



House of Lords Appointments Commission

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The House of Lords Appointments Commission was established in 2000. Its role is:

- (i) to recommend people as non-party political life peers;
- (ii) to vet all nominations for membership of the House of Lords and;
- (iii) to scrutinise certain candidates to the Honours lists.

In November 2005 it was reported that the House of Lords Appointments Commission blocked four nominees from membership of the House of Lords. In spring 2006 the press reported that these nominees were amongst those that had given non-declarable loans to political parties. A police investigation followed, with allegations that an offence had been committed under the *Honours (Prevention of Abuses) Act 1925*. In July 2007 it was announced that no-one would face charges in relation to the so called 'cash for peerages' affair. In October 2007 a further announcement was made that no charges would be brought against anyone linked to the Conservative Party.

In December 2007, the Public Administration Select Committee published their final report on propriety and the honours system, having previously "paused" their inquiry during the police investigation. The Committee recommended that an interim House of Lords reform bill should be brought forward to place the Appointments Commission on a statutory footing, and set out the criteria it uses to assess suitability and credibility for membership of the second chamber in law.

This note sets out the role of the Commission in more detail. It also summarises the conclusions of the December 2007 Public Administration Select Committee report, *Propriety and Peerages*.

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1 The establishment of the House of Lords Appointments Commission

The genesis of the current Appointments Commission lay with the 1997 Labour election manifesto which promised to reform in the way life peers were nominated.¹ It is the Queen, as the sole fountain of honour, who awards peerages, but she only exercises this prerogative on the advice of her ministers.² The Prime Minister is responsible for making all recommendations for appointment. Under the system which existed before the Appointments Commission was established, the Prime Minister decided on nominations from his or her own party, sometimes creating peerages to enable individuals to serve as ministers. He or she also invited recommendations from other party leaders to fill vacancies on their own benches. Non-party appointments to the independent Cross Benches were in the control of the Prime Minister. The Political Honours Scrutiny Committee vetted all nominations for life peerages.³

The white paper on House of Lords reform issued in January 1999 proposed a Commission with the brief to nominate cross-bench peers. The Commission would be an advisory Non Departmental Public Body (NDPB) to consist of:

... representatives of the three main political parties and independent figures who will comprise a majority, one of whom will become the Chairman.

The 1999 white paper also envisaged that the Commission would take on the function of the Political Honours Scrutiny Committee in vetting the suitability of all nominations to life peerages.⁴ The Political Honours Scrutiny Committee had been established in 1923, following scandals about honours being 'bought' during the premiership of Lloyd George. A Royal Commission was established in 1922 to examine the procedures regarding the award of honours, and its report eventually led to the enactment of the *Honours (Prevention of Abuses) Act 1925*. There has been only prosecution under this act, that of Maundy Gregory in 1933.⁵

The white paper proposed that the Prime Minister would decide the overall number of nominations to be made to the Queen, and the Commission would be asked to forward the same number of nominations, which would be passed on in the same way as the recommendations of other party leaders to fill the vacancies on their benches.⁶ Therefore the number of cross benchers would depend on the actions of the Prime Minister. The white paper expected, however, that the Government would maintain a significant independent cross bench element in the transitional House. Lord Falconer of Thoroton confirmed the Government commitment that the number of 'non-political peers' would form a fairly constant percentage of the House during the lifetime of the transitional House.⁷

The Appointments Commission was established in May 2000 as a Non Departmental Public Body (NDPB) with seven members: three representatives from the main political parties and

¹ *New Labour: Because Britain deserves better* 1997 p32-33

² See Bradley and Ewing's *Constitutional and Administrative Law*, 12th Edition, 1997, p 277

³ Further details of how this worked in practice can be found in Royal Commission on the Reform of the House of Lords, *A House for the Future*, Cm 4534, January 2000, pp 111-112 and Nicole Smith, *Reform of the House of Lords*, The Constitution Unit, 1996, pp 15-17

⁴ *Modernising Parliament: Reforming the House of Lords* Cm 4183 January 1999 paras 8-13 p33

⁵ See Committee on Standards in Public Life Fifth Report, *The Funding of Political Parties 1998*, Cm 4057 Chapter 14 Honours for more details.

⁶ *Modernising Parliament Reforming the House of Lords*, 20 January 1999, Cm 4183, para 13

⁷ HL Deb 14 April 2000 vol 612 c 439

four independent figures, one of whom chairs the Commission. The posts are part time and receive a small remuneration. Members of the current House of Lords are eligible for appointment.⁸ During the passage of the *House of Lords Bill* in 1998-1999 an Opposition amendment was passed in the Lords which would have placed the Commission on a statutory basis. But this new clause was deleted when the Commons considered Lords amendments to the Bill.⁹ Since it was established, there have been a number of proposals, including from the Government, that the Commission should become statutory. Most recently this was a recommendation of the Public Administration Select Committee's inquiry into *Propriety and Peerages* (see below for more details).¹⁰

1.1 Membership of the Commission

The 1999 white paper proposed that the members of the Appointments Commission be appointed in accordance with the rules of the Commissioner for Public Appointments.¹¹ Price Waterhouse Coopers were appointed to assist in the recruitment of the Chairman and independent members of the Commission.¹² In response to queries about the role of the firm, Baroness Jay, the then Leader of the House of Lords, emphasised that Price Waterhouse Coopers would not be choosing members of the Commission.¹³ The selection panel for the final shortlist for chairman and independent members was chaired by Sir Richard Wilson, the then Cabinet Secretary and consisted of five people, including an independent assessor.¹⁴ There were Opposition protests that the chairman of the Commission should be chosen by the members of the Commission, not by the Cabinet Office.¹⁵

The members of the Appointments Commission were announced on 4 May 2000, in response to a parliamentary question:

The Prime Minister: Following an open recruitment exercise conducted in accordance with the principles of the Commissioner for Public Appointments, I have decided to appoint the following people, on the recommendation of the selection panel, as the independent Chairman and members of the Interim House of Lords Appointments Commission.

The Chairman will be Lord Stevenson of Coddenham, the Chairman of the Pearson Group and Halifax plc and a cross-bench peer in the House of Lords. The leaders of the Conservative and Liberal Democrat parties have been informed and are content for Lord Stevenson to be appointed as Chairman.

The independent members, chosen from a strong field of candidates, will be Mrs. Angela Sarkis CBE, the Chief Executive of the Church Urban Fund; Dame Deirdre Hine, previously Chief Medical Officer at the Welsh Office and Chairman of the Commission for Health Improvement; and Ms Felicity Huston, Chairman of the Northern Ireland Consumer Committee for Electricity and Deputy Chairman of the General Consumer Council of Northern Ireland.

