



Factsheet P9 Procedure Series

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House of Commons Information Office

Divisions

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The House of Commons votes by dividing. Generally Members vote by walking through either an Aye or a No Lobby. Their names are recorded as they file past the clerks and are then counted by the Tellers. For some votes, a system of 'deferred divisions' was introduced on an experimental basis at the beginning of the 2000-01 session. Unlike many other legislatures, the House of Commons has not adopted a mechanical or electronic means of voting. This possibility was considered most recently in 1998 by the Modernisation Committee but was rejected because no one alternative to the present system appeared to command any great support among Members. This **Factsheet** describes the historical development of divisions as well as current practice.

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Introduction

The House of Commons votes by dividing. Those voting Aye (yes) to any proposition walk through the division lobby to the right of the Speaker and those voting No through the lobby to the left. In each of the lobbies there are three desks occupied by Clerks, who mark Members' names off on division lists as they pass through. Then, at the exit doors, the Members voting are counted by two Members, acting as tellers.

Historical Development

The Speaker has always assessed the opinion of the House (nowadays by saying 'I think the Ayes (or Noes) have it'). Only if his assessment were challenged, would a count ensue. The numbers supporting any particular proposition would, originally, probably have been counted as they sat on the benches. The custom then grew up of one side remaining where it was, and the other filling out into the ante-room or lobby. This was the case by 1584, when William Lambarde wrote his Notes on the procedures and privileges of the House. In 1690, the process was described as follows:

... they vote by yeas and nos, and if it be doubtful which is the greater Number, then the Yeas are to go forth, and the Nos sit still, because these are content with their present condition, without any addition or alteration of Laws as the other desire; and then some are appointed to number [i.e. to count] them. But at a Committee, though it be of the whole House ... the Yeas go on one side and the Nos on the other, whereby they may be discerned.

Indeed, the existence of an ante-chapel to St Stephen's Chapel, which the Commons took over in 1547, probably led to the whole idea of a voting lobby.

The principles of the present system of divisions stem directly from the report of the Select Committee on Divisions of Session 1835 (HC 66), which recommended:-

- 1st - That upon every Division the House be entirely cleared; the Ayes and the Noes being sent forth into two separate Lobbies:
- 2nd - That four Tellers and four Clerks be appointed, two of each to be stationed at the Entrance of the respective Lobbies:
- 3rd - That the Doors being simultaneously opened by the Speaker's order, the Names of the Members be taken down by the Clerks, on ruled paper, with numbered lines, as they re-enter the House by the opposite Doors, the Tellers counting, and announcing the result at the Table as at present:
- 4th - That the Lists of the Division be then brought up to the Table by the Tellers, and deposited there for insertion in Alphabetical order in the Votes.

Division Lobbies

In the rebuilding after the fire of 1834, these recommendations were adopted, and two such division lobbies provided. The supporters and opposers of a motion henceforth had each to file into a separate lobby and had their names recorded: previously, this had not been done.

The lobbies were built parallel with and adjacent to the long sides of the Chamber, and the lobby to the Speaker's right became known as the Aye Lobby, that to his left, the No Lobby, although

they are officially called the East and West Division Lobbies. The same idea was replicated in the post-World War II rebuilding of the Chamber after its destruction in 1941: the width of the lobbies was slightly increased, and oriel bay windows provided, wide enough to accommodate large desks for Members to write at between divisions: the idea being, according to Sir Giles Gilbert Scott, the architect, "to produce a more domestic character on the lines of the long galleries that exist in many fine old houses in England". (The old lobbies were somewhat ecclesiastical in nature and fitted out with much stained glass.)

At the same time, the opportunity was taken to reduce congestion during divisions by arranging the exits from the two lobbies at opposite ends of the Chamber. The word "Aye" replaced "Yea" some 200 years ago, though the change was made in the Journal only from 1969-70 onwards. "Yea" is still used in the United States Congress.

Current Procedure on Divisions

The basic system dates from 1906. The rules are now embodied in Standing Orders 38-41.

When a motion is put to the vote, the Speaker (or a deputy) says:

"The Question is, that ... [for example, the Bill be read a second time]. As many as are of that opinion say Aye", (there then follows a chorus of shouted Ayes), "of the contrary No" (a similar shout of No)..... "I think the Ayes have it...".

