

Inquiry into disrespectful behaviour towards other members in the Chamber

Introduction

1. There is a distinction between how the House of Commons regulates Members' behaviour in the course of formal proceedings and how it regulates behaviour outside the Chamber and committees. Members' behaviour in the course of proceedings is a matter for the Chair (and, in some circumstances, for the House); conduct outside the Chamber is a matter, in the first instance, for the Parliamentary Commissioner for Standards and the Independent Expert Panel.
2. Standards of expected behaviour for Members in the Chamber are a matter of practice and precedent, set out in Erskine May (in particular Chapter 21) and in the Speaker's guidance on Rules of Behaviour and Courtesies in the House of Commons.¹

Do behaviour codes apply to conduct in your Chamber? If so, what are the circumstances that are covered? If so, how are the codes applied?

3. While there are clear rules about conventions on courtesies and behaviour in the Chamber, the House of Commons does not have a specific behaviour code relating to the behaviour of Members in the Chamber. While the House has introduced formal processes² to deal with misconduct by Members in other contexts, Members' conduct in the course of proceedings in Parliament falls to the Speaker or Chair to police.
4. There are several reasons for this. The House guards carefully its exclusive cognisance, the right to regulate its own proceedings. While the investigatory processes set up by the House for both bullying and wider misconduct are considered within the boundary of privilege, considerable responsibilities, including decision making, have been placed in the hands of functionally independent office holders. It would be inappropriate for them to control how the House or its committees conduct their core business.
5. There are well-established principles designed to increase good language and behaviour in the Chamber, which derive from custom, practice and precedent, and are set out in Erskine May.

“Good temper and moderation are the characteristics of parliamentary language. Parliamentary language is never more desirable than when a Member

¹ [Rules of Behaviour and Courtesies in the House of Commons](#) (November 2023)

² UK Parliament [Independent Complaints and Grievance Scheme](#)

is canvassing the opinions and conduct of their opponents in debate. The Speaker will accordingly intervene in such cases and will also intervene in respect of other abusive and insulting language of a nature likely to create disorder. The Speaker has said in this connection that whether a word should be regarded as unparliamentary depends on the context in which it is used. Expressions will equally draw an intervention from the Chair when based on a quotation from elsewhere”.³

6. In addition to these general principles, the following specific rules relating to language have been consistently upheld by the Chair:

- treasonable or seditious language or a disrespectful use of His Majesty's name are not permitted;
- unless the discussion is based upon a substantive motion, drawn in proper terms, reflections must not be cast in debate upon the conduct of various people, including the Sovereign, the heir to the throne, or other members of the royal family; the Governor-General of an independent territory; judges of the superior courts of the United Kingdom; and Members of either House;
- a Member may not make an imputation of false or unavowed motives against another Member (although accusations about a group of Members e.g. “the X party” or “the frontbench” are often allowed); misrepresent the language of another or accuse another of such misrepresentation; or accuse another of uttering a deliberate falsehood. While there is no published list of proscribed words, “lying” and “misleading” with an implication that it is deliberate are almost always disorderly. For other language, context is essential – a word uttered in a particular debate, in a particular tone, might be acceptable, while in another context it would not.⁴

7. Erskine May also sets out more specific conventions and rules of behaviour and language covering a range of topics, including:

- Manner of speaking
- Timing and length of speeches

³ 25th Edition (2019), [paragraph 21.21](#).

⁴ *Ibid.*, [paragraph 21.24](#).

- Contents of speeches
 - Rules of behaviour for Members in the Chamber – including on sitting when the Speaker rises, Members keeping their place after a call to order, reading and the use of electronic devices in the Chamber, silence during debates, clapping and words of interruption, dress and refreshments in the Chamber.
 - Powers of the Chair to enforce order⁵
8. The leaflet on Rules of behaviour and courtesies in the House of Commons is intended to give Members a guide to behaviour in the Chamber, Committees and elsewhere, distilling key sections of Erskine May, relevant Standing Orders and other conventions. It covers language, forms of address in the Chamber, expectations on interventions in debates, entering and leaving the Chamber, parliamentary language, courtesies in the Chamber, and courtesy to each other. The leaflet is distributed to all Members after an election, and to new Members in particular. A link to the current version is footnoted (although please note that a revised edition is being prepared).⁶

Whether standing orders or codes contain any provisions that impose positive expectations of behaviours that parliamentarians must uphold in the Chamber. For example, ‘members should treat each other with respect’. If so, how are such provisions enforced?

9. The standards of expected behaviour and language in Erskine May and the Rules on behaviours and courtesies (as set out above) are enforced by the Chair in the Chamber. The Standing Orders themselves do not set out any detailed rules about Members’ behaviour in the Chamber and are largely silent on the question of what constitutes disorderly or unparliamentary language or conduct. There is a specific prohibition against a Member persisting in “irrelevance, or tedious repetition” and a Resolution which prohibits Members from referring to matters *sub judice*.⁷ The Standing Orders do however confer a range of powers on the occupant of the Chair to order a Member to resume their seat or, in the case of serious disorder, to withdraw from the Chamber.
10. Standing Order Nos. 42 to 46 give the Speaker the power to take action in the case of disorderly speech or conduct. The Speaker may first issue an informal warning, inviting the Member to withdraw the offending word or phrase. If the Member declines