⁸ HL Deb 8 February 2000 vol 309 WA78

⁹ HC Deb 10 November 1999 c1460

¹⁰ Public Administration Select Committee, *Propriety and Peerages*, 18 December 2007, HC 153 2007-08

¹¹ See http://www.ocpa.gov.uk/the_code_of_practice.aspx

¹² HL Deb 25 January 2000 vol 608 c 179WA

¹³ HL Deb 31 January 2000 vol 609 c 10. Neither would they have a role in the nomination of life peers by the Commission

¹⁴ HC Deb 10 March 2000 vol 345. The names of the selection panel were set out in 10 Downing St Press Notice 4 May 2000 'Prime Minister Announces Members of the House of Lords Appointments Commission'. They were: Sir Richard Wilson, Lord Fellowes, Herman Ouseley, Ann Abraham, and Paula Grayson

¹⁵ See speech by Lord Strathclyde, Leader of the Opposition in the Lords HL Deb 14 April 2000 vol 612 c 433

In addition, the Commission will contain a member nominated by each of the three main political parties. The Labour Party member is the right hon. Baroness Dean of Thornton-le-Fylde. The Conservative Party member is the right hon. Lord Hurd of Westwell CH, CBE. The Liberal Democrat member is Lord Dholakia OBE, DL.

The seven members of the Commission will combine knowledge of the existing House of Lords with a diverse range of personal backgrounds. They will be well-qualified to take forward the process of appointing non-political peers to the House of Lords on a more open and transparent basis and to take on responsibility for vetting all nominations for peerages.¹⁶

Lord Hurd and Baroness Dean were members of both the Royal Commission on House of Lords reform and the Political Honours Scrutiny Committee.

All seven members of the Commission were re-appointed for a further three-year term in July 2003 and Lord Stevenson continued to chair the Commission. The Prime Minister noted:

Accordingly, after following the standard procedures set by the Commissioner for Public Appointments, I have re-appointed the chairman and independent members of the commission for further terms of three years, subject to continued discussion on the reform of the House of Lords, not least following our initial response to the Joint Committee report. I am also placing in the Libraries of both Houses my letter to the chairman.¹⁷

Dame Deirdre Hine left the Commission in the summer of 2005.

The Commission was reappointed in January 2007 for a further 18 month term.¹⁸

On 23 April 2008 Lord Howarth of Newport asked the Government about the future of the House of Lords Appointments Commission:

Lord Howarth of Newport asked Her Majesty's Government:

When the current term of the existing House of Lords Appointments Commission is due to expire; and what proposals they have for the status and terms of reference of a House of Lords Appointments Commission thereafter.

The Lord President of the Council (Baroness Ashton of Upholland): My Lords, the current terms of the chairman and members of the House of Lords Appointments Commission end on 30 June. A recruitment exercise is under way to find a new chairman and independent members. To ensure continuity, the chairman will continue until the autumn. The status and terms of reference of the commission will remain unchanged.

Lord Howarth of Newport: My Lords, can my noble friend confirm that although the Government have repeatedly, since at least 2000, declared their view that the House of Lords Appointments Commission should be placed on a statutory basis, they have all the same on three occasions so far—in 2003, 2006 and 2007—reappointed it as a non-statutory quango? My noble friend now tells the House that they are going to do that for a fourth time. Why will the Government not take this opportunity to legislate at long last to reconstitute the Appointments Commission and to give it democratic legitimacy? Is it because the cross-party working group is ignoring the widespread

¹⁶ HC Deb 4 May 2000 vol 349 c181W

¹⁷ HC Deb 17 July 2003 c444w

¹⁸ House of Lords Appointments Commission, *Annual Report 2006-07*, June 2007, p2; HC Deb 8 February 2007, c45WS

consensus that, without prejudice to further eventual reform, this would now be the proper thing to do?

Baroness Ashton of Upholland: My Lords, I wondered how long it would be before the cross-party group was mentioned. My noble friend raises an important point about the future of the commission. Certainly, in looking to appoint a new membership we have been minded to ensure that, should we decide to put it on a statutory footing, it would be a very simple process. The difference fundamentally is that we would turn it, by statutory provision, into a more independent body; but I hope that noble Lords will accept that the functioning of the commission, to which I pay tribute, as I do to all those who have participated in it, has indeed been independent. My noble friend is wrong to suggest that the cross-party group has not thought about these issues. Indeed, it has.¹⁹

On 30 October 2008 the Prime Minister announced the appointments of three new Independent Members of the House of Lords Appointments Commission: Baroness Jane Campbell DBE; Professor Dame Joan Higgins; and Dr John Low CBE. All three were appointed following an open competition run in accordance with the Commissioner for Public Appointments' code of practice, each for a single non-renewable term of five years.²⁰ The political party membership remains the same.²¹

1.2 Appointment of the Chair of the House of Lords Appointments Commission

The *Governance of Britain* Green Paper, published in July 2007, announced plans for select committees to be involved in some public appointments.²² For certain posts, it was proposed that select committees would be able to hold pre-appointment hearings, although would not be able to veto appointments. The Government's proposed list did not include the Chair of the House of Lords Appointments Commission.²³ In a letter to the Chairman of the Liaison Committee Tony Wright, Chairman of PASC, listed the appointments which he believed his committee should scrutinise. He wrote:

Perhaps most importantly, the Chairman of the House of Lords Appointments Commission is absent from the Government's list. This is a hugely important and influential post... It is of particular interest to Parliament. I would seem very strange if no hearing was provided for in respect of this post.²⁴

The post was included in the Government's final list of proposed posts.²⁵

On 22 July 2008 the Public Administration Select Committee held a pre-appointment hearing with Lord (Michael) Jay of Ewelme, the Prime Minister's preferred candidate for the post of Chair of the House of Lords Appointments Commission. Lord Jay was previously the Head of the Diplomatic Service from 2002-2006. The timetable for the hearing was described by the Committee as "much tighter" than they would normally expect. The name of the preferred candidate emerged on Friday 18 July and the House of Commons adjourned for

¹⁹ HL Deb 23 April 2008 c1500

²⁰ HC Deb 30 October 2008 38WS

²¹ See <http://www.lordsappointments.gov.uk/members.aspx> for information about membership of the House of Lords Appointments Commission.

