



HOUSE *of* LORDS

BRIEFING

REFORM AND PROPOSALS FOR REFORM SINCE 1900

Composition and powers 1900

At the end of the 19th century the House of Lords was composed of hereditary peers, peers elected as representatives by the Scottish and Irish peers, the Lords Spiritual (the 26 most senior Bishops), and four Lords of Appeal in Ordinary who, as a result of the Appellate Jurisdiction Acts of 1876 and 1887, had seats in the House for life. The Bankruptcy Disqualification Act 1871 prevented bankrupts from sitting and voting in the House of Lords.

The powers of the House in respect of public, private and subordinate legislation were equal to those of the House of Commons, except that the Lords could not initiate or amend bills granting aids and supplies or imposing charges on the people ("Commons financial privilege"). But the House retained a rarely exercised right to reject financial legislation outright.

There were several unsuccessful attempts in the 1880's by both Liberal and Conservative peers to change the membership and make the House more effective.

Lords Reform was also debated in the Commons. Resolutions condemning the hereditary right to a seat in the legislature were debated in 1886 and 1888 but neither was carried.

Political imbalance in the House in favour of the Conservative Party caused the defeat in 1893 of Gladstone's second Home Rule Bill. This defeat made some reform of the composition or the powers of the House, or both, increasingly desirable to Liberals and also to some Conservatives.

The Rosebery Report

In 1907, when the Liberal Government was unable to enact some of its major proposals for lack of a majority in the House of Lords, Lord Newton, a Conservative, introduced a bill to end the automatic right of hereditary peers to sit in the Lords. The Bill was withdrawn and a Select Committee, chaired by the Earl of Rosebery, was appointed to consider proposals for reform. It reported in 1908 and, echoing Lord Newton's, recommended a House of about 400 members, mostly representatives of the hereditary peerage elected for life of one Parliament by all members of their order, and hereditary peers having seats by virtue of their qualifications (e.g. ex-cabinet ministers), as well as a limited number of life peers. However, no action was taken on the Report.

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The Parliament Act 1911

In 1909 the Lords rejected Lloyd George's budget by 350 votes to 75. The Liberal Government, re-elected in 1910, laid resolutions proposing reform, particularly of composition, whilst asserting the need for "a strong and efficient second chamber"; but a constitutional conference of Liberals and Conservatives, also in 1910 failed to reach agreement on the powers of a second chamber.

In 1911, the Marquess of Lansdowne, the Leader of the Opposition in the Lords, introduced a bill proposing a House of Lords consisting mainly of indirectly elected members. The Bill was dropped when the Government pressed on with its own Parliament Bill which, although it dealt only with powers, anticipated dealing with composition and the relationship between Lords and Commons in the future. The Bill was passed by the Lords in August 1911, under threat of the creation of a large number of Liberal peers to ensure its passage.

Provisions of the Act:

- Bills certified by the Speaker as Money Bills to receive Royal Assent without amendment within one month of being sent up from the Commons and at least one month before the end of the session.
- Any other Public Bill, except those extending the life of a Parliament, to become an Act of Parliament without the consent of the Lords if passed by the Commons in three successive sessions with two years between first Second Reading and final passing in the Commons, and if sent up to the Lords at least one month before the end of each of the three sessions.
- Maximum duration of a Parliament reduced from seven years to five.

The Bryce Report 1918

The Parliament Act 1911 was widely regarded as a temporary measure. A cabinet committee was set up by the Asquith Government to consider the further reform implicit in the preamble to the Act, but it never reported back to the Cabinet. In 1917 a conference of 15 members of each House, chaired by Viscount Bryce, was appointed to consider both the composition and powers of a reformed second chamber. It reported in 1918, and agreed both general principles and specific proposals on functions and composition.

