



HOUSE OF LORDS

Library Note

Proposals for the Reform of the Composition and Powers of the House of Lords, 1968–1998

This Library Note sets out in summary form major proposals since 1968 for reform of the composition and powers of the House of Lords.

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Introduction

This Library Note sets out in summary form major proposals which have been made since 1968 for reform of the composition and powers of the House of Lords. It updates an earlier Library Note (LLN 1996/003) on this subject and covers proposals made by the end of June 1998. To avoid excessive length, the Note does not examine the reactions to each proposal in detail.

1. Parliament (No 2) Bill 1968–69¹

1.1 Events leading to the introduction of the Bill

In its General Election manifesto of 1966, the Labour Party promised to safeguard measures approved in the House of Commons from frustration by delay or defeat in the House of Lords. This pledge was repeated in the Queen's Speech of 31 October 1967, which also stated that the Government would be willing to enter into consultations appropriate to a constitutional change of such importance. However, in the debate on the Queen's Speech, the Prime Minister, Harold Wilson, made it clear that if agreement between the political parties was not reached in adequate time, the Government would nonetheless go ahead with legislation in the 1967–68 session.

The Inter-Party Conference on House of Lords reform was set up at the beginning of the 1967–68 session and met for the first time on 8 November 1967. It continued until 20 June 1968, by which time proposals had been drawn up but the political parties had not resolved their differences on whether the reforms should be implemented at the end of the session or the end of the Parliament. On 18 June 1968, the House of Lords had rejected the Southern Rhodesia (United Nations Sanctions) Order 1968 which would have given effect to a United Nations Resolution extending the scope of mandatory sanctions against Rhodesia. This was seen as an unprecedented assertion of the Conservative majority in the Lords on subordinate legislation.

Richard Crossman, then Leader of the House of Commons, recalled in his *Diaries of a Cabinet Minister* (vol III) that some members of the Cabinet had wished to introduce a Bill immediately to curb the Lords' powers, but were persuaded by Crossman and others that a curbing of powers would be ineffective without legislation to change the composition of the House. The Cabinet agreed that the all-party talks should be suspended but the proposals so far made for reform would be used as the basis for Government legislation. Thus on 20 June 1968 the Prime Minister announced that: "The deliberate and calculated decision of the Conservative Party to take the action it did on Tuesday [18 June] was in direct contravention of the spirit in which these talks [on Lords reform] were being conducted... there can be no question of these all-party talks, in these new circumstances, continuing... It is the intention of Her Majesty's Government, at an early date of the Government's choosing, to introduce comprehensive and radical legislation to give effect to the intention announced in the Gracious Speech" (HC *Hansard*, vol 766, cols 1315–16).

The Queen's Speech opening the 1968–69 session again pledged legislation on the composition and powers of the House of Lords, and on 1 November 1968 the Government published a white paper on House of Lords Reform (Cmnd 3799). This set out the proposals begun by the Inter-Party Conference and completed by the

¹ In preparing this section, reference was made to the paper 'The Attempted Reform of the House of Lords 1964–69' by Michael Wheeler-Booth, *Table 38*, 1969.

Government. It explained the rationale for change, namely:

- that the present composition and powers of the House of Lords prevented it from performing its essential role as a second chamber in the framework of a modern parliamentary system as effectively as it should; and
- that the right to vote derived from succession to a hereditary peerage and the permanent majority for one political party were inappropriate to modern conditions.

1.2 The white paper's proposals

1. Membership of the House

New Peers would continue to be created by the Queen on the recommendation of the Prime Minister, who would consult with leaders of the other parties where relevant. Although the hereditary peerage system would remain in place, future Peers by succession would not be entitled to a seat in the House of Lords. Current Hereditary Peers would be able to remain as members. The number of Bishops would gradually be reduced from 26 to 16 as individuals retired, but with the Archbishops of Canterbury and York and Bishops of London, Durham and Winchester continuing to take their seats, and with the possibility of future reform of this position following the impending report of the Commission on Church and State.²

2. Voting rights and political balance

The House of Lords would be a two-tier house with voting and non-voting members. Non-voting members would have the same rights as voting members to ask questions and move motions and amendments and sit on Committees. All created Peers would be able to apply for the vote, provided they met the condition of attending no less than one third of sittings (including Committees) per session, and subject to retirement at the end of a parliament in which they had reached the age of 72.³ Ministers would be exempt from these conditions, as would all serving Law Lords. Retired Law Lords would be entitled to vote subject to meeting the age and attendance conditions. The Archbishops of Canterbury and York and Bishops of London, Durham and Winchester would be exempt from the attendance conditions for voting, and would continue to retire at the age of 70, as was the normal practice for Bishops.

The existing Peers by succession would be non-voting members of the House, but some would have life peerages conferred upon them to give voting entitlements, subject to the age and attendance conditions. It was envisaged that 80 new Life Peers would initially be created, largely drawn from current Hereditary Peers. This would create a voting House with about 230 members. The government of the day would have a right to a majority of voting members of about 10 per cent of the combined strength of the opposition parties, but not an overall majority of the House when those without party allegiance were taken into account.

² See no 7 below.

³ It was proposed that this age restriction would not be introduced immediately, but would come into effect at a later date, thus allowing experienced older members of the House to remain active during the transition to the new structure.

A Committee would be appointed to review the composition and size of the House, the balance between the parties, the independence of the Cross-Bench Peers, and the representation through members with appropriate knowledge and experience of Scotland, Wales, Northern Ireland and the regions of England.

3. Powers and functions

Under the Parliament Acts of 1911 and 1949 the House of Lords had powers to delay Public Bills⁴: a Bill passed by the House of Commons but rejected by the House of Lords in one session could only become law if it was passed through the Commons again in the next session, with not less than one year between its Second Reading in the Commons in the first session and its passing in the Commons in the second session. The white paper proposed that these powers of delay should be altered. If a disagreement occurred between the Houses during the progress of a Public Bill, after six calendar months the Bill could be presented for Royal Assent, provided the House of Commons had passed a resolution that it should be presented. The six month period could run over a Prorogation or a Dissolution. The House of Lords would have 60 parliamentary days to consider a Bill, and in the case of a disagreement any subsequent consideration would count as part of the six month delay period.⁵

In the case of statutory instruments, which could be annulled by the House of Lords under its existing powers, the white paper also proposed a change. The passing of a resolution by the Lords for the annulment of a statutory instrument laid before the House would not render the statutory instrument immediately ineffective; the House of Commons would consider the instrument and its decision would prevail. An instrument approved by the House of Commons and subsequently rejected by the House of Lords would be treated as approved by both Houses once the Commons had confirmed its approval.

Judicial business would remain unchanged.

4. Other proposals

The issue of remuneration for voting Peers would be referred to an independent body.

A review would be undertaken of the functions and procedures of both Houses after the main reforms had come into effect.

Peers, whether members of the House or not, would be able to vote in parliamentary elections.

Future Peers by succession and current Hereditary Peers who renounced their membership of the House of Lords would be able to stand for election as Members of Parliament without renouncing their peerages.

⁴ Excluding Money Bills, over which the Lords had no right of amendment or veto, and Bills to extend the duration of a Parliament, over which the Lords had an absolute veto.

⁵ Days not comprised in a period when both Houses were adjourned for more than four days.

1.3 Progress of the Bill

The white paper was debated in both Houses and was approved by a majority of 195 in the Lords and 111 in the House of Commons. The Parliament (No 2) Bill⁶ embodying the white paper's proposals was introduced in the House of Commons on 19 December 1968. In his speech to move the Second Reading of the Bill, the Prime Minister stated that the white paper's proposals for consideration of remuneration for Peers were not included in the Bill. He also restated the Government's wish to implement the changes in the Bill at the end of the session, but accepted that the issue of timing could be a matter for debate in the Committee stage of the Bill (HC *Hansard*, 3 February 1969, vol 777, cols 53–6).

The Bill received its Second Reading on 3 February 1969, and was referred to a Committee of the Whole House due to its constitutional nature. By 17 April 1969 the House of Commons had spent over 80 hours in Committee and had debated the Preamble and 5 out of 20 Clauses in the Bill. On that day the Prime Minister made a statement in the House of Commons about the Bill:

The Government have... decided not to proceed further at this time with the Parliament (No 2) Bill in order to ensure that the necessary Parliamentary time is available for priority Government legislation.

(HC *Hansard*, 17 April 1969, vol 781, col 1338)

2. Parliament (No 3) Bill 1968–69

The Parliament (No 3) Bill was introduced by Robert Sheldon MP in the House of Commons on 18 February 1969. It was a Bill to remove the delaying powers of the House of Lords after the end of the third year of any Parliament. It was not printed.

3. Parliament (No 4) Bill 1968–69

The Earl of Dalkeith MP introduced a Bill in the House of Commons on 4 March 1969 to require with immediate effect the affirmative vote of two-thirds of the elected Members of Parliament for the enactment of any measure seeking to change the constitution in respect of the composition of either House of Parliament. Debate on Second Reading began on 18 April 1969 but was adjourned and never resumed.

4. Parliament (No 5) Bill 1968–69

This Bill was also introduced on 4 March 1969, by Robert Sheldon MP, and like the Parliament (No 3) Bill it proposed removing the delaying powers of the House of Lords after the end of the third year of any Parliament. In addition to restricting the House of Lords' powers of delay for Bills, it withdrew the Lords' powers to delay or affect the course of subordinate legislation at any time. The Bill did not proceed further.

5. Parliament (No 6) [HL] Bill 1968–69

Lord Alport introduced the Parliament (No 6) Bill, identical to the Government's Parliament (No 2) Bill, in the House of Lords on 21 April 1969. It only received a First Reading after the House had divided 54 to 43. Lord Alport withdrew the Bill on

⁶ Lord Mitchison had on 7 November 1968 introduced a Private Member's Bill entitled the Parliament Bill [HL] which would alter the powers of the House of Lords. This Bill made no progress after First Reading.

8 May 1969, but initiated a debate on the subject on the same day in which he expressed regret at the failure of the Parliament (No 2) Bill and emphasised the need for reform of the House of Lords.

6. Parliament Bill [HL] 1969–70

Lord Mitchison introduced a Bill to remove the Lords' powers to delay and reject legislation on 30 October 1969. A Bill approved by the House of Commons, provided it had been sent to the Lords at least one month before the end of a session and the House of Commons did not direct otherwise, would be presented for Royal Assent. The House of Lords would have a maximum of three months to consider a Bill. The House of Commons would be able to reject or ignore amendments made by the House of Lords, and statutory instruments would require approval by the House of Commons only. The Bill did not proceed further.

7. Church and State (Report of the Archbishops' Commission, 1970)

The Archbishops' Commission on Church and State, chaired by Revd. Professor Owen Chadwick, was appointed in 1965 by a resolution of the Church Assembly to recommend changes in the constitutional relationship between Church and State. In its report, the Commission argued that religious groups were significant in national life and should be represented in the House of Lords just as various other interests were. The Commission accepted the view, put forward in the white paper of 1968 on House of Lords reform, that the number of Bishops seated in the House should be reduced in the context of a general reduction in the size of the House. It proposed that such a reduction of Bishops' seats should make available seats for other religious leaders. The Commission was divided on the matter of appointment of Bishops by the Crown on the advice of the Prime Minister. If its proposal to retain this method were followed, a fixed number of Bishops could sit, *ex officio*, in the House of Lords (each having the power to decline the seat, as suggested in the 1968 white paper) and other religious leaders could be appointed as Life Peers. If, however, the Commission's alternative proposal for Bishops to be chosen by election were accepted, either the existing arrangement for Bishops' seats in the House could be maintained, or a new system could be established for the Crown to appoint all representatives of religion on the same basis.

8. House of Lords Reform Bill 1970–71

On 27 April 1971 Sir Brandon Rhys Williams MP proposed a motion to bring in a Bill to remove the entitlement to vote in the House of Lords from Hereditary Peers by succession. These Peers would be able to take an otherwise full part in proceedings of the House, and the Bill proposed that Hereditary Peers by succession should not be barred from having life peerages conferred upon them, so that active members of the House could in this way retain their vote. The voting rights of Hereditary Peers by first creation would not be affected. The motion was agreed to but the Bill did not proceed further.

9. 'The House of Lords' (Lord Shepherd, *Parliamentarian* 53, January 1972)

Lord Shepherd, Deputy Leader of the Opposition in the House of Lords, noted the increasing concentration of power and influence within the government and executive, and the increase in delegated and subsidiary legislation. It was necessary to consider how the function of the House of Lords might be developed to help the Commons and to provide parliamentary control and scrutiny. However, the hereditary succession to a vote in the House of Lords and the permanent majority for one political party would need to be changed to make such a development of the House of Lords' role possible.

Lord Shepherd examined the advantages and disadvantages of abolition, elected membership and nomination of different types. He settled in favour of a nominated House, with nominations lasting for longer than one Parliament so as to safeguard Peers' independence and avoid an increase in patronage. The government of the day would be entitled to a small majority over the other parties, with the balance held by Cross-Benchers. In order to attract the right membership, the Lords should retain some powers of delay—sufficient to cause the government and Commons to think seriously before proceeding and to seek agreement on points of dispute. The degree of powers retained by the House of Lords must depend on how its composition was settled.

Lord Shepherd stressed the need for the United Kingdom to have an effective two chamber Parliament, and called for both Houses to cooperate in seeking agreement on how they could work together most effectively.

10. House of Lords Reform Bill 1972–73

Sir Brandon Rhys Williams MP introduced a Bill identical to his House of Lords Reform Bill 1970–71 on 4 December 1972. It did not proceed further.

11. 'The Parliamentary System' (HL *Hansard*, 22 May 1974, vol 351, cols 1439–532)

Viscount Hanworth initiated a debate on the parliamentary system, reflecting on what changes might be necessary to improve the functioning of democracy. He argued that gradual alterations to the House of Lords should be made to ensure that no drastic measures were taken and that its best features were preserved. In practice the House worked very well, but it must be accepted that the hereditary principle was indefensible. Viscount Hanworth wished to see more young members of the House and consideration of remuneration for Opposition Front Benchers to ease their recruitment. In order to reduce party political influence, the House of Lords could have a completely free vote at all times. Viscount Hanworth recommended that an all-party Commission should be established to report in six months.

12. 'House of Lords Reform' (HL *Hansard*, 20 June 1974, vol 352, cols 1073–127)

Lord Willis asked whether the Government had any plans for reform of the House of Lords. He expressed concern that, apart from the Life Peerages Act 1958, no progress had been made on reform of the House. He acknowledged that the existing House worked, despite its anachronistic nature, but pointed to the dangers of complacency and resistance to change. The distrust of the House shown by the House of Commons must be removed, by reform, so that the House of Lords could carry a greater share of the work of Parliament. The House must be reformed in order to be more effective and for its good points to be preserved.

13. House of Lords (Abolition) Bill 1975–76

Dennis Skinner MP proposed a motion to bring in a Bill to abolish the House of Lords on 16 June 1976. The motion was defeated by 15 votes.