²² Ministry of Justice, *The Governance of Britain*, Cm 7170, July 2007, paras 76-79

²³ Letter from the Minister for the Cabinet Office to the Chairman of the Liaison Committee, 23 January 2008, published as Annex A of Liaison Committee, *Pre-appointment hearings by select committees*, 5 March 2008, HC 285 2007-08

²⁴ Liaison Committee, *Pre-appointment hearings by select committees*, 5 March 2008, HC 285 2007-08, p24

²⁵ Liaison Committee, *First Special Report of Session 2007-08*, 2 June 2008, HC 594 2007-08

the Summer recess on Tuesday 22 July, the day on which the hearing was held.²⁶ The Committee concluded that:

We are satisfied that Lord Jay has the professional competence and personal independence required for the post of Chair of the House of Lords Appointments Commission. We therefore welcome his nomination and encourage the Prime Minister to make the appointment. We wish Lord Jay every success in his new post.²⁷

1.3 The Commission secretariat

The secretariat for the Commission is provided by the Cabinet Office, which also services other bodies such as the Office of the Commissioner for Public Appointments, the Civil Service Commissioners and the Business Appointments Committee. The Commission produced a report on its first term (2000-2003) in July 2003.²⁸ Annual reports for 2003-04, 2004-05 and 2005-06, and 2006-07 can be found on the Commission's website.²⁹

2 The role of the House of Lords Appointments Commission

The role of the House of Lords Appointments Commission is to:

- to make recommendations on the appointment of non-party-political members of the House of Lords;
- to vet all recommendations for appointments to the House of Lords, including those put forward by the political parties, for propriety; and
- to vet certain candidates added to the Honours Lists.³⁰

When the Commission was first established in 2000, it only performed the first two of the functions on the above list. The first function of these – recommending people for appointment as non-party political life peers – was a newly conceived role, required as a result of changes to the composition to the House of Lords following the Wakeham Commission Report and the subsequent removal of all but 92 of the hereditary peers from the House of Lords. The vetting of nominations for membership of the House of Lords had previously been carried out by the Political Honours Scrutiny Committee. The third function was added to the Commission's responsibilities, taken from the Political Honours Scrutiny Committee which was subsequently abolished, in 2005.

In July 2008 the Public Administration Select Committee published the position specification for the post of Chair of the House of Lords Appointments Commission as an appendix to its report on the select of Lord Jay as the new Chair. The position specification stated that the remit of the Commission had the potential to grow:

The work of the Commission should be seen against the background of, and make a significant contribution to, the shaping of a reformed second chamber. It also has a

²⁶ Public Administration Select Committee, *Selection of a new Chair of the House of Lords Appointments Commission*, 23 July 2008, HC 985, paras 5-6

²⁷ *Ibid*, para 10

²⁸ House of Lords Appointments Commission, *Report on First Term 2000-2003*, http://www.lordsappointments.gov.uk/publications_and_forms.aspx

²⁹ House of Lords Appointments Commission, *Publications*, http://www.lordsappointments.gov.uk/publications_and_forms.aspx

³⁰ House of Lords Appointments Commission, *Annual Report 2006-07*, p3

role in the effectiveness of the existing House of Lords. There is now opportunity for the Commission to extend its remit beyond its original roles, to address the following:

- the further development of robust, transparent and rigorous procedures to underpin core activities;
- the identification of innovative ways of broadening the “pool” of individuals to be considered for peerages by the Commission;
- the maintenance of active relations with Peers who have been through the Commission’s processes and the assessment of the effectiveness of the Commission’s appointees.³¹

3 Political nominations for membership of the House of Lords

3.1 Propriety

The House of Lords Appointments Commission plays no part in assessing the suitability of those nominated by the political parties; this is a matter for the parties themselves. Its role is to advise the Prime Minister of any concerns about the propriety of a nominee. Their definition of propriety is as follows:

... first the individual should be in good standing in the community in general and with particular regard to the public regulatory authorities; and second, the individual should be a credible nominee. The Commission’s main criterion in assessing this is whether the appointment would enhance rather than diminish the workings and reputation of the House of Lords itself and the appointments system generally.³²

The Commission has also stated that:

If a nominee has been the subject of controversy, the Commission’s role necessarily involves it in making judgements as to whether or not the controversy is likely to affect his or her credibility and/ or standing in the community. It is not the Commission’s role to make quasi-judicial judgements about the matters that gave rise to that controversy; however, given its remit, the Commission has to assess the likely effect of any controversy on the credibility of a nominee.³³

The chairman of the Commission, Lord Stevenson, elaborated further when he gave evidence to the Public Administration Select Committee as part of their inquiry into Propriety and Honours in May 2006:

...Propriety is in the eye of the beholder. It is a matter of judgement, and I think it is worth sharing with you how we have interpreted it. ... We have discussed it at two levels: one, we need to satisfy ourselves that a given nominee is of good standing in the community, both in general and with regard to the regulatory agencies in our society. Second, we want to satisfy ourselves that a given nominee is credible. Again, credibility is a matter of judgement and these are judgements. The broad test we work to is to convince ourselves that a given nominee will not diminish, demean, but will enhance the House of Lords and its workings and the workings of the Honours system. With donors who are nominees for party-political peerages, we also address the

³¹ Public Administration Select Committee, *Selection of a new Chair of the House of Lords Appointments Commission*, 23 July 2008, Appendix 2: Position Specification

³² House of Lords Appointments Commission, <http://www.lordsappointments.gov.uk/vetting.aspx>

³³ House of Lords Appointments Commission, *Annual Report 2007/08*, para 43

question of whether that person would be a credible nominee if he or she had not made a donation or a loan.³⁴

In relation to checking or vetting suitability for Life Peerages, the Commission has stated that they:

...will wish to be satisfied, amongst other things, that nominees are not and never have been a threat to the national security of the United Kingdom or any other country; that they have complied, in a straightforward way, with their obligations in relation to taxation and the receipt of benefits; and that there are no serious doubts about their integrity in relation to their working life. The Commission expects nominees to be resident in the United Kingdom for tax purposes.

32. Past criminal convictions will not automatically disqualify candidates. The Commission will take into account convictions for serious criminal offences but believes strongly in the rehabilitation of offenders. In that spirit, nominees are encouraged to provide details of convictions or any other matters that they believe should be brought to the Commission's attention.

33. The Commission's scrutiny of nominations includes significant political donations made by nominees, using thresholds set by the Electoral Commission.

34. The nomination form includes a section requesting the nominee's consent to releasing information in the nomination form to enable further inquiries to be made. The Commission will need to check with former employers, Government departments and agencies, other organisations and individuals to provide an assurance as to the propriety of nominees. This will be done in confidence.³⁵

3.2 How nominees are vetted for propriety

The Commission's memorandum to the Public Administration Select Committee's inquiry into Propriety and Honours sets out the checking process in detail:

7. The Honours Secretary in No 10 writes to the Commission inviting it to carry out its vetting of the nominees put forward by the political parties. Enclosed with this letter are:

- the declaration/consent form which has been signed by the individual nominee;
- a citation for each nominee setting out the reasons why the party was proposing him or her; and
- a certificate from the Party chairman setting out any donations to the party and/or for senior party members and declaring that they are not connected to the nomination.

...

8. The Commission then undertakes the checks it deems necessary. This always includes its standard checks, with the following:

- "regulatory" authorities:
- HM Revenue and Customs

³⁴ Public Administration Select Committee, *Propriety and Honours: Interim Findings*, 13 July 2006, HC 1119 2005-06, Q86

³⁵ House of Lords Appointments Commission, <http://www.lordsappointments.gov.uk/nominations.aspx>

- The Security Service
- The Home Office
- Ceremonial Secretariat in the Cabinet Office (if an individual had been considered for an honour previously the Secretariat might hold information about them).

