



HOUSE OF COMMONS

15 December 2014

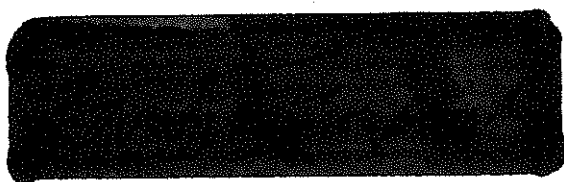
Gerry Kelly MLA
Chairperson, Committee on Procedures
Northern Ireland Assembly
Room 33, Parliament Buildings
Ballymiscaw
Stormont
Belfast. BT4 3XX

Dear Mr Kelly

Public Petitions in the House of Commons

As foreshadowed in Mr Speaker's letter to you dated 31 October 2014, I attach a memorandum to your Committee on the UK House of Commons' Public Petitions system.

I hope you may find it useful for your inquiry into Public Petitions. If you have any further questions please do not hesitate to get in touch.



Paul Evans
Clerk of the Journals
House of Commons
London
SW1A 0AA

Tel: 020 7219 3315
Email: evansp@parliament.uk

Public Petitions in the House of Commons

Memorandum from the Clerk of the Journals in the House of Commons to the Committee on Procedures of the Northern Ireland Assembly

History

1. The right of the subject to petition the Monarch for redress of personal grievances has a long history, having been recognised in *Magna Carta* and restated in the Bill of Rights 1689. The first known petitions to the Lords and to both Houses of Parliament date from the reign of Richard II, but seem to have become widespread from the reign of Henry IV onwards. In 1571 a Committee for Motions of Grievs and Petitions was first appointed. With the increase in the influence and importance of Parliament during the reign of Charles I, petitioning became one of the main methods of airing grievances by sections of society not represented in Parliament and the House of Commons began to appoint committees specifically to examine petitions.

2. The rights of petitioners and the power of the House to deal with petitions were expressed in two resolutions of the Commons in 1669:

That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in case of grievance, and the House of Commons to receive the same;

That it is an undoubted right and privilege of the Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received.

The Resolutions together make it clear that whilst the right to petition is recognized, the House remains master of the nature and manner of presentations of any petitions.

3. In the 16th and early 17th centuries, petitions generally dealt with personal or local grievances, but as the Commons' judicial functions ceased, complaints about matters of public policy became more frequent. Petitions were traditionally read before the start of debates, and by the 1830s the petitions system was being used as a way of obtaining unscheduled debates or of obstructing government business. This took up a considerable amount of time in the Chamber: in the years 1837–41 the average number of petitions presented annually to the Commons was almost 17,600.

4. In 1832 a select committee was established to investigate the presentation of petitions. It recommended that a committee should examine petitions. From 1835, the Speaker regularly acted to prevent debate arising out of petitions, although this was not a formal provision of the standing orders. After a debate on 14 April 1842, the House agreed by 268 votes to 46 to a Government motion to introduce new standing orders relating to petitions. These precluded any debate on the merits of a petition following its presentation, and formed the basis of current practice.

5. The number of petitions being presented did not decline as a result of the 1842 changes. However, the House's involvement in the petitioning process was significantly reduced as the task of dealing with petitions was delegated to a dedicated committee. Over 10,000 petitions were regularly presented in a typical session of the 19th century. The record for numbers of petitions presented in any one session was set in 1843, when 33,898 were presented which was also the record for the number of signatures noted by the Committee on Public Petitions at 6,135,050, the first year of the Committee's existence. But the 20th century saw a marked drop in petitioning activity. In 1912–13 there were 10,221 petitions presented, but in 1919 this figure had fallen to 121, which remained the average until the outbreak of the Second World War. In 1939–40 only one petition was presented, and the average fell to between 10 and 20 in the 1950s, with the 1960s often seeing single figure totals in each session. This trend began to reverse in the mid-1980s, and has been steadily up-ward since then. However, in the first decade of this century and again in this Parliament the trend has been downwards (though still far above the typical numbers in the 1970s), a phenomenon which may be attributable to the growth of e-petitions, discussed below.