14. 'Elective Dictatorship' (Richard Dimpleby Lecture, 14 October 1976)

In the context of a call for a radical overhaul of Britain's constitution necessary to limit the dangers of "elective dictatorship", Lord Hailsham of St Marylebone considered the role and composition of a second chamber. He noted that while the existing House of Lords was not useless, it was not effective in controlling the advancing powers of the executive, and was "arguably less persuasive than a powerful leading article in *The Times*, or even

a good edition of Panorama". He argued that the present chamber must ultimately be abolished or replaced altogether, and stated his preference for replacement. He envisaged a second chamber elected to represent whole regions by some form of proportional representation, with the Commons retaining control of finance and determining the political colour of the executive. As part of a package of constitutional reform, such measures should be implemented by an Act to summon a constitutional convention to discuss and advise; the outcome of the discussions should be put into a Bill which, if passed by Parliament, would then be submitted to a referendum of the whole United Kingdom.

15. Parliament Bill 1975–76

Michael English MP introduced a Parliament Bill on 16 November 1976. This Bill stipulated that the Prime Minister should publish a list of Peers considered to be supporters of the Government. The Leader of the Opposition in the House of Commons should publish a list of Peers considered not to be supporters of the Government, which should not amount to more than 80 per cent of the total of the Prime Minister's list. Only those Peers named would be entitled to vote in the House of Lords, and Peers not named would be able to vote and stand in parliamentary elections. The Bill did not proceed further.

16. House of Lords Reform Bill 1976–77

Kenneth Lomas MP introduced a House of Lords Reform Bill on 26 January 1977. The Bill proposed that hereditary peerages should be phased out with the current title holders. Those Peers by succession who already held a seat in the House of Lords would be entitled to remain, but only Peers of first creation would be able to vote. The future membership of the House of Lords would be selected by the Prime Minister, party leaders and a House of Commons Select Committee from nominations made each year by industry, science, the arts, commerce, political parties and trade unions. The number selected each year would be equal to the number of Peers who had died or renounced their titles in the preceding twelve months. The House of Commons would be able to overrule by resolution a rejection of a Public Bill by the House of Lords after a period of two months, even over a Dissolution or Prorogation. The House of Commons could overrule the House of Lords on subordinate legislation. The Bill did not proceed further.

17. 'Reforming the Second Chamber' (Lord Carrington, *Illustrated London News*, March 1977)

Lord Carrington (then Leader of the Opposition in the House of Lords) identified two problems with the House of Lords: its hereditary system and its inbuilt Conservative majority. He noted recent difficulties for the Lords in adhering to the constitutional convention, known as the Salisbury Doctrine, whereby the House of Lords accepted the Government's mandate to introduce legislation outlined in its Election Manifesto when the Government in question did not command a majority in the House of Lords. He also noted the danger of an extreme government elected on a minority vote being able to pass radical legislation, with no constitutional safeguards. He therefore argued that a second chamber must have more authority, more power and a politically credible composition, and concluded that this should be achieved by having an elected second chamber, elected on a different franchise and at a different time from the House of Commons. The House of Commons would prevail, but the second chamber would have powers of delay long enough that an extremist government's proposals would be difficult to implement, at least not without gauging public opinion first.

Lord Carrington proposed a second chamber elected regionally by proportional representation, with a third of members retiring every two or three years, and with its powers to delay legislation and act as a constitutional safeguard restored as they were after the 1911 Parliament Act.

18. Reform of the House of Lords: Practical Proposals for a Strong Second Chamber (Jacques Arnold, April 1977)

Jacques Arnold, Banking Director and member of the Bow Group, put forward in a personal capacity proposals for a new second chamber whose members would be representatives of “various strands of our public life”. He identified the need for reform from the Labour side because the Lords were opposing their legislative plans and from the Conservative side as a response to the public mood desirous of safeguards to prevent a minority Government pushing through extremist and irrelevant legislation.

Arnold’s second chamber would continue to be called the House of Lords and its members would be known as “Lords of Parliament”, with the initials LP after their names. The hereditary and created peerage system would continue separately and Peers would be able to vote and stand in parliamentary elections. The Lords of Parliament would consist of county representatives: representatives nominated by the House of Commons each session in proportion to Commons party strengths; representatives of Hereditary Peers; representatives of Peers by creation; representatives of the established Churches; Law Lords: representatives of university graduates; all members of the European Parliament; the Prince of Wales; the Dukes of Edinburgh, Gloucester and Kent: and former Prime Ministers, Chancellors of the Exchequer and Foreign Secretaries, if not serving in the Commons.

Arnold calculated that on current strengths independents would probably hold the balance in the House. He argued that because the House would possess a new legitimacy, it should have greater powers: if a Public Bill (Money Bills excepted) were rejected by the Lords, the Commons could only prevail by a vote in the first session of a new Parliament.

19. ‘The House of Lords needs reform but first we must decide what its job is’ (Lord Winstanley, *The Times*, 10 August 1977)

Lord Winstanley set out from the premise that the House of Lords did its job quite well; but that it was necessary to consider whether that job needed doing at all, or could be done better by a differently constituted body. It was important to be clear about what a second chamber would do before deciding who should serve and how they should be chosen. A unicameral system was susceptible to domination by an extremist group and the United Kingdom should therefore retain a two chamber system, but the second chamber should have a more proactive role than just slowing down change and placing restrictions on the other chamber.

Lord Winstanley acknowledged that the hereditary principle was difficult to defend, although it seemed to produce members as good as and sometimes better than those elected. He was in favour of an elected House—one advantage being that elected members could be removed if necessary. The election should be on a regional basis and by proportional representation, with a system of electoral colleges based on age, occupation or other groupings to encourage useful people to stand who would not do so via a normal party hustings system.

20. 'Reform of the House of Lords' (Lord Chalfont, *Parliamentarian* 58, October 1977)

Lord Chalfont noted the objections of the House of Commons during the previous autumn when the Lords had insisted on amendments to Government Bills, thus delaying their passage into law. He argued that the idea of a massive inbuilt Conservative majority was misleading, since the ratio of Conservative to Labour amongst those Peers who attended regularly was only 1.2 to 1. He identified the need to decide what the functions of a second chamber should be and then decide on the changes needed to achieve those functions.

Lord Chalfont argued that an elected upper House would become a rival to the Commons, and a membership nominated for one parliament in line with party composition in the Commons would simply reproduce the Commons and make Peers dependent on a party for retention of their seat. The House of Lords should have a high degree of independence and make a positive contribution to good democratic government. The two-tier plan proposed by the Government's Parliament (No 2) Bill in 1968–69 was the most appropriate system for the present functions of the second chamber; alternatively, the functions of the chamber could be changed in line with the various proposals for national and regional devolution of powers. Reform should concentrate on the composition and powers of the House, not its traditions.

Lord Chalfont concluded that, should it prove impossible to agree an effective system of reform, it would be better to leave things substantially as they were.

21. *Inside Right: A Study of Conservatism* (Sir Ian Gilmour, now Lord Gilmour of Craigmillar, October 1977)

The author held that the House of Lords should be strengthened by becoming a predominantly elected body, preferably on a regional basis for six years with a third of members elected every two years. The belief that an elected second chamber would usurp the place of the Commons was ill-founded. For the sake of continuity, some of the present hereditary and Life Peers should be included in the reformed House, and members of the European Parliament probably should also be *ex officio* members. The House's existing powers to delay Bills should be extended to two years.

22. 'Reform of the House of Lords: Another View' (Lord Boyd-Carpenter, *Parliamentarian* 59, 1978)

Lord Boyd-Carpenter responded to Lord Chalfont's article of the preceding year. Unlike Lord Chalfont, he did not endorse the proposals of the Parliament (No 2) Bill of 1968–69, which he saw as giving substantial powers of patronage to the party machines. He argued that the current composition of the House was well suited to its current functions, with a large membership and lenient demands on attendance so that members actively engaged in other roles could contribute their knowledge and experience.

Lord Boyd-Carpenter argued in favour of continuing hereditary membership of the House of Lords because created Peers tended to be older and large amounts of routine work necessary to the operation of the House were undertaken by young Hereditary Peers who felt that they had inherited a moral obligation along with their title. The removal of the—in his view theoretical—danger of "backwoodsmen" being brought in against a non-Conservative government would remove powers which would only ever be used to deal with a government acting dictatorially, leaving the Crown as an exposed defence against revolutionary activities. Furthermore, a future government assured of a voting majority in

the Lords would be able to override the existing safeguards against the deferment of a General Election.

Lord Boyd-Carpenter suggested that the procedure and composition of the House could be improved in limited ways—for example by having more Ministers in the House, renewing the creation of hereditary peerages, and making heads of other communions and faiths and significant figures, such as the Governor of the Bank of England and the General Secretary of the TUC, members of the House. He concluded, however, that the House of Lords worked well enough in its present form and its reform should be very low on the agenda of reformers.

23. 'The Machinery of Government and the House of Lords' (Labour Party Statement by the National Executive Committee, 1978)

The Statement opened by confirming the Labour Party's belief that the House of Lords was "an outdated institution, completely inappropriate to a modern democratic system of government". Noting that the House of Lords had no longer limited itself to the role of revising chamber accepting the government's mandate, it proposed abolition as the most straightforward and practical course. The ensuing problems of too much work for the Commons and too much power for the executive could be remedied by reform of the House of Commons itself, and by the development of other means for revising legislation—for example the establishment of a special Select Committee to consider Bills which had received their Third Reading.

The Statement went on to consider the most suitable form for a second chamber, if one were to be retained. Its delaying powers should be curtailed so that amendments and rejection of Bills by the House of Lords could be negated by an overriding vote in the House of Commons in the same session. The Commons would have sole power to pass subordinate legislation, but the Lords would continue to have a scrutinising role, submitting its views to the Commons for consideration.

On the question of composition, the National Executive Committee ruled out the possibility of an elected second chamber (which would be more likely to challenge the Commons) or a chamber with representation (which would involve patronage and, due to the chamber's limited powers, would not attract the most able and suitable candidates). Phasing out of hereditary peerages, while favourable as an interim measure, would still leave an appointed House whose members owed their existence to patronage, and which was therefore unacceptable in the long term. Total abolition was therefore the best solution. The loss of the Lords' veto on the extension of a Parliament could be remedied by making extension subject to approval by a referendum or, in wartime, by a two-thirds majority in the House of Commons.

24. Reform of the House of Lords (Interim Report of a Liberal Party Working Group, 1978)

The Working Group was set up in July 1977 by Liberal Peers and the Liberal Party's Machinery of Government panel, and chaired by the seventh Lord Henley and subsequently by Lord Airedale. In the context of Liberal policy for a new constitutional settlement with a federal system of government, the report set out some ideas for consultation within the party about the future of the House of Lords. It argued that a second chamber was necessary and would continue to be so within a federal system. The largest element of membership of the second chamber should be elected, by proportional representation on a regional basis. A number of other members, particularly for work on Committees, would be elected on a different basis. Members of the European Parliament could be made *ex officio* members of the second chamber, as

could former holders of offices such as Speaker; and there would be limited places for a few former MPs and prime ministerial nominees. There might occasionally be grounds for granting life membership, but normally it would be on a fixed term with staggered elections. The powers of the House would remain the same until such time as the constitution was reformed, giving the House very different functions.

25. 'The Case for a Stronger Second Chamber' (Ronald Butt, *People and Parliament*, 1978)

Ronald Butt's paper was prompted by the belief that the House of Lords must be considered in any examination of the relationship between Parliament and the public. He noted the loss of strength and effectiveness of the House of Lords since the previous century and identified the substitution of life peerages for the hereditary principle as the cause of its final loss of political credibility—patronage could not be seen as any more democratic. He advocated reform of the composition of the House to provide a credible and publicly respected chamber which could then take on a stronger constitutional role.

The House of Lords should be a mainly elected chamber. The system of election should not be such that it could rival the House of Commons' authority. Election could be on a local authority basis to represent the regions of the United Kingdom, with a longer term than the House of Commons and staggered elections. Should a local authority basis prove impossible, Lord Bryce's proposal of 1918—that the majority of the second chamber should be elected by members of the House of Commons acting together in geographical groupings—could be adopted.

The Law Lords, and some judges, should be members of the second chamber. A small proportion of the membership should be nominated by the Prime Minister and leaders of the opposition parties, perhaps on the advice of a special panel. Nominations could also be made by the TUC, CBI and professional organisations.

In the case of Bills which had been certified by a special court as being of constitutional importance, the new House would have powers of delay for the full length of a Parliament. The House would largely take on the role of scrutinising the executive through a system of Committees, but finance would remain a preserve of the House of Commons.

26. *House of Lords Reform?* (Report by the Constitutional Committee of the Society of Conservative Lawyers, 1978)

This report examined the possibilities for reform of the House of Lords partly in order to stimulate discussion, and partly in response to the Labour Party's declared policy in favour of a unicameral system. It argued that because of the composition of the House of Lords, its current powers were difficult to use and to increase them would be even more difficult. The group was strongly in favour of a bicameral system, and proposed an elected Senate as second chamber. 300 members would represent a maximum of 100 multi-member regional constituencies, elected by proportional representation on a six year term, with a third of the membership elected every two years. There would be a compulsory retirement age and modest remuneration—membership would not be intended to be a full-time occupation.

The Senate would retain its role of revising draft legislation. Bills could only be referred back to the House of Commons after a vote in the Senate where a high proportion of the total membership had voted in favour of rejection or amendment, and in the case of Finance Bills, according to various minimum percentages of the Senate membership which would vary with the life of the Parliament. If the Commons would not accept the

Senate's view, a second vote would take place in the Senate. If this vote rejected the Bill again, the Government would be able to resort to a Joint Vote procedure under which the matter would be decided by a simple majority of votes cast in both Houses.

The Lord Chancellor would continue to preside over the second chamber, and judicial business would be continued as at present by a "House of Lords", but without judgments being handed down in the Senate. The peerage system would continue without its legislative functions. Any proposals for a substantial change in the constitution should be subject to a referendum and require a wide margin of support amongst the electorate.

Two members of the group issued a minority report, stating that the House of Lords should remain as a non-elected body, with the hereditary peerage system in place, without a retirement age, and with Life Peers appointed by the Prime Minister to include a number appointed because of their services or positions in trade unions, industry, academia, professions, etc. The delaying powers of the House might be extended in future.

27. *Life is Meeting* (Lord Hunt, 1978)

In the chapter 'What Price Democracy?' of this autobiographical work, Lord Hunt set out his personal view of a reformed second chamber. He maintained that reform of the House of Lords could not take place without first making the House of Commons more representative of the electorate through some form of proportional representation. That having been done, the powers of the present second chamber should be removed to give a new Senate no powers of decision or delay. The members of the Senate would apply their wisdom and knowledge to important issues and undertake the Committee stage of revising and advising on draft legislation (from Europe as well as the House of Commons). It would also take on the role of appointing Royal Commissions and similar bodies.

As the Senate would be at one remove from party politics because of its lack of powers, members of the Senate could be selected by an all-party Committee of the House of Commons or Privy Counsellors chaired by the Prime Minister, who would have no personal patronage. Individuals would be appointed on merit and could include trade union and religious leaders and eminent people from different professions, but would not include politicians retiring from the Commons. Membership would be for a fixed term with an upper age limit of 75, and would be remunerated. The peerage system could continue without the right to a seat, and the Senate would remain the final Court of Appeal.

