



House of Commons  
Public Administration  
and Constitutional Affairs  
Committee

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**The Role of Parliament  
in the UK Constitution  
Interim Report  
The Status and Effect  
of Confidence Motions  
and the Fixed-term  
Parliaments Act 2011**

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**Fourteenth Report of Session 2017–19**

*Report, together with formal minutes relating  
to the report*

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## Public Administration and Constitutional Affairs Committee

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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### Committee staff

The current staff of the Committee are Libby Kurien (Clerk), Dr Sarah Thatcher (Clerk), Ian Bradshaw (Second Clerk), Dr Patrick Thomas (Committee Specialist), Dr Philip Larkin (Committee Specialist), Moonisah Iqbal (Committee Specialist), Gabrielle Hill (Senior Committee Assistant), Iwona Hankin (Committee Assistant), Ben Shave (Media Officer) and Nina Foster (Media Officer).

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## Summary

The fact that the government of the day must retain the confidence of the House of Commons is the constitutional principle which determines the relationship between Parliament and Government. The Government's authority to govern is dependent on maintaining the confidence of the House of Commons. This principle remains fundamental to our system of Parliamentary democracy. By convention the confidence of the House has been demonstrated and tested through motions and votes of confidence of the House of Commons.

The purpose of the Fixed-term Parliaments Act 2011 ("the Act") was to establish fixed five-year election cycles and make provision for early general elections to be called. Therefore, general elections now only occur, and early elections can only be brought about, under the Act. The Act removed the power of the Sovereign to dissolve Parliament, and with this the ability of the Prime Minister to call a general election at a time of their choosing or following a vote of no confidence in the House of Commons.

The Act changed the mechanisms by which an early general election can be brought about. Section 2 of the Act provides for two means by which the House of Commons can bring about an early general election. Section 2(1) allows the House of Commons to call a general election if at least two thirds of all members vote (434 in the current House) in favour. Section 2(3) established that a general election can be brought about following a vote of no confidence. If the House passes the motion "That this House has no confidence in Her Majesty's Government", a 14-day period begins, and at the end of this period if the motion "That this House has confidence in Her Majesty's Government" is not passed a general election will be called.

Section 2 establishes the exact form and wording of statutory motions which engage the provisions of the Act, meaning that only a no confidence motion as set out in the Act can bring about a general election.

The Act provides no guidance on what occurs during the 14-day period following an Fixed-term Parliaments Act 2011 no confidence motion being passed. As the Clerk of the House told us, what occurs during this period is a matter politics, and not of procedure. Evidence to this inquiry and the Cabinet Manual set out that the Prime Minister would be expected to continue in office unless someone else could command the confidence of the House. If someone else could command the confidence of the House, the Prime Minister would be expected to resign. Not doing so would risk drawing the Sovereign into the political process, something the Cabinet Manual is very clear it intends to avoid. At any point during this period, a motion of confidence in Her Majesty's Government under the Fixed-term Parliaments Act 2011 could be put down and that that would prevent the election. After 14 days a general election would automatically follow.

Before the Fixed-term Parliaments Act 2011 was enacted, confidence votes could be either a motion clearly expressing no confidence in the Government, or a motion expressing confidence in the Government, or the confidence issue could be attached vote on a substantive matter. If a Government lost any such vote of confidence, the expectation was that the Prime Minister would either resign or ask the Sovereign for

a dissolution of Parliament and a general election. Confidence motions of this type can no longer lead directly to a general election. The option of dissolution is no longer available to a Prime Minister without first satisfying the provisions of the Act.

Some have expressed the view that the mechanism for bringing about an early general election provided by Section 2(3) of the Fixed-term Parliaments Act 2011 has superseded the pre-existing conventions around the confidence of the House in the Government. While it is correct that only by the statutory provisions of the Act can a motion of no confidence lead to an early general election, this has in no way affected the ability of the House to express no confidence in the Government through other means. Outside the terms of the Act, if the House were to express no confidence, unless that authority could be restored, the Prime Minister would be expected to give notice that he or she will resign, but only when he or she is in a position to recommend to the Sovereign an alternative person to form a new administration. In the event that no alternative person can be found, it remains available to the House to bring about an early general election under section 2(1) of the Act.

# 1 Introduction

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1. This Committee launched an inquiry into the Status of Resolutions of the House of Commons on 13 September,<sup>1</sup> as part of its wider inquiry into the Role of Parliament in the UK Constitution.<sup>2</sup> This was following the concerns raised on both sides of the House about the Government's response to resolutions of the House passed on Opposition Days;<sup>3</sup> and in response to questions raised about the implications of the Fixed-term Parliaments Act 2011 ("The Act") on the status and effect of confidence motions. In the inquiry so far, the Committee has received written evidence and has held four oral evidence sessions. We are grateful to those who have contributed to this inquiry.

2. The inquiry has considered:

- What status and force the opinions and purposes of the House may have, when expressed through resolutions of the House; and how they have been affected by the way that the present Government has treated motions of the House passed on opposition days;
- The recent revival of the use of motions for the return of Government papers (the "humble address") and the tensions created between Parliament and the Government over the use of this procedure; and
- Whether, and if so, how the Fixed-term Parliaments Act 2011 may have altered the status and effect of confidence motions, one of the most crucial forms of expression of the opinion of the House.

3. The wider inquiry series, of which this is a part, seeks to examine the role of Parliament in the UK constitution. This includes looking at Parliament's relationship with Government, as well as the courts, and considers how these relationships might need to change.

4. This is an interim report intended to bring together the evidence the Committee has heard on confidence motions and the Fixed-term Parliaments Act 2011. Our intention in publishing this information in advance of a full report is to assist the House in a timely manner in the context of current events in Parliament.<sup>4</sup> The Committee will make a further report in due course.

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1 PACAC, "[Call for submissions on the status of resolutions in the House of Commons](#)", 13 September 2018.