Period covered	Session 1990–91 to Session 1999–2000	Session 2000–01 to Session 2009–10	Session 2010–12 to present
Numbers of Petitions presented	3,924 ¹	1,755 ²	551

6. The figures in the preceding paragraph are drawn from the reports of the Committee on Public Petitions. The Committee continued in existence until 1974. Its task was to sort and classify petitions and validate claims of the number of signatories. It could report on whether they were in order under the rules of the House, but had no power to look into the merits of any Petition, nor could it recommend remedies. It was abolished on 4 April 1974, by which time, as noted above, the number of petitions being presented to the House had sharply dropped.

Changes to the House of Commons Public Petitions system

7. By the end of the 1970s the House took very little time to consider Public Petitions, and the numbers presented had diminished to single figures in some sessions. Petitions were presented without debate and communicated by the Clerk of Public Petitions to the relevant government department (where there was one), which would be free to respond to the substance of the petition if it chose. The petitions, and any responses received, were printed with the Votes and Proceedings on a regular basis. The engagement of the House itself in the process was extremely limited. In this century, however, there has been a steady increase in the level of petitioning, to which the House felt obliged eventually to respond. The first sign of a change of attitude came with a Procedure Committee report in 1993 that, while expressing no very positive view of the utility of petitions, recommended a modernisation of the wording of a petition to make it less cumbersome to bring into order.³

¹ 2,651 of these were presented in Session 1992–93.

² 248 of these were presented in Session 2009–10 on the same issue (the Badman report on home-schooling).

³ Fourth Report from the Procedure Committee of Session 1991–92, *Public Petitions*, HC 286. The House approved recommendations on 31 March 1993.

8. Growing evidence of the trend to place more weight on the ancient right to petition came from the Select Committee on Modernisation of the House of Commons in its June 2004 Report *Connecting Parliament with the Public*. The Committee commented:

... we believe that there is a case for the House to do more with public petitions which, if handled correctly, represent a potentially significant avenue for communication between the public and Parliament. We recommend that the Liaison Committee and Procedure Committee consider a process whereby public petitions should automatically stand referred to the relevant select committee. It would then be for the committee to decide whether or not to conduct an inquiry into the issues raised, or to take them into account in the context of a current or forthcoming inquiry.⁴

The Committee also recommended that the requirement for the top sheet of petitions to be handwritten should be removed. In a report of November 2004 the Procedure Committee endorsed both these recommendations.⁵

9. In May 2007 the Procedure Committee reported again on Public Petitions as a prelude to its proposals on e-petitions.⁶ It made a number of recommendations to enhance the attention given to Public Petitions, and in October 2007 a resolution of the House endorsed the Government's response to the Procedure Committee's report and agreed that Petitions should be printed in Hansard, that "substantive" petitions should (rather than might) receive a response from the relevant government department, normally within two months of the Petition being presented, and that those responses should also be printed in Hansard. The House also agreed that the Clerk of Public Petitions should communicate petitions where relevant to the appropriate select committee, and that select committees should "formally place [petitions] on their agendas". The Liaison Committee (which constitutes the Chairs of all select committees) noted in its report on committee activity in the 2008–09 Session that distributing Petitions to committees helped them to "keep abreast of areas of public concern among members of the public but risks creating a greater public expectation of eliciting some action. In fact, it does not appear that many committees take specific action in response to petitions".⁷ The Select Committee on Reform of the House of Commons observed around the same time that "There has been no perceptible outcome of the current system by which petitions are forwarded to departmental select committees".⁸

10. In 2010, the Committee on Reform of the House of Commons underscored the increased importance attached to Petitions by recommending that the method of actual presentation was enhanced:⁹ petitions were to be listed on the Order Paper on the day when they were to be presented formally on the floor of the House by a Member; and when they had finished their brief statement the Member was to come to the Table and hand the Petition to the Clerk who was to read out the title before returning it to the Member to be

⁴ First Report from the Select Committee on Modernisation of the House of Commons, Session 2003–04, *Connecting Parliament with the Public*, HC 368, paras 96–104.

⁵ Fifth Report from the Procedure Committee of Session 2003–04, *Public Petitions*, HC 1248. The House approved the recommendations on 19 January 2005.

⁶ First Report from the Procedure Committee of Session 2006–07, *Public Petitions and Early Day Motions*, HC 513.

⁷ Second Report from the Liaison Committee, Session 2009–10, *The work of Committees in Session 2008–09*, HC 426, para 127.

⁸ First Report from the Reform of the House of Commons Select Committee, Session 2008–09, *Rebuilding the House*, HC 1117, para 258.