9. The Commission carries out checks via the internet with:

- the Electoral Commission's register
- a media database, to see what had been said about the individuals in the media
- a "Google" search, to ensure the Commission is aware of all publicly available information.

10. It also identifies the "parent" department for a nominee (if there is one) and write to ask it if it is aware of anything about the individual which would make him or her unsuitable for recommendation. For example, it would write to the Department of Trade and Industry about anyone who had business interests.³⁶

During its deliberations the Commission may request further information from the regulatory authorities, political parties or nominees.

The Commission requires individual nominees for appointment to the House of Lords to complete a consent form. This requires the nominee to declare:

- that they are resident in the UK and intend to remain so, and are also resident for tax purposes;
- that they are not involved in any roles, positions or activities or have any interests that would conflict with their membership of the House of Lords;
- whether or not they have made any donations, loans or credit arrangements to or with a political party;
- whether they have a financial relationship with any senior party member; and
- that no close family member has a financial involvement with the party or any senior party member.

All nominees are also asked to give their consent to the necessary checks being made by the Commission. These include checking with "relevant parts of government and the Electoral Commission, as well as carrying out a media search". The declaration and consent form is available on the House of Lords Appointments Commission website.³⁷

The Commission does not have a right of veto on appointments to the House of Lords. They simply advise the Prime Minister that it sees no reason why an appointment should not be made, or draw any concerns to his attention. The Prime Minister then decides whether to recommend an individual to The Queen for appointment.

³⁶ Public Administration Select Committee, *Propriety and Honours: Interim Findings*, HC 1119 2005-06, Ev 25-26
³⁷ [http://www.lordsappointments.gov.uk/upload/assets/www.lordsappointments.gov.uk/consent_form_\(political\).pdf](http://www.lordsappointments.gov.uk/upload/assets/www.lordsappointments.gov.uk/consent_form_(political).pdf)

3.3 The residency requirement

The requirement for nominees to be resident in the UK, and to be resident for tax purposes, has been the source of some interest. Nominees are requested to declare that “I am resident in the UK and intend to remain so. I am also resident in the UK for tax purposes and intend to remain so”. In their 2006-07 annual report the House of Lords Appointments Commission stated that:

56. The Commission looks at residency as part of its vetting process. It has always considered that, as a matter of principle, individuals who are appointed to the House of Lords should have their main home in the UK so that they can devote the time necessary to make an active and effective contribution to the work of the House. Further, the Commission has always required that nominees must be resident in the UK for tax purposes.

57. During spring 2004, the Commission vetted a list of party-political nominees. One of the individuals on the list, Irvine Laidlaw (now Lord Laidlaw of Rothiemay), was not resident in the UK for tax purposes. Following an exchange of correspondence and a face-to-face meeting, the Commission accepted an assurance from Lord Laidlaw that he would become resident in the UK for tax purposes from April 2004. On the basis of this assurance the Commission found no objection to his appointment. The Commission would have taken a different view on Lord Laidlaw’s nomination if it had known that he would not be resident in the UK for tax purposes from April 2004. In June 2004 he was appointed to the House of Lords.

58. Lord Laidlaw has not become resident in the UK for tax purposes. The Commission has drawn the Prime Minister’s attention to the situation.

59. The Commission reviewed its policy on residency in 2005 and now declines to scrutinise any nominee who is not resident in the UK for tax purposes. It will continue to ask all nominees, and the political parties that nominate them, to confirm that they are and will remain resident in the UK for tax purposes.³⁸

A Bill, *Disqualification from Parliament (Taxation Status) Bill 2007-08*, has been introduced by PASC member Gordon Prentice. The Bill makes provision for disqualification from membership of the House of Commons and the House of Lords on grounds relating to residence and domicile for taxation purposes; and for connected purposes. This Bill attempts to ensure that only those who pay tax as a UK resident should be eligible for membership of each House of Parliament. The Bill had its first reading on the 5 December, and had its second reading on 25 January 2008.³⁹ When he introduced the Bill at second reading, Gordon Prentice said:

The general principle behind the Bill is that those who make our laws should pay our taxes. There should be no representation without taxation, so to speak. People out there would be astonished to learn that there are Members of Parliament, legislating for the rest of us, who do not pay UK taxes. My short Bill would disqualify Members from the House of Commons and the House of Lords if they were not resident in the United Kingdom for tax purposes. Members of the Commons would declare their residency status once in every Parliament, but peers would have to certify annually that they were UK residents.

Bridget Prentice, the Parliamentary Under-Secretary of State for Justice, stated:

³⁸ House of Lords Appointments Commission, *Annual Report 2006-07*, June 2007

³⁹ HC Deb 25 Jan 2008 c1804

... although the Government make some criticisms of the Bill, in a spirit of helpfulness we support its intention. There are good reasons for introducing legislation along such lines. With assurances from my hon. Friend the Member for Pendle that he would be prepared to accept amendments in Committee, I would be happy to endorse the principle behind the Bill.⁴⁰

The Bill's second reading was not completed on that day, and the Bill has subsequently been dropped.

4 Non-political nominations to the House of Lords

The House of Lords Appointments Commission also recommends appointments as non-party political life peers. The Commission first invited applications from people wishing to become non-party political members of the House of Lords in September 2000. They were dubbed 'people's peers' in press reports shortly before this.⁴¹

The announcement of the Commission's first nominations received largely hostile press coverage.⁴² The thrust of the criticism was that those nominated were the exactly kind of establishment figures who might well have been nominated under the old system and that there were no "ordinary people" amongst them. The nominees were characterised by the *Independent* as "Seven knights, four charity grandees, three professors and a Lady".⁴³ The Commission's nominations were also criticised by a number of MPs in a Westminster Hall debate on 9 May 2001.⁴⁴ However, an article in the *Times* pointed out that half the appointments came from groups under-represented in the Upper House.⁴⁵

In response to the criticism, Lord Stevenson reportedly pointed out that the Commission had never set out to appoint People's Peers, that the phrase was not theirs, and was not a particularly helpful one.⁴⁶

When considering nominees for suitability, the Commission uses the following criteria:

6. The Commission is committed to independent and fair assessment of nominations against its stated criteria. Its recommendations will be made on merit and not on the basis of age, disability, gender, marital status, sexual orientation, background, religion, race, colour or ethnic origin. The Commission recognises the role it can play, through an open, meritocratic process, in ensuring that the composition and balance of the House better reflects the different experience and backgrounds of those living in the United Kingdom.

7. Building on the remit placed on it by the Government, the Commission seeks to recommend people with:

- a record of significant achievement within their chosen way of life;

⁴⁰ *Ibid*, c1806

⁴¹ See for example "Now anyone can be a lord", *Sunday Express*, 10 September 2000 and "Labour invites applications for people's peerage", *Sunday Times*, 10 September 2000

⁴² See for example "People's peers disgrace democracy", *Observer*, 29 April 2001.