2 PACAC, "[The Role of Parliament in the UK Constitution](#)", 13 September 2018.

3 Heather Stewart, '[Labour accuses Theresa May of 'stitch-up' over response to defeats](#)', Guardian, 26 October 2017

4 "[Labour will table no confidence motion in Theresa May's government if Brexit deal voted down in Commons, Keir Starmer says](#)", The Independent, 2 December 2018

## 2 The confidence relationship between Parliament and the Government

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5. The confidence relationship between Parliament and Government is a fundamental principle of the UK's system of parliamentary democracy.<sup>5</sup> The confidence relationship is essential not only to the UK political system but to parliamentary systems around the world.<sup>6</sup> In parliamentary systems, the executive is formed from the majority of the legislature by members of a single party or a group of parties. If the executive can command the votes necessary to support its actions, it is consequently understood to have the representative authority to govern. The principle of maintaining the confidence of the legislature is a constitutive feature of parliamentary democracy because it ensures that the executive is accountable to the legislature.<sup>7</sup> In the UK's bicameral system, this means maintaining the confidence of the elected House, the House of Commons. Professor Robert Blackburn, Professor of Constitutional Law, Kings College London, described the confidence relationship as “absolutely at the core of our system of parliamentary control over the Executive working in our non-separation-of-powers constitutional structure.”<sup>8</sup>

6. As the Cabinet Manual sets out in the section on the Principles of Government formation:

The ability of a government to command the confidence of the elected House of Commons is central to its authority to govern. It is tested by votes on motions of confidence, or no confidence.<sup>9</sup>

If the House of Commons as the elected House passes a vote of no confidence, the Government loses this authority to govern.<sup>10</sup> Professor Petra Schleiter, Professor of Comparative Politics, Oxford University, explained:

We are in a parliamentary democracy, which means that the Government holds office by virtue of its ability to command the confidence of Parliament. If it loses that confidence in a motion, however it may be worded, that Government loses the authority to govern.<sup>11</sup>

7. The effect of a vote of no confidence is to remove the authority to govern from the Government. The consequence of the House removing this authority to govern has by convention been that the Government either resigns and a new administration is formed, or seeks a dissolution of Parliament and a general election.

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5 [Q99](#); Professor Petra Schleiter ([SRH0004](#))

6 Philip Norton, *“The Fixed Term Parliament Act and Votes of Confidence”*, Parliamentary Affairs, Volume 69 (2016), p 3

7 Professor Petra Schleiter ([SRH0004](#))

8 [Q99](#)

9 Cabinet Office, [The Cabinet Manual: A guide to laws, conventions and rules on the operation of government](#), October 2011, Para 2.7

10 Philip Norton, *“The Fixed Term Parliament Act and Votes of Confidence”*, Parliamentary Affairs, Volume 69 (2016), p 4

11 [Q120](#) [Schleiter]



**8. The fact that the government of the day must retain the confidence of the House of Commons is the constitutional principle which determines the relationship between Parliament and Government. The Government's authority to govern is dependent on maintaining the confidence of the House of Commons. This principle remains fundamental to our system of Parliamentary democracy.**

### 3 The Fixed-term Parliaments Act 2011

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9. The main purpose of the Fixed-term Parliaments Act 2011 (FTPA) as set out in the explanatory notes to the Act was to fix the date for parliamentary general elections for the first Thursday in May every five years. The Rt Hon Mark Harper MP, Minister for Political and Constitutional Reform at the time of the passage of the Bill through Parliament, explained that the Act implemented a commitment made in the 2010 coalition agreement between the Conservative Party and the Liberal Democrats to remove the Prime Minister's power to bring about a general election.<sup>12</sup>

10. Before the passing of the Act, the power to dissolve Parliament rested with the Sovereign who, by modern convention, would do so only on the request of the Prime Minister. A Prime Minister could ask for dissolution at any time within the five-year period set out in the Septennial Act 1716, as amended by Section 7 of the Parliament Act 1911, which was repealed by the Act. As the FTPA explanatory notes set out, dissolution would now “occur automatically under the provisions of the Act” and the Queen's “residual power to dissolve Parliament” was removed.<sup>13</sup> The latter means that a Prime Minister is no longer able to request the Sovereign for dissolution of Parliament either at a time of their choosing, even following a vote of no confidence. The decision to dissolve Parliament is no longer a matter for the Royal Prerogative. A dissolution is determined by the statutory provisions of the Act.

11. The intention of the Act, Rt Hon Mark Harper MP told us in evidence, was not to change the UK into a political system, such as in the United States of America, where the election date is fixed with no possibility of an early election. The 2017 General Election illustrates his point. He told us that the FTPA sustains the fundamental principle where “the Government have to be able to command a majority in Parliament. If they cannot then an early general election is the proper response to that”.<sup>14</sup> In order to allow early elections, Section 2 of the Act provides for two means by which the House of Commons can bring about an early general election. These are explained below and set out in Figure 1.

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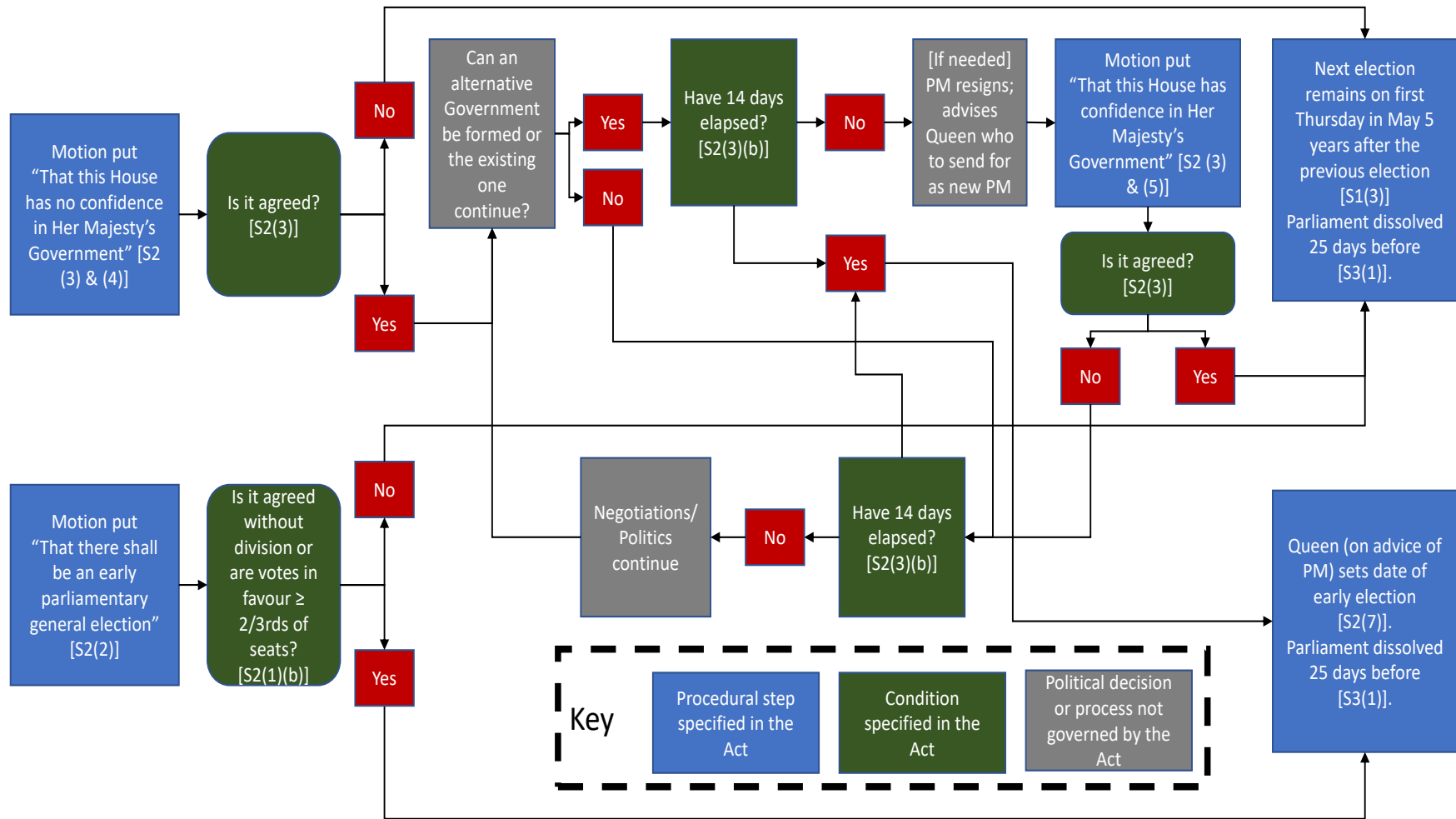
12 [Q200](#)