⁹ *ibid*, paras 266 and 267.

“bagged” in the ceremonial bag hanging behind the Speaker’s Chair which had been used for this purpose since time immemorial.¹⁰ However, the Committee was “cautious about recommending a full-scale, free-standing Petitions Committee” at that point in time.¹¹

11. In sum, Members can choose to present their petition in one of two ways. Formal presentation takes place on the floor of the House at the end of the day’s main business, just before the adjournment debate and Members are allowed to make a short statement in accordance with the provisions of Standing Order No. 153 (similar to Standing Order No. 22 of the Assembly). Alternatively, Members can choose to present a petition informally, that is simply to place the petition in the Petitions bag behind the Speaker’s Chair at any time when the House is sitting. There are subtle differences in the form in which these two methods of presentation are recorded in the House’s minutes, and in the case of informal presentation nothing appears in Hansard except the text of the Petition. Regardless of the presentation method petitions are sent to the government department and relevant select committee, with a copy of the petition as well as the Government’s Observation being printed in Hansard.

E-petitions

12. A scheme for an e-petitions system for the House was first put forward by the Procedure Committee in April 2008. In essence, this scheme would have involved the House in hosting a site where over a limited period of time Public Petitions could be signed electronically by anybody interested, so long as “facilitated” by a Member. At the end of the period the petition would have been presented to the House. All petitions would receive a reply from the Government.¹²

13. Despite a number of exchanges between the Committee and the Government, these proposals were never put to the House for decision. In the changed economic circumstances, the Government expressed doubts about whether the costs of establishing and running a system were justified. The Procedure Committee’s proposals were, generally, thought to be a fairly elaborate response to the perceived problem of a need to find new ways to engage the public in the House’s proceedings using modern technology.

14. Although the House of Commons Reform Select Committee also urged progress with implementing a scheme, nothing was done before the 2010 general election. After the election, a commitment to introduce an e-petitions scheme was, however, included in the new Government’s *Coalition Agreement*.

¹⁰ Although it remains open to Members to simply deposit a petition in this bag without any ceremony at any time when the House is sitting. There are subtly different entries in the Votes and Proceedings to record the different forms of presentation, and of course only if presented formally are any words of the presenting Member recorded in Hansard.

¹¹ First Report from the Reform of the House of Commons Select Committee, Session 2008-09, *Rebuilding the House*, HC 1117, para 261. A resolution of the House of 22 February 2010 approved these recommendation and a Speaker’s statement on 23 February 2010 clarified rules on petitions which would come into effect on Monday 1 March.

¹² First Report from the Procedure Committee, Session 2007-08, *e-Petitions*, HC 136.

15. The Government launched its e-petitions website on Friday 29 July 2011. The Leader of the House announced in a press release that he would send to the Backbench Business Committee any petition signed by 100,000 people, and would ask that Committee to consider finding time for a debate on it.¹³

16. The Committee agreed, conditionally, to do this, but only on the basis that a Member or group of Members sought time for a particular debate. The Committee was also anxious that any expectation that a debate would automatically be provided would trespass on the limited amount of time it had available to allocate to all requests from backbenchers.

17. In response to this concern, the Procedure Committee proposed that an additional sitting in the House's second Chamber, "Westminster Hall" should be introduced exclusively for the debate of e-petitions drawn from the government site and normally for those that had passed the 100,000 signature threshold. These three-hour slots would only happen when the Backbench Business Committee initiated them—otherwise they would not occur. In its response to the Procedure Committee, the Government, slightly reluctantly, accepted this recommendation. It was implemented on an experimental basis by a decision of the House on 17 July 2012, and extended to the end of the present Parliament by a further decision on 11 July 2013. The Committee convened nine such sittings between July 2012 and December 2014.¹⁴

18. The Procedure Committee remained dissatisfied with the government-owned nature of the e-petitions website. On 4 December 2014 it published a further report on e-petitions.¹⁵ This recommended the establishment of a shared e-petitions site, jointly "owned" and managed by the House of Commons and the Government. E-petitions would, through a mechanism described in that report, now become more formally part of the regular proceedings of the House. It also recommended the re-creation of a separate Petitions Committee for the House, which would have responsibility for receiving and dealing with both e-petitions and traditional paper petitions. The Committee further recommended that the new Petitions Committee should take over responsibility from the Backbench Business Committee for determining whether and when debates on e-petitions should take place at the special sittings in Westminster Hall, but that if the Petitions Committee decided that a petition deserved a debate on the floor of the House, it would take that request to the Backbench Business Committee, which could (but would not be obliged to) allocate backbench time for it.

