

‘Votes For Life’ in the Shadow of Brexit: An Explanation of Delays to the Report Stage of the Overseas Electors Bill 2017-19.

Background information

A normal Parliamentary [session](#) lasts for one year and during a session there are 13 Fridays allocated to discussion of Private Member’s Bills. These are called ‘sitting Fridays’ because Parliament does not usually sit on Fridays, to enable MPs to spend time in their constituencies.

Theresa May’s Government decided that the current Parliamentary session would last for two years not one because of the amount of legislation necessary to present for the U.K.’s withdrawal from the EU. This is why the Overseas Electors Bill has ‘2017-19’ after it. At the beginning of the current Parliamentary session, 13 sitting Fridays were agreed, starting on the 20th October 2017, with the last one on 23rd November 2018. The government always said it would add some extra dates because of the extended length of the session, but for this to happen it would have to [table](#) a [motion](#) with proposed dates.

The Government controls the parliamentary agenda: the Business of the House for the following week is normally proposed in the House of Commons by the Leader of the House, currently Andrea Leadsom, on Thursday mornings at 10.30am and details are published on the [Order Paper](#).

Some technical explanations

A [motion](#) is a proposal put forward for debate or decision in the House of Commons or House of Lords.

[Tabling](#) is the act of formally putting forward a question, a motion or an amendment in the Commons or the Lords. Members of either House do this by submitting it to the procedural clerks by hand, by post or, in some circumstances, digitally. The item will then appear in the Order Paper or be added to the dedicated databases for written questions and [Early Day Motions](#). A motion must be ‘moved’ before any debate or vote can take place in Parliament.

[Moving a motion](#) can only be done on the day when it is scheduled – and at the appropriate time. A motion must be moved formally by its sponsor (or a proxy) in the Chamber before it can be considered. The MP moving the motion may speak, setting out the case for the motion to be approved, then move the motion. The Speaker will then propose the question (usually saying ‘the question is as on the Order Paper’) and then the debate starts. If the proposer of a motion on the Order Paper decides not to take it forward, he/she does not ‘move’ it and therefore it is not considered.

Disagreements over extra ‘sitting Fridays’.

As the last of the sitting Fridays of the current parliamentary session approached in November 2018, the Government tabled a motion proposing some extra dates for sitting Fridays, as it had said it would, but it only proposed [three](#): 25th January, 8th February and 8th March. This was presumably because of pressure on Government time due to the amount of Brexit legislation still needing to be processed. But given that there are normally 13 sitting Fridays in a year-long session it represented a significant reduction in time available for debate on Private Member’s Bills and it triggered much resentment especially amongst MPs who were trying to make progress on the bills they were sponsoring.

When this motion was moved on **12th November**, it was [‘objected’ to](#) by two Conservative MPs, [Christopher Chope](#) and Peter Bone, who considered that three days was not enough; these particular MPs are very active in proposing PMBs and they wanted more than three extra days. The following week, on **19th November** the same Government motion was moved and was again [objected to](#).

On the following day, **20th November**, the same motion appeared again on the [Order Paper](#) (p.8) with an amendment tabled by MPs Christopher Chope and Peter Bone asking for five extra days. Because of this amendment the government decided not to move the motion and it was transferred instead to the 'Remaining Orders' for future business with no scheduled dates, still with the amendment pending.

Then on **26th November** a Government motion proposing six extra days appeared on the [Order Paper](#), also signed by Christopher Chope and Peter Bone, implying that an agreement had been reached between the Government and the dissenting MPs. But an amendment to this motion was then tabled by Valerie Vaz, Labour Shadow Cabinet Minister and Shadow Leader of the House, and Nicholas Brown, Labour Chief Whip. Their amendment asked for the 25th January date to be omitted. Since this was the date scheduled for the Report Stage of the OEB, which Labour is opposing (the Committee proceedings having closed on 14th November without any successful amendments), it is plausible to conclude that this particular Bill was being targeted. Christopher Chope, in a [statement on his web-site](#), suggested that this amendment was an Opposition attempt to block the compromise motion. The Government decided not to move the motion.

On **28th November** the same motion was again tabled on the [Order Paper](#) (p.36) proposing six extra days and the Vaz amendment to eliminate the 25th January was maintained, but again, the motion was not moved. The Government seems to have been caught between attacks from all sides and in this hostile context a decision was made to refrain from tabling another motion until some kind of agreement could be reached. So although 25th January was the date published on the Parliament web-site for the OEB Report stage, this date, along with the other two dates originally proposed by the Government (8th February and 8th March) remained only *provisional* pending a resolution of the dispute. Only those closely involved 'on the inside' were party to the arguments going on behind the scenes. At this point there were 55 PMBs still waiting to progress.

Parliament broke for the Christmas recess on 20th December & returned on 7th January.

9th January Start of debate on Government Brexit deal (suspended in December due to anticipation of defeat).

15th January Theresa May's Brexit plan defeated in the House

16th January unsuccessful vote of no confidence in the Government.

On **17th January** Leader of the House Andrea Leadsom announced there would be no sitting of Parliament on January 25th when the Report Stage of the OEB was scheduled. This gave effect to the the Vaz/Brown amendment request but without explicitly acknowledging it. No explanation was offered: was this possibly a gesture to the Opposition after the vote of no confidence, an attempt to seek a compromise in order to move forward with agreeing dates?

