

No 46

QUESTIONS

Revised December 1997

INTRODUCTION

The practice of questioning Ministers seems to have originated in the late seventeenth or early eighteenth century and may have grown out of the desire of Members to ask about future business and of government spokesmen to announce it. The varied and incomplete character of the records of Parliament in those centuries makes it impossible to be certain about origins. Historians of the parliamentary Question seem to be agreed that the first recorded Question was put not in the House of Commons but in the House of Lords. In 1721 Earl Cowper asked the Government whether there was any truth in the report that the Chief Cashier of the South Sea Company, Robert Knight, had fled the country and had been arrested in Brussels. A reply providing the facts of the case was given by the Earl of Sunderland, the Prime Minister of the day. The first recorded ruling about Questions in the Commons was given by Speaker Cornwall in 1783, and its terms suggest that the questioning of Ministers in the Commons was no novelty at that time. The Speaker said he had often repeated and wished to impress it on the minds of the House, that conversations were disorderly: but any Member had in his opinion a right to put a question to a Minister, or person in office, and that person had a right to answer, or not to answer, as he thought proper.

Despite this certificate of propriety, Questions as a procedure developed slowly. Other procedures were in vogue for bringing pressure to bear on the House of Commons and on Ministers; and well into the nineteenth century, there was a residual tendency to regard Questions as an irregular form of debate. In 1833 the practice began of giving a Minister notice of a Question by printing it on the House's Notice Paper of future business. These notices appeared under the heading "Notices of Motions" mixed up with many other items. In 1849 they were all brought together and printed at the beginning of the Notices and in 1869 a special heading "Questions" was assigned to them. Question Time, understood as a specific period in which Questions of which written notice has been given by Members are answered by Ministers one after the other, dates from this time.

Since then the use of the Questions procedure has grown strikingly. In the session of 1847 there were 129 Questions, or an average of one per day: in 1900 there were 5,106 or 41 per day: and by 1920, 10,602 were put down for Oral and 2,615 for written answer - a daily average of 111. After a period of decline in the late 1920s and again after 1945, the numbers rose to a daily average of more than 240. In the three sessions 1987-90 the sessional average was around 50,000; the figure was 35-40,000 in the mid-1990s.

There are three categories of Question: the **Question for oral answer** which is tabled with the intention that it should be given an oral answer in the House during Question Time; the **Private Notice Question** which can only be asked if its subject matter is judged by the Speaker to be urgent and important and which is taken orally in the House at the end of Question Time; and the **Question for written answer** to which the answer is not given orally in the House but is printed in the Official Report (Hansard).

QUESTIONS FOR ORAL ANSWER

Procedure at Question Time

At about 2.35 pm on Mondays, Tuesdays, Wednesdays and Thursdays, after Prayers, the House proceeds to Question Time. It continues until 3.30 pm, or a little later if a Question is being dealt with at that time, so that in practice the Question period lasts about an hour on each of these days. Oral Questions are not taken on Fridays.

The Speaker sets the questioning process in motion by calling the Member whose Question stands first on the Order of Business (previously known as the "Order Paper") to ask it. The Member does so by standing up and saying "*Number one, Madam Speaker*". As the text of the Question is set out on the Order of Business, it is not necessary to take time reading it out. To follow the proceedings clearly it is essential to have a copy to hand. The Minister then reads out the answer which he or she has prepared to the Question. When the larger Departments, such as Environment, Transport and the Regions or Trade and Industry, come to the House to answer Questions, the Secretary of State will be accompanied by several junior Ministers who will share the task of answering Questions.

From that point further exchanges are unscripted. The Member who asked the original Question is normally the first to be called to ask a follow-up question, or supplementary. When that supplementary has been answered by the Minister, the Speaker may call other Members to put supplementaries, usually alternating between the Government and Opposition sides of the House. Sometimes a Minister chooses to give a single reply to several Questions on the Order Paper relating to the same topic. In that event the Speaker will usually call first and successively for supplementaries those Members whose Questions have been answered together.

