

**PBMB14 Dr Daniel Gover, Senior Lecturer in British Politics, Queen Mary University of London**

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Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Adolygiad o'r broses ar gyfer Biliau Cyhoeddus a Biliau Aelod | Review of the Public Bill and Member Bill processes

Ymateb gan: Dr Daniel Gover, Uwch-ddarlithydd mewn Gwleidyddiaeth Prydain, Queen Mary Prifysgol Llundain | Evidence from: Dr Daniel Gover, Senior Lecturer in British Politics, Queen Mary University of London

**Submission to the Review of the Public Bill and Member Bill processes, by Dr Daniel Gover,  
Queen Mary University of London**

1. This submission has been prepared by Dr Daniel Gover, Senior Lecturer in British Politics at Queen Mary University of London. It focuses exclusively on member bill processes. I am currently conducting research into the operation of private members' bills at Westminster, including consideration of how these compare to equivalent mechanisms in other legislatures including the Senedd. This submission makes some preliminary observations drawing on this ongoing work.

*Non-government bills*

2. In democratic legislatures, procedures for members to initiate legislation independent of the executive are very common. The right to do so is often highly valued by members. A report by the UK House of Commons Procedure Committee (2013, 2) stated that the right to initiate such legislation 'goes to the heart of the function of the [chamber] as a legislative assembly'.
3. The formal success rate of non-government bills varies between legislatures but is typically relatively low. In the Senedd, 25 members have been selected since 2007 to introduce member bills or member proposed measures, of which just four have been enacted – a success rate of 16%. While this may appear low, it is higher than in some other legislatures. In the UK parliament, 4% of private members' bills passed during 2010-24 (110 of 2516); in Canada, 8% of private members' (or senate public) bills passed during the 44<sup>th</sup> parliament of 2021-25 (24 of 316);<sup>1</sup> and in France, 4% of non-executive bills before the National Assembly passed in the 16<sup>th</sup> legislature of 2022-24 (60 of 1438).<sup>2</sup> In Australia just 24 private members' (or senators') bills have passed since 1903 (around 3% of those before the House of Representatives)<sup>3</sup> – the same absolute number as enacted at Westminster in the 2022-23 session. Elsewhere the success rate is higher, albeit still usually a minority. In New Zealand 29% of members' bills passed during the 52<sup>nd</sup> parliament of 2017-2020 (16 of 56) (Wilson 2023, 425), while in the Scottish Parliament 41% of introduced members' bills were enacted during the first five sessions of 1999-2021 (31 of 76).<sup>4</sup>
4. Yet it is difficult to draw firm conclusions from these enactment figures given the significant differences in procedure and practice that exist between legislatures. One such difference is how easy it is to formally introduce a non-government bill. The impressive success rate in the Scottish Parliament may, for instance, be explained partly by the relatively high hurdles that must be cleared prior to formal introduction, which include public consultation and other preparatory work. In some other legislatures, by contrast, there are very low barriers to introducing bills (which may not even need to be drafted), but there is greater competition over which of those receive parliamentary

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<sup>1</sup> <https://www.parl.ca/legisinfo/en/bills?parlsession=44-1> (accessed 24 April 2025).

<sup>2</sup> [https://www2.assemblee-nationale.fr/16/statistiques-de-l-activite-parlementaire-sous-la-xviiie-legislature#node\\_169603](https://www2.assemblee-nationale.fr/16/statistiques-de-l-activite-parlementaire-sous-la-xviiie-legislature#node_169603) (accessed 24 April 2025).

<sup>3</sup> [https://www.aph.gov.au/-/media/02\\_Parliamentary\\_Business/22\\_Chamber\\_Documents/224\\_Statistics/House\\_of\\_Representatives/Statistics\\_Historical/private\\_members\\_bills\\_statistics.pdf?la=en&hash=B7F5CFAEA02957D64F12FF3B354BE8F8B6AFFA04](https://www.aph.gov.au/-/media/02_Parliamentary_Business/22_Chamber_Documents/224_Statistics/House_of_Representatives/Statistics_Historical/private_members_bills_statistics.pdf?la=en&hash=B7F5CFAEA02957D64F12FF3B354BE8F8B6AFFA04) (accessed 24 April 2025).

<sup>4</sup> <https://www.parliament.scot/bills-and-laws/bills> (accessed 24 April 2025).

time. Conversely, while the absolute number of private members' bills that pass at Westminster has in recent years been relatively high, this is explained partly by the practice of ministers offering noncontentious 'handout' bills to backbenchers.