⁵ 25th Edition (2019), [Chapter 21](#)

⁶ [Rules of behaviour and courtesies in the House of Commons](#), November 2023

⁷ [Standing Order](#) No. 42; [Resolution relating to Matters sub judice](#) (15 November 2001).

to do so, then the Speaker may order them to withdraw for the remainder of the day's sitting under Standing Order No. 43. If the Member refuses to withdraw, then the Speaker may proceed to "name" them, and invite a Member (usually a Minister) to move a Motion, "That such Member be suspended from the service of the House". This results in a suspension of five sitting days with loss of salary and pension.⁸ It is also possible for the Speaker to move directly to "naming" the Member rather than proceeding through the preliminary stages. A Member who refuses to leave after being "named" would be suspended for the remainder of the Session of Parliament. A Member who is suspended in this way must leave the Parliamentary Estate.⁹ In the case of persistent, grave disorder, the Speaker may adjourn or suspend the House.¹⁰

The management of allegations or assertions made by parliamentarians about the conduct of other parliamentarians in the Chamber, particularly when the Chair has not heard or observed the incident directly.

11. Allegations or assertions relating to the conduct of other Members tend to be dealt with very quickly if they have been heard by the Chair directly (or by the Clerks at the Table advising the Chair) to help protect the character of parliamentary debate. The Chair will usually intervene to informally correct a Member who has accused another of misrepresentation, false motives or lying or ask them to withdraw their comments. However, if a debate on a substantive motion focuses on the conduct of a Member, accusations of the kind not usually allowed about that conduct are likely to be permissible.¹¹
12. It is for the Chair to decide whether a Member's speech or conduct in the Chamber is in order. This allows a degree of discretion in situations where context is important, and allows norms and standards of speech and conduct to evolve organically. The Chair will be sensitive to the need to balance freedom of speech with what are expected standards of behaviour.

⁸ [Standing Orders](#) Nos. 44(2) and 45A. If a Member is suspended for a second time under the Standing Order it would be for 20 days, and after a third suspension it would be indefinite, until the House decides to end the suspension.

⁹ [Standing Order](#) No. 45.

¹⁰ [Standing Order](#) No. 46.

¹¹ For example, the debate to approve a report by the Committee of Privileges on the conduct of Rt Hon Boris Johnson, [HC Deb 19 June 2023, v734, c583](#)

13. Practically, it can be very difficult for the Chair to hear unofficial interventions, particularly when the Chamber is busy. Such interventions are not generally recorded in Hansard, though they can be picked up on the Chamber's microphones. Members can make the Chair aware of this at the time or retrospectively through a Point of Order. The Chair tends not to censure Members for interventions that they have not seen or heard themselves, but will remind all Members about the need for good temper and moderation and that, if such words had been said, it is assumed that the honourable Member will apologise for their actions.¹²

Whether issues need to be dealt with at the time in the Chamber, or if they can be dealt with at a later time, and the process for raising and dealing with complaints.

14. It is expected that regulation of conduct and language should be in the moment and context-specific; and the principle of freedom of speech in Parliament means that, in general, retrospective adjudication is inappropriate and could have a chilling effect. Issues therefore tend to be dealt with as and when they happen or are brought to the attention of the Chair by another Member, although there might sometimes be a short delay so as not to interrupt important business. For example, issues arise during Prime Ministers Questions would likely not be dealt with until all questions had been disposed of.
15. There is no formal process through which matters relating to language or behaviour in the Chamber are dealt with. Members can raise concerns privately with the Speaker or through a Point of Order in the Chamber. Where they choose the latter approach, they are encouraged to notify in advance any other Member they plan to refer to and to share the text of the Point of Order with the Speaker's Office and clerks so that a considered response can be prepared. The Speaker can also call in the Member or their Chief Whip to discuss an issue at any time.

Any training offered to presiding officers and anyone else taking the Chair in the Chamber to assist them with responding to incidents of disrespectful behaviour in the Chamber.

16. On election, the clerks will engage with Chairs and offer training about Chamber operations, including on the rules and courtesies of the House and the disciplinary powers of the Chair and how to use them. Staff from the Speaker's Office will attend

¹² See for example <https://hansard.parliament.uk/commons/2023-11-22/debates/24975BBE-92A2-44ED-B021-C1989CEF0075/PointOfOrder>

in the Chamber to help with Member recognition, selection of speakers during debates and management of Chamber choreography. Clerks at the Table also listen during debates and will make the Chair aware if, in their opinion, there is disorderly conduct or behaviour. Clerks will advise the Chair on actions they may wish to take, and will be able to provide wording that Chairs may wish to use.

The sanctions for disrespectful behaviour in the Chamber and how frequently they are applied in practice

17. The powers available to the Chair in the Chamber to deal with disorderly conduct or language are as set out in paragraph 10. In the last ten years, four Members were ordered to withdraw for disorderly conduct under Standing Order No. 43 and three Members were named and suspended under Standing Order No. 44.

I hope that this information is helpful. I am grateful to Dr Farrah Bhatti, Principal Clerk, Table Office, and Emily Unell, Clerk, Table Office, for their help in preparing this note. Please let me know if I can be of any further assistance.

Tom Goldsmith
Clerk of the House
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