When the Speaker decides that enough supplementaries have been asked, she calls the Member who has Question number two on the Order of Business. The process begins again and continues to the end of Question Time. Any oral Question on the Order of Business which has not been answered by then receives a written answer which is printed in a subsequent issue of Hansard. Intended oral Questions excluded at the time of the 5 o'clock shuffle (see below) do not receive any answer.

A notable feature of Question Time is the way in which the Speaker controls its pace. If she calls too many supplementaries the Minister will be put under close scrutiny on a few Questions, but the total number of Questions answered orally will be small. If she calls too few supplementaries, more Questions will be answered orally, but the Minister may be given too easy a passage. A balance has to be struck; and it is likely to be struck differently by different Speakers. Currently 15 to 20 Questions are answered orally on an average day.

Progress can also be helped by the Speaker's periodic appeals to Members and Ministers to keep their supplementary questions and answers short and succinct, and by the use of her powers to check a Member or Minister who is either too lengthy or is using Question time as debating opportunity time. It is also the practice for a Minister who wishes to give a lengthy answer either to give it after Question Time, if its importance so justifies, or to circulate it in the Official Report.

Notice of Questions

The asking of an oral Question in the Chamber is the culmination of a fairly lengthy process. It usually begins about a fortnight earlier when the Member gives notice of his or her Question. The rules lay down that a Member cannot give longer notice than ten sitting days (usually a calendar fortnight). The purpose of this rule is to prevent the Order of Business being filled up with Questions which are stale and out of date by the time they come to be asked. But because of the large number of Questions tabled to each Minister, a Member has in practice to give notice on the first possible day, when the "shuffle" is performed (see below), to have a chance of his or her Question being reached and given an oral answer. The rules also prescribe a minimum period of notice such that the earliest day for answer is always 3 sitting days after the day on which the Question is tabled. This is regarded as the least time that Ministers and their advisers should reasonably be given in which to prepare the answer to a Question.

A Member gives notice of (*tables*) a Question by handing it or sending it to the Clerks in the Table Office. Questions, Motions, Amendments and the like used to be "tabled" by being handed to the Clerk sitting at the Table of the House directly in front of the Speaker. During the Second World War, as a result of the greater pressure of business, the Table Office was established to handle Questions and Motions, and to offer general procedural advice; it is easier for Members to discuss points with the Clerks in an outside office than it is at the Table of the House. Nevertheless Members may still hand documents in at the Table, and in certain circumstances are *obliged* to do so. Bills, for example, are always presented formally at the Table.

Rules governing content

Before a Question can be placed on the Order of Business it must satisfy a comprehensive set of rules governing its content. A Question should either seek information or press for action; it should not offer or seek expressions of opinion, though it may be based on facts, for the accuracy of which the Member is responsible. Above all it must relate to a matter for which the Minister to whom it is addressed is responsible *as a Minister*. It may not, for example, touch any activities in his capacity as a party leader or Member. Nor may he be asked to confirm or comment upon a report or rumour, for which he can have no responsibility. Ministers are not responsible for the activities of local authorities or nationalised industries, although they do answer questions on national statistics. Questions seeking an expression of opinion on a question of law are not in order, since this is for the courts to decide. Nor is it permissible to require information readily available elsewhere.

Questions should be drafted as concisely as possible and must conform to the normal Parliamentary conventions regarding decorous language and respect for the Crown, the judiciary and Members of both Houses. Nor may a question touch any matter which is currently the subject of legal proceedings (the *sub-judice* rule).

A Question which has already been asked and fully answered cannot normally be asked again. Where a Minister has refused to take some action or to provide information, the same Question may be asked again after three months. There are a number of subjects such as the security services or matters of commercial confidence on which Ministers have consistently refused to answer. A refusal prevents a Question being admitted on such a subject, though Ministers may be asked once each Session if they will now answer Questions on a subject previously blocked.