If there then follow shouts of No, the Speaker calls the division by announcing "Clear the Lobbies". The division bells throughout the building ring, the annunciators display "Division" and the police direct all Strangers to leave the vicinity of the Members' Lobby; they also walk through the public rooms of the House shouting "Division". Members empty out from the cafeterias, offices, libraries, bars and terrace and make their way to the Chamber, where, for divisions taking place on party lines, whips are on duty to remind the uncertain which way (if any) their party is voting. Meanwhile, the clerks who take the names of those voting will have reached the high desks provided for them, and will have ready the large alphabetical lists of Members' names, on which the marks are made recording the votes.

The exit doors from the Lobbies will be locked during this time, except to admit the clerks. There are now 3 desks in each lobby; the Government's large majority at the 1997 General Election made necessary the addition of one extra desk and Clerk to each lobby, enabling a larger number of Members to vote in the same lobby more quickly.

Tellers

Tellers are appointed by each side, and their names are given to the occupant of the Chair. Two minutes after the original "The Question is..." (timed by an interval timer on the Clerks' table) the Speaker again puts the question. If challenged by the tellers or other Members he says "The Ayes to the Right, the Noes to the Left: tellers for the Ayes, Mr A and Mr B, tellers for the Noes, Mr C and Mrs D". Should the further question not be challenged or four Tellers not be named, the Speaker announces "The Ayes (or Noes) have it" and the division is called off; the Annunciators then state "Division off". Where a division takes place at a predetermined time or more than one division takes place in succession, the Speaker has discretion to put the question again after a period of less than two minutes.

Assuming the division is on, when the tellers are ready, the exit doors are opened, and the counting process begins. This involves the recording of names by the Clerks and the counting by

the tellers. Eight minutes after the original question, the Speaker orders "Lock the doors", and the doorkeepers lock the three entrances to each lobby. The last occupant of each lobby, usually a whip, announces "all out" and the tellers give the figures to the clerks at the Table.

Announcing the result

When both lobbies have been counted, and the figures entered on a card, this is given to the senior Teller for the majority. The Tellers then line up just beyond the Table, with the tellers for the majority to the Speaker's left. Then, bowing to the Speaker, they advance; and the Teller standing near the Opposition despatch box announces the numbers. A Clerk, standing by the despatch box, takes the card to the Speaker who reads the figures again, and then announces, "So the Ayes (or Noes) have it". The result is displayed on the annunciators and the Speaker, after calling the House to order, moves on to the next business. The Division List is sent to Hansard and to the Editorial Supervisor of the Vote for printing.

Whips (official or unofficial) might display a notice reading, for instance, "Another Division expected" or "No more votes till 7pm", although it is more common nowadays for the whip to tell Members as they vote. Members on both sides of the House use the certain knowledge that colleagues, however senior, are likely to be in the division lobby, as an opportunity to exchange messages and information; this is one reason why electronic voting has not yet been taken up.

Time taken by divisions

The time allowance used to be two minutes, at one time measured by a large hourglass manipulated by the clerks at the Table. This was increased to six, and then to eight minutes when the Norman Shaw Buildings, some distance away on Victoria Embankment, were occupied in March 1975. The eight minutes are nowadays measured by an electronic interval timer.

A division rarely takes less than ten minutes and sometimes takes more than fifteen. In the nineteenth century, with a House of over 700 (Irish Members additionally present) twenty minutes was not unknown. The average length of a division was calculated to be 11 minutes 30 seconds: it has not changed significantly over the last ten or so years. If Members loiter in the lobby as a means of delaying business the Speaker may send the Serjeant at Arms to investigate.

Nodding through

A Member who is in the precincts of the Palace, but too ill to reach the Lobby, may be "noddled through" if the tellers agree. That is, the whips, having ascertained his or her view on the issue, and having informed the clerks and tellers, will cause him or her to be added to the appropriate list of those voting, and one to be added to the total. Nodding through is permissible only if the Member is present in the precincts.

Abstention

There is no means in the House whereby a Member may register an abstention. But Members may continue to occupy their seats during a division to signify abstention.

A Member who has voted by error may, if he or she has time, cross over to the other lobby and vote again, hence nullifying the effect of his or her original vote, though of course this procedure does not allow him actually to register a vote in favour of the proposition on which he made the first mistake. Members can also, if they wish, stay in the lobby and not register a vote at all.

