



HOUSE OF LORDS

# Library Note

## **House of Lords Reform 1997–2010: A Chronology**

This House of Lords Library Note sets out in summary form the principal developments in House of Lords reform under the Labour Government of 1997–2010.

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## Introduction

This House of Lords Library Note sets out in summary form the principal developments in House of Lords reform between the 1997 and 2010 General Elections. It provides a final update of previous House of Lords Library Notes, most recently *House of Lords Reform Since 1997: A Chronology* (LLN 2010/009). It is primarily concerned with reform proposals in terms of the composition and powers of the House of Lords. It does not focus in detail on measures taken to reform the office of the Lord Chancellor and create the new Supreme Court to replace the Law Lords operating as a committee of the House of Lords.

A number of Library Notes published by the House of Lords Library and Research Papers and Standard Notes published by the House of Commons Library have explored developments in House of Lords reform. The purpose of this Library Note is to provide a succinct account of the key events in a single document. Greater consideration is given to more recent developments.

## April 1997

The Labour Party, the Conservatives and the Liberal Democrats all included statements on House of Lords reform in their General Election manifestos.

The Labour Party manifesto for the 1st May 1997 General Election stated that:

The House of Lords must be reformed. As an initial, self-contained reform, not dependent on further reform in the future, the right of hereditary Peers to sit and vote in the House of Lords will be ended by statute. This will be the first stage in a process of reform to make the House of Lords more democratic and representative. The legislative powers of the House of Lords will remain unaltered.

The system of appointment of life Peers to the House of Lords will be reviewed. Our objective will be to ensure that over time party appointees as life Peers more accurately reflect the proportion of votes cast at the previous general election. We are committed to maintaining an independent crossbench presence of life Peers. No one political party should seek a majority in the House of Lords.

A committee of both Houses of Parliament will be appointed to undertake a wide-ranging review of possible further change and then to bring forward proposals for reform.

(Labour Party, *New Labour: Because Britain Deserves Better*, April 1997, pp 32–3)

## 14th and 15th October 1998

The House of Lords conducted a two day debate on Lords reform (HL *Hansard*, cols 921–1042 and 1052–166). The Lord Privy Seal, Baroness Jay of Paddington, moved a motion taking note of the Government's proposals for reform of the House of Lords, as set out in the Labour Party manifesto, and announced the Government's intention to establish a Royal Commission.

Baroness Jay stated:

The Government recognise that the broader constitutional settlement is both relevant and complicated. It will take time to bed down and assess. For those reasons we want to build on our manifesto proposal for a committee of both Houses of Parliament to consider further reform. We intend to appoint, first, a Royal Commission to undertake a wide-ranging review and to bring forward recommendations for further legislation. When the Royal Commission is formally established, we will set a time limit for it—a time limit for it to do its work and a time limit for it to report back to the Government. The Royal Commission is not a delaying tactic but it is right that there should be wider debate and further analysis before the long term is settled. Our detailed proposals on the role and working operations of the Royal Commission will be announced in the forthcoming White Paper.

(HL *Hansard*, 14th October 1998, col 926)

## **24th November 1998**

In the Queen's Speech for the 1998–99 Session, it was announced that: "A Bill will be introduced to remove the right of hereditary Peers to sit and vote in the House of Lords. It will be the first stage in a process of reform to make the House of Lords more democratic and representative. My Government will publish a White Paper setting out arrangements for a new system of appointments of life Peers and establish a Royal Commission to review further changes and speedily to bring forward proposals for reform". (HL *Hansard*, col 4).

## **19th January 1999**

The House of Lords Bill was introduced to the House of Commons (HC *Hansard*, col 714). The Bill made provision for removing the right of hereditary Peers to sit and vote in the House of Lords.

## **20th January 1999**

The Government published a White Paper, *Modernising Parliament: Reforming the House of Lords* (Cm 4183). Statements were heard in the Commons and the Lords announcing the publication of the White Paper, the setting up of an appointments commission to recommend non-party political life Peers and the establishment of a Royal Commission, with the following terms of reference:

Having regard to the need to maintain the position of the House of Commons as the pre-eminent chamber of Parliament and taking particular account of the present nature of the constitutional settlement, including the newly devolved institutions, the impact of the Human Rights Act and developing relations with the European Union:

to consider and make recommendations on the role and functions of a second chamber; and

to make recommendations on the method or combination of methods of composition required to constitute a second chamber fit for that role and for those functions;

to report by 31 December 1999.

(HL *Hansard*, 20th January 1999, col 585)

## **11th November 1999**

The House of Lords Act 1999 received Royal Assent. The Act removed the right of all but 92 hereditary Peers to sit in the House of Lords.

## **17th November 1999**

In the Queen's Speech for the 1999–2000 Session, the Government announced that it was “committed to further long-term reform of the House of Lords and will look forward to the recommendations of the Royal Commission on the Reform of the House of Lords” (HL *Hansard*, col 5).

## **20th January 2000**

The Royal Commission on the Reform of the House of Lords, under the chairmanship of Lord Wakeham, published its report, *A House for the Future* (Cm 4534), making 132 recommendations.

The Royal Commission's report proposed that a reformed House of Lords would have around 550 members, with 65, 87 or 195 elected members. It recommended the creation of a statutory Appointments Commission to be responsible for all appointments to the Second Chamber. It did not propose any radical change in the balance of power between the two Houses of Parliament.

## **7th March 2000**

The House of Lords debated the Royal Commission's report (HL *Hansard*, cols 910–1036).

Opening the debate, the Lord Privy Seal, Baroness Jay of Paddington, expressed the Government's broad acceptance of the report:

The Government accept the principles underlying the main elements of the Royal Commission's proposals on the future role and structure of this House, and will act on them. That is, we agree that the Second Chamber should clearly be subordinate, largely nominated but with a minority elected element and with a particular responsibility to represent the regions. We agree that there should be a statutory appointments commission...

A statutory appointments commission should form part of any permanent arrangement. This proposal again builds on what we have already undertaken, on a non-statutory basis, for the transitional House.

(HL *Hansard*, 7th March 2000, cols 912 and 915)

## **4th May 2000**

The Prime Minister announced the membership of the interim non-statutory Appointments Commission (HC *Hansard*, cols 181–2W).

The White Paper of January 1999, *Modernising Parliament: Reforming the House of Lords* (Cm 4183, pp 33–4), had envisaged the establishment of a non-statutory Appointments Commission. The remit of the Appointments Commission was to



recommend people for appointment as non-party political life Peers and vet all nominations for membership of the House to ensure the upholding of standards of propriety.

### **19th June 2000**

The House of Commons debated the Royal Commission's report (HC *Hansard*, cols 48–125). During the debate, the Government said that a Joint Committee of both Houses would in due course be established to consider the implications of the Royal Commission's work (HC *Hansard*, col 55). This was in line with the 1997 Labour Party manifesto which had proposed that a Joint Committee would be set up to undertake a review of possible further change following the first stage of Lords reform (Labour Party Manifesto, *New Labour because Britain deserves better*, pp 32–3).

### **6th March 2001**

In answer to a written question, the Government stated that there was little prospect of a Joint Committee being established in the present Parliament, citing the failure of cross-party discussions to reach agreement on membership and terms of reference (HC *Hansard*, col 200W).

### **26th April 2001**

The Queen confirmed her intention to create 15 new non party-political members of the House of Lords on the recommendation of the House of Lords Appointments Commission ("people's Peers").

### **May 2001**

The Labour Party, the Conservatives and the Liberal Democrats all included statements on House of Lords reform in their General Election manifestos (*Ambitions for Britain*, p 35; *Time for Common Sense*, pp 45–6; *Freedom, Justice, Honesty*, p 14).

Labour won the June 2001 General Election with a manifesto commitment to complete House of Lords reform:

We are committed to completing House of Lords reform, including removal of the remaining hereditary Peers, to make it more representative and democratic, while maintaining the House of Commons' traditional primacy. We have given our support to the report and conclusions of the Wakeham Commission, and will seek to implement them in the most effective way possible. Labour supports modernisation of the House of Lords' procedures to improve its effectiveness. We will put the independent Appointments Commission on a statutory footing.

(Labour Party, *Ambitions for Britain*, May 2001, p 35)

## **20th June 2001**

In the Queen's Speech for the 2001–02 Session, the Government announced that it would introduce legislation, following consultation, "to implement the second phase of House of Lords reform" (HL *Hansard*, col 6).

## **10th July 2001**

The Lord Privy Seal, Lord Williams of Mostyn, elaborated on the consultative process that the Government proposed:

The Government will publish their proposals before introducing a Bill. It will therefore be open to anyone who wishes to comment on our proposals. We do not intend to repeat the extensive public consultation exercise of the Royal Commission chaired by the noble Lord, Lord Wakeham, but we shall of course ensure that the political parties have a full opportunity to make their views known. We do not see a role for a joint committee. As I told the House in the debate on the Address, our proposals will be based on the recommendations of the Royal Commission (21st June 2001, col 110). We will consider carefully all representations made within this context, but we will not allow consultation to become an excuse for excessive delay.

(HL *Hansard*, 10th July 2001, col 69WA)

## **7th November 2001**

The Government published its White Paper, *The House of Lords: Completing the Reform* (Cm 5291), seeking responses by 31st January 2002, with a view to introducing legislation thereafter. Statements were made in both Houses (HC *Hansard*, cols 239–55; HL *Hansard*, cols 205–24).

The White Paper's proposals included: the removal of the remaining 92 hereditary Peers left in the House after the first phase of reform; the creation of a statutory Appointments Commission to nominate independent members; the size of the House to be capped, after 10 years, at 600; 120 members to be elected to represent the nations and the regions.

## **9th and 10th January 2002**

Two days of debate on constitutional reform were held in the House of Lords and one day in the House of Commons, with the White Paper's proposals attracting little support (HL *Hansard*, cols 561–682 and 692–824; HC *Hansard*, 10th January 2002, cols 702–78).

### **14th January 2002**

The Conservative Party unveiled reform proposals. These included the creation of a 300 member assembly, to be called the Senate, with 240 members elected by a first-past-the-post system for 15-year terms (Conservative Party Press Notice, 'Conservatives call for new elected Senate', 14th January 2002).

### **17th January 2002**

The Liberal Democrats published reform proposals. Their plans ultimately envisaged a Second Chamber of no more than 300 members with a minimum of 80 per cent of members elected by proportional representation (*Parliamentary Democracy for the 21st Century: Liberal Democrat Response to the Lords Reform White Paper*).

### **14th February 2002**

The House of Commons Public Administration Select Committee published a report on House of Lords reform, *The Second Chamber: Continuing the Reform* (session 2001–02, HC 494).

The report recommended that the Second Chamber should be predominantly elected:

We therefore recommend that 60 per cent of its members should come by election. Of the remainder, half (20 per cent of the total) should be nominated by the political parties; and half (20 per cent of the total) should be independent, non-aligned members; both categories should be appointed by the Appointments Commission.

(*The Second Chamber: Continuing the Reform*, para 96)

### **13th May 2002**

The Government proposed that, having taken into account the debates in both Houses, the responses to the White Paper and the Public Administration Select Committee report, Parliament should establish a Joint Committee on House of Lords Reform in order to try and take matters forward and achieve a consensus (HC *Hansard*, cols 516–33; HL *Hansard*, cols 12–23).

### **11th December 2002**

The Joint Committee on House of Lords Reform published its first report, *House of Lords Reform: First Report* (session 2002–03, HL Paper 17).

The report set out “an inclusive range of seven options for the composition of a reformed House of Lords” and stated that it did so “against a background of broad agreement on the role, functions and powers of a reformed Second Chamber”. It saw “a continuation of

the present role of the House of Lords, and of the existing conventions governing its relations with the House of Commons". Once the views of both Houses were clear on the issue of composition, the Joint Committee would "return to the detailed matter of how these important conventions should be maintained in a new constitutional settlement between the Houses" (*House of Lords Reform: First Report*, p 5).

### **21st and 22nd January 2003**

The House of Lords and the House of Commons debated the first report of the Joint Committee on House of Lords Reform in anticipation of forthcoming votes on the Joint Committee's seven options (HL *Hansard*, 21st January 2003, cols 575–688; 22nd January 2003, cols 720–838; HC *Hansard*, 21st January 2003, cols 187–272).

The debate in the House of Lords, which featured over 90 speakers, was dominated by contributions arguing for a fully appointed House. Indeed, responding to the debate on 22nd January, the Lord Chancellor, Lord Irvine of Lairg, stated:

Plainly, the dominant view of this House expressed over the past two days is in favour of an all-appointed House.

(HL *Hansard*, 22nd January 2003, col 831)

The Lord Chancellor also informed Peers of his own voting intentions:

I have not sought to conceal that I believe the true choice to be between an all-appointed and an all-elected House. I personally on this free vote will be voting alongside those who have declared that they will vote for all-appointed and against every other option.

(HL *Hansard*, 22nd January 2003, col 835)

Closing the debate in the House of Commons on 21st January, the Parliamentary Secretary, Privy Council Office, Ben Bradshaw, observed that:

In this debate, a large majority of Members have spoken in favour of a largely or wholly elected upper House. In doing so, they have reflected opinion in the country and the findings of the surveys that have been conducted previously by Members of this House.

(HC *Hansard*, 21st January 2003, col 270)

### **29th January 2003**

The Prime Minister argued against the creation of a hybrid House and expressed his support for the House of Lords as a revising Chamber, not a rival Chamber.

Speaking at Prime Minister's Questions, Tony Blair stated:

Everyone agrees that the status quo should not remain. Everyone agrees that the remaining hereditary Peers should go and, what is more, that the prime ministerial patronage should also go. However, the issue then is whether we

want an elected—[Interruption]. I am asked for my views; I am giving them. Do we want an elected House, or do we want an appointed House? I personally think that a hybrid between the two is wrong and will not work.

I also think that the key question on election is whether we want a revising Chamber or a rival Chamber. My view is that we want a revising Chamber, and I also believe that we should never allow the argument to gain sway that, somehow, the House of Commons is not a democratically elected body. I believe that it is democratic. [Hon. Members: “A free vote?”] It is a free vote; people can vote in whatever way they want, but I think that all Members, before they vote, should recognise that we are trying to reach a constitutional settlement—not for one Parliament, but for the long term. In my view, we should be cognisant not just of our views as Members of Parliament, but of the need to make sure that we do not have gridlock and that our constitution works effectively.

(*HC Hansard*, 29th January 2003, cols 877–8)

#### **4th February 2003**

The House of Commons and the House of Lords both voted on the seven options proposed by the Joint Committee on House of Lords Reform in its first report (*HC Hansard*, cols 152–243; *HL Hansard*, cols 115–38).

The House of Commons rejected all seven options for reform presented by the Joint Committee, while the House of Lords voted by three to one for a fully appointed House. The option which MPs defeated by the fewest number was for an 80 per cent elected chamber.

MPs also voted on an amendment to the first option on a fully appointed House. This amendment declined “to approve Option 1 as it does not accord with the principle of a unicameral Parliament” (*HC Hansard*, col 166). MPs defeated three options without recourse to a vote. The options and the voting figures in both Houses are set out below:

Option 1 Fully appointed

Option 2 Fully elected

Option 3 80 per cent appointed, 20 per cent elected

Option 4 80 per cent elected, 20 per cent appointed

Option 5 60 per cent appointed, 40 per cent elected

Option 6 60 per cent elected, 40 per cent appointed

Option 7 50 per cent appointed, 50 per cent elected

	Amendment	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6	Option 7
<b>Lords</b>								
For		335	106	39	93	60	91	84
Against		110	329	375	338	358	317	322
<b>Commons</b>								
For	172	245	272		281		253	
Against	390	323	289		284		316	

Following the votes in the House of Commons, the Leader of the House of Commons, Robin Cook, stated:

We should go home and sleep on this interesting position. That is the most sensible thing that anyone can say in the circumstances. As the right hon. Gentleman knows, the next stage in the process is for the Joint Committee to consider the votes in both Houses. Heaven help the members of the Committee, because they will need it.

(*HC Hansard*, 4th February 2003, col 243)

For an analysis of the votes in the House of Commons, please see 'None of the above: The UK House of Commons votes on reforming the House of Lords', Iain McLean, Arthur Spirling and Meg Russell, *Political Quarterly*, July 2003, vol 74, no 3, pp 298–310.

### 9th May 2003

The Joint Committee on House of Lords Reform published its second report, *House of Lords Reform: Second Report* (session 2002–03, HL 97).

The Joint Committee's report was seen as passing the initiative back to the Government following the outcome of the votes in February. In a press release accompanying the publication of the report, the Committee chair, Jack Cunningham, stated:

Despite the lack of a majority in the Commons for any one option, the Joint Committee hopes that the momentum for reform can be regained. There are widely differing views within the Committee as to the best composition for a reformed Second Chamber, but one thing we all agree on is that things should not be left as they are. In this report we seek a steer from the Government, and then from the two Houses, so that we can be confident that further work undertaken by the Committee will lead to action.

(Joint Committee on House of Lords Reform, 'Press Notice No. 6', 9th May 2003)

In a statement coinciding with the publication of the report, nine members of the Joint Committee, James Arbuthnot, Chris Bryant, Kenneth Clarke, Lord Goodhart, William Hague, Lord Oakeshott, Joyce Quin, Lord Selborne and Paul Tyler, stated:

Since the House of Commons rejected the option of a fully appointed Second Chamber by a large majority on 4th February it would be absurd and unacceptable to introduce legislation which would have that effect. Simply evicting the hereditary Peers, and placing the appointments process on a statutory basis, would result in that soundly rejected option. Those who argue

that the Commons must remain predominant—including Ministers—should surely respect the outcome of that vote by MPs.

In these circumstances we believe that the Joint Committee cannot continue to meet without a fresh mandate based on an indication by Government of its preferred route to achieve a 'more representative and democratic' House of Lords, and a subsequent debate in Parliament.

(This statement was included in a Liberal Democrat press release, 'Don't Tinker with the Lords', 9th May 2003)

## **12th June 2003**

The Government unveiled proposals for far reaching constitutional reforms, including the creation of a Department for Constitutional Affairs, the abolition of the office of Lord Chancellor and the creation of a new Supreme Court.

In a press release, the Prime Minister's Office announced that:

As part of the continuing drive to modernise the constitution and public services, the Prime Minister has today announced far-reaching reforms including the creation of a new Department for Constitutional Affairs. This will incorporate most of the responsibilities of the former Lord Chancellor's Department, but with new arrangements for judicial appointments and an end to the previous role of the Lord Chancellor as a judge and Speaker of the House of Lords. Once the reforms are in place, the post of Lord Chancellor will be abolished, putting the relationship between executive, legislature and judiciary on a modern footing.

The first Secretary of State for Constitutional Affairs will be Lord Falconer. He will operate as a conventional Cabinet Minister and head of department, and will be located together with his permanent secretary and departmental officials in the offices of the Lord Chancellor's Department and not in the House of Lords.

The creation of the Department for Constitutional Affairs builds on the major constitutional reforms carried through by Lord Irvine in his six years as Lord Chancellor. It is part of a substantial package of further reform measures including:

- Establishment of an independent Judicial Appointments Commission, on a statutory basis, to recommend candidates for appointment as judges. The Government will publish a consultation paper before the summer recess on the best way of establishing such a Commission.
- Creation of a new Supreme Court to replace the existing system of Law Lords operating as a committee of the House of Lords. The new Secretary of State will not be a member of the Supreme Court. The Government will publish a consultation paper on proposals for a Supreme Court before the summer recess.
- Reform of the Speakership of the House of Lords. The Leader of the House of Lords will consult with the other parties, and the House as a whole, on changes to Standing Orders enabling a new Speaker—who is

not a Minister—to be in place after the recess, subject to the wishes of the House...

For the period of transition, Lord Falconer will exercise all the functions of Lord Chancellor as necessary. However, Lord Falconer does not intend to sit as a judge in the House of Lords before the new Supreme Court is established.

(‘Modernising Government—Lord Falconer appointed Secretary of State for Constitutional Affairs’, 12th June 2003)

### **3rd July 2003**

The House of Lords agreed to establish a Select Committee to consider the future arrangements for the Speakership of the House in the light of the Government’s intention to reform the office of Lord Chancellor (HL *Hansard*, cols 983–1002).

### **17th July 2003**

The Joint Committee on House of Lords Reform published the Government’s response to its second report, *House of Lords Reform: Government Reply to the Committee’s Second Report* (session 2002–03, HL 155).

The Government’s response included a commitment to consult in the autumn on proposals for a revised Appointments Commission. It also reiterated the Government’s policy, as set out in the November 2001 White Paper, that the remaining hereditary peers should be removed from the House of Lords. The Government’s response concluded:

The Government is grateful to the Joint Committee for the work that they have done, and their efforts to take forward the question of House of Lords reform. It agrees with the Joint Committee that its work, and that of the Royal Commission and the Government itself before it, have produced a considerable degree of consensus on the roles, functions and powers of the House of Lords. They have demonstrated, in contrast, that there is no consensus about the best composition for the Second Chamber. For the time being, the Government will concentrate on making the House of Lords work as effectively as possible in fulfilment of its important role.

(*House of Lords Reform: Government Reply to the Committee’s Second Report*, p 5)

### **18th September 2003**

The Department for Constitutional Affairs published a consultation paper, *Constitutional Reform: next steps for the House of Lords* (CP 14/03). Statements were made in the House of Lords and the House of Commons (HL *Hansard*, cols 1057–78; HC *Hansard*, cols 1086–104).



