

While far from perfect, the work of bill committees should not be underestimated

By Democratic Audit UK

*A recent article on Democratic Audit UK by the authors of a report by the think tank Reform argued that bill committees in the House of Commons carry out inadequate scrutiny of legislation. Here, **Louise Thompson** responds, arguing that bill committees aren't as ineffective as the Reform authors suggest, and questions whether their suggestion to improve this problem (to empower the statutory Select Committees) is a good one.*



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Last week the think tank Reform published its [report](#) into the scrutiny of legislation. Its authors discussed the key findings and recommendations in a [blog](#) on this site, arguing that the scrutiny of bills should be carried out by permanent select committees rather than ad hoc bill committees. Their argument hinges on two criticisms of bill committees: that they lack expertise and that they are dominated by point-scoring which prevents constructive working relationships. It is not clear what evidence is being used to support these criticisms. But my own research into the last fifteen years of bill committee scrutiny tells a very different story.

Firstly, as I have argued in [written evidence](#) to the Procedure Committee, **bill committees contain much more expertise than we think**. Members of select committees bring large amounts of knowledge and experience to bill committee scrutiny, but they are not the only source of specialisation and expertise. This also comes from MPs' previous occupations, their own personal or family experiences and from other positions they may hold in Parliament (as chairs of all party parliamentary groups for instance) and outside Parliament (voluntary roles as school governors, board members etc).

Using this measure, nearly two thirds (63%) of all MPs appointed to bill committees between 2000-2010 brought some form of relevant experience or expertise. In some committees this has been extremely high (in [the Local Government and Public Involvement in Health Bill Committee](#) for instance it reached 95 per cent). MPs who bring this experience to bill committees are highly effective. They are twice as likely to table amendments. Although few formal amendments are accepted by the government in committee itself, the overwhelming majority (87%) of those that are accepted, come from these specialised MPs.

Secondly, **we do see constructive scrutiny in committee. And this scrutiny is very often across party lines.**

MPs who have an interest in the same broad area of policy often know each other well. They are likely to have served together on previous bill committees, on departmental select committees and will have shared platforms at events outside Parliament, such as policy conferences. Being well versed in each other's arguments, the committee stage of bills can begin at a much more sophisticated level.

Energy policy is by far the best example of this, but it also includes other areas such as health and education policy. We can also see constructive cross party relationships taking place outside the committee room itself. Government ministers will often have meetings with committee members before, during or after committee stage – and these discussions can be very fruitful indeed. They often bring changes to government bills; changes which become apparent at report stage.

But there's another important point here too. Just as Parliament is about much more than law-making (or law-assenting if we are being more accurate here), **committee stage is about much more than simply the amendment of legislation**. They also have an important and necessary debating function. The four sittings devoted to the discussion of top up fees in the Higher Education Bill Committee (2003-04) were valuable despite no amendments being made. It enabled debate to be far more sophisticated than that which would have been possible in the House of Commons chamber. Partisanship also has a role to play here. After all, this is what being in opposition is all about. We should expect opposition members to dominate the debate. This should not be seen as a sign of weakness, but as a strength. For committee stage enables opposition MPs to probe the government in detail. Pushing amendments to a vote helps to expose opposing points of view. It is a crucial feature of our parliamentary system and not something that we should seek to destroy.

The authors of [Reform's report](#) were right about one thing. Inadequate parliamentary scrutiny of government bills does threaten the quality of legislation. The current committee system is far from perfect and some do scrutinise bills more successfully than others. But it is not wholly inadequate. If we look in detail at what is happening on the committee corridor we find that committee stage is more effective than we are led to believe.

Placing a further scrutiny burden on select committees is not the solution. It would only dilute the quality of the scrutiny taking place, not strengthen it. Instead, we should be working to make the present system more effective. Key areas for reform would be the crowded parliamentary timetable which means that MPs struggle to attend bill committees, the lack of resources or training in order to draft amendments properly and the lack of time between the taking of oral evidence and the beginning of line by line scrutiny.

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Note: This post represents the views of the author and not Democratic Audit or the LSE. Please read our [comments policy](#) before posting.

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