Strangers voting

There have been various instances in the past of persons who were not Members being counted in a Division. For instance, on 27 February 1771:

The Speaker had no sooner declared that the Noes had it (Noes 165; Yeas 155), than it was discovered that a Stranger had come in and been told as one of the Noes. He was brought up to the Table by Mr Byng and Mr Buller. Questioned by the Speaker, he said, 'My name is Thomas Hunt. I live in Dartmouth Street I follow no business, but live on my fortune. I heard somebody in the Lobby say, the doors were open, and that anybody might go in. I was going up to the gallery, with other gentlemen of my acquaintance ... I came into the lobby a little before the gentlemen were coming out ... I have been used to come into this House and gallery. I have been told in divisions before this'.

After a long debate the question was again put and the House divided. Yeas 153: Noes 164. Mr Hunt was discharged after a warning from the Speaker.

The idea of clearing the lobbies derives from this sort of incident: security is now such that an intrusion of this kind would be virtually impossible.

Pairing

Pairing is an arrangement whereby a Member of one party agrees with a Member of an opposing party not to vote in a particular division. Such arrangements have to be registered with the whips, who will take action to check compliance with the arrangements. Pairing is not permitted on divisions of the greatest political moment.

The idea is systematised, such that pairing arrangements may last for months or years and cover all divisions in that time, and can be extended in cases of sickness, absence on parliamentary delegations, etc. Pairing is not an arrangement recognised by the House's rules.

In the 1983 Parliament, the pairing system was modified. With a large Government majority, bisques (a term derived from croquet) were organised, whereby a proportion of their members might be absent, unpaired, on specified days. The system continued in the 1987 Parliament, but not after the General Election of 1992. Bisques were so arranged that the Government could always expect a reasonable majority, and could always command the votes needed for the Closure. Similar arrangements have existed since the 1997 General Election.

Division lists

Division lists are issued, generally available on the day after for divisions up to midnight, in Hansard. There is no official record kept of the number of times a particular Member has voted, although there are several sources for such information. Up to 1983, the Political Companion edited by F W S Craig did attempt to show the number of times each Member had voted in every Parliament. Until 1997-98, an external company, Campaign Information, produced computerised division information. Division lists in Hansard on CD-Rom are searchable; and the House of Commons Library now produces a paper on Voting Participating Rates (available from the House of Commons Information Office). Party affiliations are not recorded in the Division Lists.

On request, the Press Association may obtain from the Public Bill Office of the Clerk's Department one copy of the manuscript lists, fifteen minutes after each division.

From time to time mistakes may be made in the counting of the numbers, or in the recording of the names, of those voting. Occasionally, where a mistake has demonstrably occurred, Mr Speaker may order the record of a division to be amended. Changes may also be made if a Member has been omitted from a list and his or her name can be recorded in the bound volume of Hansard.

If, in the opinion of the occupant of the chair, a Division is claimed unnecessarily, he may under standing order 40 call each side to rise successively in their places. He or she may then declare the ayes or noes have it, or proceed to a division, as he or she thinks fit. This procedure was invoked, for instance, by the Deputy Speaker during debate on the remaining stages of the *Firearms (Amendment) Bill* on 25 May 1988, and is a relic of early practice on divisions (see above).

Quorum

If fewer than 40 Members, including the occupant of the chair and the tellers, have participated in a division, the House proceeds to the next business, and the business voted upon stands over until the next sitting. Members who wish to defeat a particular item of business may engineer a division and then stay out of the lobbies if by doing so they can render the division "inquate".

Procedure if votes are equal

If both sides record the same number of votes, which only happens very rarely, the occupant of the chair has a casting vote. The principles on which this decision will be based are :-

- that the Speaker should always vote for further discussion, where that is possible;
- that, where no further discussion is possible, decisions should not be taken except by a majority; and
- that a casting vote on an amendment to a bill should leave the bill in its existing form.

The Chair has only occasionally had to give a casting vote in the Chamber. This happened in the 1974-79 Parliament (see, for example, the debate on 27 May 1976) and in the 1992-97 Parliament on 22 July 1993 but has not occurred since.

Pecuniary interests

A Member may not vote on a matter in which he or she has a direct pecuniary interest, but in order to act as a disqualification, this interest must be immediate and personal, not merely of a general or remote matter. Mr Speaker Abbott explained the rule on 17 July 1811:

This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his Majesty's subjects, or on a matter of state policy.