It is the duty of the Clerks to ensure that the Questions comply with these and other rules of the House. Their method is to advise a Member, if his Question appears to breach a rule, how by amendment he can bring it into order. If a Member is not satisfied with the advice given to him, he may have his Question submitted to the Speaker, whose decision about admissibility is final. Only with very few Questions in each Session is it necessary to go to this length.

Rota of Ministers answering

Ministers are questioned on a rota agreed by the Government and Opposition parties through the "usual channels". Each major Department is allocated to a particular day of the week, together with three or four others. When at the top of the rota, its Minister will be questioned first and is likely to be questioned for the whole of the time available. In the following week the Department will be at the bottom of the rota; and in each successive week it rises a place, so that after three or four weeks it is back at the top. Thus the Minister can usually expect to answer Questions for the best part of an hour once a month.

The main exception to this routine is the Prime Minister, who answers Questions every Wednesday from 3.00pm to the end of Question Time soon after 3.30 pm. Thus the Prime Minister will answer Questions for about two hours a month, compared with about one hour's questioning of each of his chief colleagues. This regular and frequent questioning of the Prime Minister is fairly new, having been introduced in 1961. Before that the Prime Minister's Questions were set down at number 45, and then at number 40, latterly on two days each week. Frequently they were not reached; or if they were, it was rare for them to take up more than five or ten minutes. Between 1961 and 1997, it had taken place twice a week on Tuesdays and Thursdays, from 3.15 to 3.30 pm.

Other exceptions to the normal workings of the rota are Ministers with special responsibilities or at the head of minor Departments, such as the Attorney General or the Lord Privy Seal, who answer questions for a short period beginning at 3.10, 3.15 or 3.20 pm on a particular day at regular intervals, usually every four weeks or so. Private Members are also included in the rota, in their capacities as the Members answering for the Church Commissioners, the House of Commons Commission, and the Public Accounts Commission.

The effect of the rota combined with the rules about maximum notice is that on each day Members are tabling Questions to a particular Minister for a fortnight ahead. By 5 pm on the first day for tabling for a particular Minister, more than enough Questions have usually been tabled to fill that Question Time. A Minister who is *not* on the rota for a particular day may be required to answer a Question addressed to him or her if it is reached, but it is now a very rare occurrence that all Questions to the Minister at the top of the list are answered.

Number and order of Questions for oral answer

Until 1909 Members could table an unlimited number of Questions for oral answer on each day. In that year a limit of eight for answer on each day was introduced, a number reduced to four in 1919, three in 1920 and two in 1960. The object of these successive reductions was to improve the chances of Members generally of getting oral answers to their Questions, it being evident that some Members found the procedure of Questions more valuable than others, and frequently used to the full their ration of Questions. None of these changes relieved the pressure on the Order Paper, however, and in 1972 yet another change was made with the same object. Since that date the ration for each Member has been a maximum of two on any one day, with the additional limitation that only one Question may be put to one Minister on any day. A limit of eight Questions in any period of ten sitting days was also established in 1972, although this was abolished in 1993 as the system of limiting the number of Questions printed, (see below), made it very unlikely that this limit would be exceeded.

In October 1990, the House adopted a number of recommendations of its Procedure Committee which were designed to right a number of difficulties which had arisen over the previous few years. One of these was the process of 'Syndication', where large numbers of identical Questions were handed in by whips or Parliamentary Private Secretaries, each in the name of different Members from their party. This had led to a proliferation of Questions down for Oral Answer. The Committee recommended, and the House agreed, that Members should in future hand in all Oral Questions personally at the Table Office (save that a colleague might act for a Member away on a parliamentary delegation, for instance); and that no Member should be permitted to table more than two Oral Questions - one for him/herself and one for a colleague, as above - to any Department.