On **23rd January** a new motion was announced proposing five extra days; this motion was now only in the name of Andrea Leadsom and it proposed the following dates: 1st & 8th February, 1st, 8th & 15th. March. But two amendments were tabled to this motion:

- a) by Christopher Chope and Peter Bone, stipulating that 'no other extra days' should be added (presumably to signal that they had accepted the Government's proposal of five days)

b) by a group of 37 opposition MPs (32 Labour, 2 Liberal Democrat, 1 Green & 1 Plaid Cymru) calling for precedence to be given on any of the proposed dates to the adjourned debate on the Representation of the People (Young people's Enfranchisement and Education Bill) sponsored by Labour MP Jim McMahon. This Bill, which proposed to reduce the voting age to 16 in parliamentary and other elections and to make provision for citizenship education, had begun its Second Reading debate on 3rd November 2017 but had not made any further progress. This amendment showed that there was still deep hostility to the Overseas Electors Bill from a broad group of opposition parties who prefer to see the franchise extended to 16 year olds than to overseas electors who fall foul of the 15 year rule. Because it disagreed with this second amendment, the Government decided not to move the motion.

On **24 January 2019**, Andrea Leadsom [told the House](#) that "given that amendments had been tabled to yesterday's motion, we had to take the decision not to move it so that further discussions could take place to ensure that all Members are given an equal opportunity to bring forward their own important private Members' resolutions. We believe that consensus can be found, and I expect a further motion to be brought forward next week".

Tuesday 29th January: [votes in the House of Commons on amendments to the Brexit deal](#).

Christopher Chope, who is not a member of the European Research Group, voted against all amendments but abstained on the Brady amendment (to seek 'alternative arrangements' to the Irish backstop), whereas Peter Bone, who is a member of the European Research Group, voted against all amendments except the Brady amendment which he supported.

On **30th January** a Business of the House Motion was tabled in the name of Andrea Leadsom which now proposed only three extra days for PMBs: 8th February, 15th March & 22nd March. An amendment was tabled by Christopher Chope and Peter Bone for 'no other extra days', implying they had reached an agreement with the Government, possibly in the wider context of the parliamentary votes on the Brexit agenda the previous day since [Graham Brady's name was now also on the amendment](#) (along with a few others). The motion was approved, finally confirming those three dates for extra sitting Fridays.

On **31st January**, when opening the debate on the Business of the House, [Andrea Leadsom said](#): "The House has much to celebrate this week. Yesterday, the House agreed to additional days for Private Members' Bills to give more excellent Back-Bench proposals the chance to reach the statute book". She then proceeded to defend the Government's record on supporting Private Member's Bills on to the statute book in what was clearly a response to the sustained attack from all sides against its alleged abuse of executive power in controlling the agenda and not allowing sufficient time for PMBs.

On the [Order Paper](#) published that day, Bills proposed by Christopher Chope and Peter Bone were highly placed in the running order on the first two dates, 8th February and 15th March, while Glyn Davies's Overseas Electors Bill was put at the top of the list on the last date, the 22nd March. This confirmed that even if the compromise meant they had to accept fewer

extra days, Christopher Chope and Peter Bone had been compensated by having their own Bills prioritised.

But why didn't the Opposition persist with its own line of attack? It can be assumed that discussions will have taken place through the 'usual channels', which means 'informal' negotiations between the parties. It is possible that Labour agreed to the three extra dates on the understanding that the Report Stage of the Overseas Electors Bill was scheduled for the last of the three dates (22nd March) in order to reduce its chances of progressing: if they are able to 'talk the bill out' on that date by tabling enough amendments, the Bill will not continue its progress to the House of Lords.

Does this mean the Government has downgraded its support for the OEB? Presumably, yes. In the wider context of the pressing need to get its Brexit deal through Parliament, it would appear that other goals have been abandoned or kicked into the long grass.

What are the chances of the Overseas Electors Bill progressing?

Notwithstanding the possibility of significant political developments in Parliament as we approach the scheduled Brexit date of 29th March, it is technically still possible for the Bill to succeed. The Report Stage, now scheduled for 22nd March, could be completed in a day, together with the Third Reading. After this it would go through the same cycle of debates in the House of Lords. However, the Government does not have a majority in the Lords so if the Bill is amended it would have to return to the Commons for agreement, and since there are no more sitting Fridays scheduled, this would not be possible (unless more dates were added, which is unlikely).

Given Labour's declared opposition to the Bill, they are expected to table amendments on 22nd March, as at Second Reading and during the Committee Stage (see summaries on this web-site). They are unlikely to win any votes on amendments if the Government successfully 'whips' its supporters to attend the debate or be present for any votes. However, the Opposition could also decide to 'whip' its own supporters for that debate. The progress of the Bill therefore depends very much on what happens on that day, which will be just one week ahead of the formal date of 29th March set for the UK to leave the EU. Minds may well be focused elsewhere. Or, given the deep divisions in both main parties over Brexit, the debate at Report Stage on the OEB could be a rare opportunity for them both to mobilise their forces on an issue where there is broad agreement within both camps either for or against the Bill. But the extent to which they will have the capacity to do this might also depend on the outcome of the various procedural votes to come in Parliament over the coming weeks and their impact on the state of discipline within the parties. It looks as if there is everything to play for on 22nd March.

Britons abroad with views on the Bill should share them with their MP (if they have one), urging them to attend the debate on March 22nd. MPs can be contacted via the Parliament web-site at: <https://www.parliament.uk/mps-lords-and-offices/mps/>