⁴³ "Meet the 'People's Peers': seven Knights, four charity grandees, three professors and a Lady", *Independent*, 27 April 2001

⁴⁴ HC Deb 9 May 2001 cc 71-91WH

⁴⁵ "People's peers shift Lords' balance", *Times*, 26 April 2001

⁴⁶ "Meet the 'People's Peers': seven Knights, four charity grandees, three professors and a Lady", *Independent*, 27 April 2001

- the ability to make an effective and significant contribution to the work of the House of Lords;
- the time available to ensure they can make a contribution;
- some understanding of the constitutional framework, including the place of the House of Lords;
- integrity and independence;
- a commitment to the highest standards of public life ; and
- who are independent of any political party.⁴⁷

The following requirements are set out as eligibility criteria:

You are eligible for consideration as a non-party-political member of the House of Lords if you are over 21 years of age and are a British, Irish or Commonwealth citizen. To be able to devote the time necessary to make an active and effective contribution to the work of the House, the Commission considers it is likely that your main home will be in the United Kingdom. You must also be resident in the United Kingdom for tax purposes.⁴⁸

There is an assessment process for non-party political nominees, which includes an interview:

The detailed assessment process is subject to review. However, in line with best practice, it broadly consists of five main stages:

Stage 1: Nominations are checked to ensure that nominees meet the eligibility criteria;

Stage 2: Nominees that pass through Stage 1 are subjected to a detailed assessment by teams of trained sifters to achieve a 'longlist' of nominees for further consideration;

Stage 3: Longlisted nominations are assessed by teams of Commissioners to achieve a shortlist of potential recommendations;

Stage 4: The list of nominees to be invited to interview is finalised at a full Commission meeting. At this stage, the Commission is likely to take up references;

Stage 5: The Commission reaches its final assessment on the basis of interviews with the shortlisted nominees.⁴⁹

The House of Lords Appointments Commission also assesses the propriety of non-political nominations, as it does for nominations by political parties.

Following criticism of its first round of appointments in April 2001, the House of Lords Appointments Commission made no further nominations until May 2004. In total, it has nominated 49 individuals to the Crossbenches of the House of Lords.

House of Lords Appointments Commission – nominations

Date	Number of nominations
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⁴⁷ House of Lords Appointments Commission, <http://www.lordsappointments.gov.uk/nominations.aspx>

⁴⁸ *Ibid*

⁴⁹ *Ibid*

April 2001	15
May 2004	7
22 March 2005	2
22 July 2005	5
3 May 2006	7
15 February 2007	6
18 October 2007	2
18 April 2008	3
29 September 2008	2

A full list of nominations made by the House of Lords Appointments Commission is included as an appendix to this Note.

4.1 Monitoring the Commission and its nominees

In response to a parliamentary question, the Prime Minister stated that the Commission did not record figures on the number of applications received from knights or dames, holders of OBEs and CBEs, or categorise by employment status.⁵⁰ According to a parliamentary answer, between 1 April 2002 and 31 August 2003, House of Lords Appointments Commission members were acquainted with 13 out of the 94 people from whom the Commission received nominations.⁵¹

The Appointments Commission has not set any type of performance indicators for the peers it has appointed, so currently it has no measures of 'success' in the appointments it makes. The following parliamentary answer from 2003 sets out the context:

Mr. Gordon Prentice: To ask the Prime Minister if he will require people's peers to publish (a) in the annual report and (b) on the website of the House of Lords Appointments Commission their assessments of their contribution to the work of the second chamber over the preceding year. [138513]

The Prime Minister: No.

Mr. Gordon Prentice: To ask the Prime Minister if he will require the House of Lords Appointments Commission to seek an undertaking from successful applicants for a people's peerage to participate fully in the work of the second chamber. [138517]

The Prime Minister: It is for every peer to decide for themselves how they attend the House. The House of Lords Appointments Commission has made clear both in its criteria and in discussion with appointees that wherever possible they should contribute when matters relating to their area of expertise arise. The Commission's information

⁵⁰ HC Deb 18 November 2003 c772W

⁵¹ HC Deb 18 November 2003 c770W

pack also makes it clear that this does not necessarily mean the same time commitment expected of "working peers".⁵²

However, the position specification for the post of Chair of the House of Lords Appointments Commission appointed in July 2008 suggested that the Commission's remit might expand to include:

the maintenance of active relations with Peers who have been through the Commission's processes and the assessment of the effectiveness of the Commission's appointees.⁵³

An analysis of the perceived difficulties with an appointments commission was provided by the former Leader of the House, Robin Cook. Having examined the critical reaction to the first round of appointments, he argued:

The net result was such a public relations disaster that throughout the two years that I was in the loop, ministers begged the Appointments Commission not to come up with any more names. There is an odd contrast between the conviction of Number 10 that appointment is the best entry route to the second chamber and their terror of making any appointments because they are so unpopular. This unpopularity is not the fault of the members of the Appointments Commission. They are all estimable people, whose main fault is a predictable tendency to pick people like themselves and, famously in one case, to choose one of themselves. The problem is deeply embedded in a system in which the great and the good choose others from their number to rule over us. Unless the public have their say in the process, no system of picking lawmakers will command public confidence.⁵⁴

In its report for 2000-3, the Commission said that it had sought to make the process more open. To that end it had made self-nomination possible; it had published "the criteria to be used in assessing nominees"; it emphasised the importance of playing a working role in the House of Lords; and it introduced an interview stage in the shortlisting process.⁵⁵

5 Scrutinising certain candidates on the Honours lists

The Honours Scrutiny Committee had been established under the *Honours (Prevention of Abuses) Act 1925*. Its responsibility for ensuring propriety in appointments to peerages was passed to the House of Lords Appointments Commission when that body was established. In April 2005, the Prime Minister invited the Commission to take on the remaining task of the Honours Scrutiny Committee: the vetting of a small number of names on the Honours lists. The Honours Scrutiny Committee was then wound up. The Prime Minister did not ask the Commission to look at political donations made by candidates for high honours. The Prime Minister explained that because the Electoral Commission's Register of Donations provided information on political donations for the years since 2001, there was no need for this degree of formal scrutiny.⁵⁶

The Public Administration Select Committee's 2004 Inquiry *A Matter of Honour: Reforming the Honours System* had recommended that the Honours Scrutiny Committee should be

⁵² HC Deb 13 November 2003 c430W

⁵³ Public Administration Select Committee, *Selection of a new Chair of the House of Lords Appointments Commission*, 23 July 2008, Appendix 2

⁵⁴ Robin Cook, *The Point of Departure*, 2003, p87

⁵⁵ House of Lords Appointments Commission, *Report on First Term 2000-2003*, paras 17-22, paras 25-29

⁵⁶ Public Administration Select Committee, *A matter of honour: Reforming the honours system*, 13 July 2004, HC 212-I 2003-04, para 164, Ev 27

abolished. However, it suggested that its remaining functions should be transferred to a new independent Honours Commission rather than the House of Lords Appointments Commission because “the Appointments Commission is focused on the peerage and cannot be expected to take on responsibility for the much larger and more diverse honours system”.⁵⁷

In its memorandum to the Public Administration Select Committee in 2006 the House of Lords Appointments Commission outlined its processes for honours scrutiny:

15. The Prime Minister asks the Commission, after making whatever enquiries it thinks appropriate, to let him know whether or not it is aware of anything in the history, current circumstances or general character of the individual which might suggest that he or she was not a fit and proper person to be recommended to The Queen for the award in question.