The Five o'clock Shuffle

Since only fifteen to twenty Questions are answered orally, as compared with the seventy or eighty which in the late 1980s were invariably tabled to a major Department of State, the order in which Questions appear on the Order of Business and are called is of great importance. Priority used to be decided at random in the Parliamentary Press where Questions were printed in the order in which the printer picked them up from his desk. A more formal ballot, known as the Four o'clock shuffle, was subsequently used, reflecting the close interest that Members take in the order of priority. At 4 pm all the orderly oral Questions received up to that time for the Departments at the top of the rota to answer ten sitting days ahead were put into the ballot. The Questions were then well shuffled manually, drawn out one by one, and all numbered consecutively. Notices of Questions received after Four o'clock and on subsequent days were added at the end of the list. Once this order of priority was established, it remained unchanged up to the time that the Questions were asked in the House, unless a Question was transferred to another Minister, withdrawn or put down for written answer. The Four o'clock shuffle took place in the Upper Table Office. In 1989, the Shuffle was mechanised, but otherwise remained as described. In October 1990, however, the House decided that only a specified number of the Oral Questions put down would be drawn out. The remainder were not to be printed and would in effect lapse. The Speaker subsequently decided on, and announced on 29 October 1990 the specified numbers. The current figures (changed once since the original announcement) are as follows:

Departments answering until 3.30	-	40
Departments answering until 3.10 or 3.15	-	30
Small departments, Prime Minister	-	20 (10 before 1997)

The Speaker also announced the shuffle would take place daily at 5, rather than 4 pm, as had been the case previously.

Publication and departmental action

The first warning of an oral Question which the answering Department usually receives is when the Question appears on the Notice Paper of the House (the blue "Notices of Questions" pages in the Vote Bundle) published on the morning after the Question has been tabled. The officials who are responsible for the Department's Parliamentary business extract their own Questions from the Notice Paper and send them, in specially marked folders, to the officials within their Departments who deal with the subject-matter of the Questions. The answers are then drafted for Ministers to consider. If the Minister approves the draft answer, it goes forward for inclusion in the answer file which is used on the day when the Department's Questions are taken in the House: if not, the answer goes back for redrafting until a satisfactory answer is produced. Oral Questions give departments much work since they have to provide not only an answer to the Question itself, but also full background briefing on which the Minister can base his answers to supplementary Questions. Supplementaries can vary from the factual to the highly political in content, so that the briefing must anticipate every ramification of the original Question. While some Questions are genuinely seeking information or action, others will be designed to highlight the alleged shortcomings of the Minister's department or the merits of an alternative policy. But not all Questions are hostile. Many, especially those "inspired" by the Minister or otherwise put down by party colleagues, will enable popular decisions to be announced and government successes to be advertised.

Transfer of Questions

A Member addresses his Question to a particular Minister at the head of a Department: and in most instances a Minister from that Department will answer the Question, because its subject matter falls squarely within its responsibilities. Problems arise however where the subject matter of the Question touches the responsibilities of more than one Department, or where it is unclear which Department is primarily responsible. The decision as to who is to answer it will turn on which Minister has the closest responsibility for the subject matter. That is a decision which can only be taken by Ministers. The Government has a *collective* responsibility to Parliament, and it must be for Ministers to decide which of them is best able to answer the Question. If a Member has addressed his Question to the "wrong" Minister, it will be transferred by the Department to whom it was addressed.

When a Question is transferred, a formal notice is sent by the Department to the Member concerned and to the Table Office. When an oral Question is transferred, the change of Minister to answer the Question will usually mean that the Member loses the chance of getting an oral answer on the day he has chosen.

Prime Minister's Questions

In its present form the origin of Questions to the Prime Minister can be traced to an experiment begun on 18 July 1961, when Harold Macmillan was Prime Minister. Today, a glance at Prime Minister's Questions on any day he is answering shows that one Question predominates, asking if the Prime Minister will list official engagements for the day on which the Question is to be answered. It is a standard form of Question and it receives a standard form of answer: the Prime Minister lists the main engagements for the day. At that point the questioning Member can put as a supplementary almost any Question which relates to Prime Ministerial responsibilities or to almost any aspect of Government policy. In other words the original, indirect Question is simply a peg on which to hang a supplementary.

