



# HOUSE of LORDS

## BRIEFING

### THE WORK OF THE HOUSE OF LORDS - ITS ROLE, FUNCTIONS AND POWERS

#### Role

The House of Lords is the second Chamber of the United Kingdom Parliament. It plays an important part in **revising legislation** and keeping a check on Government by **scrutinising** its activities. It complements the work of the Commons, whose members are elected to represent their constituents. Members of the Lords are not elected and are unpaid. They have a wide range of experience and provide a source of **independent expertise**. The House also has a **judicial role** as the final Court of Appeal.

#### What it does and how it spends its time

**REVISING LEGISLATION** 60%

Including:

Bills	55%	
Statutory Instruments	4%	<b>OTHER</b> 3%

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**SCRUTINY** 37%

Including:

Debates	20%
Questions	13%
Statements	4%

[Information based on sessional statistics of the business of the House 1996-2002 compiled by the House of Lords Information Office].

## "On the Floor".....

is parliamentary language for the Chamber of the House of Lords where much of its legislative and scrutiny work takes place and where any peer can take part.

### *Legislation*

The House spends about two thirds (60%) of its time on legislation. It examines and **revises** Bills from the Commons. It also **initiates** Bills which are usually **non-controversial**. Increasingly, a bigger share of Government Bills start in the Lords, to spread the legislative loads more evenly throughout the parliamentary year between the two Houses [For further detail see "*Bills and How They Become Law*"].

### *Scrutinising the Government*

As well as revising legislation, the House questions and debates policy and other issues:

#### **Questioning Ministers**

Oral questions, called *Starred Questions*, can be asked each day (at 2.30 pm from Monday to Wednesday and at 3pm on Thursdays). Four questions can be asked on Mondays and Thursdays and five on Tuesdays and Wednesdays. They allow ministers to be cross-questioned for about 30 or 40 minutes at a time when the House is at its fullest. In addition, over 4,000 *written questions* are asked each year. As a means of extracting information and querying government policy, written questions have become increasingly popular over the last 20 years.

#### **"Unstarred Questions":**

These are "mini" debates (1-1½ hours-long) and provide opportunities to raise issues of concern. A government spokesman will reply at the end of the debate.

#### **Debates:**

Most Wednesdays are for general debates. One Wednesday a month, until the Spring Bank Holiday recess, is set aside for two "Short Debates" (maximum 2½ hours). Topics are suggested by back-bench or crossbench peers and are chosen by ballot. Other debates are agreed between the business managers - ie whips of the political parties and the Convenor of the Crossbench peers - known as the "usual channels."

#### **Statements:**

Government statements on important or urgent issues are made by the Minister responsible for the subject in the House of Lords. Most statements are made in the Commons, and repeated in the Lords by a junior minister followed by a limited time for immediate questioning of the Minister.

..... **"Off the Floor"**

Away from the Chamber - "off the floor" - but no less important, the investigative committee work of the House and its judicial work take place.

***Independent Expertise - the Select Committees***

The specialist expertise which characterises much of the membership of the House of Lords is deployed in its major investigative select committees.

**European Union Select Committee**

The Committee was set up in 1974 to scrutinise and report on proposed European legislation. It has six sub-committees and involves over 70 peers:

- A Economic and Financial Affairs, Trade and External Relations
- B Energy, Industry and Transport
- C Common Foreign and Security Policy
- D Environment, Agriculture, Public Health and Consumer Protection
- E Law and Institutions (always chaired by a Law Lord)
- F Social Affairs, Education and Home Affairs

**Science and Technology Select Committee**

This was set up in 1980 "to consider science and technology" in the broadest sense. It operates normally through two sub-committees enabling it to carry out two enquiries at a time. Over 20 peers are involved in this work. Many of them are eminent scientists with experience of high office in scientific policy-making, university and industrial research, clinical medicine etc.

**Constitution Select Committee**

This was set up in 2001 "to examine the constitutional implications of all public bills coming before the House; and to keep under review the operation of the constitution". The Committee has examined the working of devolution, looked at relations between institutions in the UK, including their administrations, the role of Parliaments and Assemblies and the European Union.

**Economic Affairs Committee**

Set up in March 2001, with a broad remit "to consider economic affairs", its first enquiry concerned the global economy.

**Ad-hoc Committees**

These are set up from time to time to examine issues which are outside the remits of the main investigative committees - such as the use of animals in scientific procedures and stem cell research. A committee to consider the law relating to Religious Offences was set up in 2002.

***Judicial Work***

The House of Lords is the Supreme Court of Appeal for the whole of the United Kingdom in both civil and criminal cases (except Scottish criminal cases). This work is carried out by 12 salaried Lords of Appeal in Ordinary (Law Lords) who are life peers. The Law Lords also take part in legislative work of the House.



HOUSE of LORDS

## *Powers of the House of Lords*

The powers of the House of Lords are limited by a combination of law and convention:

### **The Parliament Acts 1911 and 1949**

These define the powers of the Lords in relation to public bills:

*Money bills:* These are certified by the Speaker and deal with taxation of public expenditure. Money bills start in the Commons and must receive Royal Assent no more than a month after being introduced in the Lords even if the Lords have not passed them.

*Most other Commons bills:* The Lords can hold up a bill they disagree with for about a year but ultimately the elected House of Commons can reintroduce it in the following session and pass it without the Lords' consent.

Bills which are not subject to the Parliament Acts are:

- Bills prolonging the length of a parliament beyond 5 years.
- Private Bills
- Bills sent up to the Lords less than a month before the end of a session
- Bills which start in the Lords

Although rarely invoked, the Parliament Acts provide a framework and a means of solving disagreement between the Commons and Lords.

### **Commons Privilege**

The Commons have claimed a general privilege in relation to the raising and spending of tax payers money since the 17th Century. Bills to raise taxes or authorise expenditure always start in the Commons and cannot be amended by the Lords.

### **The Salisbury Convention**

The convention ensures that major Government Bills can get through the Lords when the government of the day has no majority in the Lords. It means, in practice, that the Lords do not try to vote down at Second or Third Reading, a government bill mentioned in an election manifesto. The 'Salisbury doctrine' as it is sometimes called, emerged from the working arrangements reached during the Labour Government of 1945-51, when the Marquess of Salisbury was Leader of the Conservative Opposition in the Lords.