The consultation paper included proposals to remove the remaining hereditary Peers and establish a statutory independent Appointments Commission. The consultation paper's executive summary set out the Government's key proposals as follows:

The Government proposes to introduce a Bill when Parliamentary time allows to:

#### *Hereditary Peers*

- Remove all hereditary Peers, including the Earl Marshal and the Lord Great Chamberlain (paragraphs 24–28);

#### *Appointments*

- Establish a statutory independent Appointments Commission accountable to Parliament rather than to Ministers. The Commission would determine numbers and timing of appointments, select independent members of the House and oversee party nominations (paragraphs 29–60);
- Ensure that the appointment of Commissioners is transparent, open, and free from Prime Ministerial patronage (paragraphs 32–38);
- Charge the Commission with ensuring that in selecting independent members they should have regard to the make-up of society. The Appointments Commission should encourage appointments and nominations from under-represented groups (paragraphs 53–55);
- Place an obligation on the Commission to ensure that the balance of party members has regard to the outcome of the previous General Election (paragraph 41);
- Place an obligation on the Commission to ensure that the appointment of non-party members of the House averages 20% of new appointments over the course of each Parliament (paragraph 43);
- Require that the Government of the day should not have an overall majority in the House (paragraph 41);

#### *Managing the size of the House*

- The paper raises the question of whether there should be formal caps on the size of the House, but on balance recommends that this should be limited to a requirement on the Commission to aim to ensure that the House does not grow beyond its present size and reduces in numbers over time to no more than 600 (paragraphs 44–52);

#### *Disqualification*

- Bring provisions on the disqualification of members of the Lords on the grounds of conviction for an offence into line with those of the Commons. Disqualified Peers would lose the right to sit and vote, and would lose their titles (paragraphs 61–66);

### *Joining the Lords*

- Enable the Prime Minister to make up to five direct Ministerial appointments per Parliament to the Lords. The Appointments Commission would check all appointments before they took their seats (paragraphs 67–70);

### *Leaving the Lords*

- Give life Peers the option of renouncing their peerages and so enabling them to vote in national elections (paragraph 71).

(*Constitutional Reform: next steps for the House of Lords*, September 2003, pp 12–14)

Delivering the statement in the House of Lords, the Lord Chancellor, Lord Falconer, explained the rationale underpinning the Government's proposals:

It was never our intention that the remaining hereditary Peers should remain Members of the House for ever. When this interim arrangement was reached, as well as the immediate benefit of the agreement, we accepted the argument that the presence of the remaining hereditary Peers would act as an incentive to further reform. That has not happened. There is clearly no consensus in Parliament on the way forward.

So the context for reform has clearly and significantly changed. The circumstances which gave rise to the original arrangement over the remaining hereditary Peers no longer apply. The solution which the remaining hereditary Peers were here to help is no longer available.

So the Government must act, and act decisively, to bring about stability and sustainability. It is for the Government to act but it is for Parliament to decide. It will be for Parliament as a whole to decide on the removal of the right to sit and vote of the remaining hereditary Peers.

(*HL Hansard*, 18th September 2003, col 1058)

In response, the Shadow Leader of the House of Lords, Lord Strathclyde, criticised the Government's proposals. Moreover, he told the House that:

If this Bill is ever presented to this House, the noble and learned Lord and his colleagues can be assured that he can expect a major fight on his hands, and it will not be confined to this Bill. This House values its independence, and in the past four years it has found a voice that the country is increasingly willing to hear. We on this side of the House will not give that up lightly.

(*HL Hansard*, 18th September 2003, col 1062)

The Liberal Democrat spokesperson on Constitutional Affairs, Lord Goodhart, said that, "the overwhelming reaction I have is a feeling of contempt and betrayal". He stated that:

The Government have now made it clear that they want no democratic reform at all. They have betrayed the trust of those who believed that they were truly committed to full constitutional reform. They have done so because your Lordships' House is a nuisance to them. We amend their Bills and we take up

their time in debates. A proper reform would make things even worse for the Government, so they take the easy way out. Your Lordships' House will remain wholly appointed.

It is, and remains, the aim of my party to end the hereditary basis of membership  
But the remaining hereditary Members should go when, and only when, they can be replaced by a mainly elected membership

(HL *Hansard*, 18th September 2003, col 1063)

Lord Craig of Radley, the Convenor of the Crossbench Peers, stated:

I was under the impression that there were to be no further changes in the make-up of the House until stage two was reached. We have not reached it.

(HL *Hansard*, 18th September 2003, col 1065)

Responding to the statement in the House of Commons, the former Leader of the House of Commons, Robin Cook, wondered why the Government was proceeding with a proposal for a fully appointed Upper House, when such an option had attracted the least support from MPs in the votes of February 2003:

Is not it the case that the all-appointed option received the fewest votes in the House and had the biggest majority against it? I confess that I am rather confused, so can my hon. Friend remind me why we consulted the House of Commons if we intended to go ahead with the measure that was least popular among Members of Parliament?

(HC *Hansard*, 18th September 2003, col 1093)

### **18th November 2003**

The House of Lords Select Committee on the Speakership of the House published its report, *The Speakership of the House of Lords* (session 2002–03, HL Paper 199).

A press release accompanying the report's publication set out the main recommendations as follows:

- The Speaker of the House should be elected from among the existing members of the House of Lords for a period of five years (with the possibility of renewal) and be known as Lord Speaker.
- The member elected as Lord Speaker should give up party politics for life.
- The Speaker should be the guardian of the self-regulating ethos of the House of Lords and uphold the rules of the House of Lords as set out in the *Companion to the Standing Orders*, (see paragraphs 15 & 16) taking on some of the Lord Chancellor's current responsibilities and some of the current Leader's responsibilities.

(House of Lords Select Committee on the Speakership of the House, 'What is the future of the Speakership of the House of Lords?', 18th November 2003)

**26th November 2003**

In the Queen's Speech, the Government announced that it would take forward its programme of constitutional reform and introduce legislation to reform the House of Lords:

My Government will continue their programme of constitutional reform by establishing a Supreme Court, reforming the judicial appointments system and providing for the abolition of the current office of Lord Chancellor.

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.

(HL *Hansard*, 26th November 2003, col 3)

In the debate that followed on the humble Address, the Shadow Leader of the House of Lords, Lord Strathclyde, deplored the Government's proposals:

This time next year, breaking an undertaking binding in honour on the Prime Minister and Privy Counsellors involved, given at the Dispatch Box, the House will have been purged of one fifth of all the Peers who do not support the Government, without any long-term reform plan being tabled. The office of Lord Chancellor will have been scrapped. The House will have lost one of its Cabinet members. The noble and learned Lords may be on their way out and a new Supreme Court may be being built—who knows where and at what cost—to solve a problem that few entirely understand. The policy was sprung on the world with no consultation before launch and not the slightest attempt at building consensus since. It does not make for a stable constitution or, indeed, a quiet life.

(HL *Hansard*, 26th November 2003, col 12)

The Leader of the Liberal Democrats, Baroness Williams of Crosby, stated:

... as regards Lords reform, I want to say simply that, having listened to many speeches on the issue of the right of a non-elected House to challenge the other place, Members on these and many other Benches in this House declare that it is not our wish to be a non-elected House. It is, above all, the wish of the Prime Minister. We wish that that were not so.

(HL *Hansard*, 26th November 2003, col 18)

In response, the Leader of the House of Lords, Baroness Amos, stated:

The Government remain committed to reform of your Lordships' House. In the absence of any agreement between the two Houses, the Government published a White Paper on House of Lords reform. The consultation period ends in December, and in the new year the Government will bring forward a Bill that represents the next steps in Lords reform. That Bill will fulfil the Labour Party manifesto commitment to remove the remaining hereditary Peers in this House. It will also establish an independent appointments commission, accountable to Parliament rather than to Ministers.

Each and every one of us has a strong view on House of Lords reform, and I am sure that our debates on that Bill will be extensive and interesting. I am sure that the House will conduct itself in its usual sensible and dignified way in relation to the Bill and the rest of the Government's legislative programme this Session.

(HL *Hansard*, 26th November 2003, col 20)

## **2nd December 2003**

On the fourth day of debate on the Queen's Speech in the House of Lords, the Conservatives and the Liberal Democrats both moved amendments to the motion for an humble Address critical of the Government's proposals for constitutional reform. The Conservatives' amendment was carried by 188 votes to 108 (HL *Hansard*, cols 295–6).

## **12th January 2004**

The House of Lords debated the report of the Select Committee on the Speakership of the House (HL *Hansard*, cols 377–456).

## **24th February 2004**

The Constitutional Reform Bill was introduced in the House of Lords (HL *Hansard*, col 120).

The Bill's Explanatory Notes provided the following summary of the Bill's provisions:

The Constitutional Reform Bill will abolish the office of the Lord Chancellor and make changes to the way in which the functions vested in that office are handled. This Bill will also create the Supreme Court of the United Kingdom, create the Judicial Appointments Commission and remove the right of the Lord President of the Council to sit judicially...

The Bill, divided into 5 parts, included:

### Part 1: Arrangements to replace office of Lord Chancellor

- Part 1: Makes provision for replacing the office of Lord Chancellor and abolishing that office. There are provisions in relation to the judiciary and the courts, the Great Seal, and the Speakership of the House of Lords. This Part also provides a guarantee of continued judicial independence.

### Part 2: The Supreme Court

- Part 2: Makes provisions for a Supreme Court to replace the existing system of Law Lords operating as a committee of the House of Lords. It

provides for the appointment of judges, the Court's jurisdiction, its procedures, resources, including accommodation, and other matters.

(HL Bill 30-EN, paragraphs 3 and 6)

### **8th March 2004**

The Constitutional Reform Bill received its second reading in the House of Lords. At the end of the second reading, Lord Lloyd of Berwick moved an amendment to the motion committing the Bill to a Committee of the Whole House. Lord Lloyd's amendment, which called for the Bill to be committed to a Select Committee, was accepted by 216 votes to 183 (HL *Hansard*, cols 979–1006 and 1023–112).

### **19th March 2004**

The BBC reported that plans to introduce a Bill to reform the House of Lords had been dropped (BBC News, 'Blair puts Lords reform on hold').

The Secretary of State for Constitutional Affairs, Lord Falconer, told BBC Radio 4's *Today* programme that:

It became absolutely clear the Bill wouldn't get through the Lords. The Lords have indicated clearly they are going to resist. The leader of the Conservative Party said he would fight every part of our legislative programme...

We have got to focus on the things that really matter when there is no more than about two years to go before an election, at the latest. The critical thing is to focus on what our priorities are.

(BBC News, 'Blair puts Lords reform on hold', 19th March 2004)

### **21st March 2004**

The Leader of the House of Commons, Peter Hain, stated that the Government was now "focussing not just on the composition of the Second Chamber but on its powers and its procedures". He argued that:

... the Lords performs a very important function, revising and scrutinising Commons-inspired legislation—it's absolutely vital, often the Lords has improved legislation and that's its function. What it shouldn't do is actually block Commons legislation—improve it yes, but not frustrate the, the will of the House of Commons.

Now that's what it's been doing. So I think we need to bring down the period that it can frustrate the will of the Commons, from a year to under a year, and we

need to get procedures in place that allow legislation to go through, instead of just talking things out in an anarchic way.

(From transcript of Peter Hain being interviewed on BBC *Breakfast with Frost*, 21st March 2004)

## **22nd March 2004**

The Select Committee on the Constitutional Reform Bill was established, with an instruction to report on the Bill to the House not later than 24th June 2004. Provision was also made for the Bill to be carried over into the next Session of Parliament (HL *Hansard*, cols 468–72).

## **22nd April 2004**

The Department for Constitutional Affairs published a document setting out a statistical analysis of the responses to the September 2003 consultation paper, *Constitutional reform: next steps for the House of Lords—Summary of responses to consultation* (CPR 14/03).

In the foreword, the Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, confirmed that the Government did not intend at this stage to pursue the legislative proposals set out in the September 2003 consultation paper but would reflect on the options available for longer term reform (*Constitutional reform: next steps for the House of Lords—Summary of responses to consultation*, 22nd April 2004, p 1).

## **1st May 2004**

Forty six new life peerages were announced. The nominations were: Labour 23, Conservative 5, Liberal Democrat 8, Ulster Unionist 1, House of Lords Appointments Commission 7, Prime Minister's appointments 2.

## **25th May 2004**

The Government reiterated its commitment to reforming the House of Lords. Speaking in the House of Commons, the Parliamentary Under-Secretary of State for Constitutional Affairs, Christopher Leslie, stated:

The Government remain committed to reforming the Second Chamber, but to proceed in the present climate of determined opposition in the Lords would crowd out the current legislative programme. Nevertheless, the Government will return to the issue in our manifesto, and I hope that we will gain a consensus on reforms that would maintain the supremacy of the House of Commons and ensure a proper revising role for the Second Chamber...

(HC *Hansard*, 25th May 2004, col 1432)

## 2nd July 2004

The Select Committee on the Constitutional Reform Bill published its report, *Constitutional Reform Bill [HL]* (session 2003–04, HL 125).

Views in the committee were divided on two key aspects of the reform package—abolition of the office of the Lord Chancellor and the creation of a new Supreme Court to replace the existing system of Law Lords operating as a committee of the House of Lords. The Constitutional Reform Bill, as amended by the Select Committee (over 400 amendments were made), was re-printed and subsequently resumed its legislative passage.

## 20th July 2004

A working group of Labour Peers, chaired by Lord Hunt of Kings Heath, published a report on the role and powers of the House of Lords, *Reform of the Powers, Procedures and Conventions of the House of Lords*.

Among the report's main conclusions were:

- A Second Chamber should complement the work of the elected House of Commons and concentrate on the scrutiny and revision of legislation.
- There should be major reform of the legislative process in the Lords to replace much of the current repetition and enable a better focus on the main issues within a bill.
- A new Parliament Act should be enacted.
- The House of Lords should continue to be able to exercise a delaying power on primary legislation.
- A reasonable time limit should be set for all bills to complete their passage in the Lords.
- Bills starting in the Lords should be subject to the new Parliament Act.
- Reconciliation machinery should be established to help resolve differences between the Commons and the Lords.
- Key conventions—principally the Salisbury Doctrine—should be codified.
- Secondary legislation should be subject to Lords delaying power as recommended by the Royal Commission on Lords Reform and the Government White Paper on the Lords (2001).
- Post-legislative review of the effects of Acts of Parliament should be undertaken.



- A Speaker should be elected by the House.

*(Reform of the Powers, Procedures and Conventions of the House of Lords, pp 2–3)*

## **29th September 2004**

In a speech to the Labour Party Conference, the Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, set out the Government's thinking on reform ahead of the preparation of its manifesto.

Lord Falconer told delegates:

In our parliamentary democracy, the House of Commons has primacy. But as part of the correct system of checks and balances in Parliament, the Second Chamber should have the power to delay. We don't want to curb the ability of the Second Chamber to delay. The Second Chamber should have the powers to revise, to amend, to scrutinise. But not finally to frustrate the programme of a legitimately-elected government. That's not the Lords' job. And under our reforms, it won't be. And we need as well to address composition.

Conference, this Labour government is committed to ending the hereditary principle in Parliament. And the hereditary practice. We have removed most of the hereditary Peers from the House of Lords. And conference—we will remove the rest. But we need to do more. The Second Chamber should become much more representative of the people it serves. It must allow the voice of the whole of our nation to be heard. Not just Lords from London and the south east, as it very heavily is now. But from all parts and all regions of our country. The Second Chamber must connect properly with the priorities of all of the people. There is a place for independent voices in the Second Chamber. But that chamber must, predominantly, represent the people. Conference, we have argued about all this for too long. There are too many reasons why every proposed solution fails. We need between now and the preparation of our manifesto to identify a solution which makes for a representative chamber, and then commit ourselves to it, in the manifesto...

And if we are returned to office in the next General Election we will move as quickly as we can to reform the House of Lords. Once and for all. Early in a third term.

*('Opening up our Institutions for the Future', speech by Lord Falconer to the Labour Party Conference, 29th September 2004)*

## **25th January 2005**

The Prime Minister delivered a written statement to the House of Commons in which he set a limit on his power to nominate Peers directly:

The House of Lords Appointments Commission is responsible for recommending non-party-political appointments to the House of Lords. However, I continue to nominate direct to Her Majesty the Queen a limited number of distinguished

public servants on retirement. I have decided that the number of appointments covered under this arrangement will not exceed ten in any one Parliament.

(HC *Hansard*, 25th January 2005, col 10WS)

### **26th January 2005**

Speaking in the House of Commons, the Prime Minister reiterated his reservations about creating a hybrid House of Lords:

It is important that we have the debate about the future composition of the House of Lords. My own position is that I think it is very difficult to have a hybrid part-elected, part-appointed House of Lords. That is why I do not favour it, but the debate will continue and I have made it clear that it should be a free-vote issue.

(HC *Hansard*, 26th January 2005, col 301)

### **26th January 2005**

The House of Lords debated the report of the Labour Peers' working group, *Reform of the Powers, Procedures and Conventions of the House of Lords* (HL *Hansard*, cols 1330–84).

### **21st February 2005**

A cross-party group of MPs put forward proposals for reform of the House of Lords, with the aim of re-invigorating the reform process and developing a consensus.

Paul Tyler, Kenneth Clarke, Robin Cook, Tony Wright and Sir George Young published *Reforming the House of Lords: Breaking the Deadlock*, in which they set out the case for a majority of members to be elected. Attached to the report was a draft Bill which would achieve this aim. The cross-party group proposed that the chamber should have up to 385 members in total, 270 of whom should be elected and 87 of whom should be appointed by an independent commission. In addition, the Bishops would hold 16 seats and there would be up to 12 places for prime ministerial appointees. Thus, elected members would constitute 70–72 per cent of the total, and independently appointed members roughly 23 per cent. A debate in Westminster Hall on 23rd February focused to a great extent on the group's proposals (HC *Hansard*, cols 71–95WH).

### **24th March 2005**

The Constitutional Reform Act 2005, which modified the office of Lord Chancellor and established the Supreme Court, received Royal Assent.

## April 2005

The Labour Party, the Conservatives and the Liberal Democrats all included statements on House of Lords reform in their General Election manifestos.

The Labour Party manifesto pledged:

In our next term we will complete the reform of the House of Lords so that it is a modern and effective revising Chamber...

In our first term, we ended the absurdity of a House of Lords dominated by hereditary Peers. Labour believes that a reformed Upper Chamber must be effective, legitimate and more representative without challenging the primacy of the House of Commons.

Following a review conducted by a committee of both Houses, we will seek agreement on codifying the key conventions of the Lords, and developing alternative forms of scrutiny that complement rather than replicate those of the Commons; the review should also explore how the upper chamber might offer a better route for public engagement in scrutiny and policy-making. We will legislate to place reasonable limits on the time bills spend in the Second Chamber—no longer than 60 sitting days for most bills.

As part of the process of modernisation, we will remove the remaining hereditary Peers and allow a free vote on the composition of the House.

(Labour Party, *Britain forward not back*, pp 103 and 110)

The Conservative Party's manifesto stated:

We will seek cross-party consensus for a substantially elected House of Lords.

(Conservative Party, *It's time for action*, p 21)

The Liberal Democrat manifesto asserted:

Reform of the House of Lords has been botched by Labour, leaving it unelected and even more in the patronage of the Prime Minister. We will replace it with a predominantly elected Second Chamber.

(Liberal Democrats, *The real alternative*, p 18)

## 13th May 2005

Following the General Election, twenty seven new life peerages were announced for former MPs.

The nominations were: Labour 16, Conservative 6, Liberal Democrat 5. This made Labour the largest party in the House of Lords.

## 17th May 2005

In the Queen's Speech for the 2005–06 Session, the Government announced that it would “bring forward proposals to continue the reform of the House of Lords” (HL *Hansard*, col 7).

In the debate that followed on the humble Address, the Lord President of the Council, Baroness Amos, updated Peers on the issue of the speakership:

This Session the House also has unfinished business concerning the speakership of this House. Noble Lords will recall the history of this issue. It was put on hold while the Constitutional Reform Bill went through Parliament. That Bill finally received Royal Assent just before Easter. It remains the Government's view that the Speaker of this House should not be appointed by the Prime Minister. We believe that the House will be stronger if it seizes the opportunity to take the Speakership into its own hands. This House needs a presiding officer of its own, and I will resume discussions with the usual channels to explore the scope for consensus. I will then bring the issue before the House.

(HL *Hansard*, 17th May 2005, col 23)

## 23rd May 2005

On the fourth day of debate on the Queen's Speech in the House of Lords, Peers considered the prospects for Lords reform (HL *Hansard*, cols 239–344).

The Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, detailed the way forward proposed by the Government, anticipating the establishment of a Joint Committee and a free vote on composition:

The Government will bring forward measures to address four key elements in the reforms. These include a committee of both Houses to identify and set out the key conventions of this House and a reasonable time limit for Bills to proceed through the Second Chamber. That limit—60 sitting days—would not be less than the period which this House has taken to consider Bills in the past. It would not prevent this House amending or deleting parts of legislation in accordance with its current powers and conventions.

The key elements also include removal of the remaining hereditary Peers and a free vote on the composition of the House. That vote must be properly informed. We hope that there will be agreement in both Houses.

The Government are keen for there to be a proper process of deliberation and debate on all of these elements. Once that deliberation is complete, a Bill will be brought forward to give effect to the conclusions reached.

(HL *Hansard*, 23rd May 2005, cols 243–4)

In response, the Conservative home affairs spokesperson, Baroness Anelay of St Johns, warned against any reduction in the powers of the House of Lords:

We say that this House should not accept any dictation from the other place as to its procedures, tolerate no guillotine and accept no diminution in its powers. We believe that a cross-party approach is the right one, so we will co-operate fully with the Joint Committee. But the remit of that committee must be far wider than that currently proposed by the Government.

Any Joint Committee must be able to range over the functions and operations of both Houses and their joint relationship

(HL *Hansard*, 23rd May 2005, col 247)

The Liberal Democrat spokesperson on constitutional affairs, Lord Goodhart, stressed that his party would not countenance “half-baked” reforms:

We have made it clear that we will not support half-baked changes to the composition of your Lordships’ House, such as the removal of the remaining hereditary Peers, except as part of the introduction of an elected majority of members of this House and we stand by that commitment.

Meanwhile, the Government want to curb still further the powers of your Lordships’ House. We are to have a Joint Committee to consider the conventions governing the relationship between the two Houses. Will that committee accept that the Salisbury Convention is long out of date and should be scrapped? It will not. I believe that the committee’s real purpose in the Government’s eyes is to give its blessing to the report of the Labour Back Bencher’s committee chaired by the noble Lord, Lord Hunt of Kings Heath, in the previous Parliament. The report contained some acceptable proposals but also several that are unacceptable...

(HL *Hansard*, 23rd May 2005, col 253)

## **29th September 2005**

In a speech to the Labour Party Conference, the Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, reiterated his commitment to making progress on House of Lords reform.

Lord Falconer told delegates:

We must, for example, press on with Lords reform. We are on track for what we promised. A debate on purpose. A free vote on composition. A bill in the next session of parliament. We will get there. We will remove the hereditaries. And we can make progress on wider reform. My goodness, we can’t wait another 100 years.