This practice arises out of the twofold nature of the Prime Minister's responsibilities: on the one hand the Prime Minister has an *overall* responsibility for the whole range of government which overlaps the responsibilities of each and every Minister, on the other hand only a few specific responsibilities - matters of national security and top appointments are some of them - on which he can be directly questioned. If Members were to confine themselves to questioning the Prime Minister about this limited range of specific responsibilities they would be hard put to fill up the twice weekly Question periods. So they resort to the indirect or "shot in the dark" Question, as it has been described by a former Speaker.

This form of Question undoubtedly has advantages for Members. Since it hides the real question, an element of surprise is given to the supplementary. The scope of a supplementary is normally limited by the rule that it has to arise out of the original Question. But if the original Question is about the Prime Minister's engagements, the scope for supplementaries is almost unlimited, since he or she can be asked to find time for whatever the questioning Member has in mind so long as it relates to the Prime Minister's responsibilities. So the element of surprise extends not only to the first but to all other supplementaries. Moreover, although a Member has to table his "shot in the dark" Question a fortnight ahead in order to stand a chance of an oral answer, if successful he need not compose his supplementary until the day on which it is to be put. It can thus be right up to date, and, if desired, bear on some burning issue of the moment. A Member has, in fact, all the advantages of putting a Question without notice, a procedure which is used in several other Parliaments and to which the existing procedure for Prime Minister's Questions at Westminster appears to be leading.

There are some drawbacks, too, for Members. Because supplementaries can range so widely, it is impossible to submit the Prime Minister to a searching examination by putting a number of supplementaries on the same topic. The Leader of the Opposition is permitted three or four supplementaries in succession to follow up his first supplementary and the leader of the next biggest opposition party two. But more often than not, the discussion becomes diffuse because such a variety of points are raised. The Prime Minister is not without weapons to combat the surprise attacks of questioners. The Prime Minister's Office seek briefings from other departments on all possible supplementaries which may arise; and since they usually touch on highly topical matters, the Prime Minister may welcome the opportunity to make a statement of Government policy or to give an official reaction.

This fine balance of advantage, the battle of wits which the element of surprise stimulates, the regular involvement of the party leaders, and the fact that Prime Minister's Question Time is extensively televised and broadcast on radio - all these factors have combined to win for this period in the House's day the closest attention both of Members and of the Press.

PRIVATE NOTICE QUESTIONS

A problem may sometimes need to be raised at once with the Minister concerned. To provide for this contingency, there is a special procedure for questioning Ministers, namely, the Private Notice Question. A Member is not required to give advance notice of this kind of Question as he has to for an ordinary Question: indeed, he cannot do so because the matter has arisen suddenly and urgently. Instead private notice is given to the Minister concerned. In order to ask a Question by private notice, a Member must apply to the Speaker before noon on the day on which an answer is wanted. The Department concerned is at once informed.

Besides being subject to the same rules as to form and content as for ordinary Questions, a Private Notice Question is judged against two additional and special criteria laid down in the rules of the House: it must be urgent, and it must be of public importance. A variety of sudden developments or emergencies fulfil these criteria. Examples have been the wreck of an oil tanker, a strike affecting essential national services such as hospitals, power stations or Polaris submarines, violence on an unusual scale or of a novel type, or an immediate threat to the liberty of the subject.

Important though these Questions are, however, the Speaker has in mind when screening them that if she allows them they are answered immediately after Question Time. It is a privileged position, making the Question in some sense a climax to the Question hour, but also taking time out of the main business to be discussed that day. In practice only four or five Private Notice Questions a month on average have been asked and answered in recent sessions. That figure does not include the Questions asked weekly of the Leader of the House by the Leader of the Opposition, asking for a statement of business for the following week, which is traditionally allowed as a Private Notice Question. In 1989, the Budget was delivered as the reply to a Private Notice Question; a device adopted to prevent delays by a Member who was anticipated as being likely to raise other business.