13 [Explanatory Notes to Fixed Term Parliament Act 2011](#), para 6

14 [Q200](#)

Figure 1: Routes to an early election under the Fixed-term Parliaments Act 2011

Routes to an early election under the Fixed-term Parliaments Act 2011



### Section 2(1)

12. Section 2(1) sets out how a general election can be brought about if the House passes the motion “That there shall be an early parliamentary general election”, provided it is carried by a number of votes equal to or greater than two thirds of the number of seats in the House, including vacant seats (434 in the current House).<sup>15</sup> This provision was used by the Government to call the 2017 General Election.<sup>16</sup>

### Section 2(3)

13. Under Section 2(3), a general election can also be brought about through a no confidence vote, where the House passes (by simple majority) the motion “That this House has no confidence in Her Majesty’s Government” and does not subsequently pass (by simple majority) the motion “That this House has confidence in her Majesty’s Government” within the following 14 calendar days. A general election is automatically brought about if this 14-day period expires.

14. The aspect of the confidence relationship between Parliament and the Government, whereby a vote of no confidence may lead to a general election, is reflected in Section 2(3). The Act provides for a 14-day period during which confidence in the existing Government could be re-established, or established in respect of a new government, by passing the prescribed motion of confidence. If confidence in the government is established within the 14 days, the procedure under the Act is deactivated, so there is no early general election and the Parliament resumes the rest of its five-year term.

15. The Act sets out the exact wording of both the no confidence and confidence motions which have effect under the Act.

### *No confidence motion, Section 2(4)*

“That this House has no confidence in Her Majesty’s Government.”

### *Confidence Motion, Section 2(5)*

“That this House has confidence in Her Majesty’s Government.”

16. The Clerk of the House described the setting out of the exact form of the motions in the Act as having established a “particular class of statutory motion”.<sup>17</sup> He said that the general legal view was that only these exact motions could engage the provisions of the Act. Motions using different words or even a motion which includes these exact words but with other words added before or after, to set out the reason for no confidence, would not on his understanding engage the terms of the Act.<sup>18</sup>

**17. The stated purpose of the Fixed-term Parliaments Act 2011 was to establish a fixed five-year cycle for elections and to place the power to call early elections with Parliament. General elections now occur, and can only be brought about under the Fixed-term Parliaments Act 2011. The power to call early general elections now rests**

15 If a motion is pressed to a division in the House.

16 [HC Deb, 19 April 2017, Vol 624, Col 681–712](#)

17 [Q51](#)

18 [Q51](#)

solely with the House of Commons. The Prime Minister can no longer call a general election without the House of Commons satisfying the provisions of the Act, because the power to dissolve Parliament is no longer a power held by the Sovereign.

18. The Act sets out two procedures under which an early general election can take place. First, under section 2(1), there can be an early general election if at least two thirds of the Members of the House of Commons pass the motion defined in the Act in favour of an early general election. Alternatively, under Section 2(3), the House can pass the motion of no confidence as defined in the Act, and if the House cannot pass a motion of confidence in the same, or a new, administration within 14 days, then the loss of confidence in the Government leads to an early general election.

19. There is a general legal view that if a motion using other words to express no confidence, or a motion using the words from the Act, but with the addition of any other words, is passed, this would not engage the provisions of the Act and as such cannot bring about a general election. However, this could be tested in the courts, because it is a statutory provision. To clarify this the House could adopt a resolution that establishes that, in the view of the House, only motions consisting solely of the words specified in S2(4) & (5) are motions that would engage S2(3) of the Fixed-terms Parliaments Act 2011. This would be a matter for the Procedure Committee.

### *Possible misuse of Section 2(3)*

20. As set out above, if a Government wishes to call an early general election, the Act requires a majority of two-thirds of the Members of the House under the Section 2(1) procedure. It was this procedure that was used by the Prime Minister in 2017 to bring about an early general election. However, the second route to an early general election through a no confidence motion under Section 2(3) occurs on a simple majority of the House of Commons. This has raised the possibility, however unlikely, that a Government faced with a House of Commons unwilling to pass the section 2(1) motion by the necessary two-thirds majority could circumvent the requirement for a two-thirds majority by tabling a no confidence motion in itself under Section 2(3) and then whipping its Members to vote for the motion. The Government could then wait out the 14-day period and bring about a general election on a simple majority, essentially “gaming” the Act.

21. This concern was raised during the passage of the Act and Rt Hon Mark Harper MP, in his then capacity as the Minister for Political and Constitutional reform, said that it would be “absolutely unconstitutional” for a Prime Minister to behave that way. Mr Harper stood by these comments in evidence to the inquiry, and said that while it would be “legally permissible”, taking this route would be “running against the spirit of the legislation and would not be something that would be appropriate”. He stated that the main check on this occurring was a political one as he suggested the “public would not respond well to a Government behaving in that way.”<sup>19</sup>

22. The Leader of the House, when asked about this potential loophole in the Act, did not seem to share Mr Harper’s view that a government moving a no confidence motion in itself in order to circumvent the requirement for a two-thirds majority would be unconstitutional. She said:

What I would say there is that this Act is binding on all and therefore any no confidence motion under that Act would be constitutional by definition, because it is part of a legally binding Act of Parliament. I would say that any no confidence motion under the Fixed-term Parliaments Act by definition has statutory effect and is therefore constitutional.<sup>20</sup>

**23. We agree with the view expressed by Rt Hon Mark Harper MP that a governing party seeking to bring about a general election through the “no confidence” mechanism provided by Section 2(3) of the Fixed-term Parliaments Act 2011 in order to circumvent the requirement for a majority of at least two-thirds under the Section 2(1) risks a political penalty at the ballot box; and this is likely to be enough of a deterrent to prevent any Government from using section 2(3) to bring about a general election. It is our view that, while legally possible, it would be entirely inappropriate for a Government to use the simple majority route to a general election under section 2(3) to circumvent the requirement for a two-thirds majority in Section 2(1). However, it must be accepted that there is nothing in law to prevent such an abuse.**