(‘Reconnecting people and politics’, speech by Lord Falconer to the Labour Party Conference, 29th September 2005)

## **12th December 2005**

The Constitution Unit, part of University College London's School of Public Policy, released research findings showing "surprising levels of support from MPs and the public for the Lords to vote down government proposals" (Constitution Unit press release, 'Lords should block government bills, say public and MPs'). The Constitution Unit was undertaking a research project into the Lords' behaviour since 1999 (see [www.ucl.ac.uk/constitution-unit/](http://www.ucl.ac.uk/constitution-unit/)).

## **9th January 2006**

The Government stated that discussions were ongoing regarding the establishment of a Joint Committee to consider the powers of the House of Lords.

In response to a written question, the Minister of State, Department for Constitutional Affairs, Harriet Harman, stated:

The Government are continuing to seek the co-operation of other parties in setting up a Joint Committee of both Houses to consider and codify the powers of the House of Lords. The Government hope to be able to proceed with the establishment of the Joint Committee as soon as possible.

The Government will also proceed on its other free-standing manifesto commitments on Lords reform—to limit to 60 days the time the House of Lords deal with a Bill, to abolish the remaining hereditary Peers and to allow a free vote on the composition of the House of Lords.

(*HC Hansard*, 9th January 2006, col 240W)

## **31st January 2006**

A debate was held in Westminster Hall on the subject of House of Lords reform (*HC Hansard*, cols 23–45WH).

## **15th February 2006**

*The Herald* reported that the Leader of the House of Lords, Baroness Amos, was personally of the view that the House of Lords should be smaller with a majority elected element.

Baroness Amos was quoted as saying:

"Personally, I think there should be a smaller House of Lords, a majority elected element, not representing constituencies".

She said she wanted to see "a better regional balance" of Peers representing Scotland, England, Northern Ireland and Wales.

“I would retain some kind of cross-bench element as a way of ensuring that—if through the party system you weren’t able to encourage more women and ethnic minorities—you still had a process that enabled you to do that, and also enabled you to bring in some particular skills and knowledge and experience that you wanted, whether it be in science or arts or education,” she said.

The Lords’ chief argued that Peers should receive a salary instead of just expenses.

“Which brings me back to the point about having a smaller second chamber of about 300,” she said. “Of the current 700-odd Peers, only about 400 come in on a fairly regular basis”...

... Baroness Amos argued it was necessary to retain a two-chamber parliament.

“The House of Lords potentially has a very powerful role constitutionally, there are all kinds of ways it can exercise that role,” she said. “If you look at the select committee report on assisted dying and voluntary euthanasia, for example. It seems to me these very big moral questions that at some point, as a country, you have to address... These are precisely the areas where a House of Lords has a lot of expert opinion. There are a lot of very knowledgeable people there.”

(*The Herald*, ‘Baroness wants to cull 50 per cent of Peers’, 15th February 2006)

## **26th February 2006**

The Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, stated that the Government was keen to try and build a consensus on Lords reform and he also indicated that the introduction of an elected element in the Second Chamber could be acceptable.

Giving an interview to the BBC’s *Politics Show*, Lord Falconer stated:

It’s time to try to move the debate forward. Lords reform is unfinished business. It’s not at the top of people’s political agenda. But it’s an important thing, and it’s a thing to try to achieve.

But in order to avoid it dominating one or two parliamentary sessions, we think the right course is to try to see if a consensus can be built up on how you reform the Lords. Because a consensus to reform the Lords, is the best, the most durable, and the most effective way to reform the Lords...

We note that things appear to be changing on the two opposition parties view to it. As far as the Conservatives are concerned, they say they’re in favour of Lords reform, so too the Liberal Democrats. So let’s see if we can build a consensus on both powers and position of the Lords, and on composition...

The interviewer, Jon Sopel, put it to the Lord Chancellor that while there may be a broad consensus for the creation of a hybrid House of Lords, the Prime Minister had previously

been against such a move. Lord Falconer responded:

... the Prime Minister is keen to see if there is a consensus. If a consensus can be built, then he would support it.

(From transcript of Lord Falconer being interviewed on the BBC's *Politics Show*, 26th February 2006)

## **27th February 2006**

Following Lord Falconer's remarks to the BBC on 26th February, the Shadow Leader of the House of Lords, Lord Strathclyde, sought to ask a Private Notice Question exploring the Government's policy on Lords reform. The Leader of the House of Lords, Baroness Amos, argued that a Private Notice Question was not justified.

In a short exchange, Lord Strathclyde told Peers:

Imagine my surprise when I discovered that this Question had been turned down on the basis that it was not an urgent matter. Will the Leader of the House say what, on Saturday afternoon, made the Government brief the BBC and newspapers on the future of the House of Lords? Will she also say what made the Lord Chancellor break his engagements on Sunday and urgently go to the BBC studios to give an interview on the future of your Lordships' House when it is not sufficiently urgent to give a statement in this very House this afternoon?

I am asking the Leader of the House not to reverse her decision now, although that would be a perfectly fair thing for her to do, but to consider very carefully whether she took the right decision and whether she believes that this House should be told before the media what the Government have in mind on the future of this House—an issue that is extremely important to every Member of your Lordships' House.

(HL *Hansard*, 27th February 2006, col 11)

Baroness Amos argued that in her view a Private Notice Question was not justified:

My Lords, government policy on House of Lords reform was set out in a manifesto on which this Government won an election last year. I fail to understand why this has become an urgent matter, as the noble Lord, Lord Strathclyde, suggests, given Ministers' recent statements to the media. Indeed, I stated my personal view of House of Lords reform to the media two weeks ago...

Nothing in the question asked by the noble Lord, Lord Strathclyde, was, in my view, of sufficient urgency to justify a reply this afternoon. I understand and totally appreciate that this is an issue of interest to the House, but it is not of sufficient urgency to justify a Private Notice Question, in my view.

(HL *Hansard*, 27th February 2006, col 11)



## 27th February 2006

The Power Inquiry, chaired by Baroness Kennedy of The Shaws, published its report, *Power to the people: The report of Power—An independent inquiry into Britain's democracy*.

The Power Inquiry, established and funded by the Joseph Rowntree Charitable Trust and the Joseph Rowntree Reform Trust, was set up in 2004 to explore how political participation and involvement could be increased and deepened in Britain. The report included the following recommendation on House of Lords reform:

70 per cent of the members of the House of Lords should be elected by a 'responsive electoral system' (see 12 below)—and not on a closed party list system—for three parliamentary terms. To ensure that this part of the legislature is not comprised of career politicians with no experience outside politics, candidates should be at least 40 years of age.

(From executive summary and recommendations, pp 21–2)

## 1st March 2006

The Constitution Unit, part of University College London's School of Public Policy, published a report suggesting that the House of Lords was becoming increasingly confident and assertive in its behaviour, *The House of Lords in 2005: A more representative and more assertive Chamber?* (Dr Meg Russell and Maria Sciarra).

A press release setting out the report's key findings pointed to the following developments as evidence of the Lords' increasing confidence:

In 2005 we saw:

- The biggest row between Lords and Commons since the start of the 20th century, over the Prevention of Terrorism Bill.
- The biggest government defeats since 1997, and some of the largest rebellions amongst Labour Peers.
- Labour becoming the largest party in the Chamber for the first time, boosting the Lords' representativeness and sense of its own legitimacy.
- The renunciation by the Liberal Democrats of the 'Salisbury convention' whereby the Lords should not block government manifesto bills.
- Polling evidence amongst the public and MPs showing that a majority support the Lords to block unpopular measures.

(Constitution Unit press release, 'House of Lords is strengthening, suggests Constitution Unit', 1st March 2006)

## 5th March 2006

The Leader of the House of Commons, Geoff Hoon, warned against the creation of rival Chambers and stressed the importance of resolving the debate about powers.

In an article for the *Independent on Sunday*, Geoff Hoon stated:

... This has led to suggestions for a hybrid House where some members are appointed and some are elected. The track record of such hybrid arrangements is not encouraging. Members of the Scottish Parliament, where some are elected from constituencies and some come from a party list, complain about the difficulty of reconciling their different status. This was also the motivation behind the amendments to the Government of Wales Bill to prevent those defeated in constituency elections from being elected on a party list.

Having elected members in the Second Chamber, many of them probably politicians who were unable to get seats in the House of Commons, would change the entire nature of the legislature. We only have to look to other nations, such as Italy, to see there are real dangers in having two rival elected Chambers at permanent loggerheads...

The debate on powers could be resolved by making established conventions, such as the Salisbury Convention, legally binding to ensure the primacy of the Commons. This would have to be done by statute, and would be a complex process, but would assist in encouraging support in the Commons for changing the composition of the Lords. One thing is quite clear from the perspective of Members of the House of Commons. We must clarify and circumscribe the powers of the Second Chamber before deciding its composition if we are to achieve consensus among elected parliamentarians.

(*Independent on Sunday*, 'Lords reform is long overdue—But elections could make us like Italy', 5th March 2006)

## 21st March 2006

It was announced that the Metropolitan Police were to conduct an inquiry into allegations that offences had been committed under the Honours (Prevention of Abuses) Act 1925. This development followed allegations that honours had been awarded improperly.

## 25th April 2006

A motion proposing the creation of a Joint Committee to consider codification of the key conventions on the relationship between the two Houses of Parliament was agreed in the Lords by 179 votes to 95 (HL *Hansard*, cols 74–94).

The motion proposed:

That, accepting the primacy of the House of Commons, it is expedient that a Joint Committee of the Lords and Commons be appointed to consider the practicality

of codifying the key conventions on the relationship between the two Houses of Parliament which affect the consideration of legislation, in particular:

- (A) the Salisbury-Addison convention that the Lords does not vote against measures included in the governing party's manifesto;
- (B) conventions on secondary legislation;
- (C) the convention that Government business in the Lords should be considered in reasonable time;
- (D) conventions governing the exchange of amendments to legislation between the two Houses;

and that the Committee should report by Friday 21 July 2006.

(HL *Hansard*, 25th April 2006, cols 74–5)

In the debate that followed on the motion, Lord Cope of Berkeley, Opposition Chief Whip, argued that there was no case for restricting the current powers of the House of Lords:

My Lords, as this proposal was in the Labour manifesto, there have been discussions on the terms of reference between the parties and we accept the terms set out in the resolution. However, the Members of the Joint Committee will have an important and tricky task. Apparently, some people see this operation as one to limit the powers of this House. They read codification of the conventions as some kind of code for restricting the powers. I point out that the terms of reference do not ask the new committee to consider or to propose any revision or modification of the conventions, only to consider the practicality of codifying the existing conventions. Some may, of course, be best left to conventions, which is a method that has served the British constitution well over many years. We see no case for restricting the powers of the present House. The argument about the powers of either House of the legislature is not that they are too strong, but they are too weak relative to the Executive, the Government.

(HL *Hansard*, 25th April 2006, col 75)

The Leader of the Liberal Democrats in the House of Lords, Lord McNally, expressed his initial reluctance for the Liberal Democrats to participate in the Joint Committee but explained that he would now support it due to a parallel initiative by the Lord Chancellor that would look at reform and composition:

It is known, certainly on my Benches, that when this committee was first proposed I was very reluctant for the Liberal Democrats to participate in it; not least because I thought it simply gave momentum to what was at that stage one of those famous Downing Street briefings—that the Prime Minister was determined to clip the wings of the House of Lords. It came not long after the Labour Party group report of the noble Lord, Lord Hunt, already referred to, which exposed one of the problems we face—that that group seemed to set as its objective how best and how smoothly to get government business through the House of Lords...

We must split off our task as parliamentarians putting in place a Parliament that can keep an over-powerful executive in place and the desire of some on those Benches to make life easy for the government Chief Whip of the day. I have

been willing to go along with this group because parallel with it is an initiative by the Lord Chancellor that will look at reform and composition, and I do not think that you can separate composition and powers in the way the Government are trying to do. I do think that the useful analysis of the noble Lord, Lord Cope of Berkeley, has already established that the group will have some difficult tasks to perform. The House of Lords, by one of those paradoxes of history, now has a higher reputation than perhaps at any time in the recent past, partly because it uses its limited powers prudently but constructively, and I am determined that it should still retain the right to say no. Unless it retains that right, we are on our way to a unicameral Parliament, with a debating Chamber at this end, and with that would come all threats of the elective dictatorship which Lord Hailsham warned us about 30 years ago.

(HL *Hansard*, 25th April 2006, cols 78–9)

Responding to the debate, the Leader of the House of Lords, Baroness Amos, outlined the Government's view on how the reform process would be taken forward, confirming that the Lord Chancellor had begun a consultation process with the political parties on the issue of composition:

It might help if I say something about the process that we envisage, which is no different from the process envisaged last year when the Government set this out in their manifesto. The Government committed to establishing a Joint Committee looking at the conventions, and this is the Joint Committee that we are discussing now. The Government made it clear then that they were committed to a further free vote on composition. We would like that free vote to be informed by whatever comes out of the Joint Committee. That was always the intention, and it remains so. A number of speakers in the House this afternoon have indicated that they think the issue of composition comes before a discussion of what this House is here for. I do not agree with that; it is important that we are clear about what we are here for and to do, which will then inform the issue of composition. Clearly there are two different views around the House.

Since the Government's commitment to the Joint Committee and to the free vote on composition, my noble and learned friend the Lord Chancellor has begun a process of consultation with the parties, looking at the issue of composition to see if there is consensus which could inform that free vote. Those discussions are at an early stage.

(HL *Hansard*, 25th April 2006, cols 91–2)

## **5th May 2006**

In a Cabinet reshuffle, Downing Street announced that the newly installed Leader of the House of Commons, Jack Straw, would take on lead responsibility for Lords reform. Previously, the Department for Constitutional Affairs, under Lord Falconer, had held lead responsibility.

## 10th May 2006

The House of Commons debated the motion proposing the creation of a Joint Committee to consider codification of the key conventions on the relationship between the two Houses (HC *Hansard*, cols 436–74). The Motion was agreed by 416 votes to 20 (Deferred division, HC *Hansard*, 17th May 2006, col 1070).

## 22nd May 2006

After debate, the House of Lords agreed to a motion setting out the membership and powers of the Joint Committee on Conventions by 184 votes to 31 (HL *Hansard*, cols 582–95).

Lord Peyton of Yeovil moved an amendment to the motion which would have removed the Leader of the Liberal Democrats in the House of Lords, Lord McNally, from the membership of the Joint Committee, and which served to enable him to express serious misgivings about the creation of the Joint Committee. Lord Peyton told Peers:

My Lords, this Motion gives me the opportunity to point out briefly that, out of the 179 noble Lords who voted for the Motion on 25 April, five—almost half of those proposed—are going to be members of the Joint Committee. Of the 95 who voted against the Motion, none will be given places on the committee. I do not wish to expand on this; I am just mentioning it as a matter of interest to show the way in which the wind is blowing.

The second reason why I find this Motion useful is that it presents another opportunity to express my feeling that the appointment of a Joint Committee to look into the conventions of this House is out of place and odious. I do not think that one can be blamed for repeating those sentiments again and again. I fear, and the Government must hope, that the committee's study of the conventions will somehow help them on a further step down the road to the reduction of your Lordships' House to the status of a laundry. I do not say that a laundry is not needed to tidy up the legislation which comes before us in such bulk, but the idea that we should simply wash and tidy up and iron the laundry and then deliver it again to its source seems unacceptable.

(HL *Hansard*, 22nd May 2006, cols 582–3)

In response, Lord McNally explained why he had agreed to the establishment of the Joint Committee, setting out the chain of events which had led to him seeking membership of the Committee, including the fortunes of an informal committee looking at composition:

When, over six months ago, the noble Baroness, Lady Amos, proposed the setting-up of this committee, I resisted the Liberal Democrats' making nominations. It came shortly after one of those infamous Downing Street briefings where we were told that the Prime Minister was finally exasperated with the House of Lords and was going to clip our wings. I said then that we were not going to take part in a wing-clipping exercise, and that we could only look at the conventions in parallel with issues such as powers and composition.

Two or three months ago, the noble and learned Lord the Lord Chancellor spoke to me and reported a Pauline conversion by the Prime Minister to House of Lords

reform, and that the noble and learned Lord was going to set up a committee to look for a broad consensus between the major political parties. I reported this to my colleagues at both ends of the House, and some of them expressed great scepticism about the Government's intentions. I, being younger, more idealistic and perhaps more naive, said that we should trust them at their word. I forcefully argued that, since those two committees now existed and that the cause of Lords reform was being championed by no less a person than the noble and learned Lord the Lord Chancellor himself, it was worth taking the risk to see whether the prospects for Lords reform existed. So this committee went on the Order Paper.

At four o'clock this afternoon, we would have been having the first meeting of the Lord Chancellor's committee—except that, last Thursday, I got a letter from a private secretary in the Lord Chancellor's Department telling me that the noble and learned Lord the Lord Chancellor had been removed from all matters concerning Lords reform. It said that the new Leader of the House of Commons, Mr Jack Straw, had decided to stand down the Lord Chancellor's committee, and would consult individuals on the wider issue of reform from time to time, as needed. When I reported this to my colleagues, a number resisted saying "I told you so", but they certainly looked as though they were thinking it.

My reason for going on this committee, and the Lord Chancellor's committee, was that we can proceed only by looking at a complete package. Mr Straw has since modified his comments about the Lord Chancellor's committee, saying that he will bring it together at a suitable time. But both Houses deserve to see the wider package. Given our experience so far, the Prime Minister seems to take an interest in Lords reform only when he is getting his feet singed with problems elsewhere. He takes the matter away from the noble and learned Lord the Lord Chancellor, who had done a great deal of preparatory work, and hands it to Mr Jack Straw, whose record on constitutional reform does not put him in the ranks of radical reformers. That starts this process off on a very bad foot. When you add the fact that we are in the twilight of the Blair years—so this whole process might be interrupted by a change in head of government—I share some of the scepticism of the noble Lord, Lord Peyton.

However, we are where we are. The wonderful briefings that we get tell us that my good and old friend the noble Lord, Lord Cunningham, might chair the committee. Again, with the greatest of charity, his record as a constitutional reformer has not set radicals' hearts beating, but perhaps Pauline conversions are spreading like bird flu through the Government. Mr Straw and the noble Lord, Lord Cunningham, might take this issue and move it forward—who knows? That is why my name is on the list.

(HL *Hansard*, 22nd May 2006, cols 584–5)

The Shadow Leader of the House of Lords, Lord Strathclyde, expressed dismay that responsibility for Lords reform had passed from the Lord Chancellor to the Leader of the House of Commons:

Since 1997, this role has been carried out by the Lord Chancellor—the noble and learned Lords, Lord Irvine of Lairg and Lord Falconer of Thoroton. At the latest reshuffle, only a few weeks ago, that role was given to the leader of another place, Mr Jack Straw. It is the first time that I can think of where responsibility for

the future of this House resides not here but in another place. I cannot believe that that is the best way to create confidence in this process.

(HL *Hansard*, 22nd May 2006, col 586)

The Leader of the House of Lords, Baroness Amos, rejected claims that the Joint Committee was a device for curbing the powers of the House of Lords:

The idea that any Members who have been proposed for the committee either in this House or in another place will meet to discuss curbing the powers of the House of Lords is patently nonsensical.

(HL *Hansard*, 22nd May 2006, col 587)

### **25th May 2006**

The Joint Committee on Conventions published its First Special Report (session 2005–06, HL 189) in which it announced that Lord Cunningham of Felling had been elected chairman, invited the two Houses to extend the deadline for producing a final report until the end of the Session and set out its method of proceeding. The report also posed a number of questions under the headings: the Salisbury-Addison convention; secondary legislation; reasonable time; and exchange of amendments (“ping pong”).

### **5th June 2006**

The Leader of the House of Lords, Baroness Amos, rejected claims that the Government was intent on reducing the powers of the House of Lords.

Speaking during starred questions, Baroness Amos stated:

My Lords, I think that we are all agreed that this House does an excellent job in scrutinising legislation. It is not always a comfortable place for government, but the work that this House does is very important indeed. On the issue of losing business, I am not aware of any business having been lost. What we have seen is the House of Lords asserting itself more; we have had more ping-pong, for example. There is no proposal to clip the wings of this House as the noble Lord stated. The Government have said that they would like to look at the operation of our parliamentary democracy and in particular at ways of making this House more effective through the continuation of the reform process. I remind the noble Lord that this Prime Minister is the first to have improved the accountability of government through, for example, his appearance twice a year to the chairs in the Liaison Committee.

(HL *Hansard*, 5th June 2006, col 1034)

### **8th June 2006**

The Leader of the House of Commons, Jack Straw, stated that, alongside the work of the Joint Committee, he was also consulting the political parties, as well as the

crossbenchers and the Bishops, on Lords reform (10 Downing Street, 'Afternoon press briefing from 8th June 2006').

#### **20th June 2006**

The House of Lords agreed to extend the Joint Committee's deadline to report from 21st July to the end of the Session (HL *Hansard*, col 633).

#### **20th June 2006**

Responding to a debate in Westminster Hall, the Deputy Leader of the House of Commons, Nigel Griffiths, updated MPs on the reform process, confirming that, alongside the work of the Joint Committee, the Leader of the House was pursuing informal meetings with representatives of the political parties.

Nigel Griffiths stated:

We have always made it clear that the future of the House of Lords cannot be considered in isolation. The Joint Committee on Conventions has been set up and has begun its work. My right hon. Friend the Leader of the House, along with colleagues from other parties, gave evidence to the Committee last week. Representatives of the Conservative party, I understand, are giving evidence right now. My right hon. Friend is also holding an informal meeting this week with representatives of other parties, the Cross-Bench Peers in the Lords and the bishops. That follows the initiative started by the Lord Chancellor.

The Government have always made it clear that they would prefer to proceed with Lords reform by consensus. There are many different views on the optimum outcome, so it is likely that we will have to ask people to compromise on some of the details if we are to get an agreed way forward in this House and the other House. That cannot be at the expense of compromising our fundamental principles, namely the primacy of this House. One of the frustrating things about the difficulty in delivering Lords reform is that there is a large degree of agreement about the fundamentals, yet we cannot find a clear way forward.

(HC *Hansard*, 20th June 2006, col 384WH)

#### **4th July 2006**

The House of Commons agreed to extend the Joint Committee's deadline to report from 21st July to the end of the Session (HC *Hansard*, col 788).

