

Explanation of 2nd Reading Debate: 23rd February 2018

The 2nd Reading debate may have appeared to be a rather tedious and protracted discussion of arguments for and against the proposal to grant 'Votes For Life' to Britons living abroad, but in reality it was a good example of what is often referred to as 'filibustering'; as MP Paul Flynn said at the end of the debate: "What has happened here today has been a filibuster organised by one party, and I am ashamed to say that I am a member of that party". He was immediately admonished by the Deputy Speaker for using the 'f' word, since filibustering is officially not allowed, but in reality it is common practice for a bill to be 'talked out' by its opponents in order to kill it off. MP Mike Gapes also spoke out on this, saying it was "not right to use 'false hares and arguments in order to discredit this Bill", to which he, unlike the rest of his party, confirmed his support.

For those unfamiliar with parliamentary procedure, but who wish to fully understand this debate, it is important to know something about the procedures that are followed for Private Member's Bills. Although in principle they are the same as for other Public Bills, in practice they are subject to different [rules](#) which help to explain what happened in the second Reading of this bill:

- Private Member's Bills are only dealt with on a restricted number (13) of 'sitting Fridays' in a parliamentary session so there is limited time available for them. The first seven of them are devoted to giving a second reading to bills introduced through the ballot. Beyond this, any additional time is at the discretion of the business managers in both Houses.
- On Fridays, most MPs want to be back in their constituencies so debates are typically not well attended.
- Only five hours are available on each of these sitting Fridays from 9.30 to 2.30, though several bills are scheduled for each session. This means that only the first one or two stand much of a chance of being debated.
- Opponents of a bill can shout 'Object' when the name of a bill on the Order Paper is read out by the Clerk, meaning that the bill will make no further progress unless it can be rescheduled which is unlikely, but the 'objector' is in any case allowed to repeat the objection. A widely publicised recent example of this was when MP Christopher Chope 'objected' to a PM's bill that aimed to make 'upskirting' illegal. In this case however, the Government took it up and proposed it as a Public Bill.
- Opponents of a bill can also try to prevent it from progressing by 'talking it out', sometimes referred to as 'filibustering'. This means that they try to talk for so long that time runs out: there is no limit to how long an MP may speak for as long as what they are saying is considered relevant to the discussion.
- For a bill to pass its 2nd Reading and progress to the Committee Stage it must be voted on, but to get to the voting stage the Speaker must deem there to have been sufficient discussion, and the sponsor or one of its supporters must propose a motion of Closure before the end of the sitting. If the Speaker accepts the Closure Motion (s/he uses their discretion), there is a 'Division' and the MPs vote by going through the lobby for the Ayes or the Noes. To win such a vote, it requires the physical presence of at least 100 MPs to support it, plus two additional MPs who act

as 'Tellers' to count the votes. This is hard to achieve since most MPs do not want to be in Westminster on Fridays.

For all of these reasons, Private Member's Bills have recently been the subject of considerable controversy in Parliament and a number of reviews have taken place, leading to several reports. The most comprehensive and most recent of these, undertaken by the Procedure Committee of the House of Commons, was published in April 2016. It highlighted two problems in particular which it said reflected very badly on the House's image:

- a lack of transparency over procedures and their use for political campaigning instead of for genuine legislative change
- the use of delaying tactics to frustrate genuine debate and decision

Although it made recommendations for change, these have not yet been taken up by the Government. You can read this report and other related documents [here](#):

Because Labour's position, as it appeared clearly from the debate, was to oppose the bill, they had adopted the tactic of trying to 'talk it out', hence the long interventions from Sandy Martin and Cat Smith in explaining their objections. However, they seem to have been taken unawares by the strength of support gathered by the Conservatives, who had quietly lined up enough supporters to make up the required 100 voting MPs plus two Tellers. MPs do not have to be in the Chamber before they vote, they can be working in their offices elsewhere in the building but be alerted by the Whips when their presence is needed to vote. When the MP for the Cotswolds Geoffrey Clifton-Brown stood up to move a Closure Motion just a few minutes before the debate was due to end, the Speaker accepted the question and called for a 'Division' as described above. Labour was apparently unprepared for the sudden appearance of 100 Conservative MPs to vote for the Bill and did not put Tellers in place to count the 'Noes'. This meant that there was no formal vote but a verbal confirmation of assent from the 'Ayes' meant that the Bill was formally granted its Second Reading, leaving Labour members in disarray.