### *The 14-day period*

24. What occurs during the 14-day period following a statutory no confidence motion under the FTPA is not addressed by the Act. Dr Blick described the silence of the Act on the 14-day period as being a difficulty that has created confusion.<sup>21</sup>

25. The Clerk of the House indicated that, aside from the prescribed motions, what occurs during the 14 days was a political and not a procedural question. From the procedural point of view, a motion in the form set out in Section 2(4) would be agreed to, then there would be the 14-day interval during which time the House could pass the motion in the form set out in Section 2(5) expressing confidence in the Government, effectively neutralising the previous motion.<sup>22</sup>

26. When asked if the Prime Minister would be under a duty to resign and to advise the Sovereign to send for the Leader of the Opposition, if it was clear that the Opposition could form a Government, rather than wait 14 days to bring about an early election, the Leader of the House said:

Under the Fixed-term Parliaments Act, the Government, if they have lost a no confidence motion, would have 14 calendar days in which to pass a confidence in the Government motion. If they fail to do that, that then leads to a general election. You are speculating on a very complex alternative, but the fact is that it is for a confidence motion in Her Majesty’s Government within 14 days and you will appreciate that Her Majesty’s Government in spite of having lost a no confidence vote would still be Her Majesty’s Government at that point.<sup>23</sup>

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20 [Q269](#)

21 [Q118](#)

22 [Qq59–60](#)

23 [Q271](#)

Writing to follow up on her evidence the Leader of the House further clarified:

For a motion of confidence to have statutory effect, it must be a vote of confidence “in her Majesty’s Government”. Therefore, for an [early] election to be stopped, the vote of confidence would have to be in the appointed Government. Any alternative government would have to have been appointed before a motion under the terms of the Act could be passed to stop an election.<sup>24</sup>

27. The Leader of the House said that the Act is clear that the motion of confidence is in Her Majesty’s Government. As such, for an alternative Government to establish the confidence of the House the existing Government would have to resign, and the Sovereign send for a new Prime Minister. Only then could the new Government put down the confidence motion and stop the 14-day clock. We do emphasise that, in law, the House could pass the statutory motion of confidence in any government at any time, if it wanted to stop the 14 day clock.

28. Rt Hon Mark Harper MP said that, from his recollection of what was said at the time the Bill was making its passage through Parliament, the view was that there would be “political discussion” during the 14-day period. He continued:

Clearly what occurs between that period—to go from having lost a motion of no confidence to being able to win a motion of confidence—is a political process. It will depend to some extent on the balance of forces in the House, whether it is because the Government do not have enough Members of Parliament or because a number of Members of the governing party have voted in a particular way. They are all political questions and the circumstances will vary.<sup>25</sup>

He also sounded a note of caution, saying:

However, as to what exactly would happen, that would be a political question. It would be somewhat uncertain, and anyone voting against the Government in a motion of no confidence—who actually wished the Government well—ought to be minded to think about how uncertain that process would be. However, I think it would be a political question, not set out in the Act.<sup>26</sup>

29. Ultimately, as Mr Harper told us, the Sovereign decides who to send for to attempt to form a government. The Sovereign would need to be given clear advice that a new Prime Minister could command the confidence of the House. Considering the prospect of several opposition parties grouping together, Mr Harper said:

If that group of Opposition parties publicly set out a position that they would support a particular individual to be Prime Minister and they together commanded a majority, there would be a very clear choice there,

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24 Letter from the Leader of the House, 4 December 2018

25 [Q202](#)

26 [Q202](#)

but that may not be the case. Therefore it would be a very uncertain process and would ultimately be a political process. That is not set down in the Fixed-term Parliaments Act at all.<sup>27</sup>

30. One of the most important things that MPs must think about during this period, he pointed out, is that Her Majesty should not be drawn into the political debate. Mr Harper praised the way that Prime Minister Gordon Brown handled the transition from one administration to the next in 2010, even when there was criticism that Mr Brown was remaining in the position too long. Mr Harper said that he thought Mr Brown stayed “in post long enough to be able to give Her Majesty a clear recommendation, as is his constitutional duty, about the person she should send for to form a Government.”<sup>28</sup> The Cabinet Manual states in paragraph 2.10:

The application of these principles depends on the specific circumstances and it remains a matter for the Prime Minister, as the Sovereign’s principal adviser, to judge the appropriate time at which to resign, either from their individual position as Prime Minister or on behalf of the government. Recent examples suggest that previous Prime Ministers have not offered their resignations until there was a situation in which clear advice could be given to the Sovereign on who should be asked to form a government.<sup>29</sup>

31. The Cabinet Manual also says:

In modern times the convention has been that the Sovereign should not be drawn into party politics, and if there is doubt it is the responsibility of those involved in the political process, and in particular the parties represented in Parliament, to seek to determine and communicate clearly to the Sovereign who is best placed to be able to command the confidence of the House of Commons.<sup>30</sup>

32. If, following a vote of no confidence, there is a person who could clearly command the confidence of the House, the Cabinet Manual makes clear the Prime Minister is expected to resign.<sup>31</sup> If there is not a clear alternative, the Cabinet Manual advises that “Where a range of different administrations could be formed, discussions may take place between political parties on who should form the next government.” It then refers the reader to the guidance on what should occur following a general election where no party wins a majority of seats.

33. This guidance states that if the leaders of the parties involved in negotiations seek the support of the civil service, this can be arranged with the authorisation of the Prime Minister, and any support would be provided on an equal basis to all parties. The civil service would advise the incumbent Government in the usual way. Essential business would continue to be done by the Government; however, restrictions would be placed on Government activity beyond this. In particular new actions of a continuing or long-term

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27 [Q204](#)

28 [Q202](#)

29 Cabinet office, [The Cabinet Manual](#), October 2011 para 2.10

30 Cabinet office, [The Cabinet Manual](#), October 2011 para 2.9

31 *ibid* para 2.19



character would not be expected to occur.<sup>32</sup> This is sometimes referred to as the caretaker convention, and implies a duty to keep the country running, but not to make any long-lasting decisions, as the authority to govern has been removed.<sup>33</sup>

34. **The Fixed-term Parliaments Act 2011 provides legal certainty only about certain matters. It is silent on what might occur during the 14-day period following a statutory vote of no confidence under Section 2(3). This is to some extent inevitable because what occurs during this period will depend on the circumstances that led to the vote of no confidence. As the Clerk of the House told us, what occurs during the 14-day period is matter of politics and not procedure. The 14-day period allows time for confidence in Her Majesty's Government to be re-established. Whether this is done through a change in personnel, policy or party is entirely a matter for the political process.**

35. **The Cabinet Manual is a helpful guide on what should occur. It is clear that, during the 14-day period following a vote of no confidence under Section 2(3), the Prime Minister is under a duty not to resign unless and until it is clear another person commands the confidence of the House. It is also clear that in the event that it becomes apparent that another person could command the confidence of the House the Prime Minister would be expected to resign. Not to resign in such a circumstance would risk drawing the Sovereign in to the political process, something the Cabinet Manual is very clear should not occur.**

