

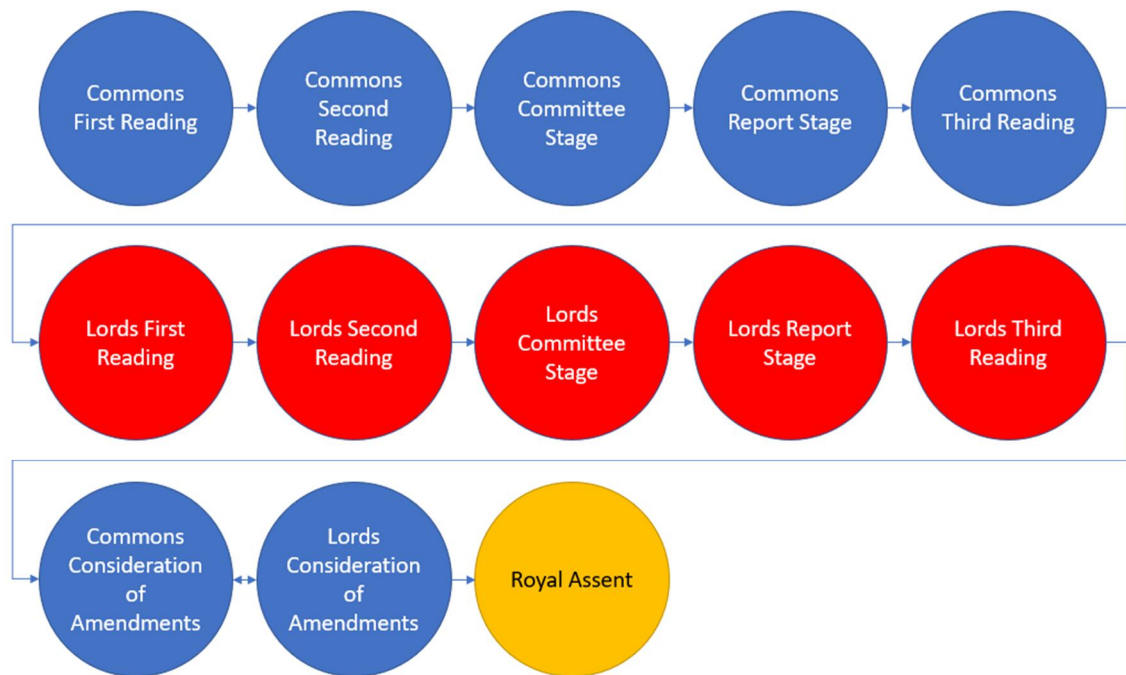
# Passing, Amending and Scrapping Bills

This note covers both the normal process by which a Bill becomes law and the most likely ways it can fail to become law. It also covers the ways a Bill can be amended. It relates to Bills proposed by the government of the day, which generally do become law, not to Private Members' Bills or other Bills which are unlikely to become law.

In summary, the normal process for government Bills allows for amendments and these are frequent and can be material. In principle, there are also many ways for a Bill to be defeated in its entirety, but in practice, unless the government of the day falls or at least loses its majority, they are very unusual.

## The Normal Process

The most common process for a Bill to become law is set out in the diagram below and described in more detail in Appendix I. It is also possible for a Bill to originate in the House of Lords, in which case the top two lines of the diagram below are switched, but this is less common.



Most Bills begin in the Commons, where they have their first and second readings. The First Reading is largely a formality; the second includes a debate on the principles of the Bill and the house decides whether the Bill should proceed.

If it passes its Second Reading, the Bill enters the Committee Stage where it is considered in great detail. The Committee can take input from external experts, and every clause in the Bill is agreed to, changed or removed from the Bill.

The Bill then enters the Report Stage where MPs have an opportunity, on the floor of the House, to consider further amendments to a Bill which has been examined in committee.

Finally, before it leaves the Commons, the Bill has its Third Reading, which is usually a short debate followed by a confirmatory vote.

The Bill then passes to the Lords where it undergoes a similar (though not identical – see Appendix) process and returns to the Commons for consideration of Lords' Amendments. Since both Houses must agree on the exact wording of the Bill, if the Commons declines to accept or modifies any of the Lords' amendments, the Bill must then return to the Lords for consideration of the Commons' amendments, etc. This to-and-fro process is referred to as 'ping-pong.'

Once the Commons and Lords agree on the final version of the Bill, it can receive Royal Assent and become an Act of Parliament (the proposals of the Bill now become law).