5. Given the low formal success rates, it is common for non-government bills to serve various purposes aside from direct passage into law. For this reason, it would be a mistake to judge the overall effectiveness of a system based solely on formal enactment rates. Common motivations behind bills, observed in different legislatures, include to provoke a parliamentary debate, highlight a political dividing line, attract media publicity, gauge public support, and build a public campaign (Wilson 2023, 425; Brazier and Fox 2010; Lynch and Lawlor 2019, 3). Even where a bill fails to be enacted, it may therefore achieve its immediate aims, and this may in turn lead indirectly to policy change – for example by being included within a subsequent government bill, or through executive actions that do not require legislation.

#### *Time and other resources for non-government bills*

6. Scrutiny of non-government bills requires parliamentary time. In many legislatures, there are specific allocations of time set aside for non-government bills (sometimes combined with other non-government business). For example, in the UK House of Commons there are typically 13 Fridays each annual session for private members' bills; in the New Zealand parliament members' business is taken on alternate sitting Wednesdays; and in the Canadian House of Commons there is one hour each sitting day for private members' business. In other cases, time for non-government bills is scheduled more flexibly.
7. Legislatures have different processes for rationing access to this limited parliamentary time – something especially necessary in larger chambers. One mechanism is a ballot, which may be used either to limit the number of bills introduced or to apportion the available time. In the Senedd, a ballot is held 'from time to time' to award the right to introduce a bill (which in turn restricts demand for parliamentary time and resources). In New Zealand, the ballot similarly in practice determines the right to introduce bills,<sup>5</sup> though it is conducted more frequently to replenish a pool of active proposals. Elsewhere, the ballot's purpose is more to allocate parliamentary time. In the Canadian House of Commons, a ballot at the start of each parliament sorts members into an order of priority for parliamentary time, though this does not restrict the number of bills a member may formally introduce. In the UK House of Commons, the ballot selects 20 members with priority access to parliamentary time each annual session – although many additional 'presentation' and 'ten minute rule' private members' bills may also be introduced and even considered. Aside from ballots, other common mechanisms are for time to be allocated via party groups (on certain days in the Irish Dáil) and/or through a business committee. One interesting alternative case is the Scottish Parliament, which operates a more open system whereby any eligible member may introduce a proposal. This is feasible in part because of the comparatively small size of the chamber (129 MSPs), but also because of the more demanding preparatory requirements that must be met before a bill's formal introduction – both of which serve to limit the numbers formally introduced.
8. The support offered to members to propose bills also varies, from more limited procedural support to full policy and legal assistance. The UK House of Commons is at

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<sup>5</sup> It is possible in principle, though unusual, to introduce a bill outside the ballot.

the lower end of this spectrum: some drafting support may be provided by officials, but there is no expectation of policy or legal expertise. This is generally considered sufficient to facilitate debate on a proposal, with ministers able to propose changes if the bill is expected to pass (which in practice usually depends, in turn, on ministerial support for the bill itself). Much greater support is provided in Ireland, where members may access assistance from the Office of Parliamentary Legal Advisers, providing expert legal and drafting services. Towards the upper end is the Scottish Parliament, where extensive integrated support is provided through the Non-Government Bills Unit, including policy, consultation administration, legal drafting and procedural assistance. The Scottish Parliament's website indicates that demand for these services is managed on a 'first come, first serve basis'.<sup>6</sup> Existing arrangements in the Senedd are likewise towards the higher end of this spectrum – involving an integrated bill team including policy and legal support – although officials must provide this in addition to their regular responsibilities, which limits total capacity.

9. The parliamentary time and resources required for non-government bills depends to some extent on what functions the bills are intended to serve. In systems where some bills are introduced with little realistic prospect of parliamentary time, it is usually accepted that these serve purposes such as agenda setting, signalling and campaigning rather than direct enactment – as for example with most 'ten minute rule' and 'presentation' bills in the UK House of Commons. Where there is little chance of genuinely independent non-government bills being passed into law (as opposed to government handouts), it may likewise be argued that significant policy and drafting resources are unnecessary. If, however, the intention is to promote the passage of bills that are genuinely independent of the executive, have policy significance, are competently drafted, and are subjected to proper scrutiny, this will inevitably require greater parliamentary time and resources. This would in turn need to be considered against the wider demands on the chamber, most notably for the scrutiny of government action and legislation.

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## References

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<sup>6</sup> <https://www.parliament.scot/bills-and-laws/about-bills/non-government-bills-unit> (accessed 24 April 2025).

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