28. *The House of Lords: Report of the Conservative Review Committee* (March 1978)

The Conservative Review Committee was appointed by Margaret Thatcher in January 1977 to consider the future of the House of Lords. The report began by outlining the need for the Conservative Party to examine this issue because of the Labour Government's hostile attitude towards the Lords' use of their revising powers, and because of the perceived drift towards elective dictatorship. The report recognised that the status quo was virtually impossible to defend and, while the present House of Lords was too weak to be an effective constitutional safeguard, its powers could not be significantly increased without a change in composition.

The Review Committee examined various alternatives and settled in favour of a House composed by a mixture of election and appointment. Its size would be limited to about 430 members, two-thirds of whom would be elected by proportional representation for a

nine-year term, with elections staggered for every three years. A third of the membership would be appointed by the Crown on the Prime Minister's advice, also for a (renewable) nine-year term. The Prime Minister would have to consult a small Committee of Privy Counsellors, which would include senior representatives of the main parties and would be able to make recommendations as well as providing advice. At the initial transition, the nominated group would consist of all current Life Peers and 50 Hereditary Peers, who would sit for life but have no right of succession. This would provide continuity with the existing system. Once the numbers of this group fell below a third of the total House new appointments could be made. Sixteen Bishops and 12 Law Lords would be members of the House. Members would be paid and could be known as "Lords of Parliament". The peerage system could continue separately, with Peers able to vote in parliamentary elections and those not members of the House of Lords able to stand for the Commons.

The powers of the House of Lords to delay legislation could be restored to a two-year period as after the 1911 Parliament Act, perhaps restricted so as to apply only after the third year of a parliament. In order to safeguard the bicameral system, there would be an unqualified requirement for the House of Lords to give consent in respect of any change to its own powers. Provision would be made for the establishment of a Mediation Committee which would seek to resolve differences between the two Houses of Parliament.

29. House of Lords (Abolition) Bill 1977–78

Dennis Canavan MP introduced a Bill to provide for the abolition of the House of Lords on 25 July 1978 in the House of Commons. The Bill was not printed.

30. *Abolish the House of Lords!* (Lord Briginshaw, 1979)

Lord Briginshaw noted the Lords' blocking of Bills such as the Trade Union and Labour Relations (Amendment) Bill in 1975 as one example of the House of Lords' considerable powers to damage, mutilate and delay measures passed by the Commons. He argued that a single chamber legislature was both possible and desirable, and that the House of Lords should be abolished, once the House of Commons had been reformed. This reform would include establishing revising machinery within the Commons and setting up an electoral college for Committee procedures.

31. 'Can the House of Lords Lawfully be Abolished?' (Peter Mirfield, *Law Quarterly Review* 95, January 1979)

Peter Mirfield, Lecturer in Law at the University of Leeds, argued that recent debate on abolition of the House of Lords had ignored the question of legality. He contended that Parliament, whether by normal procedure or under the terms of the 1911 and 1949 Parliament Acts, could not lawfully abolish the House of Lords in its legislative capacity. The fundamental rule of the constitution, that "whatever the Queen in Parliament [the Queen, House of Commons and House of Lords acting together] enacts is law" depended for its existence on fact not law; it was a statement of the relationship between the courts and Parliament whereby the courts enforced that which the Queen in Parliament enacted. Therefore the fundamental rule could only be altered by the practice of the Courts and not by an Act of Parliament, such as an Act to abolish the House of Lords. The Courts might well enforce legislation passed by the House of Commons alone after such an Act, but the continuity of the legal system would be broken as a result.

The legal position was further complicated by the likelihood that a Bill for abolition would have to be passed under the procedures of the 1911 and 1949 Parliament Acts. Although the 1911 Act did not specifically exclude Bills for the removal of the House of Lords (just as it did not exclude Bills to amend itself, such as the subsequent 1949 Parliament Act), it provided for legislation to be passed without the consent of the House of Lords on the basis that a second chamber continued to exist. Its provision that Bills to extend the life of a parliament could not be passed by the House of Commons alone would be nullified by the abolition of the second chamber. In passing an Act for such abolition, the House of Commons would be using the procedure of the Parliament Acts to destroy that procedure itself.

Mirfield noted that to try to abolish the House of Lords would place the judiciary in an extremely difficult position. A judge who rejected the “Abolition Act” as invalid would logically have to reject also the provisions of subsequent Acts passed without reference to the House of Lords; a clash with the Government would be inevitable.

32. *A Time for the Lords?* (Association of British Chambers of Commerce, February 1979)

The Chamber of Commerce proposals arose out of the problems for industry and commerce of an excess of often ill-prepared legislation, passed without consultation of those who would be responsible for its operation in practice. In order to restore parliamentary sovereignty, the House of Lords should take the initiative in strengthening scrutiny and enhancing its own revising role. The House should direct that all Bills other than Money Bills should be put through a Select Committee, which would take evidence from Ministers, civil servants and other interested parties on proposed legislation. The passage of a Bill, subject to the Commons agreeing in principle to its proposals, would start in the House of Lords and proceed to the Select Committee after Second Reading. The Bill would be amended and sent to the Commons, where it would proceed through to Third Reading and then be returned to the Lords for debate on amendments and final consent.

33. *House of Lords (Reform) Bill 1978–79*

Kenneth Lomas MP introduced this Bill on 19 February 1979. The right of Hereditary Peers to vote would be abolished, and hereditary peerages would end with the current title-holder (except in the case of the Royal Family). The number of Bishops would be reduced to ten, voting Peers would receive a salary of not less than two-thirds of an MP’s salary, and appointments to the House would be made by the leaders of all parties having more than ten members in the House of Commons, together with a House of Commons Select Committee. The delaying power of the House of Lords would be reduced to two months, and the House of Commons would be able to overrule the Lords on approval of statutory instruments. The Bill did not proceed further.

34. ‘*Is the House of Lords Immortal?*’ (George Winterton, *Law Quarterly Review* 95, July 1979)

George Winterton, Senior Lecturer in Law at the University of New South Wales, disputed the view of Peter Mirfield given earlier in the year. Winterton argued that there were no serious obstacles to legal abolition of the House of Lords, whether the Act of abolition were passed by the Lords or without their consent under the procedure of the Parliament Acts. Mirfield had argued that a literal interpretation of the 1911 Parliament Act—that it did not explicitly exclude a Bill to remove the House of Lords’ legislative powers from its provisions—was inappropriate. While this argument might have political force, it had no legal significance. Indeed, there was nothing to prevent the House of

Commons from using the procedure of the Parliament Acts to enable all Bills to be subject to that procedure, and then abolishing the House of Lords by the amended procedure. Moreover, de facto abolition could be achieved by abolishing the peerage system to leave the House without members, or by amending the Parliament Acts to enable Bills to be presented for Royal Assent immediately on approval by the Commons, thus depriving the Lords of any legislative business.

35. Reform of the House of Lords: Discussion Documents (Conservative Parliamentary Constitutional Committee, February 1980)

The group appointed a sub-committee in July 1979 to prepare discussion papers on House of Lords reform. Two papers were produced. The first argued the need for a second chamber with the confidence to exercise powers of restraint against an extreme government elected on a minority vote. Such confidence would arise from its democratic foundations. At least two-thirds of its members would be elected, by proportional representation on a staggered election basis. Between 200 and 300 elected members could be chosen through election based on the 81 Euro-constituencies, or 100 could be elected on a county and metropolitan authority basis. The non-elected membership would consist either of Prime Ministerial appointments or a number of existing Peers elected from among their number. Members could be known as “Lords of Parliament” and the hereditary system could continue separately. The powers of the House would be restored as before the 1949 Parliament Act, to two years’ delay, but a change to the constitution or powers of either House would require majority support in both Houses.

The second paper argued that removal of the inbuilt Conservative majority was essential for the House to become effective again, but that sweeping change would divide the Conservative party. The House should remain non-elected and have about 400 members, 100 of whom would be chosen by Hereditary Peers from their number at the beginning of each Parliament, 150 would be appointed for distinguished service to the nation on a renewable fixed term, and 150 would serve *ex officio* during their term as Bishops, Law Lords, TUC representatives, County Council chairs, etc.

36. House of Lords (Elections) Bill 1979–80

Sir Brandon Rhys Williams MP introduced a Bill on 8 February 1980 to provide for the election of members to the House of Lords. 243 “Elected Lords of Parliament” (ELPs) would be added to the current membership, elected for a five-year renewable term by the single transferable vote in five-yearly elections. There would be 79 constituencies returning three members each (nine members in the constituency of Northern Ireland). No other members of the House of Lords would be able to vote in any division in the House or in a Committee. The Bill did not proceed further.

37. House of Lords (Abolition) Bill 1979–80

Jeffrey Rooker MP proposed a motion to bring in a Bill to abolish the House of Lords on 6 May 1980. The motion was defeated by 98 votes.

38. A Reformed Second Chamber (Labour Party House of Lords Reform Committee, May 1980)

The group examined the options for reform in the light of a Labour Party Conference proposal for abolition and the support for a second chamber elected by proportional representation from leading members of the Conservative Government. It proposed that Hereditary Peers by succession would have no right to a seat in the Lords (but could be nominated as Life Peers). Peers of first creation, Life Peers, Law Lords and Bishops

would remain members. From their number a body of about 250 voting Peers would be selected to reflect party balance in the House of Commons and to include Cross-Bench representation. Each party in the Lords would choose its voting Peers. For new creations, a list of nominees would be drawn up by a Select Committee of the House of Commons chaired by the Prime Minister, who would make the final selection. A Public Bill rejected by the House of Lords (except one to extend the life of a parliament) would be passed by a simple resolution of the House of Commons, and House of Lords decisions on Private Bills and subordinate legislation could also be overruled by the Commons.

39. Address by Enoch Powell MP to the Leicester Junior Chamber (16 May 1980)

Reflecting on recent renewed interest in reform of the House of Lords, Enoch Powell argued in favour of maintaining the status quo. Proposals for a second elected chamber were not viable in a non-federal state where the two chambers would inevitably rival each other; and nomination of any variety resulted in an “obsolescent or obsolete membership”. Abolition was not an option, he argued, because of the political convenience of the House of Lords for all governments—for example it could rid a Labour government of commitments it had brought into office without embarrassment and providing in itself a useful scapegoat. The irrationality of the House was precisely a justification for its existence, since the whole constitution rested on such foundations.

40. Constitutional Referendum Bill [HL] 1979–80

Lord Alport introduced a Bill on 2 June 1980 which provided that a constitutional referendum had to be held before a Bill containing provisions for the abolition of the House of Lords could proceed to a Second Reading in either House of Parliament. The Bill did not proceed further.

41. *The Need to Retain a Second Chamber* (Viscount Eccles, Lord Drumalbyn, Lord Boyd-Carpenter, Earl of Lauderdale, October 1980)

The authors presented a personal response to the Labour Party’s announced intention to abolish the House of Lords. They argued that a single chamber system would open the way to dictatorship and that Bills would be steam-rolled through without sufficient revision. The independence of the judiciary and the contribution the Law Lords and the Lords Spiritual made to the work of Parliament would be lost. The House of Lords played an essential role in the scrutiny of legislation, and the argument for reform arising from its political imbalance was no longer valid as Cross-Benchers held the balance of those who attended debates. The House of Lords was doing a good job and should be retained.

42. Constitutional Referendum Bill [HL] 1980–81

Lord Alport introduced a Bill on 25 November 1980 which provided that a constitutional referendum had to be held before a Bill containing provisions for the abolition of the House of Lords, or for a substantial reduction of its legislative powers, could proceed beyond Second Reading in either House of Parliament. Lord Alport’s Bill received a Second Reading without a division on 8 December 1980, but did not proceed further.

43. ‘Abolishing the House of Lords’ (Lord Crowther-Hunt, *The Listener*, 4 December 1980)

In a discourse originally broadcast on BBC Radio 3, Lord Crowther-Hunt responded to the Labour Party commitment to abolition of the House of Lords. He argued that

abolition was not desirable, as it would lead to a loss of constitutional safeguards, and perhaps not possible, as the Queen might not permit a change which might in future force her to act regularly against her own government in the constitutional interests of her people. Lord Crowther-Hunt argued that rather it should be recognised that the House of Lords enhanced the quality of democratic government and had a crucial role to play in a country without a written constitution. Although there was a powerful case for reforming its composition, this should be done in the context of reform to the system of government as a whole.

44. *How to abolish the Lords* (Stuart Bell, September 1981)

Stuart Bell, a local councillor, barrister and Labour parliamentary candidate (now MP for Middlesbrough), examined the possibilities for abolishing the House of Lords in the context of the Labour Party's declared intention to do so. He found that there were too many legal, constitutional, legislative and political stumbling blocks in the way of total abolition without replacement; any attempt to make such a change would lead to a constitutional crisis and the likelihood of a General Election. He therefore proposed a new second chamber, to be called the Upper Chamber, with a clearly established separate role from the House of Commons. Its 328-strong membership would be elected by proportional representation, on the basis of Euro-constituencies each returning four members, two every two years, for a four-year term. Elections would coincide with local elections. Members would have to be aged 35 or over. Bishops and Law Lords would not have seats. The Law Lords would operate separately as a Supreme Court of Judicature, with the Lord Chancellor's responsibilities being transferred to the Home Office or a new Ministry of Justice.

The new Upper Chamber would have delaying powers of six months on Bills except Money Bills. It would retain the current powers over a Bill to extend a parliament. Some members could be given Government portfolios. As well as including plans for reform in its General Election manifesto, Labour should, once elected, hold a referendum so that it would be given a mandate to undertake reform even if it were necessary to invoke the procedure of the Parliament Acts to get a Reform Bill passed.

45. *Constitutional Referendum Bill* [HL] 1981–82

Lord Alport introduced a Bill on 18 November 1981 which provided that a constitutional referendum had to be held before a Bill containing provision for the abolition of the second chamber or reduction of its legislative powers could proceed beyond Third Reading in the House of Commons. After debate, the Bill received a Second Reading on 14 December 1981. Lord Alport moved to adjourn the Committee stage on 22 February 1982, after an amendment was passed which provided that the referendum should be held after the Bill in question had passed Third Reading in the Lords as well.

46. *House of Lords Reform* (Scottish Young Conservatives, December 1981)

The report by the Scottish Young Conservatives perceived a need for House of Lords reform because of the likelihood that a Labour government would abolish it altogether on the grounds of making Parliament more democratic. It was necessary to give the House of Lords a stronger democratic standing so that its role as a final constitutional safeguard would not be threatened. The report proposed a House with 400 members, two-thirds elected and one-third nominated. The elected members would be elected by proportional representation in geographical constituencies at the time of local elections, with a six-year term and elections for a third of the representatives every two years. The nominated element would initially be elected by present Peers from among their number, and future appointments would be made by the Prime Minister on the advice of a

Committee of Privy Counsellors, for a 12-year term. To aid transition, all other present members of the House would be allowed to attend but without voting rights or the right of succession, and—unlike voting members—without a salary. Members would be called “Members of the Lords” (ML) and along with MPs would have the right to vote in elections for both Houses, but not to sit in both. Law Lords and Bishops would remain members, but there would be a review of the establishment of the Church of England. The peerage system would continue separately.