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32 Cabinet office, [The Cabinet Manual](#), October 2011 para 2.12–16, 2.27–2.29, 2.31

33 [Q119](#) [Blick]; [Q120](#) [Schleiter]

## 4 How the convention on confidence in the Government operated before the Fixed-term Parliaments Act 2011

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36. While in countries with codified constitutions the rules for confidence votes are set out in law, in the UK they operated until 2011 solely on the basis of convention. The Clerk of the House told us that there were no formal procedures surrounding what are referred to as confidence motions; they are resolutions of the House and as such are expressions of “the House’s opinion” and have “political force”.<sup>34</sup> Lord Norton of Louth has written that while before 2011 there was no legal or procedural requirement for a government to resign or a dissolution of Parliament to be sought following a vote of no confidence, the political consequences of not doing so would have made governing “virtually impossible”.<sup>35</sup> He added that conventions such as those surrounding confidence “are complied with because of a moral imperative”; or, as David Feldman has written, “They are obeyed because they encapsulate right behaviour”.<sup>36</sup>

37. While there was no legal obligation on a government to follow the convention and resign or call a general election following a vote of no confidence, Dr Andrew Blick, Director of the Centre for British Politics and Government, King’s College London, told us that this would remove a convention without which “we are not a democracy”.<sup>37</sup> A government which held office after its authority to govern was removed would be acting against the express will of the democratically elected House. Dr Blick continued “[a] Government has to command the confidence of the House of Commons, because that is the essence of our democracy.”<sup>38</sup> A government continuing against the will of the House would also find it effectively impossible to govern, as Parliament controls the Government’s ability to raise taxes and spend money.

38. Before the introduction of the Fixed-term Parliaments Act 2011, there were three routes to address matters of confidence: motions of no confidence, motions of confidence, and motions on substantive issues to which the issue of confidence was attached.

### *Motions of no confidence*

39. The first route was through explicitly-worded motions, usually initiated by the Opposition (as a potential Government in waiting), that sought to express the opinion of Parliament that the Government no longer has the confidence of the House. For example, on 28 March 1979, the Leader of the Opposition, Margaret Thatcher, successfully moved the motion “That this House has no Confidence in Her Majesty’s Government”, which was agreed to and led to the General Election of 1979.<sup>39</sup> Another example occurred on 27 March 1991, when the Leader of the Opposition, Neil Kinnock, moved the motion “That

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34 [Qq52–53](#)

35 Philip Norton, “*The Fixed Term Parliament Act and Votes of Confidence*”, Parliamentary Affairs, Volume 69 (2016), P 4

36 Philip Norton, “*The Fixed Term Parliament Act and Votes of Confidence*”, Parliamentary Affairs, Volume 69 (2016), P 4–5; David Feldman, ‘Constitutional Conventions’. In Qvortrup, M. (ed.) *The British Constitution: Continuity and Change*, (Oxford, 2016)

37 [Q102](#) [Blick]

38 [Q102](#) [Blick]

39 HC Deb, 28 March 1979, Col [461–590](#)

this House has no confidence in Her Majesty's Government in the light of its inability to rectify the damage done to the British people by the poll tax"; though this time the vote was lost.<sup>40</sup>

### *Motions of confidence*

40. The second route to addressing matters of confidence before the Fixed-term Parliaments Act 2011 was through an explicitly-worded motion of confidence, initiated by the Government, which expressed the House's confidence in Her Majesty's Government. This route was often used when a government lost a vote of substance and wanted to re-establish its authority to govern. For example, on 14 September 1979, Prime Minister James Callaghan moved the motion "That this House expresses its confidence in Her Majesty's Government and in its determination to strengthen the national economy, control inflation, reduce unemployment and secure social justice." This followed two defeats the previous day on the Government counter-inflation policy.<sup>41</sup> Similarly, in July 1993 Prime Minister John Major moved the motion "That this House has confidence in Her Majesty's Government on the adoption of the Protocol on Social Policy", following a defeat the previous day in a vote on that policy.<sup>42</sup> On both occasions the motion was approved by the House and the Prime Minister remained in office.

### *Confidence attached to substantive issues*

41. The third route to addressing issues of confidence is when the question of confidence is attached to a motion on a substantive issue. This would occur where a government decided, and announced in advance, that a particular policy was so central to its programme for government that, if it failed to secure the support of the House in a motion concerning that policy, it would be difficult for the government to remain in office. In such cases before the FTPA, the Prime Minister made clear in advance that the consequences of losing such a vote would be either the resignation of the government or the dissolution of Parliament, followed by a general election (which was at the time within their power to do). Designating an issue as one of confidence in this manner maximised the government's strength among its own numbers to pass a vote, as Members of Parliament in the governing party or parties were likely to want to avoid a resignation or especially a general election. For example, in 1972 Prime Minister Edward Heath indicated that, if the European Communities Bill was not given a second reading, he would seek a dissolution of Parliament.<sup>43</sup>

42. This category also includes what are sometimes called implicit votes of confidence, referring to notable votes such as those on the Queen's Speech or the Budget. However, reservations have been expressed about the extent to which these votes actually test the confidence of the House, although in the case of the outright denial of supply by the House of Commons, continuation of the government would become impossible. A House of Commons Library Note describes as "speculative" whether these notable votes are tests of the confidence of the House in the same way as explicit motions of confidence.<sup>44</sup>

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40 HC Deb, 27 March 1991, Col [963–1053](#)

41 HC Deb, 14 December 1978, Col [920–1049](#) [Commons Chamber]

42 HC Deb, 23 July 1993, col [625–724](#) [Commons Chamber]; HC Deb, 22 [519–612](#) July 1993, col [Commons Chamber]

43 HC Deb, 17 Feb 1972, col [752–753](#) [Commons Chamber]

44 Confidence Motions, Standard Note [SN/PC/2873](#), House of Commons Library 13 May 2013

## 5 The effect of Fixed-term Parliaments Act 2011 on the convention of confidence in the Government

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43. Seven years on from the enactment of the FTPA, questions have been raised about the extent to which the Act has affected the previously existing confidence conventions; and to what extent new conventions have arisen to guide the proper use of the provisions of the Act.

44. Some have expressed the view that, because Section 2(3) sets out in statute the exact wording of a confidence motion that can lead to a general election, this is the only effective way that a government could lose the confidence of the House. This was the view of Rt Hon Mark Harper MP, who said:

“it is very clear from the Act that the only thing that is a confidence motion—a motion that if lost would lead to the fall of the Government and the triggering of a general election—is a motion in the terms laid down in the Act.”