16. As a candidate for an honour does not know that he or she is under consideration for an award, the Commission does not receive a declaration or consent form from the nominee. Otherwise, it receives the same information about a nominee for an honour as it does for a nominee for a peerage.

17. The Commission carries out the same checks as it does in relation to nominees for peerages. The nature of its response to the Prime Minister is also the same. The same issue in relation to political donations also arises.⁵⁸

More details on the honours system are available in the Library Standard Note, *Honours*.⁵⁹

6 Propriety and Peerages

6.1 The role of the Appointments Commission in the ‘cash for peerages’ affair

During March 2006 it emerged that a number of party political peerages had been blocked by the House of Lords Appointments Commission. In March 2006 the identities of the nominees became public, as did the fact that the all four in question were amongst those who had made undeclared loans to the Labour Party in 2005. Following the subsequent police investigation, the Crown Prosecution Service confirmed that the investigation by the Metropolitan Police had “revealed that the names of other individuals who had loaned money to the Labour Party appeared on earlier drafts of the working peerages list”.⁶⁰

The Public Administration Select Committee announced that it would inquire into propriety in the honours system as part of its ongoing inquiry into Ethics and Standards in Public Life.⁶¹ Following a complaint by the SNP MP Angus McNeil, the Metropolitan Police started a police investigation, as it was alleged that offences under the *Honours (Prevention of Abuses) Act 1925*, might have been committed. PASC “paused” their inquiry whilst the police progressed their own work. An interim report *Propriety and Honours: Interim Findings* was published. Once it was clear that no prosecutions would be brought by the police, PASC restarted their

⁵⁷ Public Administration Select Committee, *A matter of honour: Reforming the honours system*, 13 July 2004, HC 212-I 2003-04, para 164

⁵⁸ Public Administration Select Committee, *A matter of honour: Reforming the honours system*, 13 July 2004, HC 212-I 2003-04, Ev 26

⁵⁹ Library Standard Note SN/PC/2832, *Honours*

⁶⁰ Crown Prosecution Service, *CPS decisions: “Cash for Honours” case – explanatory document*, 20 July 2007, para 7

⁶¹ Public Administration Select Committee Press notice, *PASC to probe scrutiny of political honours*, 15 March 2006

inquiry. They published their final report, *Propriety and Peerages* on 18 December 2007.⁶² This made a number of recommendations about the working of the House of Lords Appointments Commission.

Lord Stevenson confirmed to the Public Administration Select Committee that the House of Lords Appointments Commission had blocked the peerages before details of the loans were known by them:

What happened was we got the list in October or something like that, and we went back to the Prime Minister at the beginning of February or thereabouts, and we only discovered a very few weeks after that there had been a loan from one of them, and we then moved very fast to ask the political parties to tell us what other loans there were and if there was anything else we should know.

It is quite an important piece of fact that we had given our advice to the Prime Minister without knowledge of the loans which subsequently came to light.⁶³

In December 2007 the Public Administration Select Committee published their report, *Propriety and Peerages*. PASC concluded that:

It appears that the regulatory system for assuring the propriety of party nominees to the House of Lords had the right outcome, in that it those who made undeclared loans to a party were blocked from becoming peers...⁶⁴

The Committee commended the Commission “for the robust performance of its scrutiny role”.⁶⁵ However, they went on to state that there were “doubts over the processes which led to those outcomes. These can be summarized in one question: from where does the House of Lords Appointments Commission derive its authority to act as it does?”⁶⁶

For example, PASC questioned where the House of Lords Appointments Commission derived the power to advise against potential peers on the basis of their tax status:

...it is not illegal to go into tax exile deliberately. It is not illegal to serve in the legislature and not be tax resident, even if maintaining this status does mean that the person in question must remain outside the UK for a substantial proportion of the year. There is no minimum attendance requirement for peers in the law or in the Standing Orders of the House of Lords.⁶⁷

They then concluded that:

We agree with Lord Stevenson that it is inappropriate for people who are not tax resident in the UK to serve in the legislature, and we understand that the Commission has had largely to make up the rules as it goes along, because it is operating in an area where there are not rules. We make no criticism of the House of Lords Appointments Commission. But it cannot be right that the rules for entry to one half of our legislature are made by just six people, whoever they may be, and can be unmade or re-made at any moment without proper process.⁶⁸

⁶² Public Administration Select Committee, *Propriety and Peerages*, 18 December 2007, HC 153 2007-08

⁶³ *Ibid*, HC 153 2007-08, q228

⁶⁴ *Ibid*, para 121

⁶⁵ *Ibid*, HC 153 2007-08, para 122

⁶⁶ *Ibid*, para 123

⁶⁷ *Ibid*, para 124

⁶⁸ *Ibid*, para 126

The Committee also noted that there was a confusion caused by the House of Lords Appointments Commission's claim that it assesses non-party candidates for their suitability, but party nominees for their propriety only. Although Lord Stevenson argued that:

We are responsible for propriety but the political parties and the political system at this point in time are responsible for saying this chap or this woman is suitable. We might privately think that some such person is not particularly suitable but it is not our job to comment on that.⁶⁹

For the Committee, however, credibility and suitability were degrees on the same scale, rather than separate entities. They stated that "A candidate is credible if he or she is sufficiently suitable; we see no other means of measuring it. We cannot visualise a candidate who is credible but unsuitable".⁷⁰

6.2 An interim House of Lords reform Bill?

The Committee noted that the House of Lords Appointments Commission was never intended to operate indefinitely in its current form:

... It is crucial to note that this design of an Appointments Commission was never intended to be permanent; the Government clearly envisaged that the second stage of Lords reform would have happened by now. It was therefore a pragmatic decision not to spend legislative time on the creation of an Appointments Commission which would be replaced soon after its inception (especially as it could be created without legislation). **The intention was always to create a Statutory Appointments Commission as part of the second stage of Lords reform. This inquiry has demonstrated why it is now important that this happens sooner rather than later.**⁷¹

The Committee recommended that there should be an interim House of Lords Reform Bill. As far as the House of Lords Commission is concerned, they concluded that:

153. The criteria to be used in deciding who sits in the House should be set out in the interim House of Lords Reform Bill. They should include criteria on both suitability and on propriety, to be applied equally to all prospective peers whether partisan or crossbench. On propriety, there should be enough detail to make it an objective judgement for the Appointments Commission and not a subjective one, in order to be fair to all candidates.

154. The Bill should make it explicit that one of the criteria for appointment to the House will be residence in the UK for tax purposes.

