

# The EU Withdrawal Bill raises questions about the role of smaller opposition parties in the legislative process



*The EU Withdrawal Bill's return to the Commons saw SNP MPs protest about their voices having been excluded from the debate. [Louise Thompson](#) explains how parliamentary procedures can indeed restrict debate for smaller opposition parties, and considers whether something ought to be done about it.*

Following the first session of the EU Withdrawal Bill's return to the Commons, most [newspaper headlines](#) focused on the battle between Theresa May and the group of backbench Conservative rebels seeking concessions from the government about parliament's 'meaningful vote' on the Brexit deal. The [front page](#) of *The National* instead highlighted the lack of debate on the devolution clauses within the bill, which was [limited to just 15 minutes](#), as well as the fact that only one SNP MP was able to speak. Just a few hours later, every single SNP MP [walked out of the Commons chamber](#) during PMQs in protest about this issue – and the Speaker's refusal to allow a vote that the House sit in private to discuss it. It's not unknown for the SNP to deploy tactics like this in the chamber and it raises interesting questions about the role of smaller opposition parties in the Commons.

## The parliamentary position of small “o” opposition parties

When it comes to opposition in the House of Commons, it's easy to focus attention solely on the “Official” Opposition. But there are four (or five, or six) other opposition parties, depending on where you position the DUP and Sinn Féin. Just as parliamentary architecture in the Commons privileges a two-party system (with the green benches facing each other in adversarial style, the despatch boxes for the government and official opposition party only), parliamentary procedures also help to underpin a system which seems to prioritise the “Official Opposition”. Hence, the guarantee of questions at Prime Minister's Question Time.

The SNP have some third party rights (thanks to the Liberal Democrats who for a long time battled with these same constraints), entitling them to two select committee chairs, two questions at every PMQs, and a guaranteed frontbench speech during the debate of motions, statements and bills. This guarantees them one speech on high-profile occasions, but nothing more (hence *The National* headline). When choosing other MPs to speak in debates, the Commons Speaker must bear in mind the balance of the parties in the House and, as such, most of the debate naturally moves between Labour and Conservative MPs. The SNP and other opposition parties must wait their turn, often only coming in at the very end of a long debate. Smaller opposition parties receive no guarantees of making a contribution.

If we consider parliamentary resources here too, the environment becomes even more challenging. The lack of numbers within these parties makes it difficult (and in most cases impossible) to assign a different party MP to cover each policy area. As such they are unable to ‘shadow’ government departments and ministers in the same way as the Official Opposition and one individual may need to master a whole series of policy briefs. Plaid Cymru MP [Jonathan Edwards](#), for instance, covers four different briefs.

Short Money funding for parliamentary support is calculated on the number of seats and votes won in a General Election, with an extra pot of money available to support the Leader of the (Official) Opposition's office. The SNP, Greens and Plaid Cymru therefore receive a much smaller amount of funding – often pooling their resources in order to maintain some parliamentary support to enable them to carry out proper scrutiny. After the 2017 General Election, Green MP Caroline Lucas resorted to a crowdfunding campaign to try to maintain her parliamentary support following a fall in her party's Short Money allocation. [She wrote](#) about how she needed to raise funds for her “amazing team” who “work behind the scenes to skewer Ministers with Parliamentary Questions ... [and] scour Government files looking for wrongdoing”.

Trying to carry out an opposition role in the Commons – and to make a visible impact on scrutiny or holding government to account can be difficult. This explains why the SNP behaviour in the Commons can sometimes seem extreme. As a smaller opposition party they get much further by being very cohesive and by selecting very carefully the precise areas of legislation or government policy which they wish to target. For the EU Withdrawal Bill, this was quite naturally the clauses relating to the devolved regions. The SNP tabled a number of amendments and there was a high turnout of its MPs to debate them. By working together to walk out of PMQs as a party, they helped to highlight these issues relating to Scotland much more visibly than would have been the case had Ian Blackford left the chamber alone.

### MPs aren't equal when it comes to legislative scrutiny

The events of the last two days also highlight concerns about the position of MPs when it comes to scrutinising legislation. Concern about the time available for the scrutiny of legislation in the Commons is not new. Report stage is notoriously squashed, with hundreds of amendments often considered in a very short space of time. Just recently Lord Lisvane told the House of Lords Constitution Committee that there is often time for talk of policy vision (usually in the front bench speeches) but no time to actual discuss amendments to legislation. The consideration of Lords amendments to the EU Withdrawal Bill was no different.

But once again, parliamentary procedures privilege the Official Opposition party and can hide the voices of smaller parties. The SNP frontbench spokesperson will have the opportunity to speak at the very start of the second reading debate on a bill, but beyond that there are no guaranteed speeches for smaller opposition parties. This pattern continues at committee stage. The SNP will have a couple of MPs appointed to a bill committee (depending on the committee size), but there is no guaranteed representation for small parties beyond this (see the committee stage of the [Data Protection Bill](#) for example).

Where a bill is receiving its committee stage on the floor of the Commons, things can become even more challenging. When the Article 50 bill had its committee stage debate in February 2017, the SNP's frustration with their lack of voice in the debate (despite tabling a large number of amendments) led to [a heated exchange](#) between Alex Salmond, Joanna Cherry and Deputy Speaker Lindsay Hoyle. When MPs came back for the second day of debate, the SNP's Patrick Grady [allowed a large number of his colleagues to intervene](#). Although this became quite comical, with SNP MPs not always being aware that they were about to be called to speak by their colleague, it enabled the party to get its point across very clearly. The minister even [congratulated them](#) on how well they had made their voice heard. And so it becomes understandable why the SNP (and other small parties) feel that they lack a voice when it comes to the scrutiny of Brexit.

### Do we need a solution?

These are all tricky issues, particularly when we consider whether or not this is actually a problem. It's not feasible to give every MP a say on all pieces of legislation. There simply isn't enough time available. As [Peter Grant said](#), if MPs were all given an equal say in the debates taking place on the Brexit legislation this week, "every MP would speak for about 10 seconds". Nor is it in line with the nature of our parliamentary system, where great care is taken to ensure that rights and positions are distributed according to party balance. Where two parties dominate in terms of the number of seats held, the resulting rights can seem more extreme and unfair. But it becomes more complicated where MPs feel that they are representing not just their own constituents, but a much larger group of people, or indeed a nation. This is exactly where the SNP's complaint about time comes in. As party leader, Ian Blackford said upon his withdrawal from the Commons at lunchtime "Scotland's voice has not been heard".

This is clearly an issue for the SNP, but it is not limited to them. Caroline Lucas, for instance, may represent the people of Brighton Pavilion, but as the only Green MP her voice can be seen to represent the half a million people who voted for the Greens in the General Election. She indicated as much in her maiden speech to the Commons in 2010, describing it as an '[additional responsibility](#)'. It's an issue which we may see coming up again and again as Parliament navigates its way through the process of Brexit.

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### About the Author



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