45. He said that if a motion does not fulfil exactly the wording set out in the Act “then it is not a confidence motion” and added that there may be “a political effect of the Government losing [a motion outside the terms of the Act] but there is no legal effect. It is only a confidence motion if it is in the terms set down in the Act.”<sup>45</sup>

46. The Leader of the House expressed a similar view when giving evidence to this Committee about confidence votes outside the terms of the Act. She said:

The Act has changed constitutional practice, so it has replaced previous conventions and it has codified how motions of no confidence operate in future... It is only the case that a no confidence motion can be considered as having statutory effect if it is brought forward under the Fixed-term Parliaments Act... If anybody wanted to dispute that, then they would need to test that motion under the terms of the Act, not under any other terms.<sup>46</sup>

47. When asked about what effect a motion expressing the loss of confidence of the House outside the terms of the Act might be, the Leader of the House said: “it might have political effect but it would not have statutory effect. It is only a no confidence motion under the terms of the Act.”<sup>47</sup>

48. The position the coalition Government expressed in 2011 during the Bill’s parliamentary stages, however, suggests that this was not the intention behind the Act. In its response to the Political and Constitutional Reform Committee’s Report, *Fixed-term Parliaments Bill*, the Government said that the intention of the Bill was to establish parliamentary fixed terms and the procedures for calling extraordinary elections; and beyond this the Government clearly stated that:

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45 [Q220](#)

46 [Qq263–265](#)

47 [Q268](#)

The aim of the Bill is not otherwise to interfere with the conventions which govern the position where the Government loses the confidence of the House. The Government considers that such matters are better left to convention.<sup>48</sup>

49. This was also the contemporary interpretation of the Act expressed by Professor Blackburn, who said the “the status and effect of a no confidence motion remains largely as it was prior to the Act”.<sup>49</sup> He went on to state that:

... if a motion falls within the terms of the Act, the provisions of the Act apply and those are statutory. Any other type of motion will have exactly the same effect that it would have had before, and the effects are political.<sup>50</sup>

Professor Schleiter agreed with this analysis and said that a motion of no confidence which was outside the terms of the Act, but which was understood to be a motion of confidence under the pre-existing conventions around confidence, “would still withdraw the authority of the Government to govern”.<sup>51</sup> Dr Blick also held this view and added that, while there was clearly some scope for debate about what does or does not count as a confidence vote, this has always been the case. For him, if a motion was very clearly pointing towards the withdrawal of confidence, it would be very difficult for the Government to continue.<sup>52</sup> All three said that a confidence vote is about the removal of authority to govern, and this is removed not by statute but by the expression of opinion of the House, a resolution.

50. Addressing the issue of implicit votes of confidence such as the Queen’s Speech or Budget votes, Professor Blackburn and Professor Schleiter said that, before the FTPA, these votes could be (but were not necessarily) matters of confidence; and this depended on the political circumstances surrounding the vote. They asserted that this was also the situation after the FTPA.<sup>53</sup> While a government might be able to accept amendments on these votes, it would be a very different political context if they simply could not pass a Budget or their programme for government as set out in the Queen’s Speech. Dr Andrew Blick said that withholding a Budget has been viewed as the “reserve deterrent” or “nuclear option” for the House Commons if, after expressing a lack of confidence, the Government refuses to leave.<sup>54</sup> Under an Act no confidence motion, the Government would no longer be able to resist the will of the House, because a general election will automatically be brought about after 14 days in the absence of the required confidence motion. However, this reserve deterrent of withholding a Budget could still be used to deal with a Government refusing to resign following a no confidence vote outside the terms of the Act.

### *The Cabinet Manual*

51. The Cabinet Manual provides, as Dr Blick described it in evidence to the Committee, “the Executive’s view of our Constitution”; and, while it is not the decisive voice on the constitution, it provides an important voice of guidance on many issues.<sup>55</sup> The Leader of

48 [Government response to the report of the Political and Constitutional Reform Committee on the Fixed-term Parliaments Bill](#), Cm 795, November 2010, para 56

49 [Q100](#)

50 [Q101](#) [Blackburn]

51 [Q101](#) [Schleiter]

52 [Q103](#)

53 [Q122](#) [Schleiter]; [Q122](#) [Blackburn]

54 [Q122](#) [Blick]

55 [Q103](#)

the House has said it is intended to “serve as a ‘guide to laws, conventions and rules on the operation of government’. The Cabinet Manual is a record of those rules and practices and not the source of any rule.”<sup>56</sup>

52. The Manual is clear on the importance of the confidence relationship between Parliament and the Government. Chapter 2 of the Manual, which deals with elections and government formation, begins by stating that:

A government holds office by virtue of its ability to command the confidence of the House of Commons, chosen by the electorate in a general election.

53. It sets out not only that the authority to govern is derived from the confidence of the House, but also that, in the event of the Prime Minister resigning, the test of who should be invited to be the next Prime Minister is “the person who appears most likely to be able to command the confidence of the House”.<sup>57</sup> Dr Blick told us that the statements on confidence throughout the Cabinet Manual imply that confidence is not entirely encapsulated by the 2011 Act and retains a wider existence”.<sup>58</sup>

54. Paragraph 2.19 of the Cabinet Manual deals explicitly with the FTPA and confidence motions and makes clear that motions outside of the Act can still be considered as confidence motions. It says that, while the decisions of the House which were previously regarded as expressing confidence can no longer “enable or require the Prime Minister to hold a general election”, the Prime Minister “is expected to resign where it is clear that he or she does not have the confidence of the House of Commons and that an alternative government does have the confidence”.<sup>59</sup> Dr Blick argues that this along with many of the other statements in the Manual are clearly best understood if they are taken to include expressions of confidence both under the Act and outside those terms. This view is supported by the listing of the Queen’s Speech as a test of a Government’s ability to command the confidence of the House following an election.<sup>60</sup>

### *Procedure*

55. Motions of no confidence and votes on these motions are not part of the procedures or Standing Orders of the House, rather the procedures of the House may be used by Members of the House to express whether they have confidence in the Government, either through a no confidence motion, or through attaching the issue of confidence to a vote on something else. The Clerk of the House said it is “possible to put down a no confidence motion in other terms than those in the Act”.<sup>61</sup> He explained that “passing a non-statutory binding motion” would be “the House’s opinion and it has political force.”<sup>62</sup> He further said he could

... imagine a politically extremely damaging motion being passed, effectively of no confidence either in the Government or in a specific Minister or Ministers that had a massive political effect but did not trigger the terms of the Act.<sup>63</sup>

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56 Letter from the Leader of the House, 4 December 2018

57 Cabinet office, [The Cabinet Manual](#), October 2011 para 2.8

58 Dr Andrew Blick (SRH0008)

59 Cabinet office, [The Cabinet Manual](#), October 2011 para 2.19

60 Cabinet office, [The Cabinet Manual](#), October 2011, Annex

61 [Q51](#)

62 [Q52](#)

63 [Q51](#)