The new House would be able to delay legislation for one session of Parliament, and would have a veto over Bills to extend a Parliament or alter the powers and composition of Parliament. The Lords would also have the power to require a referendum on other constitutional matters.

Change should be undertaken gradually, and could begin with a reduction of the active membership of the House by the selection of about 400 Peers to whom voting rights would be limited.

47. ‘The House of Lords’ (Donald Shell, *The Politics of Parliamentary Reform*, 1983)

Donald Shell maintained that overall the House of Lords performed its functions well, and any attempts at abolition would weaken Parliament. However, its composition needed to be changed. The hereditary element was plainly anomalous and should be removed, although the peerage system could remain without the right to a seat in the House. An entirely nominated House would be unwise, but some nomination should continue, and the rest of the members should be elected from regional constituencies on a system of proportional representation.

48. *The Reform of the House of Lords* (Conservative Action for Electoral Reform, April 1983)

The Group’s sub-committee, chaired by David Knox MP, submitted a report proposing reform of the House of Lords. A new second chamber should be entirely elected in order to achieve legitimacy. Elections would take place with local council elections, using Euro-constituencies each returning six members to give a 500-member chamber. The single transferable vote method would be used, and elections would be staggered so that every two years one-third of the constituencies would elect their representatives. No Bishops or Law Lords would have seats in the chamber, although they might be retained in a House of Lords reconstituted without legislative functions.

The reformed chamber would have powers to delay legislation and prevent the extension of a Parliament in line with the 1911 and 1949 Parliament Acts. In addition, no abolition of the second chamber could take place without the agreement of both chambers. A Constitutional Committee, consisting of the Speakers of each chamber and the Lord Chief Justice, would be able to certify a Bill as constitutional; the second chamber would have a delaying power of a maximum two years on such a Bill.

49. Election of a House of Parliament Bill 1982–83

Michael English MP introduced a Bill on 11 May 1983 to provide for the democratic election by proportional representation on a list system of a Senate to replace the House of Lords. The Bill did not proceed further.

50. *Unfinished Business: Proposals for the Reform of the House of Lords* (Nicholas Paget-Brown, September 1983)

Nicholas Paget-Brown, a member of the Bow Group and City businessman, identified the reform of the House of Lords as a major political issue in the light of the prospect of abolition by a future Labour Government. The political composition of the current second chamber was affecting its essential constitutional functions. The House should be reformed gradually, eventually having the majority of its members elected. Its powers should remain unchanged.

Initially, Hereditary Peers would elect 35 of their number as voting members of the House; the rest could attend without voting rights, and without right of succession for their heirs. Hereditary Peers would be able to vote and stand in parliamentary elections. All existing Life Peers would be invited to serve in the new House, but voting rights would be dependent on an undertaking to attend a quarter of all sittings. The life peerage system would continue but the number of creations each year would be limited and appointments would be subject to endorsement by the Political Honours Scrutiny Committee. Law Lords and Bishops would remain members.

The elected members should number 300 to form the eventual majority of the House, with nominated Peers stabilised at 150-200 after the transition period. Election would be on exactly the same terms as the House of Commons at the same General Elections.

51. 'Public Bills: Procedure' (HL *Hansard*, 3 November 1983, vol 444, cols 642–60)

Lord Diamond recommended that voting on amendments at the Committee stage of major Public Bills should be restricted to selected members of the House. The House, on recommendation of the Committee of Selection, would select these members with regard to their qualifications for the subject matter of the Bill and in proportion to votes cast at the most recent General Election. Cross-Benchers would also be included in the selection. Lord Diamond's aim was to remedy the major criticism of the House of Lords—its composition—without undertaking the full reform which had so far proved impossible. He suggested a Select Committee might be set up to consider his proposal in detail and report back to the House.

52. Hereditary Peerages Bill 1983–84

Willie Hamilton MP introduced a Bill on 23 February 1984 which provided for the abolition of hereditary peerages. No new hereditary peerages would be created, and existing ones would cease to exist after the current title-holder. The Bill was prompted by the creation of hereditary peerages in 1983 and 1984 after nineteen years during which this power had not been exercised.⁷ The Bill did not proceed further.

53. 'Peers Rights' (HL *Hansard*, 3 April 1984, vol 450, cols 682–99)

Lord Jenkins of Putney asked the Government to consult opposition parties with a view to setting up a Select Committee to consider whether the inheritance or grant of a peerage should continue to confer the right to take part in proceedings of the House of Lords. He suggested that only those Peers who currently took part in proceedings should continue to hold voting rights, and in future Peers should be divided between those who voted and those who did not, with no hereditary succession to the right to vote.

⁷ According to Robert Blackburn, 'House of Lords Reform' (*Public Law* 187, 1988).

54. Protection of the Constitution Bill 1984–85

Patrick Cormack MP proposed a motion on 8 May 1984 to bring in a Bill which included provision for the reform of the House of Lords. The number of Hereditary Peers would be limited to 200, elected from their number at the beginning of each Parliament in proportion to votes cast at the General Election. 400 Life Peers would serve on a ten-year term and the number of new creations each year would be restricted. *Ex officio* members would include leading figures from industry and local government. The motion to bring in the Bill was defeated by 123 votes.

55. 'Parliamentary Role of the House of Lords' (HL *Hansard*, 19 December 1984, vol 458, cols 656–85)

Lord Houghton of Sowerby argued that the House of Lords should be allowed to get on with its job without talk of reform or abolition. There was no longer an inbuilt Conservative majority; the House of Lords was needed as a restraint on elective dictatorship, but it did not need more power. The House needed to work out its position within the modern parliamentary system, ignoring any resentment shown by the House of Commons and fulfilling its powers as a constitutional element of Parliament.

56. Reform of the House of Lords Bill 1984–85

Dr John Marek MP introduced a Bill on 14 February 1985 to provide for a second chamber elected from the regions. The House would consist of 400 regional representatives, elected every five years on the first Thursday in May, by a single transferable vote system. Thirteen regions would return not less than 15 members each, the number determined by the size of the region. Members would receive the same salary and allowances as the House of Commons. The Second Reading debate on the Bill was adjourned and not resumed.

57. Reform Bill 1984–85

Tony Benn MP introduced a Reform Bill on 24 May 1985. The Bill provided that the House of Lords would cease to exist on the day the Act came into force. Its functions would be transferred to the House of Commons, except judicial functions, which would be transferred to the Judicial Committee of the Privy Council. The Speaker of the House of Commons would have sole responsibility to advise on the dissolution of Parliament. The peerage system (except in respect of the Royal Family) would be abolished. The Bill did not proceed further.

58. Parliament Bill [HL] 1985–86

Lord Perry of Walton introduced a Bill to amend the 1911 Parliament Act on 11 February 1986. The Bill empowered the House of Lords to delay a constitutional Bill which affected the role of Parliament for five years and one day from the date of its passing in the House of Commons, so that it could not be passed in the life of one parliament. The Speaker would consult with the Lord Chancellor, the Prime Minister and the Leaders of the Opposition parties before certifying a Bill as constitutional. After debate, the Bill received a Second Reading on 12 March 1986, but did not proceed further.

59. 'Parliamentary and Democratic Systems of the United Kingdom' (HL *Hansard*, 12 February 1986, vol 471, cols 231–62)

In a debate on the case for making changes to the parliamentary and democratic systems of the United Kingdom if they were to endure, Viscount Hanworth drew attention

to the question of reform of the House of Lords. He argued that although many members felt it worked very well at present, the danger of it being abolished to leave a single chamber legislature made reform necessary. However, he proposed that any reforms of the House of Commons should be made first so that the second chamber could be designed to be complementary to it, not potentially antagonistic.

60. Amendment of the Constitution of the House of Lords (Bishops) Bill 1985–86

Richard Holt MP introduced a Bill on 19 February 1986 to make the House of Lords more representative of the range of denominations and faiths in the United Kingdom. Twelve of the Anglican Bishops would be replaced by representatives such as the Moderator of the Church of Scotland, the Archbishop of the Church in Wales, the Chief Rabbi and the Primate of All Ireland. The Bill did not proceed further.

61. ‘The Joy of Decent Obscurity’ (John Biffen MP, *Guardian*, 9 May 1988)

John Biffen (now Lord Biffen) argued that a constructive view of the House of Lords should be taken. It worked successfully to amend legislation, and its Select Committee scrutiny of European directives was excellent. It did not seek to exceed its authority and was able to exert influence without confrontation. Although its membership was an anachronism, attempts to reform the composition of the House would cause anxiety that more power would be sought or exercised. The Lords should take on an increased role with regard to the European Community, especially in preparation for the Single European Market, with more Ministers being appointed from the Lords to take on this work.

62. ‘Power House’ (Lord Scarman, *Guardian*, 6 June 1988)

Lord Scarman saw a need for reform of the House of Lords as part of a modern definition of the powers of government, and as a way of preventing the dangers of “elective dictatorship”. The House of Lords must be democratically composed so that its powers could be restored. Members would be elected by proportional representation for a fixed term, with staggered elections. Constituencies could be based on the churches, business, professions, industry, trade unions, social workers, ethnic groups etc. as well as regional representation. The system of appointment by the Crown acting on the advice of the Prime Minister should remain in place.

A Joint Parliamentary Committee should be established to review membership of the House of Lords and draw up proposals for reform. In the meantime, however, a new Parliament Bill should be introduced to ensure that amendments to the constitution could not be passed without the assent of both Houses.

In a letter to the *Guardian* on 9 June 1988, Lord Jenkins of Putney supported Lord Scarman’s proposals for reform. However, he maintained that the House of Lords in its existing form should not be given a veto over constitutional change, and that this matter should also await the recommendations of the Joint Parliamentary Committee.

63. ‘Peers’ Voting Rights’ (HL *Hansard*, 8 December 1988, vol 502, cols 719–51)

Lord Stoddart of Swindon asked the Government to bring forward a Bill to place a restriction on the right of Peers to vote in divisions on the basis of a minimum attendance. He had tabled the question following the vote on 23 May 1988 on an amendment to the Local Government Finance Bill 1987–88 (introducing the community charge), in which a large number of Conservative Peers who did not regularly attend the House had taken part. He proposed that an attendance record of 33 per cent of sittings

should be required, as had been set out in the 1968 white paper on House of Lords reform.

64. 'Devolution to defend the nation against elective dictatorship' (Roy Hattersley MP, *The Independent*, 30 December 1988)

Roy Hattersley argued that the Upper House should be reformed in the context of devolution of centralised power to national and regional assemblies. The House should be democratically elected, either directly by regions or indirectly from the assemblies. It would safeguard the devolution itself and act as a check on the power of central government.

65. Reform of the House of Lords Bill 1988–89

Graham Allen MP introduced a Bill to provide for a directly elected House on 18 October 1989. The House of Representatives would have 625 members elected from the same constituencies and by the same electoral process as the House of Commons. Elections would take place every two years at the same time as local elections, with one-third of members elected every two years. Members would receive the same salary and allowances as Members of Parliament. The Bill did not proceed further.

66. Reform of the House of Lords Bill 1989–90

On 8 January 1990 Graham Allen MP introduced a Bill identical with his Reform of the House of Lords Bill 1988–89, except that it explicitly provided for holders of hereditary and life peerages to be allowed to stand for election to the new House. The Bill did not proceed further.

67. 'The Constitution: Powers of a Second Chamber' (HL *Hansard*, 25 April 1990, vol 518, cols 606–37)

Lord Simon of Glaisdale called attention to the appropriate powers and constitution of a second chamber within the British Constitution. He raised the matter not because of dissatisfaction with the existing system, but because the proposals for alteration which had been floated needed proper consideration and debate. He argued that, assuming the House of Commons remained unaltered and continued with the first past the post system of election, the second chamber should not be wholly elected. It could be elected in part by proportional representation on a regional basis. He felt that the non-elected part should continue to have a hereditary basis, perhaps recruited like the former representative Peers of Scotland and Ireland. The present system of appointment should be maintained as it was, not expanded to represent the TUC, CBI, university vice-chancellors etc.

68. 'The House of Lords: A Parliamentary Symposium' (Lord Hailsham of St Marylebone, Baroness Seear, Alistair Darling MP, Patrick Cormack MP, Lord Willis, Lord Macaulay of Bragar, *House Magazine*, 2 October 1990)

Lord Hailsham argued that the House of Lords should be retained because it worked well and was essential for the amount of business going through Parliament. Its "indefensible" composition in fact allowed it to work without rivalling the House of Commons. Reform could be undertaken in the future as part of wide-ranging constitutional reforms.

Baroness Seear proposed a second chamber called a Senate, with an elected membership, which would be part of a federal system. As well as regional

representation its membership would include members of the national and European Parliaments, and the existing Cross-Bench element should also be incorporated. Because of its democratic credentials, the Senate would be able to challenge the House of Commons more vigorously.

Alistair Darling MP argued that a second chamber was essential and all its members should be directly elected in order to achieve democratic legitimacy. The peerage system could continue without the right to a seat. In order to safeguard the constitution, the elected second chamber should be able to delay legislation affecting the constitution for the full term of a parliament, so that the Government would have to seek a mandate for its proposals at a General Election.

Patrick Cormack MP proposed that the present House of Lords should be maintained but made more efficient and broadly representative by “careful pruning and skilful grafting”. The number of Peers allowed to vote should be 650, equal to the membership of the House of Commons. 100 of the voting Peers should be chosen at the beginning of each Parliament by Hereditary Peers from among their number. Another 400 voting Peers should be chosen from the Life Peers, 150 from the Cross-Benches and 250 selected by their party colleagues in proportion to the vote at the last General Election. The creation of new Life Peers would be limited to 25 in any Parliament and required to be in line with voting at the most recent General Election. Bishops and Law Lords would retain their seats and 21 Members of the European Parliament, elected among themselves, would have a seat. *Ex officio* membership would be established for positions such as chairs of statutory bodies, local government and religious leaders—the choice would be determined by a joint Lord Chancellor’s and Speaker’s Conference. Members of the second chamber would be called Senators.

Lord Willis argued the case for “improving” rather than reforming the present House of Lords. The hereditary privilege would be phased out by removing the vote from current Hereditary Peers and abolishing the right of succession to a seat in the House. The loss of younger members could be counterbalanced by appointment of some younger Life Peers. Life Peers would be created annually by an independent commission, chaired by a judge, and would include an independent element and political appointments to reflect party strengths in the House of Commons.

Lord Macaulay argued in favour of maintaining a second chamber. He considered that it was constitutionally wrong for Law Lords to vote in the House on legal reform measures. The right of Bishops to sit in the House should also be reviewed, and Hereditary Peers should not have the right to vote in the House. There should be remuneration for those members involved in the revision of legislation.

69. Reform of the House of Lords Bill 1990–91

Graham Allen MP introduced a Bill to provide for an elected second chamber on 13 December 1990. The Bill was identical to his previous Reform of the House of Lords Bill 1989–90 except that it provided for the new chamber to have 650 rather than 625 members (in line with the increase in the House of Commons). The Bill did not proceed further.