The Bryce Proposals were:

- The examination and revision of Commons bills;
- The initiation of comparatively non-controversial bills;
- The "interposition of so much delay (and no more) in the passing of a bill into law as may be needed to enable the opinion of the nation to be adequately expressed upon it";
- The discussion of general questions of policy;
- 246 members indirectly elected by regional groups of MPs;
- 81 members chosen by a Joint Standing Committee of both Houses (All hereditary peers or bishops and 51 others);
- Law Lords to sit *ex officio*.
- All members except *ex officio* members to hold seats for 12 years, one third retiring every fourth year;

- Hereditary peers who did not become members to be eligible for election to the Commons;
- Full powers on non-financial legislation;
- No power to amend or reject purely financial legislation; (determined by a small Joint Standing Committee of both Houses);
- Differences between the two Houses to be resolved by a “Free Conference Committee” of up to 30 members of each House.
- In certain circumstances a bill agreed to by the Commons and by an adequate majority of the Free Conference might become law without the agreement of the Second Chamber.

The Conference reported in 1918 when the Government was preoccupied with the war and no action was taken to implement the Report.

The 1920s and 1930s

The King’s Speeches of 1920, 1921 and 1922 referred to reform, and another cabinet committee was appointed to consider it. It concluded that the coalition Government could not adopt the Bryce proposals, because these would not be acceptable to the Commons or to the country at large. So the Government put forward its own resolutions in 1922 proposing:

- 350 members “elected, either directly or indirectly, from the outside”;
- Hereditary peers elected by their own order;
- Members nominated by the Crown, “the numbers in each case to be determined by Statute”.
- Proposals on financial legislation similar to the Bryce Report;
- The Parliament Act to apply to all other legislation except measures to alter the constitution of the House of Lords.

The resolutions were criticised for their vagueness in the House of Lords in July 1922; the debate was adjourned until the autumn, but it was never resumed.

The Conservative Government, elected in 1924, continued to regard reform as important and appointed another cabinet committee in 1925, which reported in 1927 with proposals similar to those of 1922. They were more favourably received in the Lords than the 1922 resolutions, but criticised in the Commons by Labour and some Conservatives. The proposals were dropped in the summer of 1927.

Private Members’ Bills were introduced by Conservative peers in 1929, 1933 and 1935; but were not taken up by the Government. Viscount Elibank’s Life Peers Bill was withdrawn before Second Reading in 1929; both the Marquess of Salisbury’s Parliament (Reform) Bill and Lord Rockley’s Life Peers Bill had Second Readings in 1934 and 1935 but did not proceed to committee; and Lord Rankeillour’s Parliament Act, 1911 (Amendment) Bill was withdrawn before Second Reading in 1935.

The Parliament Act 1949

The Labour Government introduced a Parliament Bill in the Commons in 1947 to safeguard its Bills in the fourth session of that Parliament. The Bill dealt only with the **powers** of the Lords. Pressure from Conservatives and Liberals forced the adjournment of the Second Reading and talks between the party leaders took place. The conference discussed both **powers** and **composition**, regarding the two as inter-dependent. It reached tentative agreement about certain principles on the role and composition of a reformed House, in particular, that it “should be complementary to and not a rival to” the Commons, that there should not be a permanent majority assured for any one political party, that hereditary should not by itself constitute a qualification for admission to a reformed second chamber, and that women should be capable of being appointed Lords of Parliament. Talks broke down in April 1948 on the period of delay the House could impose.

After this breakdown, the Lords rejected the Parliament Bill on Second Reading. The Bill then became law in 1949 under the terms of the Parliament Act 1911, only the third bill to be passed in this way. The Parliament Act 1949 amended the 1911 Act by reducing the number of sessions in which a bill must be passed by the Commons from three to two, and reducing the period between the first Second Reading and final passing in the Commons from two years to one.

The 1951 Conservative election manifesto promised to reconvene an all-party conference to consider Lords reform. In 1953, Viscount Simon introduced a Life Peers Bill and the Conservative Government invited the Leaders of the Liberal and Labour parties to talks, but Attlee declined to participate on behalf of the Labour party and no conference took place.

Leave of absence, 1958

An attempt was made in 1958 to overcome the criticism that on major occasions ‘backwoodsmen’ or infrequent attenders suddenly appeared in the House and determined the result of the divisions. Standing Orders were therefore amended to enable those peers who did not wish, or were not able, to attend the House regularly to apply for leave of absence. (A Lord on leave of absence is expected not to attend sittings of the House until the leave has expired or been terminated except to take the Oath of Allegiance. At least a month’s notice of intended termination is required).

