

# This filibuster farce only damages parliament

Private members' bills can bring huge benefits but it's too easy for MPs to talk them out

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Every so often, those of us who hunch over desks in parliament are reminded we work in a very odd place. Sometimes it's the doorkeeper in full black-and-white livery sweeping past your desk with a sword on his hip. Or trying to find your way to parts of the building known as the Snake Pit (a dismal basement) and the Yellow Submarine (a corridor). But one of the strangest things about parliament isn't so much its wonderful old traditions and winding corridors, but what happens there on a Friday.

Friday sittings aren't very well attended, because most MPs need to be in their constituencies holding surgeries and enthusing about the new corrugated cardboard factory. But even with a relatively small number of MPs sitting on the green benches, these sessions are doing a disproportionate harm to parliament's reputation. They are set aside for backbenchers to introduce their own pieces of legislation, known as private members' bills.

In the 1960s, these bills brought about some of the biggest social changes in Britain: the abolition of the death penalty in 1965, the 1967 Abortion Act and the decriminalisation of homosexuality in

the same year were all private members' bills, supported by the Labour government of the day. But today, PMBs are more likely to be in the news for rather less grand reasons. They promise so much — giving carers free parking at hospitals or preventing vindictive landlords from chucking tenants out, for instance — but bellyflop in the chamber, leaving those who campaigned for them bitterly disappointed.

These bills tend to sink because a handful of MPs deploy an old technique called the filibuster, a lengthy speech taking up all the time allocated to a bill and preventing a vote. If there is no vote, the legislation dies. The Tory Philip Davies is the most high-profile filibustering villain, though the outrage of the Labour MPs whose bills have been talked out would ring a little less hollow if their party didn't hold the record for a

Abolition of the death penalty came from a private member's bill

PMB filibuster; Andrew Dismore's 197-minute speech killed a backbench Tory bill on the degree of force that householders can use against intruders.

MPs can just keep talking in a hellish version of *Just a Minute*, so long as they don't deviate from the bill, or repeat themselves. Mr Davies has quoted from the 1987 Tory manifesto in Friday speeches, while his colleague Jacob Rees-Mogg even managed to talk about the quality of wine at the Garrick Club.

The only way to stop these garrulous MPs talking out a bill is if 100 colleagues vote in favour of a "closure motion". But 100 helpful MPs are hard to come by on Fridays, and so the filibusterers drone on.

Why do MPs such as Mr Davies bother playing this game? The Shipley MP told the Commons that the late Eric Forth, a Tory MP who loved a good filibuster, "taught me early on that many [PMBs] had a worthy sentiment behind them, but that we should not just pass legislation on the whim of a worthy sentiment, because it can have lots of unintended consequences that affect people's lives and livelihoods".

Mr Davies and MPs from all parties who filibuster have a point about the dangers of legislation answering a Something Must Be Done instinct. Besides, a Friday vote doesn't truly reflect the will of the Commons: even the Assisted Dying Bill, which had an excellent debate, only had 448 out of 650 MPs voting.

But those who talk out bills tend to be selective in their opposition. A good backbench bill passed in the last parliament was Gavin Barwell's Mental Health (Discrimination) (No 2) Bill, which stopped MPs and company directors losing their jobs because they had mental health problems. The filibusterers stayed away, which was good for Barwell's campaign, perhaps, but what it showed was that MPs such as Mr Davies have effectively appointed themselves as the powerful regulators of backbench legislation, picking only on bills they personally object to. They prevent proper

scrutiny of the legislation and take the mickey out of the Commons chamber.

This would be interesting only to the small group of parliamentary geeks who know how to reach the Snake Pit — were it not for the fact that private members' bills are often on issues that attract huge interest outside the Commons. The process by which they are killed and the arguments in favour of filibustering are so complicated it often appears to those who did sign a petition calling for carers to get free hospital parking that one selfish MP stopped the Bill because he doesn't care about sick people. And it makes parliament appear powerless.

It would almost be better to have no backbench bills at all than the current system, which offers a false glimmer of hope.

MPs on the Commons Procedure Committee are holding an inquiry into PMBs, and I'm one of the journalists giving evidence to it this week. So what can be done? Both Speaker Bercow and the Hansard Society have suggested moving the debates and votes for these bills to Tuesdays or Wednesdays, when MPs are around. There is time: the Commons doesn't sit until 11.30am

on both days. There would be sufficient numbers of MPs to vote down a prattling parliamentarian before expressing a view on whether the bill itself was much cop.

It might not mean that any more of these bills introduced on a whim are passed, but it would stop parliament looking quite so ridiculous. And it might give Philip Davies a well-deserved day off.