70. *The Preservation of the House of Lords* (Lord Sudeley, The Monday Club, April 1991)

Lord Sudeley argued that the hereditary membership of the House of Lords should be retained and its powers restored. The 1911 Parliament Act had emasculated the powers of the House, and the 1958 Life Peerages Act had weakened the House and created a

constitutional imbalance. Lord Sudeley proposed that the creation of life peerages must cease, and only very occasionally should new hereditary peerages be granted for exceptional services to the Crown. The peerage should not be weighted in support of a particular political faction. The House of Lords should resume the role, recommended by Lord Salisbury at the end of the nineteenth century, whereby Peers resisted legislation which they judged unwanted by the public.

71. Commonwealth of Britain Bill 1990–91

Tony Benn MP introduced a Bill on 20 May 1991 to establish a democratic, federal and secular Commonwealth of Britain. The House of Lords would be replaced by a House of the People whose members, half men and half women, would be elected on a four-year term to represent England, Scotland and Wales in proportion to their populations. The House of the People would elect 12 of its members to serve in a Council of State alongside 12 members elected from the House of Commons. A separate High Court would be established. Peerages and other titles would not be recognised in law and no further titles would be conferred.

Bills could be introduced in either House. The House of the People could amend Bills but the House of Commons would be able to reject the amendment and its decision would be final. A Bill rejected by the House of the People could be enacted if the House of Commons passed it again after one calendar year. The House of the People could delay a statutory instrument for one month, after which a resolution of the House of Commons could bring the instrument into effect.

The provisions of the Bill would form a new constitution, subject to approval by referendum to be held after the Bill was enacted. Future changes to the constitution would also require agreement of both Houses of Parliament and approval by referendum. The Bill did not proceed further.

72. 'Time to Reform the Lords?' (Lord Denham, *The Field*, November 1991)

Lord Denham contended that the House of Lords worked very well as an independent revising chamber. The hereditary system was useful in causing the House of Lords to use its powers with moderation. The inherent Conservative majority meant that there was less party politics and more cross-party voting than there would be in a more balanced House. Abolition was not a practical option, since the House of Commons would then have to be reformed to such an extent as practically to build a new second chamber within its framework. A system of patronage could be argued to be just as unacceptable as an hereditary system. Therefore the House of Lords would have to be elected in some manner, on a different basis from the House of Commons. With its composition legitimised, the new House of Lords should have effective powers to act as a check on the executive.

73. 'Constitutional Reform in the United Kingdom: an Incremental Agenda' (Frank Vibert, *Britain's Constitutional Future*, December 1991)

Frank Vibert stated that an elective membership, possibly from central lists of candidates, might provide a useful starting point for electoral reform. Since party lists were likely to include candidates who had been appointed Life Peers, such a system would provide a degree of continuity in membership between the existing and reformed House. It appeared fruitful to consider a different role for the House, which would not lead it into conflict with the Commons, but which would nevertheless provide for improved government processes. Its role might include: greater scrutiny of matters pertaining to Europe and the European Union; a larger role in the review of

administrative law, delegated legislation and the functioning of bodies operating with delegated powers or with quasi-legal or regulatory authority; a role in monitoring the application of a bill of rights or the European Convention on Human Rights, if incorporated into British law; a role as a constitutional court, if a written constitution was adopted.

74. 'Reforming the House of Lords' (Ferdinand Mount, *The British Constitution Now: Recovery or Decline?*, April 1992)

In a study of constitutional trends, Ferdinand Mount argued that the House of Lords should be reformed. Its unrepresentative nature prevented it from playing a substantial part in the body politic. Its party composition need not reflect that of the House of Commons, but should not violently contradict it. This could be achieved by electing a representative number of Hereditary Peers with a quantity of Life Peers reinforced by representatives of the counties or regions, together with representatives of the CBI, TUC and other similar organisations. A Judicial Committee of a reformed House of Lords should act as a constitutional court of last resort, in which government actions or Bills could be challenged. However, making the Lords a legitimate revising chamber was dependent upon reform of the House of Commons, as the Commons would not accept a more independent, revising second chamber unless it itself became less fettered by the executive.

Mr Mount also set out his views on reform of the House of Lords in a Charter 88 Trust lecture, 'The Recovery of the Constitution', on 11 May 1992.

75. Reform of the House of Lords Bill 1992–93

Graham Allen MP introduced a Bill to provide for an elected House of Representatives on 16 June 1992. Unlike his previous Bills for reform of the House, it specified that members of the House of Representatives should be elected by a system of proportional representation, rather than by the method currently used for parliamentary elections. The Bill did not proceed further.

76. Hereditary Peerages Bill [HL] 1992–93

Lord Diamond introduced a Bill on 29 October 1992 which gave the Queen powers to amend the letters patent of any Hereditary Peer who so requested, so that the peerage would in future pass to the eldest child, whether male or female. After debate, Second Reading was deferred by an amendment agreed to on division 60 to 33. The Bill did not proceed further.

77. Commonwealth of Britain Bill 1992–93

Tony Benn MP introduced a Bill on 14 December 1992, identical to his Commonwealth of Britain Bill 1990–91, to provide a new constitution which would include the establishment of a House of the People to replace the House of Lords. The Bill did not proceed further.

78. Second Chamber (Reform) Bill 1992–93

Peter Hain MP proposed a motion to bring in a Bill to provide for the replacement of the House of Lords by a second chamber on 31 March 1993. The second chamber would be known as the Senate, and its 425 members would represent regional constituencies based on Euro-constituencies. Selection would be by regional list nominated by political

parties, with members returned in proportion to the votes cast in the most recent General Election. The motion was agreed to on division but the Bill did not proceed further.

79. ‘The “Salisbury Doctrine”’ (HL *Hansard*, 19 May 1993, vol 545, cols 1780–813)

Lord Simon of Glaisdale drew attention to the fact that, as a result of its composition and powers, the House of Lords did not fully deploy the legal powers at its disposal. He noted the increasing extent of subordinate legislation and the need for it to be scrutinised carefully. He urged that the House should be prepared to delay consideration of a statutory instrument or to pass motions recommending amendments in a statutory instrument. Referring to the Salisbury Doctrine, whereby the House of Lords would not delay legislation mentioned in the Government’s General Election manifesto, Lord Simon argued that the House should ignore this convention in the case of Bills which were “quite outrageous constitutionally” or when insufficient time for discussion had been allowed to the Lords. Lord Simon hoped that the hereditary principle would continue, perhaps by a system of representation as was the former practice for Scottish and Irish Peers.

80. *Reforming the Lords* (Jeremy Mitchell and Anne Davies, June 1993)

Proposals for a reformed House of Lords were drawn up as a contribution to the wider debate about reform of political institutions in Britain. The second chamber would be a Senate with 300 members, paid in line with MPs’ salaries. Thirty members (one-tenth of the membership) would be appointed by the Prime Minister on the recommendation of a Committee of both Houses chaired by the Speaker of the Senate. Appointment would be for a nine-year non-renewable term, a third of members appointed every three years.

The 270 elected members would be returned by 15 regions each electing 18 members by proportional representation. They would also serve a nine-year term with one-third elected every three years. This system would be phased in over six years, so that in the first and fourth years of the new Senate only a third of members would be elected and appointed each time, the remaining members being drawn from the existing House of Lords and retiring by the seventh year.

The judicial functions of the House would be removed and a separate Supreme Court would be established. The Lord Chancellor would be replaced by a Minister of Justice and the Senate would elect a Speaker. The honours system could continue separately and Peers would be able to vote and stand in parliamentary elections. Ceremony need not be abandoned; the state opening of Parliament could take place with both Houses assembled in Westminster Hall.

The Senate would retain a similar relationship with the House of Commons as before, except that the two chambers would have equal powers on constitutional matters and the Senate would have a special responsibility for human rights. The delay period set out in the Parliament Acts would start from the date of disagreement between the chambers rather than the date the Bill was introduced. The delaying powers would also apply to subordinate legislation, for which the former House of Lords’ powers of veto would be abolished. The Committee work of the Senate would be expanded, with a rationalised Committee structure and the ability to summon Ministers and to co-opt Committee members from outside the Senate. The Senate could also monitor and approve public appointments.

81. *The House of Lords: Into the 21st Century?* (Commoners, July 1993)

Commoners, an organisation launched in 1993, sought reform of the House of Lords as part of its aims for reform of the honours system. It called for a discontinuation of feudal titles by the year 2000. The House of Lords would be reconstituted from that year. Its powers and relation to the House of Commons would remain the same, although some conventions, such as reference to “the other place”, should be dropped.

The new House would be called the Third Chamber. It would have 500 members called Voting Peers (VP), consisting of 150 political members, 150 occupational members, 150 elected members, and a Senate of 50 members over retirement age. Remuneration for members should be considered.

Current political Peers who met a voting requirement (for example a minimum average of 20 votes per year over 5 years) would automatically qualify as political members of the new chamber, and the rest of the 150 would be selected from Hereditary Peers by political parties in proportion to seats held in the House of Commons. Future replacements would be elected by the Third Chamber from lists put forward by the parties, in line with votes at the most recent General Election.

The occupational members (who would be able to take a party whip if they wished) would initially be drawn from Life Peers (subject to voting record) and would include the Law Lords and ten Bishops. The rest would be chosen from Hereditary Peers by a Committee of senior members, chaired by the Prince of Wales. This Committee would also select future members as *ex officio* representatives of the CBI, TUC, police, army, arts, health and social services, minority communities etc.

The elected members would stand on a personal rather than political manifesto for a term of not more than ten years. Constituencies would be regional with a residence requirement and pledges of support and contribution to election expenses from at least 100 residents (this requirement would not apply to current Peers at the first election).

Political and occupational members would retire at age 75. The Senate of 50 members would initially be drawn from current members over 75 (elected by voting Peers). Retiring members would be able to join the Senate if places were available (if necessary a ballot would be held). Hereditary Peers under the age of 75 who met the voting requirements but had not been selected for political or occupational membership and did not stand for election, would be able to participate fully in the chamber until 2005.

82. *Report of the Working Party on Electoral Reform* (Labour Party, July 1993)

The Working Party on Electoral Reform, chaired by Professor Raymond Plant (now Lord Plant of Highfield), was established by the Labour Party National Executive to consider which electoral system was appropriate to elections to a number of national and regional parliaments and assemblies, including the second chamber. The Working Party concluded that there was a strong case for different forms of election to the second chamber and the House of Commons. It suggested that some form of list system offered the clearest possibility of a regional basis of representation in the second chamber. It might also be possible to compel political parties to draw up lists on a democratic basis, such as a regional delegate conference. The Working Party used an example of the application of a regional list system to a second chamber to be composed of around 320–330 members. Members would be elected for the regions and nations of the United Kingdom. The Working Party noted that it had been argued that the presence of nominated representatives would allow for areas of expertise to be represented and allow individuals to participate who might have a valuable contribution to make in a

revising chamber, but who might not wish to stand for election. However, it pointed out that this would involve a continuance of present arrangements; and would not seem to be consistent with the democratic objective of securing an elected second chamber.

83. Hereditary Peerages Bill [HL] 1993–94

Lord Diamond introduced a Bill on 18 January 1994 to provide that, on the death of the present holder of a hereditary peerage, the letters patent would be amended so that the peerage would in future pass to the eldest child (or other relative) whether male or female. Unlike his previous Bill, this Bill did not provide for the title holder to have a choice about whether to make this change. However, to avoid causing injustice to existing male heirs, two exceptions would be made to immediate change. An existing heir apparent over the age of 18 would succeed to the title, the amendment taking place for subsequent successions. In the case of an heir presumptive, the Bill proposed a postponement of ten years before the letters patent were amended. After debate, Second Reading was deferred by an amendment agreed to on division by 74 to 39. The Bill did not proceed further.

84. ‘A superior class of Lords’ (Rt Rev Hugh Montefiore, *The Independent*, 4 February 1994)

The Rt Rev Hugh Montefiore, formerly Bishop of Birmingham, maintained that reform of the House of Lords was essential to remove the hereditary right to a seat, and to clarify the relationship between the House and the House of Commons. He proposed a House with the same functions as currently existed, but with its powers clarified, so that the Lords could defeat legislation not part of a Government’s manifesto and amend any draft legislation except Money Bills without being seen as a challenge to the Government. An elected chamber would be too party political, and second-rate to the Commons, but an appointed chamber would require the establishment of a Committee to make nominations, with the Prime Minister having power of veto. The nature of reform of the House of Lords should be established by inter-party talks in the near future.

85. ‘Looking at the Lords’ (Lord Wakeham, Lord Richard, Lord Hailsham, Lord Cledwyn, Graham Allen MP, Enoch Powell, Lord Weatherill, *House Magazine*, 7 March 1994)

Lord Wakeham argued that the House of Lords worked successfully, complementing the House of Commons. There was little public support for change, and reform of the House of Lords’ composition or powers could not be separated from wider issues of general constitutional reform.

Lord Richard proposed that the hereditary right to a seat in the House of Lords should be removed. A Labour Government should insist on this point; but other reforms should be by consensus. The current effectiveness of the Lords was in part due to its composition: the independence and expertise provided, especially by the Cross-Benchers, should be preserved. The present powers were adequate.

Lord Hailsham argued that the House of Lords should be judged by its utility—and it was doing a good job responsibly. The younger Hereditary Peers who accepted office on the front bench were playing an invaluable part, and the House set an example of rational and civilised discussion of complicated issues. For the time being at least, it should be left intact.

Lord Cledwyn acknowledged that the House of Lords remained an abiding constitutional problem. It performed an essential function but its composition was unfair and

undemocratic. The hereditary principle should be removed. A reformed House should be smaller, with 300 members. If members were to be elected, provision should be made to preserve those Peers who represented varied interests and made an outstanding contribution. An independent inquiry should be set up to examine the composition and functions of the House of Lords and its relation to the House of Commons.

Graham Allen MP declared that the House of Lords would be replaced as part of the agenda of a new Labour Government. He proposed a second chamber elected by a regional list system of proportional representation, for example with 322 members elected from a 135,000 elector quota. The powers of the House would initially be unchanged; in future, mutually agreed changes might be introduced. The timing of reform had to be decided; the Hereditary Peers could be removed first, or immediate full reform could take place, or elections could be held and the new elected members could decide what to do about their unelected colleagues.

Enoch Powell argued that the system of bicameral legislature was accepted by the British people. Both the House of Lords and the House of Commons were the product of the same process of constitutional evolution, and their authority rested on the same foundation of “prescription”—acceptance of that which had come to be over the course of time. Therefore the House of Commons should beware of attacking the House of Lords.

Lord Weatherill admitted that the House of Lords was difficult to defend in democratic terms, but nonetheless it worked. An elected second chamber would seek more powers, and lose the contribution of people of great distinction with outside experience which the life peerage system provided. The hereditary system ensured a balance of younger people. Proper facilities should be provided for Peers to enable the Lords to perform its job effectively, but otherwise the House should be left alone.

86. ‘House of Lords: Constitutional Role’ (HL *Hansard*, 13 April 1994, vol 553, cols 1541–75)

Lord Simon of Glaisdale introduced a debate on the constitutional role of the House of Lords by arguing that the House of Lords was not bound to defer to the views of the House of Commons. The House of Commons was often at variance with public opinion and, except immediately after a General Election, was less reflective of the general colour of political society than the House of Lords. The House of Lords was more independent of the Executive, but it was inhibited from using its full powers by the Government business managers who treated it as a processing machine for Government legislation. Lord Simon hoped that the House would reconsider its conventional practice of not voting against statutory instruments.

