

# The House of Lords

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## Reform of the House of Lords, long a hung chamber, remains on the agenda

House of Lords reform is a piece of “unfinished business” from the Labour governments of 1997-2010. The majority of the hereditary peers were removed by the *House of Lords Act 1999* and the *Constitutional Reform Act 2005* removed the law Lords. Further reform was much talked about but never occurred.

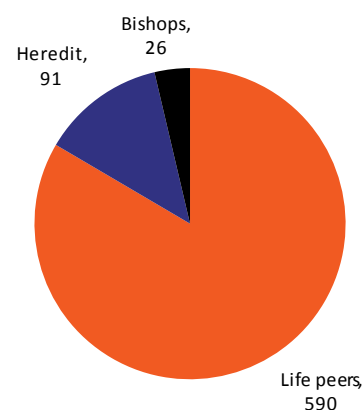
### MEMBERSHIP AND ROLE OF THE SECOND CHAMBER

The majority of members of the House of Lords are life peers. Nominations for life peerages are passed from the Prime Minister to the Queen, and originate either through political parties or, since 2001, through the non-statutory Appointments Commission.

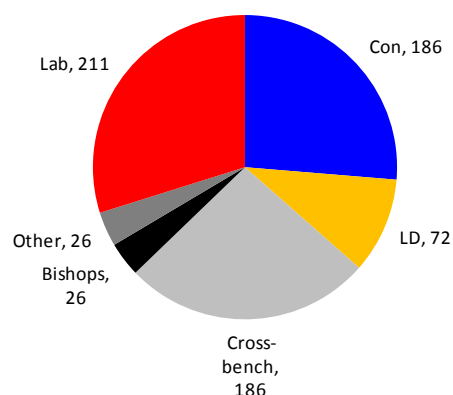
No one party has overall control in the House of Lords. Since 1999 peers have been appointed roughly in proportion to the share of votes cast in the most recent general election. Coalitions must be built across party groups and ‘cross benchers’ in order to avoid or inflict defeats. The Standing Orders in the Lords provide few opportunities for debate to be curtailed and there is no selection of amendments. As well as large numbers of former MPs, the membership of the House of Lords includes notable experts and cross-benchers often from outside party politics. The House of Lords is often praised for its consensual style, its considered approach to scrutiny and the combined knowledge of its membership.

The removal of the majority of the hereditary peers, together with the size of the Government majority and concerns about the scrutiny function in the Commons, has arguably given the House of Lords a greater sense of

**Life Peers dominate**  
House of Lords membership by peerage type,  
April 2010



**A hung chamber**  
House of Lords membership by party,  
April 2010



legitimacy and purpose. This has resulted in a more assertive chamber which is willing and able to cause government defeats. For example, during the passage of the Prevention of Terrorism Bill 2004-05 the Lords inflicted eighteen defeats over the detention of terrorist

suspects. Although the government can bypass the House of Lords by using the Parliament Acts, the conditions and political will required to do so means its use is rare. The two Chambers therefore often have to compromise during the legislative process.

### SIZE AND STANDARDS

The House of Lords is one of the largest parliamentary chambers in the world, second only to the Chinese National Party Congress. It is likely to grow further, with an increased number of Conservative peers required to rebalance numbers and a dissolution list expected from Gordon Brown. This is despite the fact the major parties all advocate a smaller second chamber in the longer term.

Despite some unfavourable publicity regarding the appointments process, lobbying and alleged financial impropriety, the House of Lords remains largely self-regulated. It preferred not to transfer its expenses system to the new Independent Parliamentary Standards Authority. Reform measures included in the *Constitutional Reform and Governance Bill 2009-10* would have allowed peers to resign, enabled the expulsion of peers in cases of wrong-doing, and ended the by-elections for hereditary peers. However, these provisions were all removed during ‘wash-up’.

### TOWARDS REFORM?

More fundamentally, it is widely held that the composition of the second chamber is undemocratic. Along with the Canadian Senate, it is one of just two unelected second chambers that exist in major democratic states. In 2007, free votes in the House of Commons came out in favour of both an 80% elected

and 100% elected chamber. The major political parties have all pledged to introduce either a majority or totally elected second chamber.

However, the previous administration found that despite a Royal Commission report, five government white papers, a select committee report, and indicative votes on composition being held twice during the period in both chambers, no clear way forward towards a “more democratic and representative” second chamber emerged. The difficult questions remain. For example, how would the primacy of the House of Commons be retained? Which electoral system would be appropriate? If an appointed element is to be retained, what process should be used? Should there be a continuing role for Church of England representatives? Would opposition in the House of Lords impede the passage of legislation?

### LIMITS ON THE POWERS OF THE HOUSE OF LORDS

The **Parliament Acts** of 1911 and 1949 mean that any bill (except one to postpone a general election) that passes the Commons in two successive sessions can be presented for Royal Assent without the consent of the Lords, as long as certain time restrictions apply.

The **Salisbury Convention** requires the House of Lords not to reject at second reading any government legislation that has been passed by the Commons and that carries out a manifesto commitment.

The Lords may not amend bills relating to **taxation or government expenditure** and under the Parliament Acts the amount of time given to scrutiny of the Finance Bill in the Lords is limited.