Deferred Divisions

In its second report of 1999-2000, the Modernisation Committee proposed a scheme of deferred divisions.¹

The Modernisation Committee report concluded that its proposals on deferred divisions (together with those on programming of legislation) should be introduced on an experimental basis from the beginning of the next parliamentary session. New Sessional Orders were accordingly drafted (see appendix 1) and the motion on the proposed Sessional Order on deferred divisions was debated on 7 November 2000. The experiment has now been extended into the 2002-03 session.

The Order allows for some divisions that would normally take place after the moment of interruption (10pm Monday, 7pm Tuesday and Wednesday, 6pm Thursday) to be taken on Wednesday afternoons. Instead of a division taking place in these circumstances, votes are deferred until 12.30pm on the next sitting Wednesday.² Business subject to the new procedure includes motions on statutory instruments and on certain types of motion which are not subject to amendment. Proceedings on Bills are excluded from the new procedure.

On any such Wednesday where deferred divisions take place, Members record their votes according to "arrangements made by the Speaker". Clerks are present in the "No" lobby and Members record their votes ("Aye" or "No") on a paper setting out all the deferred votes for that day. The paper is available at the start of the day and is included in the *Vote Bundle*. The division clerks take their places as for a division in the House, and mark members as having voted and take their ballot papers. A Member may not hand in a ballot paper for another Member, except in circumstances that allow "nodding through" in a division.

The period during which votes are recorded is for one and a half hours from 12.30pm, excluding any time during which the House or the committee of the whole House was holding a division. Members remaining in the lobby have until the doors are unlocked to vote. The votes are counted, and then announced by the Speaker, or the Chairman. The results are available on the notice board in the aye lobby, and full division lists are printed in the *Official Report* for that day.

During a "deferred division", Members marking both boxes are not recorded as voting on that particular question.

¹ *Programming of legislation and timing of votes*, HC 589, July 2000

² This was changed from 3.30pm from 1 January 2003

Appendix 1

Sessional Order relating to deferred divisions

28 June 2001 (Renewed for session 2002-03 on 29 October 2002)

Ordered, That in the current Session of Parliament the following Order shall have effect:

- (1) Except as provided in paragraph (2), Standing Order No. 38 (Procedure on divisions) shall not apply if, after the time for the interruption of business, the opinion of the Speaker as to the decision on a question is challenged in respect of any question.
- (2) Standing Order No. 38 (Procedure on divisions) shall apply (and this order shall not apply) to questions—
 - (a) on motions or amendments in the course of proceedings on bills or allocating time to or programming such proceedings;
 - (b) on motions which may be made without notice;
 - (c) on motions to be disposed of immediately following the disposal of amendments proposed thereto, and on such amendments;
 - (d) on motions made under—
 - (i) paragraph (2) of Standing Order No. 15 (Exempted business);
 - (ii) paragraph (3) of Standing Order No. 51 (Ways and means motions);
 - (iii) sub-paragraph (1)(a) of Standing Order No. 52 (Money resolutions and ways and means resolutions in connection with bills);
 - (iv) paragraph (5) of Standing Order No. 54 (Consideration of estimates); and
 - (v) paragraph (1) of Standing Order No. 55 (Questions on voting of estimates, &c.); and
 - (e) on motions made under paragraph (3) below or to which an order made under that paragraph applies.
- (3) After the moment of interruption and the conclusion of proceedings under any other Standing Order which fall to be taken immediately after it, a Minister of the Crown may make a motion to the effect that this order shall not apply to questions on any specified motions; such motion may be proceeded with, though opposed, and the question thereon shall be put forthwith.
- (4) If the opinion of the Speaker is challenged under paragraph (1) of this order, he shall defer the division until half-past Three o'clock on the next Wednesday on which the House shall sit.
- (5) On any Wednesday to which a division has been deferred under paragraph (4) above—
 - (a) Members may record their votes on the question under arrangements made by the Speaker;
 - (b) votes may be recorded for one and a half hours after half-past Three o'clock, no account being taken of any period during which the House or committee proceeds to a division; and
 - (c) the Speaker, or the Chairman, shall announce the result of the deferred division as soon as may be after the expiry of the period mentioned in sub-paragraph (b) above.

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Factsheet P9 Divisions

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