155. On balance, we do not believe that the Bill should put any kind of limit on donors to political parties being nominated by those parties to the House of Lords. Donating to a cause you believe in can be virtuous – it should not be stigmatized. The Bill should formalize the current stipulation that a donation is neither an advantage nor a bar towards being appointed.⁷²

The Committee made a number of further recommendations for the Bill's content:

⁶⁹ *Ibid*, q149

⁷⁰ *Ibid*, para 129

⁷¹ *Ibid*, para 115

⁷² *Ibid*, HC 153 2007-08, para 153-155

- The Commission should no longer be ‘advisory’ – the ability of the Prime Minister to veto their decisions should be removed;⁷³
- The Commission members should not be appointed and supported by Government, but by Parliament, to which they should be entirely accountable.⁷⁴
- The Prime Minister should no longer determine the size and party balance of the nominated element: “the size and proportion of the non-partisan members may be determined in statute, but the party balance should be variable along with the prevailing mood of the nation. A formula should be devised, as the Government suggests. This formula should then be administered by the Appointments Commission”.⁷⁵
- The link between peerages and honours should be removed.⁷⁶
- An exit route (both for voluntary retirement and enforced removal) from the House of Lords should be introduced.⁷⁷

7 A statutory Appointments Commission?

7.1 Background

A statutory Appointments Commission has been a feature of all government proposals for House of Lords reform since 1997. The Royal Commission on Reform of the House of Lords (the Wakeham Commission), which was appointed after the majority of hereditary peers left the House of Lords, following the *House of Lords Act 1999*, considered the role and powers of the House of Lords. It recommended that a significant minority of members of the reformed House should be chosen by regional electorates; that approximately 20 per cent of the members should be independent and should be nominated by a “genuinely independent Appointments Commission”; and that the political balance of the remaining politically-affiliated appointees should be determined by the Appointments Commission, taking into account votes cast at the most recent general election. It also recommended that the Appointments Commission should vet nominations from political parties for propriety.⁷⁸ When considering the role of the Appointments Commission it went further and argued that:

Recommendation 80: The Appointments Commission should be charged by the Crown with a general duty to appoint members to the second chamber and empowered to appoint individual members on its own authority.⁷⁹

The Government’s response to the Royal Commission, a white paper *The House of Lords: Completing the Reform*, was published in November 2001. It accepted the case for a statutory Appointments Commission but considered that the Prime Minister should continue to be able to appoint a small number of people in each Parliament directly as ministers and disagreed with the Royal Commission proposal that the Appointments Commission should determine whether or not political nominees were appointed:

⁷³ *Ibid*, para 173

⁷⁴ *Ibid*, para 174

⁷⁵ *Ibid*, para 175

⁷⁶ *Ibid*, para 141

⁷⁷ *Ibid*, para 146-147

⁷⁸ Royal Commission on the Reform of the House of Lords, *A House for the Future*, Cm 4534 January 2000, Executive Summary and chapter 11 (Recommendation 70),

<http://www.archive.official-documents.co.uk/document/cm45/4534/4534.htm>

⁷⁹ *Ibid*

The Appointments Commission will have three main functions.

First, it will determine the overall size and political balance of the House, within parameters laid down by statute. [...].

The Appointments Commission will also be required to maintain the independent element at around 20% of the total. The Commission, not the Prime Minister, will decide at each round of appointments how many nominations to invite from each party. The only exception is that the Government believes it right to retain the discretionary right for the Prime Minister to appoint a small number of people - 4 or 5 a parliament - directly as Ministers in the Lords. [...]

The Commission will itself select the non-political members. It will do so using an open and transparent selection procedure. [...]

The Commission will carry out the propriety checks on those nominated by the political parties. This will be its only involvement in the individual nominations made by the parties. The Government does not accept the Royal Commission recommendation that the Appointments Commission should have the final say over the identity of party nominations. Parties of whatever persuasion must be able to decide who will serve on their behalf. The Commission will of course scrutinise nominations to ensure that those put forward are fit and proper candidates for membership of the Lords.⁸⁰

Further detail about the white paper proposals, the subsequent creation of a Joint Committee of both House, and votes in both Houses on the preferred option for composition of the Lords on 4 February 2003 are detailed in Library Research Paper 03/85 *House of Lords: Developments since January 2002*.

A Bill to make further reforms to the House of Lords and to establish a House of Lords Appointments Commission was announced in the Queen's Speech in November 2003:

Legislation will be brought forward to reform the House of Lords. This will remove hereditary peers and establish an independent Appointments Commission to select non-party members of the Upper House.⁸¹

This followed a consultation document in September 2003 in which the Government outlined various options for establishing the House of Lords Appointments Commission, along the lines of the Electoral Commission.⁸² The House of Lords reform bill was never published.

In February 2007 a further white paper on House of Lords reform was published. This also made the case for a statutory Appointments Commission:

There seems to be general agreement that under any system with appointed members, party and non party-political appointments would be overseen and made by an independent Statutory Appointments Commission.⁸³

The 2007 White Paper noted that the current non-statutory appointments commission was "a temporary measure to assist with the transitional phase in reforming the House of Lords". Its proposals broadly follow those of the Wakeham Commission.

⁸⁰ *The House of Lords: Completing the Reform*, Cm 5291, November 2001, para 66, <http://www.dca.gov.uk/constitution/holref/holreform.htm>

⁸¹ HC Deb 26 November 2003 c5

⁸² Department for Constitutional Affairs, *Constitutional Reform: Next Steps for the House of Lords*, CP 14/03, September 2003, paras 29-38, <http://www.dca.gov.uk/consult/holref/index.htm>

⁸³ HM Government, *The House of Lords: Reform*, 7 February 2007, Cm 7027, para 8.1

The 2007 White Paper envisaged the Statutory Appointments Commission having “power over both non-party and party-political appointments”. Therefore its powers would need to be laid down in statute. The Commission would be “independent of Government and should be accountable to Parliament, rather than Ministers”. It proposed it should have nine members, three to represent the political parties and six members independent of Government and the political parties.⁸⁴

The 2007 White Paper set out the role of the Statutory Appointments Commission:

8.17 The Statutory Appointments Commission would recommend people for appointment in two different classes:

- Political-party appointments (where nominations would be invited from the parties) and;
- Non party-political appointments (where individuals would be selected by the Statutory Appointments Commission).

8.18 It is envisaged that the principal functions of the Statutory Appointments Commission would be:

- To establish the characteristics as to suitability which members of the House of Lords should possess (and publish these criteria).
- To ensure that these characteristics deliver high calibre appointees who make a significant contribution to the work of the House of Lords.
- To select all non party-political members using an open and transparent selection procedure.

Bishops and elected members would not have to be approved by the Statutory Appointments Commission before they could take their place in the reformed House of Lords:

... It appears eccentric that those who have been elected to seats in the House should have to go through the Statutory Appointments Commission, even as a formality.