## The most likely ways a Bill can fail to become law

There are several extraordinary ways in which a Bill could, in principle, fail to become law, such as the Queen refusing to give Royal Assent, but these would provoke a constitutional crisis and have not happened in recent history.

The most likely ways for a Bill to fail absolutely are:

- For a controversial Bill proposed by a government with a small majority to fail to get its second or third reading in the Commons;
- For a controversial Bill proposed by a government to fail to get its second reading in the Lords;
- For a Bill to run out of time in a parliamentary session – for example due to protracted ping-pong.

### A Bill can fail to get its second or third reading in the Commons

It is in principle possible at second or third reading in the Commons to introduce a 'reasoned amendment' to vote down the entire Bill, but these are rarely voted on<sup>1</sup>. The Second Reading is the first stage at which a Government bill can be defeated, but this has not happened since 1986<sup>2</sup> when the Shops Bill was defeated in the Commons.

### A Bill can fail to get its second reading in the Lords

Bills are also rarely rejected by the Lords at second reading as a vote to reject the Bill represents a direct challenge to the principle of the Bill. Government Bills included in the election manifesto are, by convention, not opposed at second reading in the Lords, but 'reasoned' amendments may be tabled as a means of indicating dissent and can be voted on. There have only been three Bills rejected at second reading in the Lords<sup>3</sup> since the year 2000:

- Fraud (Trials without a Jury) Bill: rejected 20 March 2007;
- Assisted Dying for the Terminally Ill Bill: rejected 12 May 2006;
- Criminal Justice (Mode of Trial) (No. 2) Bill: rejected 28 September 2000.

### A Bill can run out of time

For a Bill to run out of time – i.e. it has not had Royal Assent by the time that Parliament is prorogued – is not unheard of. When this happens, there are ways the Bill can be carried over<sup>4</sup> into

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<sup>1</sup> (Institute for Government, 2022)

<sup>2</sup> (House of Commons Information Office, 2010)

<sup>3</sup> (UK Parliament, 2022)

<sup>4</sup> (Kelly, 2021)

the next session of parliament. This usually means that the Bill is delayed rather than defeated. Of course, a Bill which has not become law by the time a government falls is unlikely to be carried over.

## Amending Bills

If a Bill does not fail absolutely, it may still be substantially amended. There are complex rules about which kinds of amendments may be tabled at each stage<sup>5</sup>, but substantial amendments are still possible. A recent example is the Police, Crime, Sentencing and Courts Bill which suffered a number of significant government defeats<sup>6</sup> in the House of Lords. If substantial amendment happens, the Bill gets through, but it is not the 'same' Bill. In practice, substantial amendment is the most likely route to harm reduction for a damaging Bill.

## Conclusion

In theory, there are many ways a Bill can be defeated in its entirety. In practice, unless the government falls or loses its majority, these are very unlikely. It is not, however, uncommon for Bills to be amended, especially in the House of Lords.

If a government with a large majority introduces a harmful Bill, it is more likely that the harm can be reduced by amending it than by an all-or-nothing strategy of trying to stop it in its entirety.

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<sup>5</sup> (House of Commons, 2022)

<sup>6</sup> (The Constitution Unit -- UCL, 2022)

## Appendix I

This Appendix is taken from the Parliament website<sup>7</sup>. It describes each stage that a Bill goes through on its way to becoming law.

### First reading (Commons)

Formal introduction – no debate on the Bill

First reading is the first stage of a Bill's passage through the House of Commons - usually a formality, it takes place without debate. First reading of a Bill can take place at any time in a parliamentary session.

#### What happens at first reading?

The short title of the Bill is read out and is followed by an order for the Bill to be printed.

#### What happens after first reading?

The Bill is published as a House of Commons paper for the first time.

### Second reading (Commons)

Debate on general principles of the Bill

Second reading is the first opportunity for MPs to debate the main principles of the Bill. It usually takes place no sooner than two weekends after first reading.

#### What happens at second reading?

The Government minister, spokesperson or MP responsible for the Bill opens the second reading debate.

The official Opposition spokesperson responds with their views on the Bill. The debate continues with other Opposition parties and backbench MPs giving their opinions.

At the end of the debate, the Commons decides whether the Bill should be given its second reading by voting, meaning it can proceed to the next stage.

It is possible for a Bill to have a second reading with no debate - as long as MPs agree to its progress.

#### What happens after second reading?

Once second reading is complete the Bill proceeds to committee stage - where each clause (part) and any amendments (proposals for change) to the Bill may be debated.

