impartiality and expertise that Clerks and other colleagues demonstrate to me and my deputies.

I am writing to you to establish a procedure to empower you to record your views regarding any decision I take as Speaker when you feel that such decision comprises a substantial breach of Standing Orders or a departure from long-established conventions without appropriate authorisation by the House itself. In such circumstances I would ask you to place in the Library a note of your view, and I will on all such occasions make the House aware that this has been done.

I hope this procedure will not need to be used, but I think it is a useful discipline that it should be available if you think it is required.”

The previous Speaker John Bercow had been widely criticised for departing from normal practice on several occasions during the controversial period when Theresa May’s government was attempting to implement the UK’s departure from the European Union.

The first occasion which the Clerk of the House placed a letter in the Library in accordance with Speaker Hoyle’s procedure was on Tuesday 21 February 2024.

The Speaker had sought to allow three votes on the situation in Gaza, which had been chosen as the subject of debate that day by the Scottish National Party (SNP) which as the second largest opposition party is allowed to choose the subjects to be debated on only three days a year.

Typically, Opposition Day debates offer a binary choice of texts: either the opposition motion or the Government amendment. The largest opposition party (Labour) as the Official Opposition had tabled their own amendment to

the SNP motion. The Speaker decided to select the Official Opposition amendment, in the expectation that there would be three votes:

That Labour amendment (a) be made;

That the SNP motion be agreed to:

That the SNP motion be replaced by Government amendment (b).

The Clerk's letter read as follows:

"In January 2020, you wrote to my predecessor establishing a procedure by which he could record his views regarding any of your decisions which he felt comprised a substantial breach of the Standing Orders or a departure from long-established conventions. You asked him to place in the Library a note of any such view and you undertook to make the House aware if he did so.

I am today exercising the opportunity to place on record my view that the decision to allow an Official Opposition spokesperson to speak and to move an amendment before a Government minister in response to an SNP spokesperson moving their Opposition day motion represents a departure from the long-established convention for dealing with such amendments on Opposition days, governed by Standing Order No. 31. Where an orderly Government amendment to leave out some words of the motion and insert others is tabled and selected, the expectation is that such an amendment is then moved by the minister in the second speech of the debate and, once the amendment has been moved, the Standing Order provides that the first question considered by the House at the end of the debate must be on the text of the original motion. If that is negated, the question is put on the Government's amendment. When introducing the proposal in 1979 the Leader of the House said the arrangements were "so that a vote could take place on the Opposition's own motion" (Hansard 31 October 1979). The procedural impact of the decision taken today is that the first division is likely to be on the Official Opposition's amendment rather than on the SNP's motion; and, depending on the outcome of any such division, it is possible that the House will not be able to vote on the SNP motion (nor on the Government's alternative proposition).

In taking this step, I recognise that:

- a) Your decision is not specifically precluded by any Standing Order;

- b) The Speaker and his Deputies have complete discretion regarding the order in which to call Members to speak;
- c) The Speaker has discretion over which amendments to select;
- d) There have been two occasions in the last 25 years or so when an amendment has been moved by an opposition party Member from a party other than the one to which the day had been allotted (as well as one when a government backbencher moved an amendment) and on one of those occasions, the Official Opposition Member was called to move his amendment before a minister was called – however, in those few circumstances, no Government amendment had been tabled; and
- e) You have been motivated by giving the House what you considered to be the widest choice of decisions on alternative propositions, on a subject of immense importance, on which people in and outside the House have the strongest of views.

Nevertheless, I know that you understand why I feel compelled to point out that long-established conventions are not being followed in this case. I am grateful to you for making every effort to discuss this with me extensively and for taking full account of my views when reaching your decision, which I know was not an easy one, and which of course is one for you to make.”

As it turned out, the possibility raised in the Clerk’s letter was borne out by events, when the Government declined to take any further part in the debate.

As a result of the Government not opposing the Official Opposition amendment, it was agreed to without a division and adopted as the resolution of the House. There was no opportunity to vote on the alternative texts from either the Scottish National Party (SNP) or from the Government.

A motion of no confidence in the Speaker has gathered 96 signatures, but so far (23 March 2024) no debate on the motion has been scheduled.