#### **4th July 2006**

It was announced at the start of business in the House of Lords that the first elected Lord Speaker was to be Baroness Hayman.



In the election of the Lord Speaker, which was held on 28th June, a total of 581 valid votes, including 122 postal votes, were cast. There was 1 spoilt ballot paper. A total of 702 Members of the House were eligible to vote. After 7 transfers of votes, the voting for the final 2 candidates was: Baroness Hayman 263 – Lord Grenfell 236.

### **11th July 2006**

The Leader of the House of Commons, Jack Straw, delivered a speech to the Hansard Society in which he stressed his commitment to achieving consensus on how a reformed House of Lords might look, suggesting that it should be possible to build consensus around the idea of a 50 per cent elected, 50 per cent appointed House of Lords.

Jack Straw argued that:

... Reform of the Second Chamber is inextricably linked to the debate about the reform of Parliament. Much has been achieved here in recent years—the election last week of Baroness Hayman as its first Speaker is evidence of that—but there is much to be done. I will be working with colleagues on all sides of both Houses over the coming months as part of an intensive effort to reach a consensus on how a future Upper Chamber may look. I think a consensus is achievable and I believe this: if we do not seize the opportunity before us now, I fear that reform will be placed on the backburner for decades to come. My sense is that we should be able to build consensus around the idea of a House which is split 50% elected and 50% appointed, phased in over a long period, perhaps as long as 12 or 15 years. Crucially the shift must be one which leads to a House which does not threaten the primacy of the Commons, but which is more representative of the society we live in today.

The Joint Committee on Conventions is now meeting. This is due to report by early November. I hope that the Government will then be able to make public its proposals for reform as a whole by the turn of the year.

Maintaining the primacy of the Commons is key. But subject to this, there is no reason why the Lords should not be able to increase its relevance and its effectiveness.

(‘The Future for Parliament’, speech by Jack Straw to the Hansard Society, 11th July 2006)

### **24th October 2006**

The Leader of the House of Commons, Jack Straw, delivered the Constitution Unit’s annual lecture at University College London. He noted that the forthcoming report of the Joint Committee on Conventions would inform a White Paper on Lords reform. Following the publication of the White Paper, there would then be a free vote on composition.

During the lecture, Jack Straw reiterated his commitment to Lords reform and argued that, “a final settlement on its composition and powers is critical”. He declared that the White Paper would be driven by five principles and surmised that a consensus was most

likely to be found in a hybrid House:

First, a reformed Lords must not be a rival to the Commons. The primacy of the Commons is one of the bedrocks of our democracy. It is often claimed that introducing any form of election into the composition of the Lords would inevitably threaten the primacy of the Commons. But the international experience suggests that whether a chamber is appointed or elected is not necessarily an indicator of how much power it wields.

Second, a reformed Lords must not be a replica of the Commons. The role of the Lords is to revise and to scrutinise – to act as a second opinion. It does this very effectively. If it were to replicate what the Commons does, it would not only threaten its position as holding primacy, but it would also remove an effective part of the Parliamentary process.

Third, a reformed Lords must be more representative of the people it serves. This means finding ways of increasing the number of women in the House, and the number of people from minority ethnic groups. The idea of the House of Lords being led by a black woman would have been extremely unlikely 20 years ago, but there is much more to do to ensure it better reflects the make-up of today's United Kingdom. That also means a House which is more representative of the regions, and less focussed on the south-east.

Fourth, is the principle of balance. No single party in a reformed Second Chamber should be allowed to command an overall majority.

Fifth is the need for a range of voices to be heard in the Lords. And that means a proportion of members who are not drawn from political parties, but who are independently appointed by virtue of their expertise and experience. Many of those crossbenchers currently in the Lords make a valuable contribution and add to the chamber's reputation for high quality debate and scrutiny of legislation. We should not lose that element in a reformed Lords.

Beyond these principles, there are of course many issues to be resolved over the next few weeks and months.

But broadly speaking, my best guess is that a consensus is most likely to be found in a balanced, hybrid House, with the change phased in over several Parliaments.

(Jack Straw, annual lecture to the Constitution Unit, UCL, 24th October 2006)

### **3rd November 2006**

The Joint Committee on Conventions published its report, *Conventions of the UK Parliament* (session 2005–06, HL 265). The Joint Committee stated that if proposals were brought forward to alter the composition of the Lords, then the conventions between the Houses would have to be re-assessed. In brief, the Committee's report:

- accepted the primacy of the Commons;
- argued that the Salisbury-Addison Convention had changed since 1945, and particularly since 1999;

- warned against trying to define “reasonable” in the context of the convention that the Lords consider Government business in “reasonable” time;
- stated that ping-pong was not a convention, but rather “a framework for political negotiation”;
- declared that although the Lords should not frequently reject statutory instruments, in exceptional circumstances it may be appropriate to do so;
- ruled out legislation, or any other form of codification, which would turn conventions into rules.

The report’s full summary stated:

We were asked to accept the primacy of the Commons, and we do. But we detect a good deal of shading around what it means in the context of legislation, and what role it leaves for the House of Lords. No-one challenges the right of the Lords to consider Bills, including acting as “first House”, and to consider Statutory Instruments where the parent Act so provides. It is common ground that the Lords is a revising chamber, where government measures can be scrutinised and amendments proposed. But there is a range of views on what should be the proper role of the Lords in the legislative process.

The background to this inquiry is the continuing debate on reform of the House of Lords. Our conclusions, however, apply only to present circumstances. If the Lords acquired an electoral mandate, then in our view their role as the revising chamber, and their relationship with the Commons, would inevitably be called into question, codified or not. Should any firm proposals come forward to change the composition of the House of Lords, the conventions between the Houses would have to be examined again. What could or should be done about this is outside our remit.

We are persuaded that the Salisbury-Addison Convention has changed since 1945, and particularly since 1999. This Convention now differs from the original Salisbury-Addison Convention in two important respects. It applies to a manifesto Bill introduced in the House of Lords as well as one introduced in the House of Commons. And it is now recognised by the whole House – not just the Labour and Conservative frontbenches who originally formulated it. In our view the Salisbury-Addison Convention has evolved sufficiently to require a new name which should also help to clarify its changed nature. We recommend that, in future, the Convention be described as the Government Bill Convention.

In addition the evidence points to the emergence in recent years of a practice that the House of Lords will usually give a Second Reading to any government Bill, whether based on the manifesto or not. We offer no definition of situations in which an attempt to defeat a Bill at Second Reading might be appropriate, save that they would include free votes.

There undoubtedly is a convention that the Lords consider government business in reasonable time. But there is no conventional definition of “reasonable”, and we do not recommend that one be invented. It would be possible for a new symbol to appear on the Lords order paper, to indicate a Bill which has spent more than a certain period in the House; we suggest 80 sitting days, or roughly

half an average Session. There is scope for better planning of the parliamentary year as a whole, possibly involving greater use of pre-legislative scrutiny and carry-over. If the Government can even out the workload in both Houses throughout the Session, this should reduce time problems on individual Bills.

“Ping-pong” is not a convention, but a framework for political negotiation. It would be facilitated if the existing convention, that reasonable notice be given of consideration of amendments from the other House, were more rigorously observed.

The House of Lords should not regularly reject statutory instruments, but in exceptional circumstances it may be appropriate for it to do so. We list situations in which it is consistent with the Lords’ role as a revising chamber for them to threaten to defeat an Order. If none of these, nor any other special circumstance, applies, then opposition parties should not use their numbers in the House of Lords to defeat an SI simply because they disagree with it.

As for the practicality of codification, we have found the word “codification” unhelpful. However we offer certain formulations for one or both Houses to adopt by resolution. Both the debates on such resolutions, and the resolutions themselves, would improve the shared understanding which the Government seek.

All recommendations for the formulation or codification of conventions are subject to the current understanding that conventions as such are flexible and unenforceable, particularly in the self-regulating environment of the House of Lords. Nothing in these recommendations would alter the present right of the House of Lords, in exceptional circumstances, to vote against the Second Reading or passing of any Bill, or to vote down any Statutory Instrument where the parent Act so provides.

Resolutions of this character would be of no value without the support of the frontbenches of the three main parties. In the Lords, the views of the Convenor of the Crossbench Peers would also be important. Ideally, such resolutions would be carried unanimously, or with an overwhelming majority, in both Houses.

The formulations are as follows:

In the House of Lords:

A manifesto Bill is accorded a Second Reading;

A manifesto Bill is not subject to ‘wrecking amendments’ which change the Government’s manifesto intention as proposed in the Bill; and

A manifesto Bill is passed and sent (or returned) to the House of Commons, so that they have the opportunity, in reasonable time, to consider the Bill or any amendments the Lords may wish to propose.

The House of Lords considers government business in reasonable time.

Neither House of Parliament regularly rejects statutory instruments, but in exceptional circumstances it may be appropriate for either House to do so.

We do not recommend legislation, or any other form of codification which would turn conventions into rules, remove flexibility, exclude exceptions and inhibit evolution in response to political circumstances. And, however the conventions may be formulated, the spirit in which they are operated will continue to matter at least as much as any form of words.

Finally, the courts have no role in adjudicating on possible breaches of parliamentary convention.

(*Conventions of the UK Parliament*, 3rd November 2006, session 2005–06, HL 265, pp 3–5)

### **15th November 2006**

In the Queen's Speech for the 2006–07 Session, it was announced that: "My Government will also continue their programme of reform to provide institutions that better serve a modern democracy. It will work to build a consensus on reform of the House of Lords and will bring forward proposals" (HL *Hansard*, col 3).

### **13th December 2006**

The Government published its response to the report of the Joint Committee on Conventions, *Government Response to the Joint Committee on Conventions' Report of Session 2005–06: Conventions of the UK Parliament* (Cm 6997).

In a written ministerial statement, the Leader of the House of Commons, Jack Straw, stated that the Government accepted the Joint Committee's conclusions. He added, however, that the relationship and conventions identified by the Committee should apply to any differently composed chamber:

The Government accept the Joint Committee's analysis of the effect of all the conventions, and the Committee's recommendations and conclusions. The Government believe that further reform should not alter the current role of the House of Lords as a revising and scrutinising Chamber, or its relationship with the Commons. The relationship and conventions identified by the Joint Committee therefore should apply to any differently composed chamber.

(HC *Hansard*, 13th December 2006, col 91WS)

### **16th January 2007**

The House of Lords debated the report of the Joint Committee on Conventions (HL *Hansard*, cols 573–638).

The debate saw a general endorsement of both the Joint Committee's report and the Government's response. Several speakers, however, questioned the Government's contention that the relationship and conventions identified by the Joint Committee should apply to any differently composed chamber. Responding to the debate, the Secretary of

State for Constitutional Affairs and Lord Chancellor, Lord Falconer, elaborated on this issue:

Perhaps we may go to the point of disagreement because there appeared to be no disagreement about the report, and in approving it we are approving of paragraph 61. It states that if there is compositional change in the House, the convention will have to be re-examined. That is plainly right and there is absolutely no dispute between anyone in the debate that what the Joint Committee has described is what the conventions are in the current House, and if the House changes, the description it gives will no longer apply. The Government have made it clear that they accept that but it is their contention that a new House of a different composition should behave broadly in the same way as this House now does.

The noble and learned Lord, Lord Howe of Aberavon, rightly said that the House does well at the moment and performs its role extremely effectively. I agree, but the question that is posed—one which is not for answer today—is whether it is possible to have a House that performs the complementary function that this House does, as defined in the report of my noble friend Lord Cunningham of Felling, if there was an elected element. There are noble Lords who say that that is impossible—someone used the words “pie in the sky”—and that once there is an elected element in the context of the relationship between the Commons and the Lords, you can never have the relationship that currently exists. That is the issue. It is not resolved by the Joint Committee. It will have to be resolved when the debate takes place on the free vote.

(HL *Hansard*, 16th January 2007, cols 635–6)

### **7th January 2007**

The House of Commons debated the report of the Joint Committee on Conventions (HC *Hansard*, cols 808–87).

The debate indicated widespread approval for the Joint Committee’s report. As in the Lords, many speakers questioned whether the current conventions could remain in force in a reformed Second Chamber with an elected element, and whether they would survive a significant change in composition.

### **7th February 2007**

The Government published its White Paper, *The House of Lords: Reform* (Cm 7027). Statements were made in the House of Commons and the House of Lords (HC *Hansard*, cols 843–59; HL *Hansard*, cols 710–25).

The Leader of the House of Commons, Jack Straw, in the foreword to the White Paper, set out the policy context and suggested that consensus could be achieved around a hybrid House of Lords with 50 per cent of members elected and 50 per cent appointed:

However, reform of the House of Lords remains unfinished business. There are still 92 hereditary Peers sitting in the Lords. But ending this anomaly, in the Government’s view, does not go far enough to ensure that Britain’s Second

Chamber is fit to meet the demands and expectations of this century. The legitimacy and authority of the Second Chamber continue to be called into question.

Significantly, the 2005 manifestos of the three main parties commit them to further reform of the Lords.

If changes of the magnitude involved are to take place, broad agreement on some of the key issues and agreement that the changes should be introduced over a long period of time is, to say the least, highly desirable. The alternative is likely to be deadlock. Time and time again—in 1909, 1949, 1968 and 2003—fundamental reform of the House of Lords has failed because, for some, the best became the enemy of the good. Deadlock would be easy to achieve; the prize of progress means moving forward gradually and by consensus.

To reach next stage of reform, our 2005 General election manifesto committed us to holding a free vote in Parliament on the composition of a reformed House of Lords.

This reflects the fact that, despite parties' official positions on reform, there are strongly held and conflicting views on the future of the Lords. These will no doubt be reflected in the way in which the free votes are cast—including by Ministers. The paper therefore offers no prediction on the outcome of the votes: the future composition of the House is a matter for Parliament to decide.

However, to assist debate, and help progress, it is both practical and useful to offer an indication of a model around which consensus on the issue might be achieved. My own view is that a House where 50% of members are elected and 50% appointed is that point. This is also the model that the White Paper uses to illustrate how a hybrid House might work. The final outcome might well be different from this. Free votes are exactly that—free. But even then, the tangible proposals in this paper on transitional arrangements, on electoral systems and on a range of other matters should have focussed debate and, hopefully, enabled Parliament to come to a clear view—something which was absent when a free vote on this issue was held in 2003.

I believe that the approach outlined in this White Paper represents the best opportunity to make progress. It is, in my view, a unique opportunity to move forward with reform to make the House of Lords a more effective, legitimate and representative chamber, fully playing its part in a 21st century democracy.

*(The House of Lords: Reform, 7th February 2007, Cm 7027, p 5)*

A press release summarised the White Paper's key points as follows:

- A hybrid House with at least 20% non party political appointments;
- Direct elections through a partially open list system;
- A lengthy transition period for existing members, with no current Peers being forced to leave; members of a reformed House should serve long non-renewable terms;

- A staggered process for any elected element, with one third of it being introduced at each election; these would coincide with elections to the European Parliament and have the same constituency base;
- House of Commons primacy must remain in any reform process. The Lords should not rival or replicate the House of Commons and, normally, no party after reform should have a majority of either the party-political members of the House or of the House as a whole;
- Future membership should reflect as far as possible the diversity of the UK's people and viewpoints, and representation of the Church of England in the House should continue;
- A proposal to establish a new independent Statutory Appointments Commission, reporting directly to Parliament, and no future Prime Ministerial appointments;
- Size of the reformed House should be 540 members;
- The link between the peerage and a seat in Parliament will be broken altogether;
- The right of hereditary Peers to sit and vote in the House of Lords on the basis of their ancestry brought to an end.

(Office of the Leader of the House of Commons press release, 'Straw announces White Paper on House of Lords reform', 7th February 2007)

In terms of the response to the White Paper, in the House of Lords, the Shadow Leader of the House of Lords, Lord Strathclyde, criticised the Government's proposals, describing them as "a mudge of compromise" and "a mush of PR and political correctness that is simply appointment by another name" (HL *Hansard*, cols 714 and 715). He concluded:

Our talks over these past few months were constructive, and I thank the noble and learned Lord and Mr Straw for the way in which they conducted them. In particular, I thank them for giving me advance notice of the White Paper and this Statement. I cannot fault them on their courtesy and behaviour in that respect. I, the noble Lord, Lord McNally, the noble Lord, Lord Williamson of Horton, and the right reverend Prelates took part in a constructive spirit. It would have been wrong not to have sought consensus. It was right to attempt it. There is no disgrace in failure, but if the noble and learned Lord assumes assent for this paper, failure it will be.

We are now at the fag-end of a prime ministership I understand the haste to search for a legacy, but this House is old, with centuries of work done and, please, centuries more to come. Some think that it does not do so bad a job, and cry out for reform not here, but in another place. How disappointing that the White Paper is silent on that.

If the Government try to force this mish-mash through, then our ways will part. These confused plans are not real reform, and risk bringing division and perhaps discredit on us all. The wise thing would be to pause for mature reflection in both Houses and to gather the wisdom of Parliament, treating this plan as the Green



Paper that it really is and giving us all time to consider what is and is not in it in far more depth and in a less febrile climate than today's.

(HL *Hansard*, 7th February 2007, col 716)

The Leader of the Liberal Democrats in the House of Lords, Lord McNally, welcomed the White Paper, describing it for his party as “a step towards redeeming a 100 year-old commitment” (HL *Hansard*, col 717). He stated that the status quo was not sustainable and hoped that some progress could be made:

It is often said that the post-1998 House of Lords has done a good job, and I agree. Research by University College London confirms that it has, but there is no doubt that the House is tainted by patronage and that the status quo is not an option. Mr Straw is right to say that what will come forth in the end will be a compromise and that the White Paper gives us an opportunity to move forward. I shall not go into the details of the White Paper because I hope that all Members will use it as their Recess reading. I shall echo a great Liberal statesman from the 20th century in saying that this White Paper is not the end of the debate on Lords reform; it is not even the beginning of the end, but it could be the end of the beginning.

As Mr Straw recognises, a wrecking process would be relatively easy. I only have to look round the House to see some pretty adept wreckers. That kind of unholy alliance would be totally against what is required and against public opinion.

(HL *Hansard*, 7th February 2007, col 717)

In the House of Commons, much reaction centred on the proposal in the White Paper that an alternative vote procedure should be employed for the forthcoming free votes on composition. The Leader of the House of Commons, Jack Straw, argued that it was an attempt to avoid the situation which occurred in the 2003 votes (“the farce—the train wreck—that was produced on the last occasion”, col 851) whereby MPs rejected all seven options for reform.

### **19th February 2007**

The Leader of the House of Commons, Jack Straw, told MPs that in the light of widespread concerns, he had decided not to proceed with the alternative vote procedure for the free votes on composition, but instead, to revert for all votes to the traditional division system (HC *Hansard*, col 21). The Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, repeated Jack Straw's statement in the Lords. He confirmed that as the alternative vote procedure was not now being pursued in the Commons, it would not be proposed for the Lords. The usual channels would discuss how to conduct the votes on the options, using the normal division lobby method of voting (HL *Hansard*, col 901).

### **6th and 7th March 2007**

The House of Commons debated the White Paper and voted on options for composition (HC *Hansard*, cols 1389–488 and cols 1524–638).

At the end of the debate, the House divided eight times. MPs supported the principle of a bicameral legislature and two options—an 80 per cent elected House and a 100 per cent elected House. They also supported a motion stating that the remaining retained places for Peers whose membership is based on the hereditary principle should be removed.

<b>Option</b>	<b>For</b>	<b>Against</b>
<b>Bicameral Parliament</b>	<b>416</b>	<b>163</b>
<b>Fully appointed</b>	<b>196</b>	<b>375</b>
<b>20% elected 80% appointed</b>	<i>Rejected without division</i>	
<b>40% elected 60% appointed</b>	<i>Rejected without division</i>	
<b>50% elected 50% appointed</b>	<b>155</b>	<b>418</b>
<b>60% elected 40% appointed</b>	<b>178</b>	<b>392</b>
<b>80% elected 20% appointed</b>	<b>305</b>	<b>267</b>
<b>Fully elected</b>	<b>337</b>	<b>224</b>
<b>Amendment: Removal of Hereditary Peers once elected members have taken their places*</b>	<b>241</b>	<b>329</b>
<b>Removal of Hereditary Peers</b>	<b>391</b>	<b>111</b>

\* The Leader of the House's motion was: "That this House is of the opinion that the remaining retained places for Peers whose membership is based on the hereditary principle should be removed". The opposition amendment would have added to the end of the motion: "once elected members have taken their places in a reformed House of Lords". The amendment was defeated, and the original motion carried.

For an analysis of the Commons divisions, please see the House of Commons Library Standard Note, *Commons divisions on House of Lords reform: March 2007* (13th March 2007).

Following the Commons votes, Jack Straw stated that he would re-convene the cross-party working group:

I am delighted, both by the results and by the fact that at long last this House has come to a very clear decision.

The other place will be discussing this issue next week. I think it is fully accepted on both sides that we are right to take our time to consider the views of the other place. Meanwhile, I shall make arrangements to recall the cross-party working group, and at an appropriate moment after discussions in that group I shall of course make a statement to this House.

(HC *Hansard*, 7th March 2007, col 1636)

### **12th and 13th March 2007**

The House of Lords debated the White Paper (HL *Hansard*, cols 451–66, 475–609 and 620–730).

The Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, informed Peers of the Government's proposed timetable:

At the conclusion of this debate, we will need to consider what has been said in both Houses of Parliament. We will reconvene the cross-party group, to which we will present working papers. We will consider a further White Paper. In accordance with the promise given in paragraph 4.17 of the current White Paper, we will evaluate, in the light of the debates, the extent to which the various options that emerge from these debates affect the conventions, and we need to make proposals for how the preservation of those conventions may be promoted and achieved. We may decide to publish a further White Paper. We will then publish a draft Bill.

(HL *Hansard*, 12th March 2007, col 455)

14th March 2007

The House of Lords voted on the options for composition (HL *Hansard*, cols 741–59). Peers voted in favour of a fully appointed House and rejected all other options.