QUESTIONS FOR WRITTEN ANSWER

Although the number of Questions for oral answer that may be tabled by a Member has been restricted since 1972, there is no limit to the number of Questions for written answer which may be tabled. Full advantage is taken of this facility, which Members find invaluable for extracting every kind of information from Government Departments. Often as many as 250 written Questions are tabled in a single day. In fact the vast majority of Questions answered in each session are Questions of this kind. In an average session, around 35 - 40,000 Questions are tabled and answered; fewer than 2,500 are answered orally in the House. Written Questions are subject to the same rules of order as oral Questions.

A Member usually dates a written Question for two days after he or she has tabled it: and can expect the Question to be answered within seven days of that date. If, however, the Member desires an answer on a specified day he/she may indicate this when he tables it. This gives his Question priority, though to obtain it, he must give the same minimum notice as is required for an oral Question and specify the date on which the answer is wanted. These priority written Questions are now known as Questions for answer on a named day - and indicated by the letter "N" in the Order Book. The answer received on the date specified may only be to the effect that the Minister will answer as soon as possible.

Since October 1997, the text of written Questions for answer on the present day, previously listed in the Order Paper (now replaced by the Order of Business), have appeared in Part I of a redesigned Order Book. "Inspired" PQs, and any submitted without the usual 2 day period of notice do not appear in the Order Book, but in the Order of Business. (For further information on the redesigned Vote Bundle see *Factsheet 26*).

'Will write'

Occasionally, Questions may be answered 'I will write to the Hon Member'. Such replies are not published in Hansard, but placed in the Library for Members' use. The PIO can supply single copies of an individual letter to enquirers. The establishment of agencies under the Government's Next Steps Initiative has resulted in a devolvement of Ministerial responsibility for replies to the appropriate Chief Executive. Until October 1992, these replies were similarly placed in the Library and PIO, since when they have been printed in *Hansard*.

CONCLUSION

The procedure of Questions to Ministers has come in for criticism, not least from Members and Ministers themselves. Since the Second World War inquiries have been made into its various aspects by select committees in 1946, 1958, 1965, 1970, 1972, 1976, 1990, 1993, 1994, 1995 and 1997. But although some resulting changes have been striking - such as the introduction of the twice-weekly quarter of an hour for Prime Minister's Questions - the practice and purpose of Question-time is not in essence different from forty-five years ago. Nor is this surprising, since the power to question a Minister remains a valued weapon in the continuous struggle of backbenchers to make Ministers accountable to the House. Any attempt to remove or abridge that power would be strongly resisted.

Within the limits of a Question and its supplementaries, a Member can raise anything for which a minister is responsible, from the hardship suffered by an individual constituent to a major matter of public policy. A large number of miscellaneous matters can be dealt with expeditiously and in a form and at a time well suited to reporting in national and local newspapers. Above all perhaps, Members can require Ministers to attend to matters which they as Members have designated: it is they, rather than Government or Opposition spokesmen, who hold the initiative. This does not of course preclude the use by Ministers of arranged Questions as a means of making announcements of decisions or policy changes. Having chosen the ground, they can then put to the test in public their own abilities and those of the Minister. This has been called the "gladiatorial aspect of Question hour"; and it has been much admired by visitors from home and abroad for its spontaneity and vitality. Question Time is peculiarly a Westminster institution, which has been adopted and adapted by many other Parliaments throughout the world.

These benefits are not obtained without cost. There is currently an advisory cost limit for written answers of £500 (increased to this level in July 1997 from the previous figure of £450 set in 1993). The advisory limit is based on eight times the average marginal cost for written answers rounded to the nearest £50. There is no advisory limit for oral answers. In terms of expenditure incurred and the time and effort spent, an oral Question has been officially estimated to cost £260 and a written question £112 (April 1997). In a session, therefore, the total annual cost is around £4.5 million. The fact that Members continue to put down Questions at the rate of several hundred a day suggests that they regard this as money well spent in the pursuit of Ministerial accountability.

Further Reading

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