87. Hereditary Peers (Democratic Rights) Bill 1993–94

Bruce Grocott MP proposed a motion on 15 June 1994 to bring in a Bill to abolish the right of Hereditary Peers to sit in the House of Lords and to establish their right to vote and stand in parliamentary elections. The motion was agreed to but the Bill was not printed.

88. Speech by Tony Blair MP (15 July 1994)

In a speech setting out a package of constitutional reforms, Tony Blair outlined proposals for the House of Lords as part of an overall reform of the machinery of government. It should be replaced by an elected second chamber. As a minimum first step the hereditary right to a seat would be abolished by a short Bill, passed under the Parliament

Acts procedure if necessary, so that only Peers of first creation would be entitled to attend and participate in House of Lords proceedings.

89. *The State We're In* (Will Hutton, January 1995)

Will Hutton's treatise on political economy argued that Parliament's legislative function and its role as the seat of executive government needed to be formally separated. A single effective reform would be to recast the House of Lords as a proper revising second chamber. It must then have equal power with the Commons to block and amend legislation. The Hereditary Peers would no longer sit and members of the House would be elected.

90. 'The House of Lords' (Lord Houghton of Sowerby, Lord Finsberg, Sir Patrick Cormack MP, Austin Mitchell MP, *House Magazine*, 6 February 1995)

Lord Houghton argued that the House of Lords should be retained to exercise restraint on the excesses of the democratic system and to bring wisdom and experience together to provide influence without power. Attempts at reform should be confined to the problems of the hereditary principle, and careful transition would be necessary. Inter-party cooperation should be sought to avoid the problems which occurred in 1968–69, but if the political parties could not agree then a Royal Commission should be appointed to find a workable scheme within two years.

Lord Finsberg suggested that any reform should consider the powers of the House—increased powers would challenge the House of Commons and an elected second chamber would be in constant battle with the Commons. The hereditary element should be retained but perhaps with voting limited to regular attenders. Members of the European Parliament should be members of the Lords during their term of office, and other communions and faiths should be represented in addition to Anglican Bishops. Any reforms should be undertaken in a non-partisan way, with a Royal Commission appointed to report after 12 months.

Patrick Cormack MP argued that Labour's proposals for constitutional reform would take up too much parliamentary time, and proposed a possible reform to preserve the best features of the House of Lords and attract all-party support. Hereditary Peers would be allowed to select or nominate some of their number at each Parliament, giving a maximum of 150 Hereditary Peers in the House. Appointed Peers should not be exclusively political party supporters or defeated and retired members of the House of Commons. There could be some *ex officio* members and some or all of the Members of the European Parliament could be members during their term of office. The powers of the House would remain unchanged.

Austin Mitchell MP proposed that the right to a seat for Hereditary Peers, Bishops and Law Lords should be abolished. The number of Life Peers should be increased to 600, with a party balance in line with the House of Commons and the Cross-Bench element, selected by a Joint Committee of both chambers, holding the balance of power. The reformed House could be called a Council of State. Because its composition would be more legitimate, it would be more ready to use its powers.

91. 'Why the Lords must face up to change' (Vernon Bogdanor, *Financial Times*, 8 June 1995)

Vernon Bogdanor, then Reader in Government at Oxford University, argued that Labour's proposals to remove the hereditary principle would leave the House of Lords as a massive quango which could too easily be swamped with new Peers if it created

difficulties for the Government. He proposed that “backwoods” Peers should be excluded from the House of Lords. A means of creating more women Hereditary Peers should be found. Patronage should be limited: there should be inter-party agreement on the relative proportion of peerages to be created each year to secure a rough equality between the main parties. Such a House of Lords would complement, rather than compete with, the House of Commons. In the form of Select Committees rather than adversarial party politics, it would bring expertise to bear on public policy.

92. *Second Chamber: Some remarks on reforming the House of Lords* (Earl of Carnarvon, Lord Bancroft, the Earl of Selborne, Viscount Tenby, Douglas Slater, August 1995)

The report was drawn up in response to the Labour Party’s declared intention, if elected, to abolish immediately the right of Hereditary Peers to sit in the House of Lords, and to undertake formal consultations on more comprehensive reform. No specific proposals for reform were provided, but the consequences of abolishing the hereditary principle or otherwise reforming the House were examined.

It was pointed out that a short Bill to abolish the hereditary principle was likely to pass. More comprehensive reform, however, had proved difficult in the past and it was possible that the partially reformed House could endure for some time. Such an appointed House would be unpredictable and might feel freer to oppose the House of Commons. A more even party balance could lead to tighter party discipline. The removal of Hereditary Peers would mean the loss of younger members and the width of originality and experience which currently existed.

The report argued that the removal of Hereditary Peers first, before consultations on full reform, would limit future options. The idiosyncrasy of the composition of the House brought something distinctive to politics, and a rational basis which would retain its best features was needed. There was a danger that piecemeal change would alter the balance of the present House without first determining that the alternative would be as or more effective.

93. *Here We Stand* (Liberal Democrat Federal white paper No 6, August 1995)

Within a programme of constitutional reform, the Liberal Democrats proposed to transform the House of Lords into a directly elected Senate to represent the nations and regions of the UK, with a minority of unelected non-voting members to reflect wider expertise and experience. Senators would be elected for fixed periods of six years. The powers of the Senate would include the ability to delay legislation, other than money bills, for up to two years.

94. ‘Replacing the Lords’ (Dick Leonard, *Political Quarterly*, October–December 1995)

In light of the Labour Party’s plans to remove the hereditary members from the Lords, former Labour MP Dick Leonard argued that this would be missing the opportunity for fuller reform. The new second chamber should not be called the House of Lords; it could be a Senate with Senators. It should be mostly elected, but one-sixth of its members should be co-opted. There would be no transition period as such, but existing members of the Lords could be encouraged to stand as candidates or be co-opted to aid continuity.

The 300 elected members would be returned from regional constituencies by proportional representation, on a five-year term with elections held at the same time as

Euro-elections. The selection of co-opted members would be made by a vote of the Senate which would require two-thirds of those voting to be in favour of the selection. The aim of co-opting would be to supplement the elected membership with persons of particular qualifications, interests, and under-represented geographical, ethnic or gender backgrounds, with most co-optees not politically aligned and the use of co-option to seat defeated candidates not permitted. Elected and co-opted members would have the same voting rights (except in votes on the selection of other co-optees). Elected members would be paid (75 per cent of MPs' salary) and co-opted members would receive an attendance allowance (subject to a minimum attendance requirement).

A new Supreme Court would take on the judicial functions of the House of Lords, and the Senate would elect its own Speaker. The Senate would be able to reject a Bill to extend the life of a Parliament, delay other Bills (except Money Bills) and statutory instruments for three months, and delay to the next Parliament a Bill certified by the Speaker as involving a diminution of the rights of individuals. Pre-legislative Select Committees would be established. Ministers could sit in the Senate, and Ministers from the House of Commons could be invited to address or be questioned by the Senate and its Committees.

95. 'Lord Bancroft Reforms the House of Lords' (Lord Bancroft, *Parliamentary Review*, Winter 1995)

Lord Bancroft, one of the authors of the Second Chamber report, explained his personal proposals for reform. He stressed the need for gradual reform, perhaps over the life of two Parliaments, looked at in connection with other constitutional issues. All-party agreement was essential. He proposed a new House with three elements: elected members, serving a nine-year term, elected by proportional representation with staggered elections every three years; appointed members, selected by a strengthened method of appointment such as a college system; *ex officio* members, such as Bishops or Law Lords or former Cabinet Ministers. Reform of the powers of the House should include development of the Select Committee system to put the knowledge available in the House to use in the study of policy.

96. 'The Restoration of a Parliament' (*Economist*, 4 November 1995)

As part of a series of articles on constitutional reform, the *Economist* argued that reform of the House of Commons was needed before reform of the Lords could take place, since the second chamber was intended to act as a check on the first. Reaching agreement on reform of the House of Lords would be a huge undertaking, but it was impossible to defend the current composition. The removal of Hereditary Peers would not be enough: a second chamber full of appointees and political "has-beens" would not be much better. An elected chamber would have the credibility to carry out functions of revision and delay on legislation, and could be a forum for regional interests if devolution succeeded. The second chamber should be elected on a different cycle to the House of Commons, and could be elected by proportional representation (or, if the Commons were elected by this method, the second chamber could use the first-past-the-post system). The nature of reform would depend on reforms made to the first chamber; indeed, it might be possible to reach Walter Bagehot's utopia where "with a perfect Lower House, it is certain that an Upper House would be of scarcely any value".

97. *The Blair Revolution: Can New Labour Deliver?* (Peter Mandelson MP and Roger Liddle, February 1996)

Mandelson and Liddle argued that the voting rights of the Hereditary Peers should be abolished as soon as possible. A second stage of reform presented difficulties. The

second chamber could contain a directly elected element with a regional component. Alternatively, MEPs could be given the right to sit. This would strengthen links between the UK and the European Parliament and facilitate more effective scrutiny of European legislation.

98. 'The Problem of the Upper House' (Vernon Bogdanor, *Politics and the Constitution: Essays on British Government*, February 1996)

Vernon Bogdanor noted that the Bryce Committee took the view in 1918 that the Lords should be primarily a legislative chamber, whose main function was the revision of Bills. However, the success of the House's Select Committee on the European Communities suggested that its role should be concentrated upon bringing expertise to bear upon issues of public policy. In this role, the composition of the House was well suited to the exertion of influence derived from special knowledge or the representation of interests. The House's legislative role should be exercised by adopting the procedures of the European Communities Committee to domestic legislation, allowing the House to establish special standing committees. In addition, the House had a role in shaping public opinion, particularly on issues which fell beyond the short term. Select committees should be set up to this end, in areas where there were gaps in the scrutiny systems of the House of Commons, such as subjects which crossed departmental boundaries. The Committees on Science and Technology and on Relations between Central and Local Government were good examples of the type of enquiry a reformed House might undertake.

99. The John Smith Memorial Lecture by Tony Blair MP (7 February 1996)

As part of a pledge to carry forward the late John Smith's commitment to constitutional change, Tony Blair set out proposals for reform of the House of Lords. The power of Hereditary Peers could be seen as the least defensible part of the British constitution. The hereditary principle should be removed. Those Hereditary Peers who participated regularly and made a valuable contribution could be made Life Peers. Ultimately an elected chamber would be preferable, although provision could still be made for people of a particularly distinguished position or record to be nominated. Initially the House should be composed of members selected by distinction and merit rather than birth, with better, more open and independent means of establishing its membership. Thereafter, the issue of how to incorporate democratic accountability should be debated.

100. Commonwealth of Britain Bill 1995–96

Tony Benn MP introduced a Bill on 13 February 1996, identical to his Commonwealth of Britain Bills 1990–91 and 1992–93, to provide a new constitution which would include the establishment of a House of the People to replace the House of Lords.

101. *Reform of the House of Lords* (The Constitution Unit, April 1996)

The Constitution Unit was set up in April 1995 as a non-party organisation to conduct an independent inquiry into the implementation of constitutional reform. Its aims were to analyse proposals for constitutional reform, explore the connections between them and to identify the practical steps involved in putting them in place. The Unit's report, *Reform of the House of Lords*, noted that, although there was now a broad political consensus as to the desirability of a bicameral parliamentary system in the United Kingdom, there was no such agreement that the chamber needed was the current House of Lords. One of the difficulties in identifying an 'ideal second chamber' was that there was no agreed role for it within the parliamentary system, nor any clear idea of the intended relationship between the two Houses to use as a starting point. Without common ground as to what

the second chamber was intended to do and some objective evaluation of its performance of those functions, there could be no agreement as to whether the House of Lords was working as well as it might, and therefore whether and how to fix it. Moreover, debate began and ended with the composition of the House, but any satisfactory reform had to start by defining its intended functions, powers and relationship with the House of Commons.

A second chamber that positively complemented, rather than compensated for, the first chamber was more likely to be effective and accepted. The need for, and role of, a second chamber was most readily discernible in federal states like the USA, Australia, Canada and Germany. The composition of a second chamber had to be clearly and deliberately representative if the chamber was to have political authority.

The creation of an elected chamber was likely to involve a process of political negotiation which attempted to establish shared objectives. Mechanisms which had been previously used to consider reform of the House of Lords and other constitutional measures included an Inter-Party Conference, Joint Committees or Conferences of both Houses, a Royal Commission and a Speaker's Conference. However, history suggested that such consultation did not always solve problems. In particular, a Royal Commission was not an appropriate mechanism for resolving the tension between political and constitutional goals. The most productive way forward would be to convene a party leaders' conference on the principles of reform. Its terms of reference could determine the functions of a second chamber; the powers appropriate to the second chamber; the role of the second chamber in relation to the House of Commons and local, regional and international government; the basis on which to select members of the second chamber; and the balance of party power, if not predetermined by the basis of selection. The agreed principles would then be remitted to the Government for further development of the scheme, to be published for wider consultation before introduction of legislation.

It seemed probable that, save for the judicial role of the Law Lords, the current functions of the House of Lords would persist in a reformed second chamber, and be supplemented rather than completely revised. For instance, a new second chamber might be charged with extending liaison with the European Parliament and conducting pre-legislative scrutiny of domestic legislation. It would remain a second chamber responsible for checking, delaying and resisting the actions of the Government. It was likely to have an enhanced role of constitutional surveillance and, in the context of devolution, provide a voice for the regions and nations of the UK at the centre of the political system. The removal of the Hereditary Peers might result in the House feeling more able to use its powers of delay or veto on primary and secondary legislation. The credibility of a predominantly elected second chamber would also depend on the extent of its powers, which should therefore include the power to delay non-financial legislation for as long as the one year currently permitted.

On the composition of the House, the Unit noted that a number of non-legislative changes could be initiated immediately, such as introducing an attendance requirement, making the system of appointments more transparent, and making the balance between the parties more equitable by increasing the numbers on the Opposition benches. It suggested reform of the appointments system to provide for Peers to be chosen by party lists, but with public nominations invited for cross-benchers. Recommendations to the Queen would ultimately be the responsibility of the Prime Minister, but he or she could be required to seek the advice of an advisory body of Privy Counsellors with the criteria for decisions on appointments being published. Party strengths could be determined in the short term on the basis of the party of Government having a majority over the nearest Opposition party, and in the longer term, on the basis of nominations proportionate to votes cast in every General Election, although this would need to be accompanied by

some mechanism to limit the number of Peers created. With regard to an elected chamber, there were difficulties in deciding on the exact form of elections. By enhancing the democratic legitimacy of the second chamber, it could become a rival to the House of Commons, unless its powers and functions were clearly defined. In defining an electoral system for a second chamber, such matters as whether representation should be direct or indirect, the units of representation, the total number of members, the persons eligible to seek election, the likely party structure, the tenure of office and the timing of elections, and the possible retention of a nominated element, would all need careful consideration.

102. 'Democratic way to replace the Lords' (Lord Kennet, *The Times*, 16 April 1996)

In a letter, Lord Kennet wrote that the great majority of the Hereditary Peers would give up their places for democracy, but would not do so for an appointed House. It would be wiser to avoid an interim House and carry out a single-stage reform. Firstly, a decision should be taken on composition. There were several constitutionally valid forms for the necessary consultation. He favoured an elected or mainly elected upper House.