The Life Peerages Act 1958

The Macmillan Conservative Government initiated the Life Peerages Act 1958. This empowered the Crown to create life peers, both men and - for the first time - women, who would be entitled to sit and vote in the House of Lords and whose peerages would expire on their death.

The Peerage Act 1963

Life peeresses were created under the Life Peerages Act 1958 but hereditary peeresses were still unable to sit in the House of Lords. It was also not possible to surrender a peerage. The Stansgate case of 1960-61, in which, after prolonged dispute, Anthony Wedgwood Benn had been disqualified from sitting in the House of Commons upon his succession to the Viscountcy of Stansgate, highlighted this problem.

A Joint Committee considered these and other matters and reported in 1962. It recommended the possibility of disclaiming a peerage which would “remain dormant” and devolve to the heir in the normal manner. A person who had disclaimed a peerage would be entitled to vote in parliamentary elections and eligible for election to the House of Commons. Peeresses in their own right should be admitted to the House of Lords and should be subject to the same disqualifications in respect of elections to and membership of the House of Commons as hereditary peers.

The Report was favourably received and the Peerage Act 1963, initiated by the Macmillan Government, gave effect to most of its recommendations. Peeresses in their own right were admitted to the House, as were all Scottish peers. The system of Scottish representative peers was abolished. The Act also enabled hereditary peerages to be disclaimed for life.

Attempts at reform by the Labour Government 1966-70

The 1966 Labour election manifesto pledged to introduce legislation “to safeguard measures approved by the House of Commons from frustration by delay or defeat in the House of Lords”.

The Queen’s Speech for 1967-68 stated:

“Legislation will be introduced to reduce the powers of the House of Lords and to eliminate its present hereditary basis, thereby enabling it to develop within the framework of a modern parliamentary system. My Government are prepared to enter into consultations appropriate to a constitutional change of such importance.”

Inter-party talks on Lords reform took place at a conference of party leaders from 8 November 1967 to 20 June 1968, and substantial agreement was reached on a comprehensive reform of both the composition and the powers of the House of Lords. The talks were broken off by the Government after the Southern Rhodesia (United Nations Sanctions) Order 1968 was rejected by the Lords at the suggestion of the Conservative Opposition leadership in the Lords. Because of the breaking-off of the conference, the Opposition parties were not committed to these proposals, but the Government decided to proceed with the scheme worked out in the conference and published a White Paper in November 1968.

The White Paper, House of Lords Reform, proposed:

- A two-tier House;
- 230 voting, created peers who would have to fulfil certain requirements (mainly regular attendance);
- Non-voting members, able to play a full part in debates and committees;
- Succession to a peerage to no longer carry the right to a seat in the House;
- Existing peers by succession to be non-voting members of the reformed House, or to be created life peers to enable them to continue in active participation as voting members.
- The Government to have a small majority of the whole House;
- The reformed House to be able to impose a six-month delay from the date of disagreement between the Houses on the passage of non-financial public legislation; After this delay a bill could be submitted for Royal Assent by resolution of the House of Commons.
- The Lords to be able to require the House of Commons to reconsider subordinate legislation, but not be able to reject it outright.

After a three-day debate in the Lords, the White Paper was approved by 251 votes to 56. In the Commons the debate was much more critical of the Government proposals, partly because of the extension of patronage which a nominated and paid second chamber would produce, and because of the political power which the proposals would place in the hands of the Crossbench voting members of the House. Apart from the two Front Benches, which supported the measure, Members who spoke in the debate were overwhelmingly hostile. With a Government three-line whip and on a free vote by the Conservative and Liberal parties, the motion to reject the White Paper was defeated by 270 votes to 159.