Option	For	Breakdown by Affiliation	Against
<b>Fully appointed</b>	<b>361</b>		<b>121</b>
	142	Conservative	14
	100	Labour	48
	15	Liberal Democrats	43
	94	Crossbenchers	15
	5	Bishops	0
	5	Other	1
<b>20% elected 80% appointed</b>	<b><i>Rejected without division</i></b>		
<b>40% elected 60% appointed</b>	<b><i>Rejected without division</i></b>		
<b>50% elected 50% appointed</b>	<b>46</b>		<b>410</b>
	6	Conservative	148
	26	Labour	108
	1	Liberal Democrats	54
	11	Crossbenchers	91
	2	Bishops	3
	0	Other	6
<b>60% elected 40% appointed</b>	<b>45</b>		<b>393</b>
	8	Conservative	137
	24	Labour	110
	1	Liberal Democrats	53
	10	Crossbenchers	86
	2	Bishops	3
	0	Other	4
<b>80% elected 20% appointed</b>	<b>114</b>		<b>336</b>
	22	Conservative	127
	40	Labour	105
	38	Liberal Democrats	10
	14	Crossbenchers	87
	0	Bishops	3
	0	Other	4
<b>Fully elected</b>	<b>122</b>		<b>326</b>
	11	Conservative	136
	60	Labour	83
	41	Liberal Democrats	8
	8	Crossbenchers	93
	0	Bishops	4
	2	Other	2

(Source: *Hansard* and House of Lords division analysis database)

### **14th March 2007**

On the same day as the votes on composition in the House of Lords, two private members' bills were introduced to the Lords (HL *Hansard*, cols 740–1).

Lord Avebury's House of Lords (Amendment) Bill [HL Bill 51] would end the system of replacing deceased hereditary Peers in a by-election.

Lord Steel of Aikwood's House of Lords Bill [HL Bill 52] would establish a statutory appointments commission, restrict membership of the House of Lords by virtue of hereditary peerage, make provision for permanent leave of absence from the House of Lords and provide for the expulsion of members of the House of Lords in specified circumstances.

### **15th March 2007**

At a Lobby briefing, the Leader of the House of Commons, Jack Straw, reflected on the votes in the Lords:

The Leader was asked if he was tempted to abandon any hope of compromise between both Houses after last night's votes, and whether the Parliament Act could be used to force the will of the Commons to prevail. Mr. Straw said it was "one step at a time", in the words of the hymn. The Government would take account of the votes in the House of Lords, pointing out that the total in support of an elected element was more than he had thought there would be. He had indicated a desire to reconvene cross-party talks. The Leader said that the Parliament Act existed and, if the Commons had the will, it operated automatically, but they were not at that position yet.

(10 Downing Street, 'Afternoon press briefing from 15th March 2007', 15th March 2007)

### **29th March 2007**

The Constitution Unit at University College London proposed that the House of Lords was becoming more assertive (please also see entry for 1st March 2006).

A press release issued by the Constitution Unit claimed:

Events in the past fortnight confirm what many have thought for some time: that Lords reform in 1999 strengthened the chamber, and that old conventions are breaking down. Yesterday the Lords defeated a statutory instrument (on casinos) for only the second time since 1968, and last week rejected a bill (on jury trial) on Second Reading. By convention the Lords does neither of these things, and these events show that the chamber is growing in assertiveness since most hereditaries departed in 1999.

Research by the Constitution Unit shows that Peers feel more legitimate following the 1999 reform. A survey of Peers in 2005 found that 78% believed the reform

had made the chamber 'more legitimate', and 75% of Labour MPs agreed. The Lords has now defeated the government over 350 times since its reform.

... In a paper to be delivered in two weeks, Meg Russell and Maria Sciarra show that defeats in the Lords are having a significant impact on government policy. Around four in ten defeats are accepted in whole or in part, and many of these are on important policy matters. For example Peers have repeatedly blocked plans to restrict jury trial, blocked the new offence of incitement to religious hatred, and blocked the forced reorganisation of local government. Meg Russell said: "All our research points to the fact that the Lords is becoming an important policy actor. Following the 1999 reform the shape of Westminster politics is changing, though many haven't realised it yet".

(Constitution Unit press release, 'Evidence mounting of more assertive House of Lords says Constitution Unit', 29th March 2007)

### **20th April 2007**

The Crown Prosecution Service (CPS) confirmed that it had received the Metropolitan Police Service file of evidence into the so-called 'cash for honours' inquiry. The CPS said that the file would now be reviewed, in accordance with the Code for Crown Prosecutors, to determine whether any individuals should be charged with any offences.

### **18th May 2007**

The House of Lords gave a second reading to Lord Avebury's private member's bill, the House of Lords (Amendment) Bill (HL *Hansard*, cols 416–42). The Bill, introduced on 14th March 2007, would end the system of replacing deceased hereditary Peers in a by-election.

Responding to the debate, the Parliamentary Under-Secretary of State, Ministry of Justice, Baroness Ashton of Upholland, updated Peers on the Government's actions following the free votes earlier in the year:

On where we have to go next, my right honourable friend the Leader of the House of Commons has indicated that he is discussing the free votes in both Houses within the Government and will return to Parliament with a statement on the way forward. He intends to reconvene the cross-party group to assess the outcome of the debates and the free votes in both Houses, and to continue to work through the outstanding elements to the reform package. I do not doubt that in so doing he will talk to his right honourable friend the Chancellor and Prime Minister-designate—the word of the moment—not least because he is his campaign manager. I imagine that they have a close relationship on this, but I am not yet party to where that will take us. However, it is already clear that some discussions are to take place.

(HL *Hansard*, 18th May 2007, col 441)

**27th June 2007**

Gordon Brown became Prime Minister.

**3rd July 2007**

The Government published a wide ranging Green Paper on constitutional reform, *The Governance of Britain* (Cm 7170). Statements were heard in both Houses.

The Government's Green Paper included the following section on Lords reform in which it stated that it was committed to enacting the will of the House of Commons as expressed in the recent votes, and that cross-party discussions, still to be led by Jack Straw in his new role as Lord Chancellor and Secretary of State for Justice, would continue to such ends:

The Government remains committed to further reform of the House of Lords, to increase its legitimacy, to make it more representative and ensure that it is effective in the face of the challenges of this century.

In May 2006 the Government supported the establishment of a Joint Committee to examine the conventions governing the relationship between the two Houses of Parliament. The Committee's report, published in November 2006, provides clarity on those conventions and is an invaluable baseline for the debate on the future of the House of Lords.

Over the past year, the Secretary of State for Justice and Lord Chancellor, in his previous role as Leader of the House of Commons, has been chairing cross-party talks on House of Lords reform. These talks have been successful in building up a significant degree of consensus on a range of issues, which was reflected in the White Paper on Lords reform of February 2007 and which provided the foundations for the free votes held in Parliament on the future composition of the House of Lords in March 2007.

Following the Joint Committee's report, the Government undertook to look further at whether the current conventions would ensure the desired relationship in a differently constituted House, once the free votes had been held.

The Government believes, as many reports on House of Lords reform have advocated, that the current relationship between the two Houses of Parliament is the right one, however the second chamber is composed. It accepts, however, that this relationship may well need to be more explicitly defined than now if the balance of power between the two chambers is to survive major reform of the second chamber.

On 7 March 2007 the House of Commons, in its free votes, came out in favour by a large majority of a wholly elected House of Lords. The Commons also supported a reformed second chamber based on an 80 per cent elected, 20 per cent appointed composition but rejected the other hybrid options. The Government welcomes the results of the free vote and is committed to enacting the will of the Commons. The Conservative and Liberal Democrat parties are also committed, in their 2005 manifestos, to a substantially elected House of Lords.

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.

As part of this package, the Government is committed to removing the anomaly of the remaining hereditary Peers. This will be in line with the wishes of the House of Commons, which voted by a majority of 280 to remove the hereditary Peers in the free votes in March 2007.

(*The Governance of Britain*, 3rd July 2007, Cm 7170, pp 41–2)

### **19th July 2007**

Statements were delivered in the House of Commons and the House of Lords setting out the proposed way forward on Lords reform.

The Secretary of State for Justice and Lord Chancellor, Jack Straw, reiterated the way forward set out in *The Governance of Britain* (Cm 7170) and stated that he would continue to lead the cross-party talks. Jack Straw told MPs that while the cross-party group had made progress, outstanding issues remained:

Although there is agreement on some of the areas outlined in the White Paper, there is still some way to go on some other issues. The group will discuss the outstanding elements of the reform package, including powers, electoral systems, financial packages, and the balance and size of the House, including diversity and gender issues. We will also need to discuss the transition towards a reformed House in detail, including the position of the existing life Peers and the need for action to avoid gratuitously cutting Conservative party representation in the Lords when and if the remaining hereditary Peers are removed.

(*HC Hansard*, 19th July 2007, col 450)

On the issue of the powers of a reformed House, Jack Straw declared:

Let me turn to the powers of a reformed House. The Government have always said that the balance of powers between the two Houses described by the excellent and recent Cunningham report should apply to a reformed House. Those powers are currently underpinned by some statutory provisions, standing orders and conventions. We undertook to look further at whether the current conventions were adequate to ensure the desired relationship with a reformed House, following the free votes.

Over the coming months, we will look at how best to deliver a substantially or wholly elected second Chamber, based on the principle that this House is the primary Chamber and that an elected House of Lords should complement the House of Commons and not be a rival to it. As part of that programme of work it is vital that the relative powers of a reformed House be made clear. We will therefore look at ways to enshrine in a constitutional settlement the current balance of powers and the different roles of the two Houses.

(*HC Hansard*, 19th July 2007, col 450)



As for the timetable for the reform process, the Secretary of State announced:

The immediate next steps are that I hope to be able to publish a further White Paper around the turn of the year setting out where we have got to in the cross-party talks—possibly accompanied by draft clauses that would form elements of the final reform Bill. Our intention through the work of the cross-party group is to formulate a comprehensive reform package that we would put to the electorate as a manifesto commitment at the next general election and which hopefully the other main parties would include in their manifestos. [*Interruption.*] There may of course be areas on which each party takes a different view—and we have heard some of them already.

However, there is the potential to reach a degree of cross-party consensus that will lead to the completion of Lords reform. The free votes in the Commons in March gave us a clear direction of travel on an issue that has dogged the country for decades. We now have a chance finally to finish the job.

(HC *Hansard*, 19th July 2007, cols 450–1)

In terms of the response to the statement, in the House of Lords, the Shadow Leader of the House of Lords, Lord Strathclyde, welcomed “the measured way in which the Lord Chancellor in another place is approaching what is clearly a very difficult task” (HL *Hansard*, col 391) and agreed that a further White Paper was required. He stressed, however, that he would accept no diminution in the powers of the House of Lords:

The Minister is right to point out that all this needs a further White Paper, but on one thing we do not need any White Paper: the proposal that the powers of this House should be restrained. The purpose of Parliament—indeed, its duty—is to control the Executive. Two strong, independent Houses working in harness will do that better than one House, dominated as it is by the Executive, dictating the powers of the other. The Statement points to a massive recodification of the Parliament Acts and of the powers and the role of this House. It calls it “vital” to restrain your Lordships’ House. I profoundly disagree. The Lord Chancellor is cautious in much of what he proposes, but while accepting the existing conventions—including the primacy of the other place, which is entrenched in the Parliament Acts and in financial privilege—I urge him to be far braver than he is about the role and powers of any reformed House of Lords.

Yes, this House has been more assertive since 1999, and government has been none the worse for it. Some of us might say it has been a lot better. If a reformed House kept and used its existing powers with even more confidence, things might get even better still. We welcome the open manner in which the Lord Chancellor is proceeding, and we will join in his search for consensus, but as to statutorily containing your Lordships’ procedures or reducing your Lordships’ powers, I can promise the Minister nothing.

(HL *Hansard*, 19th July 2007, col 393)

Speaking for the Liberal Democrats, Lord Tyler hoped that progress could be made:

The Statement accepts the facts of political life, however. The House of Commons has voted decisively. The leaderships of all three parties are committed to reform—even, I think, the Front Benches in this House. The new Prime Minister and Government have reiterated the former commitments. I hope the Statement gives the so-called “refuseniks” in both Houses the opportunity to

recognise that from now on our job as parliamentarians is to try constructively to contribute to the process, rather than to slow it down or filibuster to make it impossible to make reasonable progress.

(HL *Hansard*, 19th July 2007, col 393)

Lord Tyler also questioned the Government's stance on the question of powers:

There has been unanimous rejection of various attempts to clip the wings of the present House of Lords, which was killed off effectively by the Cunningham committee and by the unanimous decision of both Houses that the existing powers and responsibilities of your Lordships' House should stand as now. The Statement is ambiguous on that point. On one hand, it says that the Cunningham committee recommendations are effectively the baseline for our discussions, but then it talks about reopening the whole question of powers. Will the Minister give us an explicit assurance that that will not be the case until reform takes place?

(HL *Hansard*, 19th July 2007, col 394)

A number of speakers expressed concern about the membership of the cross-party group led by Jack Straw and the limited extent to which it represented all shades of opinion, particularly the views of backbenchers. For example, Lord Higgins argued:

The other important point is that there is almost a total lack of consensus between the leadership of the Conservative Party and its members in both Houses and the leadership of the Labour Party and its members in both Houses. Therefore, it is tremendously important that the membership of the cross-party group should include representatives of those who take a different view from that of the party leaderships. That point was raised on the debate on the conventions, but the Government have gone ahead without taking it into account. It would be absurd to take any notice of the cross-party group's report unless it is representative.

(HL *Hansard*, 19th July 2007, col 401)

In response, the Parliamentary Under-Secretary of State, Ministry of Justice, Lord Hunt of Kings Heath, stated:

As for the question of representation, I must make it clear that the group consists of the leadership of the three political parties together with representation from the Lords spiritual and the Cross Benches. We think that that is the appropriate method of taking forward these discussions. However, as my right honourable friend said in his Statement, alongside that we will want to talk and engage with parliamentarians in both Houses. My noble friend the Leader of the House has already signalled her intention to ensure that this House has ample opportunity to do that.

(HL *Hansard*, 19th July 2007, col 401)

## **20th July 2007**

The Crown Prosecution Service (CPS) announced that there would be no criminal proceedings arising out of the so called 'cash for honours' investigation.

In a press release, Carmen Dowd, reviewing lawyer and Head of the CPS Special Crime Division, stated:

Having considered all of the evidence in this case I have decided that there is insufficient evidence to provide a realistic prospect of conviction against any individual for any offence in relation to this matter.

In coming to my decision I considered offences under the Honours (Prevention of Abuses) Act 1925, offences of attempting to pervert the course of justice and subsidiary offences under the Political Parties, Elections and Referendums Act 2000.

(CPS Press Release, 'CPS decision: "Cash for Honours" case', 20th July 2007)

## **20th July 2007**

The House of Lords gave a second reading to Lord Steel's private member's bill, the House of Lords Bill (HL *Hansard*, cols 483–542). The Bill, introduced on 14th March 2007, would establish a statutory appointments commission, restrict membership of the House of Lords by virtue of hereditary peerage, make provision for permanent leave of absence from the House of Lords and provide for the expulsion of members of the House of Lords in specified circumstances.

Introducing the Bill, Lord Steel explained that the Bill was "the result of a lot of work by an all-party group that has been greatly concerned that the years of debate about long-term reform are obscuring the need for what we call effective, immediate reform of your Lordships' House" (HL *Hansard*, col 483). In summary, Lord Steel stated:

... its proposals provide an opportunity for consensus on a more limited range of reforms than those that were outlined to us yesterday. It has the potential to unite a majority in all three parties and in both Houses. Most interesting of all, it has the potential to unite those who seek an elected House and those who are happy with an appointed House. Yesterday, in a timely intervention, the Constitution Unit said:

"Whatever the plans for more large scale reform, the government would be well advised in the meantime to consider proposals such as these, which could move things on, whilst improving public trust in parliament".

That is the basic case, and our plan is to listen to the voices in this debate and reintroduce the Bill, possibly with amendments in the light of comments today, early in the new Session. It would then be possible for the Government to pick it up in the other place and for legislation to be in effect next year. In his answer to questions yesterday, Mr Straw made it clear that he is in a listening mood. We should take advantage of that. The Bill is not the comprehensive reform that he seeks; it does not pretend to be.

(HL *Hansard*, 20th July 2007, col 486)

In response, the Parliamentary Under-Secretary of State, Ministry of Justice, Lord Hunt of Kings Heath, confirmed that the Bill did not contain the comprehensive reform which the Government sought:

As I said at the beginning, no matter whether it is sensible to take an interim course or to go for comprehensive reform, the noble Lord, Lord Steel, has done a great service to this House in bringing this Bill before us. Clearly, some technical matters will need to be discussed as the Bill proceeds through your Lordships' House. I have said that the Government will listen very carefully to the comments made by noble Lords on the Bill and, indeed, on wider matters of Lords reform, but I must, in all fairness, say to noble Lords that the Government have set out the process by which they seek to achieve a White Paper that brings forward comprehensive proposals in light of the vote in March in the other place for an 80 per cent or 100 per cent elected House. We do wish to engage and listen to all Members of Parliament on these important matters, but, equally, the prospect of party agreement, of manifesto pledges and of comprehensive reform is in reach. It is important that we do everything that we can to achieve that.

(HL *Hansard*, 20th July 2007, col 539)

During the second reading, concerns about the membership of the cross-party group were again expressed. Lord Hunt of Kings Heath reiterated the purpose of the group and referred to a letter from the Leader of the House:

All I say is that we have established the group. It has been meeting for a number of months. As a result of its work, we have had the opportunity of the free votes. The group will continue to meet. The aim is to produce the White Paper, but my noble friend the Leader of the House made it clear in her letter to all Members of your Lordships' House that there will be many opportunities for them to make their views known.

(HL *Hansard*, 20th July 2007, col 537)

## **26th July 2007**

*The Government's Draft Legislative Programme* (Cm 7175) was debated in the House of Lords. Opening the debate, the Parliamentary Under-Secretary of State, Ministry of Justice, Lord Hunt of Kings Heath, stated that:

The Government's intention is to ensure that the end result of our discussions on Lords reform, the eventual legislation and the changes that will bring about, will enhance parliamentary scrutiny of the Executive. That is our purpose.

(HL *Hansard*, 26th July 2007, col 918)

### **24th September 2007**

The Prime Minister, Gordon Brown, in his speech to the Labour Party Conference, stated:

And yes: change to the House of Lords—and we will in our manifesto commit to introduce the principle of elections for the second chamber.

(Gordon Brown, Speech to the Labour Party Conference, 24th September 2007)

### **9th October 2007**

Responding to a written question about legislative reform of the House of Lords, the Secretary of State for Justice and Lord Chancellor, Jack Straw, reiterated the Government's position:

I hope to be able to publish a further White Paper around the turn of the year, with the aim of producing draft clauses that would form elements of the final draft Bill. My intention through the work of the cross-party working group on Lords reform is to formulate a comprehensive reform package that we would put to the electorate as a manifesto commitment at the next general election.

(*HC Hansard*, 9th October 2007, col 433W)

### **23rd October 2007**

In an oral evidence session of the House of Lords Constitution Committee, Lord Goodlad asked the Secretary of State for Justice and Lord Chancellor if he would “envisage the House of Lords reform Bill being the subject of a referendum?”.

Jack Straw responded:

I have not envisaged it, no. Just to add to that, I have certainly envisaged—and the Prime Minister made this clear in his speech—that any change should be the subject of a clear manifesto commitment.

(House of Lords Constitution Committee, meeting with Jack Straw MP, Lord Chancellor and Secretary of State for Justice, p 41)

### **25th October 2007**

The Secretary of State for Justice and Lord Chancellor, Jack Straw, delivered a statement to the House of Commons in which he updated MPs on the Government's

programme of constitutional renewal. On the subject of reform of the House of Lords, he stated:

For the sake of completeness, may I tell the House that in respect of reform of the House of Lords, discussions are proceeding inside the all-party talks? We are arranging for two meetings of the working group before Christmas.

(*HC Hansard*, 25th October 2007, col 410)

In the debate that followed the statement, Jack Straw elaborated:

The all-party talks are taking place against the background and in the context of the clear decisions, made on an all-party basis in this House in early March, in favour of an 80 per cent. elected or 100 per cent. elected House of Lords and against all other options. That is the clear decision of this House. In that context, and given that all three parties support a wholly or mainly elected House of Lords, I hope that we can reach agreement on the many issues that make up the dossier.

(*HC Hansard*, 25th October 2007, col 418)

In the debate following the repetition of the statement in the House of Lords, the Parliamentary Under-Secretary of State, Ministry of Justice, Lord Hunt of Kings Heath, said:

As regards House of Lords reform, in the light of the vote taken by the House of Commons and the work of the joint group, my right honourable friend the Prime Minister said at the Labour Party conference that the next Labour Government manifesto—whenever that is produced—would contain a commitment to the principle of election. There is much to be discussed between now and then and I look forward to all noble Lords taking part in those discussions and informing the work of the joint group

(*HL Hansard*, 25th October 2007, col 1162)

## **7th November 2007**

The House of Commons debated the constitutional elements of the Queen's Speech. Pressed on the membership of the cross-party working group on House of Lords reform, the Secretary of State for Justice and Lord Chancellor, Jack Straw, stated:

We are not excluding other Members, of course, but there have to be different mechanisms. If the all-party talks included a range of opinion on the House of Lords from within the two main parties, we would never reach agreement even on the agenda...

It would be impossible to have constructive all-party talks if all shades of opinion across the spectrum were contained within them; we would never agree about anything. The truth is that the formal position of all three parties, as expressed in their manifestos and in the House, is in favour of a wholly or mainly elected second chamber.

(*HC Hansard*, 7th November 2007, col 149)

### **30th November 2007**

The House of Lords gave a second reading to Lord Steel of Aikwood's private member's bill, the House of Lords Bill [HL Bill 3] (HL *Hansard*, cols 1415–84). Lord Steel explained that the Bill was broadly the same as the Bill he had introduced in the previous Session (see 20th July 2007).

### **12th December 2007**

At a private seminar in the House of Lords, chaired by the Lord Speaker Baroness Hayman, Dr Meg Russell of the Constitution Unit at University College London presented findings of a survey of public attitudes to the House of Lords. A press release highlighted the key findings as follows:

- More of the public consider it important that the House of Lords act in accordance with public opinion, that it consider legislation carefully and in detail, and that the appointments process for peers is trustworthy, than think it important for the chamber to include elected members.
- Forced to choose one or two factors that are most important to the legitimacy of the Lords, inclusion of elected members consistently scores fifth out of seven amongst the public, below these three factors and also below inclusion of independent members.
- Among respondents considering themselves knowledgeable about the Westminster Parliament the most important factor is the chamber considering legislation carefully, followed by trust in the appointments process. Inclusion of elected members ranks six out of seven.
- Asked whether both chambers of parliament are carrying out their policy role well, more of the public agree this is the case about the Lords than about the Commons. Amongst those knowledgeable about Parliament, this difference is more marked.