103. 'Labour's plans for reform of Lords' (Viscount Runciman of Doxford, *The Times*, 22 April 1996)

Lord Runciman did not object to a nominated House of Lords, considering that a reformed House would ideally consist of men and women who were well qualified to perform the revising and advising functions for which a second chamber existed. There might be a case for some members to be elected to represent particular interests and for some appointments to be made on party political grounds. There were strong grounds for a quota system whereby a substantial proportion of members were appointed.

104. 'Imposing Limits on the Lords' (Lord Strabolgi, *The Times*, 7 May 1996)

In a letter, Lord Strabolgi argued that the most satisfactory way to curtail hereditary membership of the House of Lords would be for such membership to cease on the death of the existing holder of a title. He noted that this would result in a rapid reduction of numbers of Hereditary Peers within two Parliaments. The Salisbury Doctrine would ensure that a Labour Government would be able to secure the passage of its business in the meantime

105. 'Reform not Revolution in the Lords' (Lord Skidelsky, *The Times*, 3 July 1996)

Lord Skidelsky argued that changes to the House of Lords could be based upon three principles: it was wrong to destroy what worked for the sake of abstract considerations; it was right to redress justified and widely held grievances; and reform should be built upon precedent. It was not the hereditary principle as such which had triggered a demand for reform, but the advantages perceived to be enjoyed by the Conservatives in the House. To this end, if the problem was the 'surplus' of Conservative Peers, the solution to it was to eliminate that surplus rather than eliminate the rights of Hereditary Peers. This could be achieved by increasing the number of Labour and Liberal Democrat Life Peers and reducing the number of Conservative Hereditary Peers by allowing them to elect a proportion of their number, in a manner similar to the procedure formerly used for the election of Scottish representative Peers.

106. 'The Constitution' (HL *Hansard*, 3–4 July 1996, vol 573, cols 1449–570 and 1581–690)

On the second day of a two day debate, Lord Cranborne, the Lord Privy Seal and Leader of the House, spoke on the role of Parliament and, in particular, of the House of Lords.

He said that the House of Lords worked well as a check upon the Commons. It was the highest court in the land, and a forum for informed debate, at a modest cost to the public purse. The hereditary element of the House was an important ingredient in this success. He was particularly concerned about proposals for a nominated second chamber, which would be the biggest quango in the country and, due to the swings of the political pendulum, would become the permanent way of constituting the House.

Lord Cranborne considered that reform would increase the authority of the House of Lords. If a scheme was devised that self-evidently delivered a more effective second chamber, he would warmly welcome it. A Select Committee of the House of Commons should be appointed to look into the question of the means and ends of reform.

107. *Constitutional Declaration (Liberal Democrats, August 1996)*

Under the Liberal Democrat constitutional proposals a single Act of Parliament would provide for the reform of the House of Lords in two stages. For an initial four year period, the second chamber would have 500 members indirectly elected to reflect the strength of the parties at the most recent General Election. Thereafter, the reformed second chamber would have 300 members, at least two thirds of whom would be elected for six years to represent the nations and regions of the United Kingdom; the remainder would consist of members for 12 years appointed for non-renewable terms by a Joint Committee of both Houses from persons offering a broad range of relevant experience. The second chamber would retain its present functions, including the scrutiny of European legislation, but would also represent the interests of the nations and regions of the United Kingdom, act as a guardian of the constitution and oversee quangos.

In September 1996 the Liberal Democrats published a draft Reform Bill, which embodied the proposals contained in the party's Constitutional Declaration.

108. *New Politics, New Britain: Restoring Trust in the Way we are Governed (Labour Party, September 1996)*

In a paper setting out Labour Party policy on the relationship between politicians and the electorate, it was stated that a Labour Government would reform the House of Lords so that it was able to examine legislation more carefully and independently. Abolishing the right of Hereditary Peers to sit and vote was a first step to a more democratic and representative second chamber.

109. 'An Institution Past its Sell-by-Date' (Lord Richard, *House Magazine*, 30 September 1996)

Lord Richard, Leader of the Opposition in the House of Lords, argued that there was a need for a bicameral system of government, that there should be an independent Cross-Bench component in a reformed second chamber, and that Hereditary Peers should lose their right to sit and vote in Parliament. To this end, a Labour Government would legislate to remove the right of Hereditary Peers to sit and vote and then consult widely on the next steps to be taken towards a wholly reformed second chamber.

110. *Co-operating for Change—a Strategy for Constitutional Reform (Labour Initiative on Co-operation (LINC), November 1996)*

In one of a series of short papers on constitutional change, Lord Plant of Highfield noted that the Labour Party did not endorse the suggestion of its Working Party on Electoral Reform, which he had chaired, for a second chamber elected on a regional basis using the list system with a special role in protecting various kinds of liberties. Labour now

favoured a two-stage reform process. He believed the original proposal was valuable, but, if the two-stage process was to be pursued, the mechanism for creating the House at the second stage must be more transparent and open than it was at present.

111. *The End of the Peer Show? Why the Hereditary System is Wright and Romantic* (Simon Heffer, December 1996)

Simon Heffer argued against current proposals for reforming the House of Lords. He thought a future Conservative government might consider the following reforms: a change to the rules relating to leave of absence; additional peerages for the Labour Party; more cabinet ministers in the House of Lords; a new Parliament Act to ensure that the consent of both Houses was required for measures resulting in fundamental changes to the composition of both Houses; a possible referendum on House of Lords reform; and a discriminating attitude towards the award of life peerages.

112. *Speech by Viscount Cranborne on the Constitution to Politeia* (3 December 1996)

Lord Cranborne suggested that any reform of the House of Lords would also have to consider the House of Commons, as reform would lead to a stronger second chamber. In addition, any reform would have to be sanctioned by the House of Commons and so it would be appropriate for a select committee of the Commons to consider the options for reform. As it was, a two stage reform process would lead to a quango in the short term. In the longer term, it was questionable whether consensus on the future shape of the House would be achievable, creating the risk that the interim nominated chamber would become a permanent arrangement. He was not against reform in principle, as it would give greater authority to the House of Lords. If the electorate and the House of Commons wanted reform the Lords would obey the Salisbury Doctrine, although the House would try to improve the quality of any draft legislation by amending it in detail if this was thought to be justified. A reformed House might be more inclined to demonstrate its independence, for example over the convention that the House did not vote down secondary legislation. It should never be the poodle of the House of Commons. It could be like a trusted independent adviser to the head-strong head of a family, which could warn him and ask him to reconsider his proposed actions.

113. 'Interview: Lord Irvine of Lairg' (*New Statesman*, 6 December 1996)

Lord Irvine, the shadow Lord Chancellor, said that, of the Hereditary Peers, only those of first creation would automatically be allowed seats in a reformed House of Lords. He gave some support to the notion that certain Hereditary Peers could convert to Life Peers, as long as it was not a delaying device to prevent abolition of the rights of Hereditary Peers. The mechanism for appointing Life Peers might be made more open by creating some kind of advisory mechanism to the Prime Minister. It was, however, too early to address the long term composition of the chamber. He also refused to rule out the creation of a large number of Peers to support Labour Government measures if there was determination to thwart devolution legislation. A Labour Government would have to look at every weapon at its disposal.

114. 'Why aren't Hereditary Peers Working?' (Earl of Sandwich, *House Magazine*, 23 December 1996)

Lord Sandwich sympathised with the call for Lords reform, but regarded Hereditary Peers as an unrecognised asset. He advocated a gradual evolution towards a nominated chamber, starting with the progressive removal of the Hereditary Peers according to attendance and other criteria. Quotas for the nomination of the majority parties could be

decided on with a formula for Cross-Bench nominations. In addition, he suggested that a number of Hereditary Peers with recognised expertise in certain fields could be nominated through their professions and unions. The Hereditary Peers could make a valuable contribution because, due to their non-political interests, they were arguably more in touch with the country.

115. *Destiny not Defeat: Reforming the Lords* (Lord Desai and Lord Kilmarnock, January 1997)

Lord Desai and Lord Kilmarnock argued that the Labour Party should publish its preferred options for the phase of reform after the removal of the Hereditary Peers. Their own preferred model for a reformed chamber was a predominantly elected House with about 100 appointed Cross-Benchers, with the rest elected either from around 50 local authorities, reflecting party strengths at local elections, or direct election of 3 members from each constituency used for the election of members of the European Parliament. The House should consist of around 400 members. The actual method of election would ultimately be the responsibility of a Speaker's or Party Leaders' Conference. They also noted that it was not possible to reform the House of Lords without tackling the balance of power between it and the House of Commons. A consultative conference was needed to discuss this and make recommendations on it.

116. 'How to Settle the Scots, the Welsh and the Lords in One Senatorial Stroke' (Paul Johnson, *The Spectator*, 22 February 1997)

Paul Johnson proposed to incorporate Scottish and Welsh devolution with House of Lords reform. The idea of devolved parliaments should be laid aside and the House of Lords abolished. They should be replaced with an elected chamber formed on a regional basis, named the Senate, with Senators by pairs for eight years on a separate vote and seats allocated to regional entities. This, he argued, would satisfy strong local feelings and national identity. The Senate would have a special responsibility for all matters affecting the regions and the constitution and would advise and consent to public appointments currently in the gift of the Prime Minister. Its consent would also be required for any treaty signed by the Government.

117. *Modernising Britain's Democracy. Why, What and How. The Case for Change* (Andrew Adonis, Democratic Audit in association with the Scarman Trust, March 1997)

Andrew Adonis argued that the present House, due to a lack of democratic legitimacy, was incapable of performing the essential functions of a second chamber. To remedy this, firstly, the Hereditary Peers should lose their right to sit and vote and, secondly, there should be wider reform to give the House democratic credentials. There was a case for a nominated element to ensure that distinguished non-party figures retained a voice in Parliament. Logically, both stages should be taken together and the question of enlarging the House's delaying powers should be considered. In practice, this would kill reform. The House would work better without the Hereditary Peers and serious consideration of options for reform was only possible once they had been removed. The first stage of reform should also introduce a new system of appointing Life Peers, to bring party representation into line with votes cast for parties at the previous General Election.

118. Report of the Joint Consultative Committee on Constitutional Reform (Labour and Liberal Democrat Parties, March 1997)

The Joint Consultative Committee was set up in October 1996 by the Labour and Liberal Democrat Parties to examine their respective proposals for constitutional reform; to consider whether there might be sufficient common ground to enable them to reach agreement on a legislative programme for constitutional reform; and to consider the means by which such a programme might be implemented. The Committee's report stated that renewing Parliament was part of a wider modernisation of the system of government.

There was an urgent need for radical reform of the House of Lords. Its current composition was indefensible. It was agreed that the right of Hereditary Peers to sit and vote must be removed, although it should be possible for a limited number to become Life Peers. There was a valuable role for Cross-Benchers in a reformed House; they should comprise around one-fifth of its membership. An open and legitimate mechanism for appointing Cross-Bench Peers should be developed. The Cross-Benchers should be consulted about the mode of replenishing their members. Life Peers should not be required to step down but there should be a procedure for voluntary retirement.

Following the removal of the Hereditary Peers, the composition of the House should, over the course of the Parliament, move to a House where those Peers taking party whips more accurately reflected the votes received by each party in the previous General Election. A Joint Committee of both Houses should be established to bring forward proposals on structure and functions for the later stages of reform within a limited time period, which would lead to a democratic and representative second chamber.

119. 'Improve not Abolish' (Lord Renton, *House Magazine*, 21 April 1997)

Lord Renton urged that a conference of concerned parties or a Joint Select Committee be called with a view to turning the Hereditary Peers into an electoral college, similar to the colleges which had formerly produced Scottish and Irish representative Peers. They would elect perhaps 150 of their number to sit in Parliament, whether irrespective of party or enabling each party to choose an agreed proportion of the total. He did not feel that the powers of the House should be altered.

120. 'Put the Peers under Pressure' (Lord Rodgers of Quarry Bank, *New Statesman*, 9 May 1997)

Lord Rodgers recommended that the hereditary element be removed and that measures be taken to ensure that undiluted prime ministerial patronage did not determine the membership of the House. There should also be a clear statement of intention on the political composition of the House and how this was to be achieved. On the appointment of nominated Peers, he recommended that the Prime Minister's right to hold up nominations from other parties be removed. The Cross-Benchers should constitute around 20 per cent of the membership of a House of around 500, and should be appointed by an independent commission, which would also have the task of translating votes cast in a General Election into quotas for each party and then into vacancies for the party leaders to fill. These measures would lead to a House that would be representative of opinion in the country.

121. 'Legislative role of the House of Lords' (Professor Emeritus Leonard Tivey, *The Times*, 18 July 1997)

In a letter, Leonard Tivey, Professor Emeritus of Political Science at the University of Birmingham, noted that any reform of the Lords would strengthen its prestige and hence governments would have to respect its amendments to draft legislation. It was therefore necessary to consider what the Lords should actually do in the process of legislating and in scrutinising the activities of the government before deciding on its composition. If the Commons devoted more time and resources to the examination of Bills in Committee, as he felt it should, then there was a case for transferring some of the work of administrative scrutiny—of executive agencies, quangos and regulators, for example—to a reformed second chamber.

122. 'Ancient and Modern' (Peter Jones, *The Spectator*, 9 August 1997)

The author, a lecturer at Newcastle University, recommended that the House of Lords be turned into a version of the Athenian Council of ancient Greece. The new Council would perform the same functions as the House of Lords, consist of any members of the public over 30 prepared to serve on it, appointed regionally, in proportion, by lot, with a deputy in case of illness. The allotted members might serve for three years, with elections on a rolling system so that there was a yearly turnover. This system would introduce an element of genuine democracy into an oligarchic system, break the grip of party control, and educate and give voice to the citizenry.

123. 'Parliament: The House of Lords' (Lord Alexander of Weedon, *The Voice of the People: A Constitution for Tomorrow*, September 1997)

Lord Alexander surveyed the activities of the House of Lords since the 1832 Reform Act and considered its present powers. He concluded that reform was vital in order to give the House the confidence to use its powers more robustly. A reformed House should be at a distance from popular democracy, so that it could be reflective in its work.

124. 'Reform of the House of Lords' (Vernon Bogdanor, *Power and the People: A Primer of Constitutional Reform*, September 1997)

Professor Bogdanor surveyed the various schemes for reform of the House of Lords. One difficulty with the Labour Party's proposal for a two-stage reform was that it would ask Parliament to pass an interim Bill when the outlines of the final legislation were still unclear. In addition, it would result in a purely nominated chamber which would involve a quite unacceptable increase in prime ministerial patronage. There was a danger that the House would be swamped after every General Election if the Lords was a nominated chamber. Moreover, it would be constitutionally unacceptable for the executive to arrogate to itself the right wholly to determine the party composition of one of the branches of the legislature.

If the House was to survive in anything like its present form three reforms in particular were needed. Firstly, an attendance requirement should be introduced. Secondly, female Hereditary Peers should be allowed to succeed to their titles and sit in the House. Thirdly, patronage under the Life Peerages Act 1958 should be limited. This could be effected through a statute limiting the number of peers who could be nominated in any one parliamentary session.