56. The confidence of the House has always been a political and not a procedural issue. The Clerk of the House said that including the wording for confidence motions in the Act has created the potential that confidence motions could be a legal issue, but they are still not an issue of procedure. When asked whether a Prime Minister could still declare an issue a matter of confidence, the Clerk of the House confirmed that this would have no formal procedural effect, and said:

The declaration, which sounds by now almost old fashioned, that this is a matter of confidence I take to be something to do with whipping, and I know very little about that. Whoever brings forward any motion, what the Whips tell you is between them and you<sup>64</sup>

57. **There is no reason why the principle that the government of the day must retain the confidence of the House of Commons should have altered. It continues to operate through convention, as it has for a long time. The Cabinet Manual reflects the established consensus and makes clear that this relationship remains central to our system of parliamentary democracy. The principle, if not the mechanics, of establishing authority to govern, which underpins this relationship, is unchanged by the Fixed-term Parliaments Act 2011.**

58. **The stated purpose of the Fixed-term Parliaments Act 2011 was to establish fixed five-year election cycles, but it also provides for an early general election to be called. It is clear that the Act was not intended to supersede other means by which the House could express its confidence in the Government. The House is free to express its confidence in the Government, or not, in any manner it chooses. It is a misconception that the mechanism for bringing about an early general election provided by Section 2(3) of the Fixed-term Parliaments Act 2011 has superseded the pre-existing conventions around the confidence of the House in the Government. It is correct that only a motion in the terms of the Act could invoke the statutory provisions leading to a general election. However, the Act in no way affects the fundamental principle that the Government's authority to govern rests on the confidence of the House, however it chooses to express it.**

59. **If the House of Commons resolves, by whatever means, that it has no confidence in Her Majesty's Government, this removes the incumbent administration's authority to govern. It is for Parliament, not the Government, to assert the terms under which this confidence (or lack thereof) is expressed. This can be through the Fixed-term Parliaments Act 2011 statutory motion, or through a non-statutory motion of no confidence, or through a vote to which the matter of confidence has been clearly attached by the Government. Any expression of no confidence by the House in the government, removes the authority to govern.**

60. **The Fixed-term Parliaments Act 2011 provides the only means of bringing about an early general election. Outside the terms of the Act, if the House were to express no confidence in the Government, unless that authority could be restored, the Prime Minister would be expected to give notice that he or she will resign, but only when he or she is in a position to recommend to the Sovereign an alternative person to form a new administration. In the event that no alternative person can be found, it remains available to the House to bring about an early general election under section 2(1) of the Act.**

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64 [Qq53-54](#)

## Conclusions

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### The confidence relationship between Parliament and the Government

1. The fact that the government of the day must retain the confidence of the House of Commons is the constitutional principle which determines the relationship between Parliament and Government. The Government's authority to govern is dependent on maintaining the confidence of the House of Commons. This principle remains fundamental to our system of Parliamentary democracy. (Paragraph 8)

### The Fixed-term Parliaments Act 2011

2. The stated purpose of the Fixed-term Parliaments Act 2011 was to establish a fixed five-year cycle for elections and to place the power to call early elections with Parliament. General elections now occur, and can only be brought about under the Fixed-term Parliaments Act 2011. The power to call early general elections now rests solely with the House of Commons. The Prime Minister can no longer call a general election without the House of Commons satisfying the provisions of the Act, because the power to dissolve Parliament is no longer a power held by the Sovereign. (Paragraph 17)
3. The Act sets out two procedures under which an early general election can take place. First, under section 2(1), there can be an early general election if at least two thirds of the Members of the House of Commons pass the motion defined in the Act in favour of an early general election. Alternatively, under Section 2(3), the House can pass the motion of no confidence as defined in the Act, and if the House cannot pass a motion of confidence in the same, or a new, administration within 14 days, then the loss of confidence in the Government leads to an early general election. (Paragraph 18)
4. There is a general legal view that if a motion using other words to express no confidence, or a motion using the words from the Act, but with the addition of any other words, is passed, this would not engage the provisions of the Act and as such cannot bring about a general election. However, this could be tested in the courts, because it is a statutory provision. To clarify this the House could adopt a resolution that establishes that, in the view of the House, only motions consisting solely of the words specified in S2(4) & (5) are motions that would engage S2(3) of the Fixed-term Parliaments Act 2011. This would be a matter for the Procedure Committee. (Paragraph 19)
5. We agree with the view expressed by Rt Hon Mark Harper MP that a governing party seeking to bring about a general election through the "no confidence" mechanism provided by Section 2(3) of the Fixed-term Parliaments Act 2011 in order to circumvent the requirement for a majority of at least two-thirds under the Section 2(1) risks a political penalty at the ballot box; and this is likely to be enough of a deterrent to prevent any Government from using section 2(3) to bring about a general election. It is our view that, while legally possible, it would be entirely inappropriate for a Government to use the simple majority route to a general



election under section 2(3) to circumvent the requirement for a two-thirds majority in Section 2(1). However, it must be accepted that there is nothing in law to prevent such an abuse. (Paragraph 23)

6. The Fixed-term Parliaments Act 2011 provides legal certainty only about certain matters. It is silent on what might occur during the 14-day period following a statutory vote of no confidence under Section 2(3). This is to some extent inevitable because what occurs during this period will depend on the circumstances that led to the vote of no confidence. As the Clerk of the House told us, what occurs during the 14-day period is matter of politics and not procedure. The 14-day period allows time for confidence in Her Majesty's Government to be re-established. Whether this is done through a change in personnel, policy or party is entirely a matter for the political process. (Paragraph 34)
7. The Cabinet Manual is a helpful guide on what should occur. It is clear that, during the 14-day period following a vote of no confidence under Section 2(3), the Prime Minister is under a duty not to resign unless and until it is clear another person commands the confidence of the House. It is also clear that in the event that it becomes apparent that another person could command the confidence of the House the Prime Minister would be expected to resign. Not to resign in such a circumstance would risk drawing the Sovereign in to the political process, something the Cabinet Manual is very clear should not occur. (Paragraph 35)

### How the convention on confidence in the Government operated before the Fixed-term Parliaments Act 2011

8. There is no reason why the principle that the government of the day must retain the confidence of the House of Commons should have altered. It continues to operate through convention, as it has for a long time. The Cabinet Manual reflects the established consensus and makes clear that this relationship remains central to our system of parliamentary democracy. The principle, if not the mechanics, of establishing authority to govern, which underpins this relationship, is unchanged by the Fixed-term Parliaments Act 2011. (Paragraph 57)
9. The stated purpose of the Fixed-term Parliaments Act 2011 was to establish fixed five-year election cycles, but it also provides for an early general election to be called. It is clear that the Act was not intended to supersede other means by which the House could express its confidence in the Government. The House is free to express its confidence in the Government, or not, in any manner it chooses. It is a misconception that the mechanism for bringing about an early general election provided by Section 2(3) of the Fixed-term Parliaments Act 2011 has superseded the pre-existing conventions around the confidence of the House in the Government. It is correct that only a motion in the terms of the Act could invoke the statutory provisions leading to a general election. However, the Act in no way affects the fundamental principle that the Government's authority to govern rests on the confidence of the House, however it chooses to express it. (Paragraph 58)
10. If the House of Commons resolves, by whatever means, that it has no confidence in Her Majesty's Government, this removes the incumbent administration's authority to govern. It is for Parliament, not the Government, to assert the terms under which

this confidence (or lack thereof) is expressed. This can be through the Fixed-term Parliaments Act 2011 statutory motion, or through a non-statutory motion of no confidence, or through a vote to which the matter of confidence has been clearly attached by the Government. Any expression of no confidence by the House in the government, removes the authority to govern. (Paragraph 59)