Commenting on the results, Meg Russell, Senior Research Fellow at the Constitution Unit said: "Previous polls have shown that a majority of the public support inclusion of elected members in the House of Lords, but that a majority also support other factors such as inclusion of independent members and a culture of careful legislative work. What our survey shows for the first time is that, faced with a choice, the public prioritises other factors above the inclusion of elected members. In particular the public appear to favour the cleaning up of the appointments process rather than inclusion of elected members, following the 'cash for honours' controversy."

(Constitution Unit press notice, 'Poll shows surprise result on public priorities for Lords reform—Poll of peers confirms growing confidence of the House of Lords', 12th December 2007)

## **18th December 2007**

The House of Commons Public Administration Select Committee published *Propriety and Peerages, Second Report of Session 2007–08* (session 2007–08, HC 153). This report had been delayed by the police investigation into the so-called ‘cash for honours’ affair. The summary of the report highlighted the Committee’s key recommendations:

Our main proposal is for an immediate House of Lords reform measure, clearly defined in scale and scope. Its primary purpose would be to put the independent House of Lords Appointments Commission onto a statutory footing, and empower it to take decisions on the size, balance and composition of the House against agreed and explicit criteria. A mechanism is also needed for peers to resign from the House—or, in some circumstances, to be compelled to leave.

Although these proposals ought to be, and some need to be, set out in legislation, the Government should not wait where it does not have to. The Government could implement immediately our proposal for new peers to be chosen by the Appointments Commission rather than by political parties. Under our proposals, the Commission would choose candidates from “long lists” provided and published by the parties, with the qualifications of nominees made public. The methods used by the parties to choose candidates to put on those long lists would be for the parties themselves to decide, but we suggest that more transparent arrangements will be more likely to command public confidence.

Lastly, the report argues that the link between the honours system and the award of seats in the legislature—already significantly weakened—should be broken for good. Honours and titles should be for past service; a seat in Parliament for potential future service.

Our recommendations build on principles to which the major parties have already signed up. We hope that the experience of the last two years will provide the impetus to make them happen, and with a proper urgency.

*(Propriety and Peerages, Second Report of Session 2007–08, 18th December 2007, session 2007–08, HC 153, pp 3–4)*

## **17th January 2008**

The first day of the committee stage of Lord Steel of Aikwood’s House of Lords Bill was held (HL *Hansard*, cols 1500–44).

## **18th February 2008**

In response to a written question about the cross-party working group on House of Lords reform, the Secretary of State for Justice and Lord Chancellor, Jack Straw, stated that the Government had no plans to publish the minutes of the meetings:

The cross-party working group on House of Lords reform has met three times since November 2007. The Government have no plans to publish the minutes of the Group’s meetings. It is important that the members of the cross-party group



are able to debate the policy options for reform vigorously in order to expose the advantages and disadvantages of these options and to fully understand their implications. It is in the public interest that these discussions can take place away from public scrutiny.

(HC *Hansard*, 18th February 2008, col 187W)

## **22nd February 2008**

The House of Lords gave a second reading to Lord Avebury's House of Lords (Amendment) Bill [HL Bill 22] (HL *Hansard*, cols 402–28). Lord Avebury explained the rationale underpinning the reintroduction of the Bill (see also 18th May 2007):

It might be useful to explain first why this Bill is being reintroduced when the Bill of my noble friend Lord Steel, of which it is a subset, had its Second Reading and first day in Committee just over a month ago. My noble friend's Bill has attracted a large number of amendments, and it seems unlikely that the time needed to dispose of them will be available. My Bill is concerned with only one issue: the by-elections for maintaining the number of hereditary Peers at 92, as provided for in the Weatherill amendment of 1999. None of the existing hereditary Peers would be displaced by the Bill, nor would the Earl Marshal and the Lord Great Chamberlain be affected by it, and the hope was that such a modest and uncontentious reform would be readily accepted and would attract only a very short Committee stage. However, if any noble Lord was determined to oppose it, purely on the grounds that the Weatherill scheme was binding on us until the second stage of comprehensive reform, they would find that it is not susceptible to the wide range of amendments that have been tabled to my noble friend's Bill. I am advised that its strictly limited purposes restrict the scope of amendments to the situation of the hereditaries, and would not allow for debates on the many other issues raised in the 200 or so amendments to my noble friend's Bill.

(HL *Hansard*, 22nd February 2008, col 402)

However, his assertions regarding the scope of potential amendments were disputed by subsequent speakers in the debate.

## **27th February 2008**

Lord Oakeshott of Seagrove Bay introduced a private member's bill to the House of Lords, the House of Lords (Members' Taxation Status) Bill [HL Bill 38].

## **12th March 2008**

Responding to an oral question from Lord Faulkner of Worcester, the Parliamentary Under-Secretary of State, Ministry of Justice, Lord Hunt of Kings Heath, declined to publish the minutes of the cross-party working group, outlined the work of the group and

announced that a White Paper would be published before the Summer Recess:

Lord Faulkner of Worcester asked Her Majesty's Government:

Whether they will publish the minutes of proceedings of the cross-party Front-Bench working group on House of Lords reform.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Hunt of Kings Heath): My Lords, the Government have no plans to do so. We want the group to be able to debate options frankly so that implications can be worked through fully and consensus reached wherever possible. The group has discussed possible electoral systems and whether any changes should be made to the powers of a reformed second Chamber. It is currently looking at issues around a transitional House, as well as a range of other matters, including remuneration and disqualification. The outcome of the group's discussion will be reflected in a White Paper, which the Government will publish before the Summer Recess.

(*HL Hansard*, 12th March 2008, col 1509)

Lord Faulkner, in his supplementary question, responded:

My Lords, I thank my noble friend for that reply, which I am afraid was as predictable as it was disappointing. Does he not accept that a working group that, with the exception of the noble Baroness, Lady D'Souza, consists entirely of members who believe in a fully or largely elected House of Lords can in no way reflect the opinion of those of us on these Benches or the Benches opposite who believe that to move to a wholly elected or largely elected House would destroy the primacy of the House of Commons and damage the reputation and effectiveness of this House? Does he not see that to deny us the opportunity to read the minutes of the proceedings of the cross-party group adds immensely to the suspicion that the Government have now abandoned his predecessors' undertaking that the next stage of reform would be based on consensus and that this House would be part of that consensus?

(*HL Hansard*, 12th March 2008, cols 1509–10)

Replying to a later question from Lord Tyler, Lord Hunt stressed the importance of parliamentary scrutiny of the White Paper:

My Lords, it is very important that once the White Paper is produced there should be—and will be—parliamentary scrutiny. The Government are attracted by the idea of producing draft clauses and I am sure that, if a joint Select Committee were to be established, Ministers would be very pleased to co-operate and appear before it.

(*HL Hansard*, 12th March 2008, col 1511)

## **14th March 2008**

Lord Oakeshott of Seagrope Bay's House of Lords (Members' Taxation Status) Bill [HL] was read for a second time (*HL Hansard*, cols 1708–722). In his opening speech,

Lord Oakeshott explained his reasons for introducing the Bill:

This is a short Bill and a short speech. It is so simple; if you sit in the British Parliament and vote on laws for the British people, you must pay full British taxes on all your income like the vast majority of your fellow citizens. You must not hide income or assets offshore behind a veil marked “non-resident” or “non-domiciled” for tax purposes. If you accept a peerage from the Queen for life, you must not sign a tax return saying that you do not intend to stay permanently in this country, as non-doms do...

This simple Bill sets out a simple principle, if you pass laws for British people, you pay taxes like British people, and a simple system for enforcing it. I ask noble Lords to support it whether, like me, you believe in a mainly elected House, or whether, like most noble Lords, you want to reform and build confidence in an appointed Chamber. Either way, it is high time we cleaned up our act on tax—pay up or pack up.

(HL *Hansard*, 14th March 2008, cols 1708 and 1711)

The Shadow Leader of the House of Lords, Lord Strathclyde, expressed reservations about whether the Bill was the right way to tackle this issue:

There is much in the kernel of the Bill that I suspect we could all agree on, but it needs to be carefully worked out and, I submit, agreed cross-party before we put the matter into law. It may be that the alleged abuses are felt to be so great that this cannot wait for government legislation, but I cannot help feeling that this flawed Bill is not the right way to go about it.

(HL *Hansard*, 14th March 2008, col 1719)

Lord Hunt of Kings Heath, the Parliamentary Under-Secretary of State, Ministry of Justice, set out the Government’s position:

On the Bill put forward by the noble Lord, Lord Oakeshott, we support the “no representation without taxation” principle; we support the intentions behind the Bill, and would not seek to oppose the Bill’s progress in your Lordships’ House because it is not appropriate for the Government so to do. However, at this stage, we do not consider the Bill, as it stands, to be an appropriate vehicle to support.

(HL *Hansard*, 14th March 2008, col 1720)

## **25th March 2008**

Following a statement on the Government’s programme of constitutional renewal, Lord Norton of Louth inquired about the papers of the cross-party group on House of Lords reform:

On Lords reform, the Minister said that the intention of the cross-party group is to work towards getting the parties to put proposals in their election manifestos. In other words, it is a party aim. As such, the proceedings of the group are not covered by any of the exemptions in the Freedom of Information Act. Can we

now see the papers, not least because they seem to have been released to the *Financial Times*?

(HL *Hansard*, 25th March 2008, col 474)

The Parliamentary Under-Secretary of State, Ministry of Justice, Lord Hunt of Kings Heath, responded:

As for Lords reform, the noble Lord will know that there have been some freedom of information requests, which have not found favour with my department. It really is important that the participants in the cross-party talks can talk freely in seeking the agreement that I have already referred to. I urge noble Lords to ignore leaks and speculation, and to be a little more patient. When the White Paper is out, we will have many happy hours debating it.

(HL *Hansard*, 25th March 2008, col 474)

#### **24th April 2008**

The first day of the committee stage of Lord Oakeshott of Seagroave Bay's House of Lords (Members' Taxation Status) Bill was held (HL *Hansard*, cols 1725–56).

#### **14th May 2008**

The Government published its *Draft Legislative Programme 2008/09: Preparing Britain for the Future* (Cm 7372). It contained the following statement about House of Lords reform:

The Government will be building a longer-term vision for constitutional reform with a White Paper on the reform of the House of Lords.

(p 25)

#### **16th May 2008**

The Government published *Propriety and Honours and Propriety and Peerages—Government response to the Public Administration Select Committee's Fourth Report of the Session 2005–06 and Second Report of the Session 2007–08* (Cm 7374).

In response to the Public Administration Committee's recommendation that "the next stage of Lords reform should not wait for a consensus on elections", the Government stated:

The Government believes that there is no advantage in bringing forward an interim Bill when a comprehensive package of reform is being worked up. Last year's White Paper and the outcome of the free votes shows that the cross-party approach is the best way to make progress. The White Paper we intend to publish will enable widespread consultation and debate. Following this, the Government intends to include a comprehensive package on reform in its

manifesto for the next general election. We need consensus to achieve major constitutional reform.

(p 15)

On the question of the establishment of a statutory Appointments Commission, the Government stated:

The cross-party group which the Government is chairing is working on the options for either an 80% or 100% elected House. If the House were to be 100% elected, there would be no place for an Appointments Commission. The Government agrees that, if the final outcome of its consultations is an 80% elected House and therefore that there will continue to be an appointed element in the House of Lords, then any Appointments Commission should be statutory. The cross-party group has discussed the question of the Appointments Commission in some detail. However, the Government believes that it would be premature to legislate for an Appointments Commission at this stage when we do not know if one will be needed for the reformed House, nor what its role and functions in that House might be.

(p 15)

### **3rd July 2008**

The Government published *Governance of Britain: One Year On*. It included the following statement on House of Lords reform under the heading 'Progress':

The cross-party talks have made good progress. Consensus has been reached on a number of key areas including:

- Multi-member constituencies
- Long, non-renewable terms of office
- No reduction in current powers of the chamber
- The Lords' continuing role as a scrutinising and revising chamber which holds the Government to account.

Under the heading 'Next Steps', it stated:

White Paper to be published before the Summer Recess followed by a period of consultation.

(Ministry of Justice, *Governance of Britain: One Year On*, July 2008, p 16)

### **14th July 2008**

The Government published its White Paper, *An Elected Second Chamber: Further reform of the House of Lords* (Cm 7438). Statements were made in the House of

Commons and the House of Lords (HC *Hansard*, cols 21–36; HL *Hansard*, cols 987–1003).

The Lord Chancellor and Secretary of State for Justice, Jack Straw, in the foreword, outlined the purpose of the White Paper:

Parliament as a whole will not be an effective and credible institution without further reform of the House of Lords. The proposals and options in this White Paper are intended to generate discussion and inform debate, rather than representing a final blueprint for reform. The Government has long held that final proposals for reform would have to be included in a general election manifesto, to ensure that the electorate ultimately decide the form and role of the second chamber.

*(An Elected Second Chamber: Further reform of the House of Lords, 14th July 2009, Cm 7438, p 3)*

A press release summarised the White Paper's key points as follows:

- a 100 or 80 per cent elected chamber;
- options for direct elections: first-past-the-post, alternative vote, single transferable vote and a list system;
- the primacy of the House of Commons must remain in any reform process and the reformed second chamber should not rival or replicate the Commons;
- proposals on eligibility and disqualification, including recall ballots for elected members of the second chamber and similar arrangements for appointed members;
- members should normally serve a single non-renewable term of 12 to 15 years;
- the link between the peerage and a seat in Parliament will be broken altogether;
- the right of hereditary peers to sit and vote in the House of Lords on the basis of their ancestry brought to an end;
- the size of the second chamber should be significantly reduced and should be smaller than the House of Commons and costs should be maintained or reduced;
- individuals appointed on their ability, willingness and commitment to take part in the full range of the work of the chamber, if there is an appointed element;
- new members of a reformed second chamber elected in thirds coinciding with general elections;

- if there is an appointed element in a reformed second chamber, there should continue to be seats reserved for Church of England bishops, with the number reduced proportionally in a smaller chamber;
- a transition period when existing members and new members will work together;
- Proposals to establish a new independent Statutory Appointments Commission, if there is an appointed element in the second chamber.

(Ministry of Justice Press Release, 'Straw publishes White Paper on Lords reform', 14th July 2008)

In response to the White Paper, Lord Strathclyde, Shadow Leader of the Opposition in the House of Lords, noted "it is the third White Paper on this House from the Government, and there have been more major statements on its role, Members and powers over the years" but "for all the Lord Chancellor's ingenuity, the problem has been neither newly identified nor finally resolved in the White Paper; there is much work to be done before a Bill could be presented" (HL *Hansard*, cols 989–91).

He criticised the White Paper, saying:

There has been perhaps a little fudging, which is why this is not really a White Paper at all. It is a Green Paper. The Government's mind is unclear on so much that you have to wonder why they are publishing it in the first place. Even the name of a reformed House is a mystery. Leaks a few weeks ago suggested that it would be called a senate, but even that seems to be too radical a step for this Government, and the name disappeared in the final draft. What will the House be called? The Minister and the noble Baroness the Leader of the House will have to make the Government's position far clearer in the months ahead.

(HL *Hansard*, 14th July 2008, col 992)

Speaking for the Liberal Democrats, Lord Tyler welcomed the White Paper but questioned why the Government had not made further progress on the proposals (HL *Hansard*, col 993). Focusing on the timetable for reform he concluded by stating:

It is now 15 months since the House of Commons, for which everyone claims primacy, voted by such large majorities for reform. Surely unnecessary delay simply plays into the hands of the refuseniks or reactionaries.

(HL *Hansard*, 14th July 2008, col 994)

The Convenor of the Crossbench Peers, Baroness D'Souza, highlighted the feeling among the Crossbenches that the opinions of the House had been disregarded:

There is a deeply felt concern that some of the measures proposed will have an undoubtedly deleterious effect on the chief functions of this House and on legislation more generally. More than 60 independent Cross-Bench Peers have, for example, endorsed a statement focusing on incremental House of Lords reform.

I start with the premise on which the White Paper, and the work of the cross-party group on Lords reform, is based. In no other legislation since I have been in this House has the overwhelming vote of this Chamber been so entirely disregarded.

The Lords voted on 14 March 2007 for an appointed or predominantly appointed upper House by a majority of 327 votes, which represents almost 60 per cent of the votes cast on that day.

(HL *Hansard*, 14th July 2008, col 995)

In the House of Commons, the Opposition frontbenches welcomed the White Paper and much of the reaction focussed on the issues of the electoral system for the proposed reformed second Chamber, the timing of those elections and the terms in office for those elected. When asked about the timetable for the reform, the Lord Chancellor, Jack Straw, stated:

To suggest that the process will be completed by 2011 is probably pushing it; however, getting the legislation in by 2011 would be a good target.

(HC *Hansard*, 14th July 2008, col 27)

### **16th July 2008**

In a letter to *The Times*, Crossbench Peers Lord Wright of Richmond, Lord Bledisloe, Baroness Fritchie, Lord Hannay of Chiswick, Lord Low of Dalston, Lord Ramsbotham, Lord Tenby and Lord Williamson of Horton wrote of the White Paper:

[W]e regret that the views of backbenchers in both Houses, from all parties and none, appear to have been given no weight in the consultative process before publication this week of the Government White Paper. We also believe that the White Paper is based on a flawed premise, namely that the only views to be taken into account are the majority votes taken in the House of Commons in March 2007 favouring a wholly elected or an 80 per cent elected Upper House. The votes at that time in the House of Lords are totally discounted. This is not how major constitutional change is undertaken in this country.

(*The Times*, 'Backbenchers' views have been ignored', 16th July 2008)

### **21st July 2008**

Writing in reply to the letter, Lord Hunt of Kings Heath argued that "the signatories acknowledge the primacy of the House of Commons, yet seem to be simultaneously denying that it has any relevance in determining how the Government should frame its policy proposal" (*The Times*, 'Lords White Paper', 21st July 2008).

### **4th December 2008**

Lord Oakeshott of Seagrove Bay and Lord Steel of Aikwood reintroduced their private members' bills, the House of Lords (Members' Taxation Status) Bill [HL Bill 5] (see also 14th March 2008 and 24th April 2008) and the House of Lords Bill [HL Bill 4] (see also 30th November 2007 and 17th January 2008).



## 21st January 2009

The House of Commons Public Administration Select Committee published a report *Response to White Paper: "An Elected Second Chamber"*. The report concentrated on the mechanisms by which individuals are appointed to the House of Lords and the Committee recommended amending the powers of the House of Lords Appointments Commission. The conclusions and recommendations stated:

1. We believe that change is needed and possible in advance of any legislation on the future shape of the second chamber. The existing powers of the House of Lords Appointments Commission are not set in statute; they could therefore be amended without recourse to statute. In advance of legislation, indeed with immediate effect, the Government should move to a system where parties supply longlists of nominees to the Commission, and decisions on membership are made from those lists by the Commission against tests of both probity and public interest. The Commission could also be empowered to determine the balance of the parties in the House. (Paragraph 7)
2. The introduction of a fully or largely elected second chamber would render the changes we propose obsolete. But that moment is some years off even at best. In the meantime, we have proposed changes that should be made with immediate effect to bring fairness and transparency to the interim arrangements between now and the completion of reform. The Government acknowledges the problem; we have presented a solution with cross-party support. (Paragraph 8)
3. We have consistently argued that the Commission needs to be independent of government, and it was on this basis that the votes of the House of Commons in 2007 were secured. The Government's new proposal that the House of Lords Appointments Commission should be accountable to the Prime Minister fails to establish that independence, and is in contradiction to the expressed will of the House of Commons. (Paragraph 10)
4. Our principal concern, though, is the short term. We hoped that our proposals, designed to reassure a jaded public in the wake of a drawn-out scandal, would be adopted immediately where legislation was not necessary. We have not encountered any opposition to our proposals for interim measures; and we see no reason for further delay (Paragraph 11)

(Public Administration Select Committee, *Response to White Paper: "An Elected Second Chamber"*, 21st January 2009, session 2008–09, HC 137)

## 23rd January 2009

Lord Oakeshott of Seagrove Bay's private member's bill, the House of Lords (Members' Taxation Status) Bill, was read for a second time (HL *Hansard*, cols 1851–75). In his opening speech, Lord Oakeshott explained his reasons for reintroducing the Bill:

We face the gravest economic crisis since the hungry 1930s. Our fellow citizens deserve moral as well as political leadership from their Parliament, but we are

breaking their trust if we sit in this place, vote on their laws, but keep our treasure hidden in some tropical tax haven. Britain is fighting an economic war with its back to the wall. Tax revenues and tax collection will come under terrible strain, so for Peers to wriggle out of paying tax today is like wriggling out of conscription in 1940. My Bill is even more timely and urgent now than when I introduced it with wide-ranging cross-party support in the previous Session.

(HL *Hansard*, 23rd January 2009, cols 1851–2)

The purpose of the Bill remained the same:

Remembering the committee stage last year, I point out that the Bill does not change in any way any Peer's tax status by one iota or even require him to disclose it. All that happens is that Peers will be taxed on the basis that they are fully resident and domiciled in this country for tax purposes, just like the vast majority of our fellow citizens.

(HL *Hansard*, 23rd January 2009, col 1852)

The Shadow Leader of the House, Lord Strathclyde, criticised the reintroduction of the Bill:

Last year, the noble Lord brought this self same Bill to the House. It did not find favour. It was extensively debated. Suggestions were made, even by its critics, to improve it, but has the noble Lord listened? Has he had any discussions with anybody? Has he made any changes whatever to this legislation? Perhaps he has had private discussions with the Government about the Bill. No, he has not. We have to question why the noble Lord believes that he has the right to bring before the House the same Bill which failed last year and the year before in exactly the same way, rather than listening more considerately to those who have criticised it.

(HL *Hansard*, 23rd January 2009, col 1868)

Responding for the Government, the Deputy Leader of the House of Lords, Lord Hunt of Kings Heath outlined some of the Government's reservations about the detail of the Bill, although on the principle, "summed up very simply as no representation without taxation", he suggested that the "Government cannot and would not wish to argue with that" (HL *Hansard*, col 1870).