19. The Procedure Committee also recommended that the requirement for every petition to be sent to the relevant specialist select committee should be dropped (since any value that this added would be replaced by the oversight of the new Petitions Committee).

¹³ The Backbench Business Committee was established in 2010 to allocate time for debates initiated by backbenchers rather than by the Government or Official Opposition. For more information, see the Second Report from the Procedure Committee, Session 2012-13, *Review of the Backbench Business Committee*, HC 168.

¹⁴ 17 September 2012 (West Coast Mainline); 22 October 2012 (Children's Heart Surgery (Glenfield)); 25 March 2013 (Sudden adult death syndrome); 9 September 2013 (Age-related tax allowances); 24 February 2014 (Holiday pricing); 10 March 2014 (Female genital mutilation); 21 July 2014 (Eid and Diwali (Public Holidays)); 8 September 2014 (Pancreatic Cancer); 1 December 2014 (Ending conflict in Palestine). This represents around one in ten of the available Monday slots over the period from their first being made available to the Backbench Business Committee.

¹⁵ Third Report from the Procedure Committee of Session 2014-15, *E-petitions: a collaborative system*, HC 235.

20. Under the Procedure Committee's proposed scheme, an e-petition will not require a Member to present it to the House (like the Northern Ireland Assembly our Standing Orders currently stipulate that Public Petitions must be presented to the House by a Member). This will mean that some e-petitions will be presented to the House despite having no Member support, a significant change of practice.

Rules applying to content of Petitions

21. Erskine May states that:

The language of a petition should be respectful and temperate and free from disrespectful language to the Sovereign or offensive imputations upon the character of Parliament or the courts of justice, or other tribunal or constituted authority.¹⁶

It goes on to state:

The petition must set out a case in which the House has jurisdiction to interfere and must conclude with a prayer for such relief as is within the power of the House to grant.¹⁷

However, that latter requirement is generally interpreted with latitude, and many petitions are received which ask the House to urge the Government or some other authority or body to do something. Indeed Erskine May goes on to say:

If the prayer of the petition is within the power of the House to grant, the impracticality of it is no objection to the reception of the petition.¹⁸

22. Standing Order No. 48 states that:

This House will receive no petition for any sum relating to public service ... whether payable out of the Consolidated Fund or the National Loans Fund or out of money to be provided by Parliament, or for releasing or compounding any sum of money owing to the Crown, unless recommended from the Crown.

In other words, petitions asking for a direct grant of money are not in order to be received, but petitions seeking a different application of government funds may be. However, Standing Order No. 157 states:

Petitions against any resolution or bill imposing a tax or duty for the current service of the year shall be henceforth received, and the usage under which the House has refused to entertain such petitions shall be discontinued.

In other words, petitions arguing for a decrease (or increase) in a particular tax, are permitted.

¹⁶ *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 24th edition, p 485.

¹⁷ *ibid*, p 486.

¹⁸ *ibid*, p 486.

23. Public Petitions, once they are presented to the House, become part of its proceedings; this applies to both formal and informal presentation. A Petition therefore engages parliamentary privilege. The recent report of the Procedure Committee noted above discusses how this might apply in the case of e-petitions once they were “presented” to the House.

Changing attitudes towards Petitions

24. It is clear that, although in the latter half of the twentieth century the status of petitions declined and the significance attached to them as part of the proceedings of the House reduced, this trend has been reversed in this century. Not only has the number increased, in both paper and electronic formats, but the attention given by Members to this aspect of proceedings has revived as well. In a recent debate on the floor of the House on e-petitions, Members were clear that Petitions are important.¹⁹ Several expressed a view that Petitions with a small number of signatures could be as, if not more, significant than those which attract widespread national support. It was noted that a Petition can be an individual’s last resort to remedy a problem or grievance. The Procedure Committee’s recent report on e-petitions also indicates a growing interest in these as a channel of engagement between Parliament and those who elect its Members.

Paul Evans

Clerk of the Journals, House of Commons

December 2014

¹⁹ 8 May 2014.