11. The Fixed-term Parliaments Act 2011 provides the only means of bringing about an early general election. Outside the terms of the Act, if the House were to express no confidence in the Government, unless that authority could be restored, the Prime Minister would be expected to give notice that he or she will resign, but only when he or she is in a position to recommend to the Sovereign an alternative person to form a new administration. In the event that no alternative person can be found, it remains available to the House to bring about an early general election under section 2(1) of the Act. (Paragraph 60)

# Formal minutes

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## Monday 4 December 2018

Members Present

Sir Bernard Jenkin, in the Chair

Mr Marcus Fysh            Dr Rupa Huq  
Dame Cheryl Gillan      Mr David Jones  
Kelvin Hopkins

### 1. Status of Resolutions of the House of Commons

The Committee considered this matter.

[Adjourned till Monday 10 December 2018 at 2pm]

## Monday 10 December 2018

Members Present

Sir Bernard Jenkin, in the Chair

Ronnie Cowan            Kelvin Hopkins  
Dame Cheryl Gillan      Mr David Jones

### 1. Status of Resolutions of the House of Commons

Draft Report (*The Role of Parliament in the UK Constitution Interim Report The Status and Effect of Confidence Motions and the Fixed-term Parliaments Act 2011*) proposed by the Chair, brought up and read.

*Ordered*, That the Report be read a second-time, paragraph by paragraph.

Paragraphs 1 to 60 agreed to.

Figure 1 agreed to.

Summary agreed to.

*Resolved*, That the Report be the Fourteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the report may be provided [Standing Order 134]

[Adjourned till Thursday 13 December at 9.00am]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 23 October 2018

**Sir David Natzler**, Clerk of the House of Commons, **Mark Hutton**, Clerk of the Journals, House of Commons, **Professor Petra Schleiter**, Professor of Comparative Politics, University of Oxford, **Professor Robert Blackburn QC**, Professor of Constitutional Law, Kings College London, **Dr Andrew Blick**, Director, Centre for British Politics and Government, Kings College London

[Q1–135](#)

### Tuesday 30 October 2018

**Rt Hon Dame Margaret Beckett MP**, Former Leader of the House of Commons 1998–2001

[Q136–192](#)

### Monday 5 November 2018

**Rt Hon Mark Harper MP**, former Government Chief Whip

[Q193–228](#)

### Monday 19 November 2018

**Rt Hon Andrea Leadsom MP**, Leader of the House of Commons

[Q229–296](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

SRH numbers are generated by the evidence processing system and so may not be complete.

- 1 Blackburn, Professor Robert ([SRH0005](#))
- 2 Blick, Dr Andrew ([SRH0008](#))
- 3 Craig, Robert ([SRH0002](#))
- 4 Davis, Dr Fergal F ([SRH0006](#))
- 5 Defty, Dr Andrew ([SRH0003](#))
- 6 Howe, Martin ([SRH0007](#))
- 7 Prescott, Dr Craig ([SRH0001](#))
- 8 Schleiter, Professor Petra ([SRH0004](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website.

### Session 2017–19

First Report	Devolution and Exiting the EU and Clause 11 of the European Union (Withdrawal) Bill: Issues for Consideration	HC 484
Second Report	Parliamentary Boundary Reviews: What Next?	HC 559 (HC 1072)
Third Report	PHSO Annual Scrutiny 2016–17	HC 492 (HC 1479)
Fourth Report	Ensuring Proper Process for Key Government Decisions: Lessons Still to be Learned from the Chilcot Report	HC 854 (HC 1555)
Fifth Report	The Minister and the Official: The Fulcrum of Whitehall Effectiveness	HC 497
Sixth Report	Accounting for Democracy Revisited: The Government Response and Proposed Review	HC 1197
Seventh Report	After Carillion: Public sector outsourcing and contracting	HC 748 (HC 1685)
Eighth Report	Devolution and Exiting the EU: reconciling differences and building strong relationships	HC 1485 (HC 1574)
Ninth Report	Appointment of Lord Bew as Chair of the House of Lords Appointments Commission	HC 1142
Tenth Report	Pre-Appointment Hearings: Promoting Best Practice	HC 909 (HC 1773)
Eleventh Report	Appointment of Mr Harry Rich as Registrar of Consultant Lobbyists	HC 1249
Twelfth Report	Appointment of Lord Evans of Weardale as Chair of the Committee on Standards in Public Life	HC 930 (HC 1773)
Thirteenth Report	A smaller House of Lords: The report of the Lord Speaker's committee on the size of the House	HC 662
First Special Report	Will the NHS never learn? Follow-up to PHSO report 'Learning from Mistakes' on the NHS in England: Government Response to the Committee's Seventh Report of Session 2016–17	HC 441
Second Special Report	The Future of the Union, part two: Inter-institutional relations in the UK: Government Response to the Sixth Report from the Committee, Session 2016–17	HC 442
Third Special Report	Lessons still to be learned from the Chilcot inquiry: Government Response to the Committee's Tenth Report of Session 2016–17	HC 708

Fourth Special Report	Government Response to the Committee's Thirteenth Report of Session 2016–7: Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action	HC 731
Fifth Special Report	Parliamentary Boundary Reviews: What Next?: Government Response to the Committee's Second Report	HC 1072
Sixth Special Report	PHSO Annual Scrutiny 2016–17: Government and PHSO Response to the Committee's Third Report	HC 1479
Seventh Special Report	Ensuring Proper Process for Key Government Decisions: Lessons Still to be Learned from the Chilcot Report: Government Response to the Committee's Fourth Report	HC 1555
Eighth Special Report	Government Response to the Committee's Eighth Report: Devolution and Exiting the EU: reconciling differences and building strong relationships	HC 1574
Ninth Special Report	Government Response to the Committee's Seventh Report: After Carillion: Public sector outsourcing and contracting	HC 1685
Tenth Special Report	Government Response to the Committee's Tenth Report: Pre-Appointment Hearings: Promoting Best Practice, and to the Committee's Twelfth Report: Appointment of Lord Evans of Weardale as Chair of the Committee on Standards in Public Life	HC 1773