Despite the opposition shown during the Commons debate on the White Paper, the Government decided to honour its manifesto pledge and introduced the Parliament (No. 2) Bill in 1968, to make the necessary legislative provision for the constitutional changes required to implement the White Paper proposals. The Bill received a Second Reading in the Commons on 3 February 1969 by 285 votes to 185, a lower majority than that for the White Paper in the previous autumn. As a constitutional bill, its Committee Stage was taken on the floor of the House of Commons, a procedure which offered the Bill's opponents the opportunity to prolong proceedings and table a large number of amendments. The Opposition did not cooperate to impose a guillotine; and after the House had spent 11 days in Committee (over 80 hours) and only the preamble and the first five clauses (out of 20) had been considered, the Prime Minister announced the abandonment of the Bill on 17 April 1969.

The 1970s and 1980s

After the failure of the Parliament (No. 2) Bill, supporters of outright abolition in the Labour Party became more prominent. The cause of the abolitionists was strengthened by claims that the House of Lords was obstructing the legislative programme of the Labour Government elected in 1974. In 1978, the Labour Party National Executive Committee issued a statement; *The Machinery of Government and the House of Lords*. It argued that the House of Lords was an “outdated institution”, that an elected second chamber might come to challenge the Commons, and that a purely appointed chamber would represent an unacceptable extension of patronage. Abolition was therefore preferable to reform.

Partly in response to this threat, some senior figures in the Conservative Party began to examine reform in the later 1970s. They were also animated by the belief that the House of Lords was not opposing the Labour Government strongly enough. The Conservatives considered that, having been elected in 1974 with less than 40 per cent of the vote the Government lacked legitimacy, and therefore authority, and reform of the House of Lords would encourage it to act more vigorously against the Government. Lord Hailsham of St Marylebone’s *Dimbleby Lecture* advocated reform as part of a wider constitutional settlement to help check the increased power of the consecutive. In 1978 a Conservative committee chaired by Lord Home of the Hirsel proposed a chamber in which two-thirds of members would ultimately be elected, and one-third appointed. The Liberal Party proposed reform as part of a broader federal restructuring of government.

After the Conservative Party came to power in 1979, reform of the Lords was not pursued. Indeed, in 1983 the first hereditary peerages created since 1964 were conferred on William Whitelaw and George Thomas. In contrast, the Labour Party manifesto of 1983 said:

“We shall take action to abolish the undemocratic House of Lords as quickly as possible and, as an interim measure, introduce a bill in the first session of Parliament to remove its legislative powers - with the exception of those which relate to the life of a Parliament.”



1990 - 1999

Labour abandoned its abolitionist stance at the 1992 general election, proposing reform instead. In his John Smith Memorial lecture in February 1996, the Labour leader Tony Blair advocated a two-stage reform, first the removal of hereditary peers and second a comprehensive reform of both composition and powers. Viscount Cranborne, the Conservative leader, argued that to remove the hereditary peerage without any clearly defined idea of what would ultimately take its place was wrong and that a purely nominated chamber would be far less independent of the Government than the mix of hereditary and life peers.

Following the 1997 General Election, the Labour Government honoured its manifesto promise on Lords reform with a bill in the November 1998 Queen's Speech, with a bill to remove the automatic right of hereditary peers to sit and vote in the House as "the first stage in a process of reform".

The House of Lords Act 1999

Before the bill was introduced in the Commons (19th January 1999) an agreement was reached (2nd December 1998) between the Government and Viscount Cranborne, then Conservative Opposition Leader, for 92 hereditary peers (roughly 10 per cent) to remain until the second stage of reform.

The Bill had its First Reading in the Lords on 17th March 1999. At Committee Stage an amendment to exempt the 92 hereditary peers, tabled by Lord Weatherill, then Convenor of the Crossbench Peers, was accepted on 11th May 1999.

The amendment provided for the election of 75 hereditary peers by their own party or crossbench groups (42 Conservatives, 28 Crossbenchers, three Liberal Democrats and two Labour) and 15 hereditary peers elected by the Whole House as deputy speakers or committee chairmen. Two hereditary royal appointments, the Earl Marshal and the Lord Great Chamberlain, were also retained. The elections took place in October.

The House of Lords Bill received Royal Assent on 11th November 1999.