### Committee stage (Commons)

Line by line examination of the Bill

Committee stage is where detailed examination of the Bill takes place. It usually starts within a couple of weeks of a Bill's second reading, although this is not guaranteed. Government Bills are usually formally timetabled after they have received a second reading.

#### What happens at committee stage?

Most Bills are dealt with in a Public Bill Committee. If the Bill starts in the Commons the committee is able to take evidence from experts and interest groups from outside Parliament.

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<sup>7</sup> (UK Parliament, 2022)

Amendments (proposals for change) for discussion are selected by the chairman of the committee and only members of the committee can vote on amendments during committee stage.

Amendments proposed by MPs to the Bill will be published daily and reprinted as a marshalled list of amendments for each day the committee discusses the Bill.

Every clause in the Bill is agreed to, changed or removed from the Bill, although this may happen (particularly under a programme order) without debate.

A minority of Bills are dealt with by a Committee of the whole House (takes place on the floor of the House of Commons), with every MP able to take part. The selection and grouping of amendments in a Committee of the whole House is decided by the Chairman of Ways and Means (Deputy Speaker).

Bills fast tracked through the House of Commons will receive less consideration. Consolidated Fund Bills do not have a committee stage at all.

[What happens after committee stage?](#)

If the Bill has been amended the Bill is reprinted before its next stage.

Once committee stage is finished, the Bill returns to the floor of the House of Commons for its report stage, where the amended Bill can be debated and further amendments proposed.

[Report stage \(Commons\)](#)

Chance for the whole House to discuss and amend the Bill

Report stage gives MPs an opportunity, on the floor of the House, to consider further amendments (proposals for change) to a Bill which has been examined in committee.

There is no set time period between the end of committee stage and the start of the report stage.

[What happens at report stage?](#)

All MPs may speak and vote - for lengthy or complex Bills the debates may be spread over several days.

All MPs can suggest amendments to the Bill or new clauses (parts) they think should be added.

[What happens after report stage?](#)

Report stage is normally followed immediately by debate on the Bill's third reading.

[Third reading \(Commons\)](#)

Opportunity for final debate on the Bill

Third reading is the final chance for the Commons to debate the contents of a Bill. It usually takes place immediately after report stage as the next item of business on the same day.

[What happens at third reading?](#)

Debate on the Bill is usually short, and limited to what is actually in the Bill, rather than, as at second reading, what might have been included.

Amendments (proposals for change) cannot be made to a Bill at third reading in the Commons.

At the end of the debate, the House decides (votes on) whether to approve the third reading of the Bill.

What happens after third reading?

If the Bill started in the Commons, it goes to the House of Lords for its first reading.

If the Bill started in the Lords, it returns to the House of Lords for consideration of any amendments the Commons has made.

### First reading (Lords)

Formal introduction - no debate on the bill

First reading is the first stage of a bill's passage through the House of Lords - usually a formality, it takes place without debate.

First reading of a bill can take place at any time in a parliamentary session.

What happens at first reading?

The long title (indicating the content of the bill) is read out by the member of the Lords in charge of the bill.

What happens after first reading?

Once formally introduced, the bill is printed.

The next stage is second reading - the first opportunity for members of the Lords to debate the main principles and purpose of the bill.

### Second reading (Lords)

What is second reading?

Second reading is the first opportunity for members of the Lords to debate the key principles and main purpose of a bill and to flag up any concerns or specific areas where they think amendments (changes) are needed.

Before second reading takes place

Before a second reading debate takes place, members who would like to speak add their name to a list – the 'speakers list'.

What happens at second reading?

The government minister, spokesperson or a member of the Lords responsible for the bill opens the second reading debate.

Any member can speak during second reading – this stage can indicate those members particularly interested in a bill, or a specific aspect of it, and those who are most likely to be involved in suggesting changes at later stages.

Second reading debates usually last for a few hours but can sometimes stretch over a couple of days.

What happens after second reading?

After second reading the bill goes to committee stage – where detailed line by line examination and discussion of amendments takes place.

### Committee stage (Lords)

What is committee stage?

Committee stage involves detailed line by line examination of the separate parts (clauses and schedules) of a bill. Starting from the front of the bill, members work through to the end. Any member of the Lords can take part.

Usually starting about two weeks after the second reading debate, committee stage generally lasts for up to eight days, but can go on for longer.

#### Before committee stage takes place

Before committee stage begins, amendments (changes) are gathered together and placed in order, then published in the 'marshalled list'. Updated lists are produced before the start of each day of committee stage.