The Statutory Appointments Commission would select and recommend for appointment the non party-political members of the reformed House, who would comprise 20 per cent of the membership. Nominations would be considered “on the basis of merit and would follow strict criteria”. The Commission would be required to seek nominations from a broad range of applicants.⁸⁵

The White Paper suggested that the Appointments Commission should take into account the balance of the parties at the most recent General Election when determining how many party-political nominations each party could make. It also proposed that the Commission would assess the suitability of party nominations as well as the propriety of the nomination: “The Statutory Appointments Commission would therefore have the power to refuse to recommend a person for appointment on more than simply grounds of propriety”.

⁸⁴ *Ibid*, paras 8.11-8.16

⁸⁵ *Ibid*, paras 8.17-8.25

The White Paper noted the arguments that the Prime Minister should no longer directly nominate anyone for membership of the reformed second chamber.⁸⁶ In his statement, Jack Straw said:

Should Parliament opt for a system in which appointments to the second Chamber continue, all appointments would be made by a new statutory appointments commission, assessing both suitability as well as propriety. The commission would be independent and report directly to Parliament. The right of the Prime Minister of the day to make appointments would end.⁸⁷

On 7 March 2007 the House of Commons held a series of free votes on the composition of the House of Lords. It was in favour by a large majority for a wholly elected second chamber.

In the Green Paper on constitutional reform, *The Governance of Britain*, the Government announced that:

The Secretary of State for Justice and Lord Chancellor will continue to lead cross-party discussions with a view to bringing forward a comprehensive package to complete House of Lords reform. The Government will develop reforms for a substantially or wholly elected second chamber and will explore how the existing powers of the chamber should apply to the reformed chamber.⁸⁸

7.2 The 2008 White Paper, *An Elected Second Chamber: Further reform of the House of Lords*

In July 2008 the Government published another White Paper on House of Lords reform which made proposals for how an 80% elected and 100% elected House of Lords might be constituted. If the House of Lords were to be 80% elected, there would remain an appointed element. The White Paper stated:

The key argument for any appointments to the second chamber is that it would preserve a significant Crossbench element. If there were an appointed element in a reformed second chamber, appointments would be made by an Appointments Commission, which would seek applications and nominations, against published criteria. Appointments would be made on merit, with the key focus being an individual's ability, willingness and commitment to take part in the full work of the second chamber.

As with elected members, appointed members would serve for three electoral cycles without the possibility of re-appointment. One-third of appointed members would be replaced at each set of elections to the second chamber.

The Appointments Commission would operate on a statutory basis. Legislation would contain only broad parameters in relation to the role and operation of the Commission, to give it flexibility. The Commission would be accountable to the Prime Minister.⁸⁹

The White Paper also included the views of the Opposition where these differed with the Government, as the White Paper was the result of cross-party talks. The White Paper noted that:

⁸⁶ *Ibid*, paras 8.26-8.36

⁸⁷ HC Deb 7 February 2007 c844

⁸⁸ Ministry of Justice, *The Governance of Britain*, Cm 7170, July 2007, para 137

⁸⁹ Ministry of Justice, *An Elected Second Chamber: Further reform to the House of Lords*, July 2008, Cm 7438, pp 5-6

The Conservative Party considers that any future appointments commission should continue to be non-statutory, to maximise flexibility.⁹⁰

⁹⁰ *Ibid*, para 6.34

Appendix: Nominations made by the House of Lords Appointments Commission

On 26 April 2001, the Appointments Commission announced 15 nominations:

Victor Adebolwale	Sir Paul Condon	Lady Elspeth Howe
Richard Best	Professor Ilora Finlay	Sir Robert May
Amir Bhatia	Professor Susan Greenfield	Sir Claus Moser
Sir John Browne	Sir David Hannay	Sir Herman Ouseley
Professor Michael Chan	Valerie Howarth	Sir Stewart Sutherland ⁹¹

On 1 May 2004, the Appointments Commission announced seven nominations:

Professor Sir Alec Broers	Dr Frances D'Souza	Professor Lola Young
Ms Nicola Chapman	Professor Elaine Murphy	Sir Ewen Cameron
Dr Diljit Ranan ⁹²		

On 22 March 2005, the Appointments Commission announced two nominations:

Dame Rennie Fritchie	Sir David Ramsbotham ⁹³
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On 22 July 2005, the Appointments Commission announced five nominations:

Dame Ruth Deech	Professor Sir Martin Rees	Jo Valentine
Michael Hastings	Adair Turner ⁹⁴	

On 3 May 2006, the Appointments Commission announced seven nominations:

Karan Bilimoria	Geoffrey Dear	Kamlesh Patel
David Rowe-Beddoe	Colin Low	Elizabeth Butler-Sloss

⁹¹ House of Lords Appointments Commission (HLAC) Press Release, *House of Lords Appointments Commission announces new peers*, 26 April 2001, <http://www.houseoflordsappointmentscommission.gov.uk/press2.htm>

⁹² HLAC Press Release, *House of Lords Appointments Commission – New Non-Party Political Peers*, 1 May 2004, <http://www.houseoflordsappointmentscommission.gov.uk/news/2004/index.asp>

⁹³ HLAC Press Release, *House of Lords Appointments Commission – New Non-Party–Political Peers*, 22 March 2005, <http://www.houseoflordsappointmentscommission.gov.uk/news/2005/index.asp>

⁹⁴ HLAC Press Release, *House of Lords Appointments Commission – New Non-Party–Political Peers*, 22 July 2005, <http://www.houseoflordsappointmentscommission.gov.uk/news/2005/July2005.asp>

Molly Meacher⁹⁵

On 15 February 2007 the Appointments Commission announced six nominations:

Paul Bew	Jean Coussins	John Krebs
Jane Campbell	Khalid Hameed	Andrew Mawson ⁹⁶

On 18 October 2007 the Appointments Commission announced two nominations:

Haleh Afshar	Nicholas Stern
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On 18 April 2008 the Appointments Commission announced three nominations

John Mogg	Elizabeth Manningham-Buller	Robert Smith ⁹⁷
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On 29 September 2008 the Appointments Commission announced two nominations:

Susan Campbell	David Pannick ⁹⁸
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⁹⁵ HLAC News Release, *House of Lords Appointments Commission - New Non-Party-Political Peers*, 4 May 2006, <http://www.houseoflordsappointmentscommission.gov.uk/news/may2006.aspx>

⁹⁶ HLAC News Release, *House of Lords Appointments Commission - New Non-Party-Political Peers*, 15 February 2007, http://www.houseoflordsappointmentscommission.gov.uk/news/150207_appointment.aspx

⁹⁷ HLAC News Release, *House of Lords Appointments Commission – New Non-Party-Political Peers*, 18 April 2008 http://www.lordsappointments.gov.uk/news/080418_peers.aspx

⁹⁸ HLAC News Release, *House of Lords Appointments Commission publishes 2007-08 report and announces two new non party political peers*, 29 September 2008, http://www.lordsappointments.gov.uk/news/080929_report.aspx