## **26th January 2009**

In response to a private notice question tabled by Lord Strathclyde, the Shadow Leader of the House of Lords, Baroness Royall of Blaisdon, the Leader of the House of Lords, announced an inquiry into allegations made against Members of the House in the *Sunday Times* on 25th January 2009. It had been alleged that certain Members had been prepared to accept payments in return for amending legislation:

My Lords, a number of allegations were published yesterday in relation to Members of this House. I am deeply concerned about these allegations, and this concern is shared across the House and beyond. Since then, I have referred these allegations to the Sub-Committee on Lords' Interests. The chair of the

Committee, the noble Baroness, Lady Prashar, has agreed to expedite the investigation into these allegations. Indeed, the Committee has already met, and investigations are under way.

I have separately asked the chairman of the Committee for Privileges, the Chairman of Committees the noble Lord, Lord Brabazon of Tara, to consider any issues relating to the rules of the House that arise, especially in connection with consultancy arrangements, and in connection with sanctions in the event that a complaint against a Member is upheld.

(HL *Hansard*, 26th January 2009, col 10)

### **28th January 2009**

In evidence given to the House of Lords Constitution Committee the Lord Chancellor, Jack Straw, reiterated the Government's position on the timetable for reform:

It is frankly not possible to promote legislation of this controversy and complexity—leave aside controversy, it is the complexity of it as well—in the last months of a Parliament. For those who say “Why don't we go ahead?” that is the answer.

(House of Lords Constitution Committee, Meeting with the Lord Chancellor, oral evidence, 28th January 2009, pp 6–7)

He went to explain the Government's stance on private members' bills:

If I were to be asked why we have been slightly reticent about particular proposals for private members, the reason comes back to the management of the legislation because, if we get agreement that they will be confined to very specific issues, then we could go ahead but, if they turned out to be a Christmas tree on which people then hung major proposals for reform, then it would unmanageable.

(House of Lords Constitution Committee, Meeting with the Lord Chancellor, oral evidence, 28th January 2009, pp 6–7)

### **29th January 2009**

Baroness Royall of Blaisdon, the Leader of the House of Lords, made a statement informing the House that the Metropolitan Police were reviewing the allegations made against Members in the *Sunday Times* on 25th January 2009, and would be considering whether to investigate (HL *Hansard*, col 346).

### **11th February 2009**

In a statement to the House of Lords, Baroness Royall of Blaisdon informed the House “I have met with the Metropolitan Police further on this matter and they have now informed me of their decision not to take their inquiries further” (HL *Hansard*, col 1120).

## 27th February 2009

Lord Steel of Aikwood's private member's bill, the House of Lords Bill [HL], was read for a second time in the House of Lords (HL *Hansard*, cols 431–96). Opening the debate, Lord Steel outlined his reasons for reintroducing the Bill:

It is intended as a spur to the Government, in the hope that they will take over the measures and proceed with them. It is a convenient vehicle, which they could easily take over.

(HL *Hansard*, 27th February 2009, col 431)

Lord Steel explained that the Bill remained the same as the Bill he introduced in the previous Session (see 30th November 2007 and 20th July 2007) with the exception of clause 12, which allowed for a reduction in the size of the House.

Both Baroness D'Souza, the Convenor of the Crossbench Peers, and Lord McNally, the Leader of the Liberal Democrats in the House of Lords, welcomed the Bill. Conservative Peer Viscount Astor, however, insisted that the second stage of reform promised in 1999 must be adhered to and affirmed his belief that "the Government will not dishonour themselves and break with that undertaking given by the former Lord Chancellors, the noble and learned Lords, Lord Irvine of Lairg and Lord Falconer of Thoroton" (HL *Hansard*, col 455).

The Shadow Leader of the House of Lords, Lord Strathcylde, acknowledged the welcome the Bill had received but insisted that reform must come in the shape of an elected chamber. He argued that the Bill "provides architecture towards an alternative solution: an all appointed House" but it does not "address some of the fundamental problems that we will have to consider in Committee" (HL *Hansard*, cols 483–4).

Lord Hunt of Kings Heath, for the Government, in noting the similarities between the Government's White Paper and the Bill, said that legislating on these issues "would be inconsistent with the Government's intent to legislate for fundamental reform" (HL *Hansard*, col 491).

## 9th March 2009

In a House of Commons written answer the Lord Chancellor, Jack Straw, restated the timetable for House of Lords Reform:

The Government's White Paper on Lords reform was published on 14 July 2008 following cross-party talks. Building on the consensus established in the talks, the Government intend to develop detailed proposals to be put to the electorate as a manifesto commitment at the next general election. Legislation would then be possible in the next Parliament.

The White Paper set out three possible models for managing the transition to a fully reformed Chamber. The timetable for completing the transition to a fully reformed second Chamber will be very much determined by which of these models is adopted.

(HC *Hansard*, 9th March 2009, cols 89–90W)

### **12th March 2009**

The first day of committee stage of Lord Oakeshott of Seagroave Bay's House of Lords (Members' Taxation Status) Bill was held (HL *Hansard*, cols 1357–82).

### **19th March 2009**

The first day of committee stage of Lord Steel of Aikwood's House of Lords Bill was held (HL *Hansard*, cols 405–40).

### **27th April 2009**

Responding to an oral question from Lord Tyler, Lord Hunt of Kings Heath, the Deputy Leader of the House of Lords, informed the House that the Government were still considering the possibility of publishing draft clauses for parliamentary scrutiny in the light of responses to the White Paper (HL *Hansard*, col 2).

### **14th May 2009**

The Leader of the House of Lords, Baroness Royall of Blaisdon, announced that the investigation by the Committee for Privileges into the allegations made against Members of the House in the *Sunday Times* had concluded and the reports *The Powers of the House of Lords in respect of its Members* (session 2008–09, HL 87) and *The Conduct of Lord Moonie, Lord Snape, Lord Truscott and Lord Taylor of Blackburn* (session 2008–09, HL 88-I/88-II) were published (HL *Hansard*, cols 1107–8).

### **20th May 2009**

In the House of Lords, the recommendations in the reports by the Committee for Privileges, regarding the sanctions available to the House in respect of Members and the suspension of Lord Taylor of Blackburn and Lord Truscott, were agreed to without a vote (HL *Hansard*, cols 1394–1418).

### **20th May 2009**

In a statement to the House of Commons, the Leader of the House of Commons, Harriet Harman, announced plans to legislate for a new, independent parliamentary standards authority, in light of controversy surrounding MPs' expenses. This would also extend to the Lords:

It is clearly appropriate that the new body should also take responsibility for such issues in the Lords, including administering and regulating the systems of Peers'

allowances, overseeing the code governing peers' conduct and the Register of Lords' Interests.

(*HC Hansard*, 20th May 2009, col 506)

She added "it is clear that extensive work will be necessary to ensure the agreement of the House of Lords to the effective transfer of responsibilities to the new body" (*HC Hansard*, col 506).

### **21st May 2009**

In the House of Lords, Baroness Royall of Blaisdon announced that a Leaders' Group had been set up "to consider the code of conduct and the rules relating to Members' interests and to make recommendations". The Group, chaired by Lord Eames, would report back before the end of the current session (*HL Hansard*, col 1434–5).

### **10th June 2009**

Statements were delivered in the House of Commons and House of Lords on constitutional renewal, in further response to the controversy surrounding parliamentary expenses.

In a statement covering proposals for further democratic reform, the Prime Minister restated the plan that the House of Commons, and subsequently the House of Lords, would move from self regulation to independent statutory regulation. Furthermore:

Following a meeting of the House Committee of the House of Lords, and at their request, I have today written to the Senior Salaries Review Body to ask it to review the system of financial support in the House of Lords, to increase its accountability, to enhance its transparency and to reduce its cost. For the first time, there will also be new legislation for new disciplinary sanctions for the misconduct of peers in the House of Lords.

(*HC Hansard*, 10th June 2009, cols 796–7)

On the wider issue of House Lords reform, the Prime Minister reiterated the Government's position on an 80 or 100 per cent elected House of Lords and said proposals for the final stage of reform would be published before the summer, including proposals to resolve the position of the remaining hereditary Peers (*HC Hansard*, cols 797–8).

Lord Strathclyde, Shadow Leader of the House of Lords, attacked the proposals for Lords reform as an "afterthought by a Prime Minister in trouble" (*HL Hansard*, col 645). In particular, he questioned the Government as to whether the previous commitment on fundamental reform still stood:

Up until now, at the Dispatch Box, the noble Baroness and the noble Lord, Lord Hunt of Kings Heath, have given a firm commitment that the Government were opposed to piecemeal reform and that change to this House could only come in the context of a major Government reform Bill. Does that commitment still stand?

Or does the commitment—that change in composition would come only with stage 2 reform—stand repudiated this afternoon by this Government?

(HL *Hansard*, 10th June 2009, col 645)

Lord McNally, Leader of the Liberal Democrats in the House of Lords, welcomed the proposals but pointed out that many of the ideas for reform were readily available in private members' bills already before the House and that time was available to "rescue their reputation for reform" (HL *Hansard*, cols 645–7).

### **10th June 2009**

In a press release issued in response to the Prime Ministers' plans for the House of Lords, the Constitution Unit at University College London said:

- There is no prospect of major Lords reform or electoral system change being agreed before 2010.
- But other small reforms are achievable in this Parliament and are important: changes to Commons to strengthen it vis-à-vis the Executive, plus measures in the Constitutional Renewal Bill to tidy up the Lords.
- Lords reform and electoral system change are not only major and difficult, but fundamentally linked and must be considered together.
- Lords reform is likely to happen before electoral reform for the Commons, but it is important that the same electoral system is not used for both Houses.

Dr Meg Russell, of the Constitution Unit, said:

Small long-awaited changes to the Lords, such as cleaning up appointments and allowing peers to retire or be removed can also be included now in the Constitutional Renewal Bill.

(Constitution Unit press notice, 'Small immediate changes can strengthen Lords and Commons, while parties debate the big stuff', 10th June 2009)

### **19th June 2009**

The Metropolitan Police announced that after "consideration by the joint Metropolitan Police and Crown Prosecution Service assessment panel the Met has decided to launch an investigation into the alleged misuse of expenses by a small number of MPs and peers" (Metropolitan Police website, 'MPS to investigate alleged expenses misuse', 19th June 2009).

## 8th July 2009

Opening the second reading debate in the House of Lords on the Parliamentary Standards Bill, Baroness Royall of Blaisdon announced that the proposed Independent Parliamentary Standards Authority (IPSA) would not apply to the House of Lords. She said:

If there are abuses in this House, this House is rooting them out and, if there are wrongs, this House is righting them. This House is putting this House in order. In line with that, this Bill contains no provisions, no measures and no proposals at all for this House.

Nothing in this Bill will affect this House. Nothing in this Bill will impact upon this House. Nothing in this Bill will change what we in this House do and how we in this House do it.

(HL *Hansard*, 8th July 2009, cols 674–5)

Responding to concerns about the future jurisdiction of IPSA, Lady Royall confirmed “this Bill will not be extended in the future to this House as currently constituted” (HL *Hansard*, col 675).

## 17th July 2009

In a report published by the Constitution Unit, Conservative MPs Sir George Young and Andrew Tyrie argued for a smaller, predominately elected second chamber, elected by proportional representation and using the same electoral regions used in the European parliamentary elections. The report, *An Elected Second Chamber: A Conservative Response*, also recommended several immediate changes, including the appointment of Peers for fixed terms of three parliaments rather than for life, improving the sanctions available to the House of Lords to discipline its Members and placing the House of Lords Appointments Commission on a statutory basis to appoint all Peers, not just non-political Peers.

## 20th July 2009

The Lord Chancellor, Jack Straw, presented the Constitutional Renewal and Governance Bill to the House of Commons. The Bill proposed the ending of by-elections to replace hereditary Peers who had died and to disqualify Members of the House of Lords found guilty of a serious crime or who were subject to a bankruptcy order. The Bill also provided measures for the House of Lords to suspend or expel members and to allow Peers to resign from the House of Lords and disclaim a peerage.

On the publication of the Bill Jack Straw said:

We are committed to ending the hereditary principle, which has no place in a modern, representative democracy. Together with new powers which will give the house authorities more options in terms of disciplining peers on the rare



occasions when this is appropriate, this builds on the work we have already done to create a strengthened, more legitimate second chamber.

(Ministry of Justice press release, 'House of Lords reforms will remove hereditary principle', 20th July 2009)

On further reform he added:

There remain outstanding questions, which the Government will seek to answer in final proposals after the summer, with draft legislation for pre-legislative scrutiny as soon as possible. The two key issues are the electoral system and the size of the elected element (80 per cent. or 100 per cent.). The Government are giving careful and active consideration to resolving these questions in such a way as to make best use of a transitional period.

(HC *Hansard*, 20th July 2009, cols 105–6WS)

### **21st July 2009**

In a press release issued by the Constitution Unit, Dr Meg Russell welcomed the provisions relating to the House of Lords in the Constitutional Renewal and Governance Bill but argued the reforms could have gone further:

Ideally the bill should also cut prime ministerial patronage by giving the House of Lords Appointments Commission control over the number of Peers appointed from each party, and greater control over who those peers are. This would ensure appointments were fair, and the membership of the House properly balanced. A clause to ensure that peers retiring cannot stand for the House of Commons for at least five years would stop the Lords being weakened by becoming a jumping off point for ambitious politicians. Such a clause has been widely backed over the years by bodies making proposals on Lords reform. Both these changes, if they are not in the bill already, may be moved by MPs and peers as it passes through Parliament.

(Constitution Unit press release, 'Constitutional Reform Bill disappointing but deserves to be passed', 21st July 2009)

### **29th July 2009**

The House of Commons Justice Committee published a report, *Constitutional Reform and Renewal* (29th July 2009, session 2008–09, HC 923) that was “concerned with the actual process and mechanisms of how we ‘do’ constitutional reform in the United Kingdom” (p 9). Chronicling the Government’s approach to House of Lords reform, the report highlighted that, in appointing 11 people to the House of Lords to become ministers or advisors, the Prime Minister “accentuate[s] a trend towards an appointed second chamber, contrary to the view expressed by the three main parties and by the House of Commons. Moreover, it is likely to lead to a continuous trend in future governments appointing peers in order to rebalance the numbers and this is unsustainable” (p 20).

### **30th July 2009**

The Law Lords delivered their final judgments in the House of Lords, with the new Supreme Court due to begin operations in October 2009 under the Constitutional Reform Act 2005.

### **29th September 2009**

In a speech to the Labour Party Conference, Gordon Brown stated that “in this next year we will remove the hereditary principle in the House of Lords once and for all. And then unlike the last election we will ask for a clear mandate to make the House of Lords an accountable and democratic second chamber for the very first time” (Labour Party website, ‘Gordon Browns speech at the 2009 Labour Party Annual Conference’, 29th September 2009).

### **20th October 2009**

The Constitutional Reform and Governance Bill received a second reading in the House of Commons.

Jack Straw, the Lord Chancellor, introduced the Bill’s provisions for the House of Lords saying “Part 3 of the Bill contains a package of measures to continue along that path towards a more legitimised second Chamber” (HC *Hansard*, col 805). With regard to the proposals to end the hereditary by-elections, he explained that when the original agreement to maintain a body of hereditary Peers in the transitional House was made in 1999 “there was no agreement whatsoever even within parties, still less between parties, about the future of the House of Lords”. However, now this consensus had been achieved, he argued that “in my judgment, therefore, the transitional House that people had in mind 10 years ago is not what we envisage now. We are through that phase” (HC *Hansard*, cols 806–7). He reassured the House that the provision would only remove the by-election mechanism and would not remove any sitting hereditary Peer. Mr Straw also outlined the Bill’s measures “to ensure that the House has a robust disciplinary regime to deal with misconduct, to ensure that peers can be suspended or expelled, which they currently cannot be. It provides that peers are to be disqualified from the House after a conviction for a serious criminal offence or being subject to a bankruptcy restrictions order... [and] allows peers to resign and, if they wish to do so, to disclaim their peerage. I have already indicated that we intend to bring forward proposals for further reform” (HC *Hansard*, cols 808–9).

Dominic Grieve, Shadow Justice Secretary, attacked the Bill for containing “two measures that will fundamentally change the nature of the House of Lords, without making it one ounce more democratic” (HC *Hansard*, col 819). He stated “remove the anomaly—that is, the hereditaries—and the prospect of reform will recede”, then suggested that the “proposals are not about making the upper House more democratic or more representative, but about shifting the party balance still further in favour of the governing party. Frankly, that is a pretty dangerous and unwelcome precedent, but one that ties in with the entire way in which the Prime Minister has treated Opposition parties over the House of Lords since he took office” (HC *Hansard*, col 821). Mr Grieve also questioned the measures to allow life Peers to resign, predicting that in a reformed House it “would lead to that House becoming a stepping stone to a career as an MP—

and in an unreformed House, it would put the Prime Minister in charge of that stepping stone and vastly increase his patronage". He concluded: "what we have is trimmings and not very much meat" (HC *Hansard*, col 822).

David Howarth, for the Liberal Democrats, questioned the Lord Chancellor's reluctance to bring forward measures for an elected second chamber. He said "If the Secretary of State is right—which I think he is—that Members in all parts of the House accept that we should move to a predominantly, or, as we would prefer, a wholly, elected Chamber, why do we have to wait until the general election to make a start on that?" (HC *Hansard*, col 830). Among the backbench contributions, Andrew Tyrie (Conservative) argued that the "Lords provisions are pretty meagre, as I have just said, but at least clause 26, which will slowly remove the hereditary peerage, is on the right track". He explained his preference for a smaller, elected House of Lords but felt that "if the chances of securing democracy in the near future were already relatively slim, they can now be considered virtually non-existent, as a consequence of the economic crisis. That has changed everything. Any Government who tried to make such a change in such an economic climate would be accused of having the wrong priorities, and the accusation would probably stick" (HC *Hansard*, col 841).

At the end of the debate, a motion was agreed that "that if, at the conclusion of this Session of Parliament, proceedings on the Constitutional Reform and Governance Bill have not been completed, they shall be resumed in the next Session" (HC *Hansard*, col 880).

## **22nd October 2009**

Lord Bingham of Cornhill, a retired Law Lord, delivered the annual Jan Grodecki lecture at the University of Leicester with a speech advocating the abolition of the House of Lords. He opened his remarks by stating the Lords "does invaluable work, particularly as a revising chamber and in the work of its specialist committees" and acknowledged that "to bring that contribution to an end without replacing it would adversely affect, in a serious way, the quality of government in this country". As an alternative, Lord Bingham proposed the creation of a Council of the Realm that "would differ from the House of Lords superficially in that membership would involve no outdated pretence of nobility, and it would differ fundamentally in having no legislative power... Its members, appointed not elected, would be very much the same people, and the same sorts of people, as now make up the house. It would perform, but in an advisory and not a lawmaking way, the revising function it now performs. Its expert committees could function much as they do now. It could debate issues of public moment. In this way the most valuable functions of the existing house could be preserved, but the features of the house which fuel calls for reform could be eliminated" (Lord Bingham of Cornhill, 'How I'd Abolish the House of Lords', *The Guardian*, 23rd October 2009).

## **29th October 2009**

In a statement to the House of Lords, Baroness Royall of Blaisdon, the Leader of the House, announced the publication of the *Leader's Group report on the Code of Conduct* (28th October 2009, session 2008–09, HL Paper 171).

### **23rd November 2009**

In the third day of debate on the Queen's Speech, Lord Bach, Parliamentary Under-Secretary of State at the Ministry of Justice, outlined the Government's proposals for the Lords in the Constitutional Reform and Governance Bill. He added that:

Doubtless, noble Lords will wish to reflect on them in particular detail, but I underline the fact that those hereditary Peers who are currently members of the House will not lose their seats. The Bill abolishes only the mechanism which allows further hereditary Peers to enter this House solely on the basis of their hereditary title. It does not seem to serve any of us to have a seat in Parliament decided by such minuscule electorates. We do not believe that the current situation is tenable. In this day and age it is not appropriate for new Members to join this House solely as the result of a hereditary title. No doubt we will debate this in due course.

As the gracious Speech made clear, we will be publishing draft provisions on comprehensive reform of your Lordships' House. It seems self-evident that as we move towards a second Chamber more aligned with a modern democracy, it is unacceptable that one House should be supplemented with further hereditary Peers, however much we value—and we do—the contribution that the elected hereditary Peers continue to make to this place. The publication of a draft will also maintain the momentum towards comprehensive reform, to which the Government are as committed as ever.

(HL *Hansard*, 23rd November 2009, col 141)

### **30th November 2009**

The House of Lords debated the *Leader's Group report on the Code of Conduct* and agreed to the motion that "the Report be remitted to the Committee for Privileges, with an instruction that it reports a Guide to the Rules on the Conduct of Members of the House of Lords to the House" (HL *Hansard*, cols 590–648).

### **1st December 2009**

Lord Tyler, Liberal Democrat spokesperson for Constitutional Affairs, asked the role the Government saw the Independent Parliamentary Standards Authority playing in relation to the House of Lords. This followed a recommendation in the Review Body on Senior Salaries report *Review of financial support for Members of the House of Lords* (November 2009), that said:

We recommend that the next full review of financial assistance to Members of the House of Lords should consider whether there would be advantage in using the Independent Parliamentary Standards Authority for the administration of fees and expenses paid to Members of the House of Lords. In the interim, we recommend that the House of Lords Finance Department continue to be responsible for this process.

(p xiii)

Baroness Royall acknowledged the report's advice but confirmed the Government's view that "IPSA should not be extended to your Lordships' House as presently constituted" (HL *Hansard*, col 680).

## **2nd December 2009**

The House of Commons Public Administration Select Committee published the Government's response to its report *Response to White Paper: "An Elected Second Chamber"* (21st January 2009, session 2008–09, HC 137). In a letter to the Committee, Jack Straw, the Lord Chancellor, acknowledged the report's recommendations, adding that the Government was still considering responses to its White Paper and "the comments in your Committee's report will of course feed into that consideration" (p 2).

## **23rd December 2009**

The Metropolitan Police announced that a total of six files of evidence regarding parliamentary expenses of MPs and Peers had been passed to the Crown Prosecution Service (Metropolitan Police website, 'Further files passed to CPS re Parliamentary expenses', 23rd December 2009).