#### What happens at committee stage?

During committee stage every clause of the bill has to be agreed to and votes on any amendments can take place. All suggested amendments have to be considered, if a member wishes, and members can discuss an issue for as long as they want. The government cannot restrict the subjects under discussion or impose a time limit. This is a key point of difference with procedure in the House of Commons.

#### What happens after committee stage?

If the bill has been amended, it is reprinted with all the agreed amendments. At the end of committee stage, the bill moves to report stage for further scrutiny.

#### Report stage (Lords)

What is report stage?

Report stage gives all members of the Lords a further opportunity to examine and make amendments (changes) to a bill.

It usually starts 14 days after committee stage has concluded and can be spread over several days (but is generally shorter than committee stage).

#### Before report stage takes place

Before report stage begins, amendments are gathered together and placed in order, then published in the 'marshalled list'. Updated lists are produced before the start of each day of committee stage.

#### What happens at report stage?

During report stage detailed examination of the bill continues. Any member of the Lords can take part and votes on any amendments may take place.

#### What happens after report stage?

After report stage, the bill is reprinted to include all the agreed amendments. The bill then moves to third reading, a further chance for the Lords to discuss and amend the bill as it nears conclusion.

If the bill is amended, it is reprinted to include all the agreed amendments. The bill moves to third reading – the final chance for the Lords to amend the bill.

## Third reading (Lords)

What is third reading?

Third reading in the Lords is the chance for members to 'tidy up' a bill, concentrating on making sure the eventual law is effective and workable – without loopholes.

Before third reading takes place

Before third reading, amendments (changes) are gathered together and placed in order, then published in the 'marshalled list'.

What happens at third reading?

Unlike the House of Commons, amendments can be made at third reading in the House of Lords, provided the issue has not been fully considered and voted on during either committee or report stage.

Amendments at third reading are often used to clarify specific parts of the bill and to allow the government to make good any promises of changes they made at earlier stages of the passage of a bill.

What happens after third reading?

If the bill started in the Lords, it goes to the House of Commons for its first reading. The Commons reprints the bill with the Lords' amendments.

If the bill began in the Commons, it is sent back after third reading in the Lords for consideration of Lords amendments, or, if there have been no amendments in the Lords, is sent to the monarch for royal assent.

## Consideration of amendments

Each House considers the other's amendments

When a Bill has passed through third reading in both Houses it is returned to the first House (where it started) for the second House's amendments (proposals for change) to be considered.

Both Houses must agree on the exact wording of the Bill.

There is no set time period between the third reading of a Bill and consideration of any Commons or Lords amendments.

'Ping Pong'

If the Commons makes amendments to the Bill, the Lords must consider them and either agree or disagree to the amendments or make alternative proposals.

If the Lords disagrees with any Commons amendments, or makes alternative proposals, then the Bill is sent back to the Commons.

A Bill may go back and forth between each House ('Ping Pong') until both Houses reach agreement.



What happens after consideration of amendments?

Once the Commons and Lords agree on the final version of the Bill, it can receive Royal Assent and become an Act of Parliament (the proposals of the Bill now become law).

In exceptional cases, when the two Houses do not reach agreement, the Bill falls. If certain conditions are met, the Commons can use the Parliament Acts to pass the Bill, without the consent of the Lords, in the following session.

Royal Assent

Bill becomes an Act of Parliament

When a Bill has completed all its parliamentary stages in both Houses, it must have Royal Assent before it can become an Act of Parliament (law).

Royal Assent is the Monarch's agreement to make the Bill into an Act *and is a formality*.

There is no set time period between the consideration of amendments to the Bill and Royal Assent – it can even be a matter of minutes after Ping Pong is complete.

What happens at Royal Assent?

When Royal Assent has been given to a Bill, the announcement is usually made in both Houses - at a suitable break in each House's proceedings – by the Lord Speaker in the Lords and the Speaker in the Commons.

At prorogation (the formal end to a parliamentary year), Black Rod interrupts the proceedings of the Commons and summons MPs to the Lords Chamber to hear the Lords Commissioners announce Royal Assent for each Bill.

After Royal Assent

The legislation within the Bill may commence immediately, after a set period or only after a commencement order by a Government minister.

A commencement order is designed to bring into force the whole or part of an Act of Parliament at a date later than the date of the Royal Assent.

If there is no commencement order, the Act will come into force from midnight at the start of the day of the Royal Assent.

The practical implementation of an Act is the responsibility of the appropriate government department, not Parliament.

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