## **26th January 2010**

Provisions relating to the House of Lords in the Constitutional Reform and Governance Bill were debated during the fourth day of committee in the House of Commons. Clause 32, which proposed the ending of the hereditary by-elections, was agreed to by 318 votes to 142 after a lengthy debate. Conservative objections to the clause centred on the Government's past assurances that the hereditary Peers would remain part of the transitional House until the second stage of reform was completed. Dominic Grieve, Shadow Justice Secretary, argued that as the incumbent Lord Chancellor, Jack Straw, was "bound by that promise in honour" (HC *Hansard*, cols 699–700). However, Tony Wright, Chair of the House of Commons Public Administration Select Committee, argued that "I am perfectly prepared to accept this provision, because it is a way of making progress and getting some sort of support for a package of proposals. However, I think that it is generous, and it would have been open to the Government and to the House to say that the time has come to bring the hereditary peerage to a close. We have not said that; we have offered a very generous transitional arrangement. On that ground alone, it probably deserves support" (HC *Hansard*, cols 704–5).

Amendments by Andrew Tyrie (Conservative), proposed the introduction of Peers appointed for fixed terms as a "modest step" in reforming the House of Lords. He said that, despite the consensus between the parties on an elected second chamber, any "major Bill simply would not get past the Lords" (HC *Hansard*, col 732). He argued that the proposal would "increase the chances of getting a higher degree of commitment and quality" from Members, address the "inevitable upward ratchet in the size of the House" and, as it would not affect the existing life Peers, allow governments to gradually replace life Peers with term Peers (HC *Hansard*, cols 732–3). Both opposition parties supported the amendment but Michael Wills, for the Government, declined to do so. He explained that whilst "the amendments are serious, imaginative and constructive, and they deal with an issue of real importance" the Government could not support the amendments as

they were based “on a fundamental premise with which the Government must disagree” (HC *Hansard*, col 741). He added that “I do not think that full reform of the House of Lords is, by any measure, inevitably a distant prospect... the amendment can have merits advanced for it today only if a change to a wholly elected chamber is not going to happen imminently” (HC *Hansard*, col 742). The amendment was defeated by 249 votes to 170.

Fellow backbench Conservative MP, Douglas Hogg, proposed amendments to the Bill that would allow Peers to take permanent leave of absence, rather than resign, so to “prevent a Member from resigning from the other place so as to be eligible to stand for election to the House of Commons”. He explained that:

By taking leave of absence, a peer would remain a peer, albeit one not able to attend the other place for the period of the leave of absence. My hon. Friend and I had the following broad motivations: first, I observe generally that one should encourage peers who feel that they are getting old to take a leave of absence, because there are far too many peers of a certain age in the other place, which is now very heavily populated. As has been said, there are too many peers of the realm, and a leave of absence would diminish their number.

Secondly, I want to address the question whether it is right for a peer to cease to be an effective peer for the purposes of standing as a Member in this House. On that, I share the view of the Liberal Democrats; I do not think that it is right. Or at least it might be desirable to have a gap of five years in the circumstances set out in amendment 94, which I shall support if it is put to a Division.

(HC *Hansard*, 26th January 2010, cols 758–9)

Despite support from the Liberal Democrats, the amendment was not supported by the Government. Michael Wills, the Minister, argued “if somebody resigns from the other place to take advantage of these provisions and stand for election to this place, they will be judged by the electors. I have no doubt that if, as he fears, people were shamelessly to use the other place as an antechamber—those were his words—for this place, they would be judged harshly by the voters in the constituency for which they are standing” (HC *Hansard*, cols 764–5). The amendment was defeated by 270 votes to 179 votes. A Conservative motion to oppose the clause allowing Peers to resign from the House of Lords was also defeated by 270 votes to 177.

The Bill’s provisions for removing an individual’s peerage, enhancing the disciplinary mechanisms available to the House of Lords and allowing life Peers to disclaim their peerages were agreed without a vote.

## **1st February 2010**

During the fifth day of committee, the Government introduced two new clauses to the Constitutional Reform and Governance Bill providing for requirements regarding the tax status of MPs and Members of the House of Lords. In proposing the changes, the Minister, Michael Wills, stated that “the vast majority of parliamentarians do pay full UK taxes, but there has been widespread popular concern about the exceptions to that rule. The net result of these proposed changes would mean that MPs and Peers were liable to pay the same taxes as the vast majority of UK taxpayers, regardless of their actual common law status in the UK. The new clauses will come into force from Royal Assent, so they might apply to the next Parliament”. With special regard to the House of Lords,

Mr Wills added that “the situation is different for incumbent Members of the House of Lords, who will be unable to resign from the House until the provisions in part 3 of the Bill come into force. As such, new clause 86 provides for a transitional period of three months during which incumbent Peers can give notice in writing to the Clerk of the Parliaments that they are not willing to be subject to the deeming provision, and from that point their membership of the other place would cease” (HC *Hansard*, col 115). The clauses were agreed to without a vote.

## **2nd February 2010**

In a speech to the Royal Society for the Encouragement of Arts, Manufactures and Commerce (RSA), the Prime Minister, Gordon Brown, outlined the next steps in the Government’s programme for constitutional and parliamentary reform. On reform of the House of Lords, he said:

There is simply no space for a hereditary principle in a modern legislature and so in the last few days we have voted to remove the procedures by which new hereditary peers can join the House of Lords.

It is for others to explain their opposition to this immediate change, but our proposals for the Lords are based on very simple principles: that the new politics cannot be real without fundamental change of the functioning of our ancient institutions, and we must do away with the unacceptable practices of an earlier age that are redolent of deference and privilege.

Let me put on record my huge admiration for the individual peers of the House of Lords for the professional and dedicated way they have conducted their role.

But I also say today: a modern democracy cannot tolerate power to initiate and revise legislation being held for ever by those without a mandate from the people. So in the next few weeks we will be publishing the key parts of a draft bill for a democratically accountable House of Lords. And my pledge today is that we will take forward these reforms in the next term of a Labour government, completing the work started before the First World War and to which we have been committed since then.

(Number 10 website, ‘Speech on transforming politics’, 2nd February 2010)

## **5th February 2010**

The Crown Prosecution Service announced that charges had been brought in four of the parliamentary expenses cases referred to them by the Metropolitan Police. One of those charged was named as Lord Hanningfield. In addition to this, the CPS stated that no charges were to be brought against Lord Clarke of Hampstead (CPS website, ‘Statement from Keir Starmer QC, Director of Public Prosecutions, on parliamentary expenses charging decisions’, 5th March 2010).

## 10th February 2010

Responding to a written question about the publication of the Draft House of Lords Bill, Jack Straw, the Lord Chancellor, stated his intention “to publish key parts of a draft Bill for reform of the House of Lords in the next few weeks” (HC *Hansard*, col 1076W).

## 2nd March 2010

The Constitutional Reform and Governance Bill completed its final stages in the House of Commons. At third reading, Michael Wills, the Minister, opened his remarks with a summary of proceedings on the Bill in the Commons, saying “since the beginning of its gestation more than two years ago, Parliament and politics have faced new challenges, and the Bill has grown to meet them. Its basic components have remained the same, but, as with a fine wine, it has absorbed elements from its environment to mature into its final expression in the House tonight” (HC *Hansard*, col 900).

For the Conservatives, Dominic Grieve said his party welcomed many aspects of the Bill but again expressed concern at the Bill’s provisions for ending the hereditary by-elections and allowing life Peers to resign. On the latter, he added “there must be a period between resignation from the House of Lords and return or re-embodiment in this Chamber. There should be a period during which that return is not permitted. It is likely that that matter will be returned to in another place. If there is no time, and we get to the wash-up and there have to be discussions about issues in the Bill, that is one that will have to be sorted out to our satisfaction if the Bill is to go on the statute book” (HC *Hansard*, col 905).

David Howarth, for the Liberal Democrats, stated his disappointment “that we have not made proper progress towards the promise that my party made in 1911. We promised then to introduce a House of Lords that was elected on a popular basis, but it looks like 100 years or more will pass before we achieve that” (HC *Hansard*, col 911). In terms of the parliamentary timetable for the Bill in the House of Lords, he added his concerns that the Bill “is in danger of being hacked to pieces in the process of negotiation that happens at the end of Parliaments. It would be regrettable if that were the case” (HC *Hansard*, col 912).

## 11th March 2010

The House of Commons Public Administration Select Committee published a report on the use by Governments of outside ministerial appointments. Noting the recent trend of appointing ‘outsiders’ and giving them a seat in the House of Lords, the report stated that “it is not appropriate that ministers appointed to the Lords should have a guaranteed seat in the legislature and a title for life when they leave office”. The Committee recommended that “an alternative to direct appointment to the House of Lords might be the appointment of a limited number of ministers who would be members of neither House, but would be accountable to both. This would be a considerable, although not entirely unprecedented, constitutional innovation (House of Commons Public Administration Select Committee, *Goats and Tsars: Ministerial and other appointments from outside Parliament*, 11th March 2010, session 2009–10, HC 330, p 3).



### **12th March 2010**

The Crown Prosecution Service announced there would be no charges against Baroness Uddin in relation to her parliamentary expenses (CPS website, 'Charging decision regarding Baroness Uddin', 12th March 2010).

### **14th March 2010**

Various newspapers reported that the Government were preparing to publish a Draft House of Lords Reform Bill before the General Election. An article in the *Sunday Times* stated that the proposed Draft Bill:

would have all members directly elected, ending the tradition of party patronage. A proportional representation system would be used to select members, with voting taking place at the same time as general elections.

One-third of the new chamber would be elected on each occasion, with members serving three terms—15 years—in a system similar to the one used to select members of the United States Senate.

The new “peers” could also be subject to a US-style “recall ballot” that would disqualify them for incompetence.

In the event of death, members would be replaced without the need for by-elections under a best-loser system.

The legislators would be paid a salary, but probably less than the £65,000 now paid to backbench MPs.

(*Sunday Times*, 'Jack Straw plots to abolish House of Lords', 14th March 2010)

### **16th March 2010**

The House of Lords agreed to the recommendations in reports by the Privileges Committee regarding the adoption of the new code of conduct proposed by the Leaders' Group, chaired by Lord Eames. It was announced that the new code would come into effect from the start of the new Parliament (HL *Hansard*, cols 567–88).

### **17th March 2010**

Baroness Royall of Blaisdon, the Leader of the House of Lords, published the reports of three informal working groups chaired by Lord Butler of Brockwell, Lord Filkin and Baroness Murphy. The groups were set up, following a seminar hosted by Baroness Hayman, the Lord Speaker, in October 2009, to examine ways in which the House could improve its non-legislative procedure, its scrutiny of primary legislation and its internal governance and accountability. In a letter to the three group chairs, Lady Royall stated that to consider these issues further her preference was for the creation of a Leader's Group but she would not move to constitute one until after the General Election

(Baroness Royall of Blaisdon, *Letter to Lord Butler of Brockwell, Lord Filkin and Baroness Murphy*, 17th March 2010). On 23rd March, Lady Royall reiterated this intention in answer to an oral question from Lord Campbell-Savours about reforming the House procedures (HL *Hansard*, cols 837–40).

### **18th March 2010**

The House of Lords Select Committee on the Constitution issued two reports, the first entitled *Constitutional Reform and Governance Bill* (HL Paper 98) and the second, *Meeting with the Lord Chancellor* (HL Paper 80), which contained a transcript of the Committee's annual meeting held with Jack Straw on 24th February 2010.

The first report focussed on the issue of the process of constitutional reform, which it noted the Committee "has been consistently concerned about" (HL Paper 98, p 18). The report described the Bill's progress through the House of Commons and given the curtailment of scrutiny in the Commons, said that the lack of available time for the House of Lords to examine the Bill as "all the more disappointing". The Committee said that "it is inexcusable that the Government should have taken so long to prepare this Bill that it has effectively denied both Houses of Parliament—and especially this House—the opportunity of subjecting this important measure of constitutional reform to the full scrutiny which it deserves" (*ibid*, p 18). The report concluded by pointing to the likelihood that the Bill will go through inter-party negotiation in the "wash-up" period and that "this is no way to undertake the task of constitutional reform" (*ibid*, p 19).

In the second report, the Committee questioned the Lord Chancellor on a number of issues, including House of Lords reform. Opening his remarks, Jack Straw said that it was his intention to publish draft clauses "for the reform of the House of Lords, which are essentially the guts of a Lords Reform Bill, in the next two or three weeks, and I regard that as very important" (HL Paper 80, pp 1–2). Pressed by Baroness Jay of Paddington on the timetable of reform after the General Election, he added that "we are further forward than Parliament has been for over 40 years and we are further forward than ever before, I think, in terms of a broad consensus behind the changes. If there is a commitment—and I am pretty certain there will be, certainly in two manifestos and I hope in the third—to reform the second chamber, then that obviously deals with problems like the Salisbury Convention" (*ibid*, p 8). Asked specifically by Lady Jay about the long timeframe for implementing any legislation, Jack Straw said that it was "because the two main parties at least are agreed that the cycle of elections should take place on the same day as a general election. We have been up hill and down dale on this one but I am clear, my party is clear and so are the Conservative Party representatives, that if you are to have an elected element—it would be an elected element to begin with—that should take place on the same day as a general election" (*ibid*, pp 8–9).

### **22nd March 2010**

The House debated a report by the House Committee *Financial Support for Members of the House: Declaration of Principal Residence and Publication* (HL Paper 89). Introducing the Committee's proposals Lord Brabazon of Tara, the Chairman of Committees, said the report recommended "new arrangements for the designation and certification of principal residences outside London. This will address a main weakness of the current scheme, which has been the subject of a good deal of understandable

public criticism” (HL *Hansard*, cols 758–59). The new arrangements were agreed to without a division.

## 24th March 2010

Lord Bach, Parliamentary-Under Secretary of State at the Ministry of Justice, opened the second reading debate in the House of Lords on the Constitutional Reform and Governance Bill. Commenting on the Bill’s provisions for the House of Lords, Lord Bach said that “the Government have acted in good faith in taking forward reform of your Lordships’ House; demonstrably so, as we have worked closely with other parties to build consensus in cross-party talks”. With regard to the proposal to end hereditary by-elections he added that “we made clear in 1999 that the by-election process was not intended to be a permanent arrangement and it has gone on now for over 10 years ... This is not, we believe, a credible way of obtaining a seat in our legislature” (HL *Hansard*, col 961). Lord Bach concluded by outlining the Bill’s provisions for enhancing the House’s disciplinary powers against Members, for enabling retirement from the Lords and for the tax status of Members.

For the Conservatives, Lord Henley said that the Government had been “dithering over Lords reform for some time”. He criticised the proposals to end by-elections: “The proposal is confused; it is dishonourable in that it breaches that undertaking made by a privy counsellor; and, except in the context of the perfectly legitimate point of view of many of your Lordships that an all-appointed House is the right stage 2, it is entirely illogical. It makes reform less rather than more likely. For those reasons we do not support it (HL *Hansard*, cols 967–68). He added his party would also not support the provisions to allow Members to resign: “We on these Benches see little attraction in changing the law to allow this House to be a staging post to a career in the Commons, or to allow defeated Ministers to sit out periods of opposition in comfort here before disclaiming to fight the next election” (HL *Hansard*, col 968).

Lord Steel of Aikwood (Liberal Democrat) moved an amendment to the motion to the second reading that inserted the words “but this House regrets the omission from Part 5 of the Bill of a statutory Appointments Commission”. Moving the amendment, Lord Steel expressed scepticism about the reasons for this omission from the Bill:

I have no doubt that the noble Lord, Lord Bach, in summing up, will tell us that we do not need an appointments commission now, because Mr Straw is going to produce not even a draft Bill but sections of a draft Bill, suggesting that this House should be replaced by a wholly elected House. Let us be realistic. We are about to have an election. If the present Government are re-elected, everybody accepts that this will be by a very slender majority. Are we seriously to believe that a Government re-elected with a tiny majority, in the middle of a financial crisis, given its past record of immobility on these minor reforms, are suddenly going to plunge into the creation of an elected Chamber? I simply do not believe it. It is much more likely that the publication of that Bill will simply prove that Mr Straw has caught up with Mr Asquith. That is all that it will show.

(HL *Hansard*, 24th March 2010, cols 985–86)

Although many speakers welcomed the proposals in the Bill for the House of Lords, the timing of the Bill was questioned. Lord Pannick (Crossbench), a Member of the Constitution Committee, said it was “extraordinary” that for “this important constitutional Bill the Government should be contemplating the use of a wash-up procedure that is the

very antithesis of the high standards of scrutiny, transparency and accountability that we must attain, and which we repeatedly tell ourselves we must attain, if we are to secure the confidence of the people of this country in our proceedings” (HL *Hansard*, col 995). Baroness Boothroyd (Crossbench), a former Speaker of the House of Commons, expressed her concerns about the lack of scrutiny the Bill would get by way of analogy: “The Government’s negligence reminds me of a bus service that keeps its customers waiting for ages. When the bus finally arrives, it is already full up and there is no time to stop. We call out to the driver, ‘Hey there!’, but he passes us by, just as the Government intend to do with this Bill. Ministers—even very popular Ministers—can hardly plead circumstances beyond their control, because the coming election has been on everybody’s minds since Mr Brown became Prime Minister. Nor is this a minor measure, worthy only of a fag-end Parliament” (HL *Hansard*, col 1008). She concluded by saying these measures should be examined “properly” in the new parliament (HL *Hansard*, col 1009).

### **25th March 2010**

Meg Russell and Meghan Benton, of the UCL Constitution Unit, published a paper commissioned by the House of Lords Appointments Commission. The paper, *Analysis of existing data on the breadth of expertise and experience in the House of Lords* (March 2010), sought to identify “gaps in knowledge or expertise in order to better inform future appointments” (*ibid*, p 4) and found that “areas which appear less well represented include architecture and engineering, transport, non-higher education, the leisure industry, science and local authority administration. There are very few peers with manual trades backgrounds” (*ibid*, p 5).

### **6th April 2010**

In answer to a written question from Lord Morris of Aberavon about reducing the number of people recommended by the Prime Minister for peerages, Baroness Royall of Blaisdon stated: “The position on the creation of new peerages remains as currently provided for until such time as Parliament decides differently” (HL *Hansard*, col 409WA).

### **7th April 2010**

Following the announcement by the Prime Minister that the General Election would be held on 6th May 2010, the Committee and remaining stages of the Constitutional Reform and Governance Bill were concluded in the House of Lords. Opening the Committee stage of the Bill, Lord Bach announced he had had “extremely constructive discussions with a number of Members of the House. As a result of those discussions, the Government now propose to proceed with the Constitutional Reform and Governance Bill this evening but to leave out a number of clauses” (HL *Hansard*, col 1609). This, he said, included all the provisions that would apply to the House of Lords apart from those relating to the tax status of Members. Lord McNally, for the Liberal Democrats, confirmed his agreement but added his party felt dropping the provision for enhancing the House’s disciplinary powers was a “tragedy” (HL *Hansard*, col 1609). For the Conservatives, Lord Strathclyde said “we have signed up to this agreement, as we have to the whole of the wash-up. I know that there is concern about one of the clauses in Part 5, on the expulsion and suspension of Members of Parliament who have behaved

badly. It is not vital that it should be passed today. If we are the next Government, we will certainly wish to find an early opportunity to put this right” (HL *Hansard*, col 1610).

When the clauses relating to the House of Lords were formally put, in particular clauses 53 and 54 which would have ended the hereditary by-elections and allowed for the expulsion and resignation of Members, several Members expressed disappointment they were to be dropped. However, Lord Bach, for the Government, said that “if we had insisted on that clause in this wash-up period, the price would have been no Bill, which it is hoped there will be by the end of tonight, and there may well have been no other Bills that the Government wanted to get through in the last few days of this Parliament. So one has to make a choice” (HL *Hansard*, col 1630).

The House of Lords Committee on the Constitution published a transcript of its meeting on 10th March 2010 with Lord Jay of Ewelme, the Chair of the House of Lords Appointments Commission. The session covered issues including placing the Commission on a statutory basis, which Lord Jay supported. Lord Rodgers of Quarry Bank (Liberal Democrat) asked about the Commission’s role with regard to any prospective dissolution/resignation list of new Members following the General Election. Lord Jay answered:

What we have done is we have written to all the political parties drawing their attention—and I have mentioned this in my contacts with the political parties—to the need to ensure that in the party political nominations that come forward they are taking account of the need to play a part in the life of the House of Lords and also to meet certain basic criteria, which I think are commonly regarded as being necessary to be a Member of the House of Lords. Ultimately, the names that are put forward we will consider at the Commission to ensure that they meet the criteria for propriety. We would hope that the parties themselves would look very carefully at the names that they put forward, rather than, as it were, asking us to do so for them. So there would be two bites at that cherry; there would be the party leaders looking at issues of propriety, then there would be the Commission looking at issues of propriety.

(House of Lords Committee on the Constitution, *Meeting with the Chairman of the House of Lords Appointments Commission*, 7th April 2010, session 2009–10, HL Paper 109, p 3)

## **8th April 2010**

The House of Commons considered the Lords amendments to the Constitutional Reform and Governance Bill. In accepting these amendments Jack Straw, the Lord Chancellor, argued that “the wash-up, by definition, inevitably involves a compression of the legislative process, and business can get through only by agreement”. He added that “in their lordships’ House, that agreement requires not only a majority vote but widespread consent across the Chamber. We were faced with a situation where a number of Back-Bench Members had tabled amendments to delete every single clause. As a consequence, we were faced with difficult but inevitable choices that involved discussions with those Members, party leaders and the leader of the Cross-Bench group to arrive at an accommodation” (HC *Hansard*, col 1203). Dominic Grieve (Conservative) elaborated on his role in the agreement with the Lord Chancellor, saying “we worked together very amicably to narrow the areas of difference ... I pointed out to him at the outset that my own information coming down from the other place was that whatever we agreed would almost certainly not be sufficient to meet the objections of some of their

lordships” (HC *Hansard*, col 1206). David Howarth, one of several Liberal Democrats who criticised the agreement, said the handling of the Bill had been “catastrophic” (HC *Hansard*, col 1207).

Following agreement to a number of consequential amendments on the Bill’s return to the House of Lords, Royal Assent was granted (HL *Hansard*, col 1738).

### **12th April 2010**

Parliament was dissolved.