Reform of the House of Lords was a secondary issue, bound up with the primary problem of the reform of other political institutions. For this reason, it would be well to leave reform of the House alone so long as it did not abuse its powers. It should be

allowed to survive by default, so that what in effect was a unicameral system of government with two chambers of Parliament could be retained.

125. *Parliament under Pressure* (Peter Riddell, October 1997)

Within a discussion of the possible impact of Labour's proposals for reform of the constitutional settlement, Peter Riddell made a number of proposals which included a role for a reformed House of Lords. Central features of the constitution—such as changes in the voting systems, establishment or abolition of any tier of government, any bill of rights, as well as the maximum length of a parliament—should be entrenched. A reformed House of Lords, based largely on election rather than inheritance or nomination, should be the guarantor of such an entrenchment. The Judicial Committee, as the senior appellate court in the United Kingdom, should have the power to judge whether a law was inconsistent with the European Convention on Human Rights, and the power to strike down such a law unless Parliament had specifically indicated its intention to override Convention rights.

126. *No Day Named Motion* (tabled on 20 November 1997)

Lord Armstrong of Ilminster tabled a motion that a Select Committee be appointed to undertake an inquiry, and within three calendar months to make recommendations, as to how a procedure might be implemented whereby the House would nominate approximately 100 peers by succession to be voting Peers and whereby the remaining Peers by succession would renounce their rights to vote but would retain their rights to speak in the House or Committees of the House. The motion has not been debated by the House.

127. 'The Lords Test' (Viscount Chandos and Viscount Cranborne, *Prospect*, November 1997)

In an exchange of letters published as an article, Lord Chandos and Lord Cranborne set out their views on House of Lords reform.

Lord Chandos said that any reform would entail the elimination of the hereditary element on the grounds that hereditary rights of this type were incompatible with simple principles of electoral democracy. Reform of the House of Lords would have implications for its relationship with the Commons, which was why its composition should be carefully considered and debated. Initially, the rights of the Hereditary Peers should be removed and a political balance created in the House which reflected more fairly the popular support of the parties. A House of Lords composed solely of nominated members, with a Cross-Bench element, would provide the degree of accountability that, until there was agreement on a wholly or partially elected House, the electorate wished to see. It was not where he hoped reform would end, but would become, even if it became a permanent arrangement, unequivocally better than the present position.

Lord Cranborne reaffirmed his openness to reform. He perceived that Parliament was suffering a crisis of authority. In relation to the House of Commons, it was difficult to see how the power of patronage could be defeated. It was thus all the more important to establish a strong and independent second chamber which was able to stand up to the elected dictatorship of the House of Commons. The willingness of the House of Lords to resist the Commons, not the existence of the hereditary peerage, was the real argument for reform. Reform should not be considered piecemeal. A House of Commons Select Committee should be set up to examine the composition and powers of both Houses of Parliament.

128. Statement by Viscount Cranborne (24 November 1997)

In a press notice, Lord Cranborne said that he would welcome reform if it would increase the power of the Lords at the expense of the Commons. However, no responsible second chamber could give away its rights without knowing what would be its replacement. The Government's campaign against the hereditary principle was a mask to conceal the enormous quango which would result from their plans. He believed any scheme of reform should be based on the following principles:

1. Change should not increase the Prime Minister's power of patronage;
2. The composition of the House should differ from the composition of the Commons to ensure that in any dispute the Commons was the ultimate authority;
3. There should be a substantial independent element in the House sufficient to put its stamp on the House;
4. The House—at a time of devolution—should maintain membership from the whole of the United Kingdom;
5. Reform plans should show that the new House would operate better as a scrutinising and revising chamber than the present one;
6. Reform should embrace the effects of change on both Chambers. The House of Lords could not be changed in isolation.

129. *This Time: Our Constitutional Revolution* (Anthony Barnett, December 1997)

Anthony Barnett argued that the functions of a reformed House of Lords should include scrutiny and constructive revision of draft legislation; full and free debate; a limited capacity to delay legislation; and exceptional power to reject legislation, in particular legislation that would undermine fundamental constitutional principles. Instead of the present composition of the House, he proposed an Athenian solution, under which a British House of Peers could draw members by lot on a regional basis in proportion to each area's population and with gender equality. Under these proposals a second chamber might be produced which, by being less party political, would be a constructive addition, not a destructive alternative, to the House of Commons.

130. 'Peering into the Abyss' (Lord Graham of Edmonton, *Parliamentary Monitor*, January 1998)

Lord Graham argued that there should be a period of intense discussion with all the benches in the Lords before the abolition of the rights of the Hereditary Peers. If initial legislation on such abolition was included in the 1998 Queen's Speech and became law in 1999 there should be a period of consultation on the composition of the House of no less than two years, so that proposals would be published in 2001. That could give the Cabinet time to consider and include in the manifesto a set of proposals from a Joint Committee of both Houses set up to deliberate on the shape of the second chamber. He hoped that the Committee would consider the following: a House comprising around 600 members; fixed terms of around four years; a retiring age of 80. In the meantime, there should be a rebalancing of party strengths in the Lords. In addition, the present system of patronage should be replaced by a variation of the current Honours Scrutiny Committee and there should be a clearly defined allocation of independent places to various groups within society, such as sport, industry, trade unions, academia, the arts and the disabled.

131. *Reforming the Lords: A Step by Step Guide* (Constitution Unit, January 1998)

The Constitution Unit considered that reform of the House of Lords was likely to involve three stages: legislation to remove the Hereditary Peers; a consolidation stage to redress the party imbalance and open up the appointments process; and wider reform, involving a review of whether the House should be elected, and of what role it should play in the new constitutional settlement. The first two stages were for the current Parliament; there was a strong case for holding over stage three until the next.

At the first stage, a short Bill to remove the Hereditary Peers was likely to be introduced in the 1998–99 Parliamentary session. The only immediate consequence was how many Hereditary Peers should be offered life peerages, and how they should be selected.

At the second stage, the issues of the continuing party imbalance and how to open up appointments could be referred to a Joint Committee of both Houses, charged with developing a new set of conventions to govern appointments to a wholly nominated House of Lords. The size of the House of Lords would inexorably increase if full rebalancing took place in each parliament, to reflect the votes cast at the previous election. There might need to be only partial rebalancing, or the introduction of term appointments, or even a retirement age.

At the third stage, any review should take account of developments such as any changes to the electoral system for the House of Commons, devolution, the growing influence of the European Union and incorporation of the European Convention on Human Rights into United Kingdom law. There might be possible roles for the Lords in representing the nations and regions of the UK, or as a human rights and constitutional watchdog. An independent, non-parliamentary body offered the best means of exploring the implications of these other changes for the role, functions and composition of the Lords. A Joint Committee of both Houses might then be charged with reviewing its conclusions and developing detailed proposals for the government to implement.

Robert Hazell, the Director of the Constitution Unit, reiterated these arguments in 'Reforming the House of Lords: A Step by Step Guide' in *Constitutional Reform in the United Kingdom: Practice and Principles*, Centre for Public Law, University of Cambridge, January 1998.

132. *Rebalancing the Lords: The Numbers* (Constitution Unit, January 1998)

In this paper, the Constitution Unit considered rebalancing party and other strengths in the House of Lords, so that party allegiances in the Lords more closely reflected the proportion of votes cast at the General Election, in the light of commitments made by the Labour and Liberal Democrat Joint Consultative Committee on Constitutional Reform. Using nominal figures, rebalancing the party strengths in the Lords would give a clear advantage to Labour and the Liberal Democrats, if attendance rates continued on broadly the same pattern as 1994 to 1997. But it would be difficult to rebalance the number of Life Peers using real, rather than nominal, figures. An alternative would be to impose minimum attendance requirements. However, it was not clear that any minimum attendance threshold could be applied to existing Peers, who would not have accepted their peerage on this condition. The problem would continue until the issue was resolved of whether peerages were awarded as an honour or as a job of work.

The Constitution Unit estimated that with a wholly nominated second chamber, the size of the House was likely steadily to increase. It calculated that over the next 20 years, the House of Lords might easily increase from around 500 Life Peers to around 700 to 800

Life Peers, if rebalancing took place after each election. The nature of the increase would depend on the swing between the parties at each election. If it was regarded as unacceptable that the size of the Lords should continue to rise in this way, there were three options the Government might wish to explore: capping the size of the House and achieving any such rebalancing as was possible within this limit; ending peerages for life and making them term appointments; and introducing a retirement age.

133. 'The Taylor Reforms to Commons Business and Reform of the House of Lords' (Robert Maclennan MP, *Constitutional Reform in the United Kingdom: Practice and Principles*, Centre for Public Law, University of Cambridge, January 1998)

Robert Maclennan noted the conclusions of the Labour and Liberal Democrat Joint Consultative Committee on Constitutional Reform. In his view, it was not sensible to change the structure of the House of Lords without reconsidering its functions. There was no reason why a legitimate upper chamber could not acquire new powers, including some of those currently exercised by the executive under the prerogative powers of the Crown. These might include the power to make public appointments, to ratify treaties and to develop its work in scrutinising European Union legislation. An upper chamber thus legitimised would be a suitable forum in which the interests of the nations and regions of the United Kingdom could be directly represented. The Liberal Democrats concurred with a two stage reform of the House of Lords, but would prefer the initial legislation to be accompanied by statements of intent indicating the proposed ultimate shape and functions of the upper house.

134. 'The Reform of Parliament: Sovereignty and Accountability' (Bernard Jenkin MP, *Constitutional Reform in the United Kingdom: Practice and Principles*, Centre for Public Law, University of Cambridge, January 1998)

Bernard Jenkin said that the Conservatives would welcome reform of the House of Lords if it increased the powers of the upper chamber at the expense of the Commons. However, it would be foolish to tamper with the workings of the House without a definite idea of what sort of chamber was to be created. He called upon the Government to publish detailed proposals on the reform they planned to undertake and set up a Select Committee or similar forum to debate and scrutinise its proposals.

135. 'Democracy Demands a Real Senate' (Lord Hattersley, *The Times*, 6 January 1998)

Lord Hattersley argued that a nominated chamber had no more legitimacy than one which accommodated an hereditary aristocracy. Instead, he proposed a Senate. This should improve laws and protect liberties, not initiate legislation. New laws should start in the House of Commons where ministers could claim the authority of the mandate. There should be no ministers in the Senate, as an assembly without ministers was one where the power of patronage barely existed. The whipped caucus should be also avoided.

Like a House of Commons Special Select Committee, the Senate would possess the authority to hear the testimony of expert witnesses before it considered a Bill. As well as possessing the power to amend a Bill, it should be able to veto the enactment of certain legislation for the lifetime of a parliament. In addition, it should have the power to designate Bills which, since they affected civil liberties, deserved special consideration, and have the authority to prevent such Bills from becoming law until the electorate had passed judgement on the party that introduced them. The same power should exist

against ministerial edicts which used reserve powers or had recourse to the royal prerogative.

Elections to the Senate should differ from those to the House of Commons. They had to be held on different dates and the Senate should sit for a fixed term. The scheme of proportional representation from a regional list proposed for elections to the European Parliament was an appropriate mechanism for elections to the Senate, if its democratic content was improved by reducing the party machines' power over the selection of candidates.

The Senate would not debate general subjects or hear the repetition of statements made by Ministers in the Commons. It would question Ministers only when it examined specific legislation or government injunction, and so would not attract members who wanted to be MPs. It would also only meet for 100 days a year and so the careers of its members could be maintained elsewhere.

136. 'Lords reform must start soon' (Charles Clarke MP, *New Statesman*, 16 January 1998)

The author set out a series of proposals for the reform and composition of the House. He felt that the legislative and revising role of the Lords was invaluable, but that it was less than self-evident that the House should continue to have a scrutinising role. There seemed little reason why ministerial statements and questions should continue in the Lords. Although the deliberative work of the House was often praised, it was not clear that this was the best means of providing such a forum in a world of ever expanding media. For this purpose, the House should consider taking more evidence from experts.

Elections to a reformed House of Lords should be based on proportional representation, without a constituency basis, so that the House would not be in a position to challenge the political legitimacy of the Commons. There should be a fairly even balance between men and women candidates. One option would be to elect members from regional lists on the basis of votes cast in a General Election: on this basis the term of office of Peers would be the same as that of MPs and the mandate of the second chamber entirely dependent upon the Commons election. A possible alternative would be to add MEPs to the second chamber. The problem of including Cross-Benchers in an elected chamber could be addressed by greater use of expert advisers in revising legislation. Alternatively, it would still be possible to appoint independent Peers, perhaps without voting rights. Any such appointments would have to be through a more transparent method of nomination than existed at present.

137. 'Don't worry, my Lord, democracy's at bay' (Andrew Adonis, *Observer*, 18 January 1998)

Andrew Adonis argued that a stronger second chamber, with the legitimacy that could only come from elections, was highly desirable. The chronic weakness of the Westminster system was the extreme subordination of the legislature to the executive. No reform of the Commons would reduce this, as governments only existed by virtue of their control of the Commons. An elected second chamber would provide a measure of parliamentary independence. It could be elected by proportional representation on a different cycle to the Commons and would then have the authority to use its existing delaying powers.

138. 'House of Lords Reform' (HL *Hansard*, 27 January 1998, vol 585, cols 97–101)

Lord Renton of Mount Harry asked whether the Government would consider asking a Committee of the Privy Council to consider substantial questions of constitutional reform, including reform of the House of Lords. He pointed out that the Falkland Islands Review under Lord Franks in 1982 had been conducted by a Committee of Privy Counsellors in order that it should be seen to be conducted with integrity and independence, and so command confidence. He wondered whether the same criteria applied to reform of the House of Lords. Such a review would be far more credible if conducted by a Committee which crossed party boundaries.

139. 'The way to renew democracy' (Robert Maclennan MP, *New Statesman*, 6 February 1998)

Robert Maclennan wrote that a reformed upper chamber, confident in using the powers available to it, could be a focus for the renewal of democracy. It was preferable for reform to be considered by a Joint Committee of both Houses rather than a Royal Commission, because parliamentarians could not avoid the need to think the issues through and come to conclusions on the issue. Such a Committee should produce a report within eighteen months of its appointment. Stage two of reform was urgent as a nominated chamber was unsuitable for more than a transitional period. He did not favour an indirectly elected assembly of 'notables'. It would be impossible to choose the bodies entitled to elect, while, lacking a base in popular support, they would be ignored by a government resting upon such support. However, a Cross-Bench element should be retained. An upper chamber elected for a fixed term and from a different geographic base to the House of Commons would provide a further balancing influence within government. Constituencies based upon the nations and regions would ensure that, while enjoying considerable self-government, they did not lose influence at the centre.

140. 'Interview: Lord Irvine of Lairg' (*New Statesman*, 6 February 1998)

In an interview, Lord Irvine said that there would certainly be a Bill for House of Lords reform in the Queen's Speech in November 1998, but that it was not yet clear what its scope would be. He expected the Ministerial Sub-Committee on Lords Reform to complete its work by the end of the summer. It was considering every conceivable object, from wholly elected and wholly nominated chambers to a mix of both in proportions to be discussed. Of the various schemes under consideration, he noted that a chamber nominated in line with Lord Nolan's ideas on public appointments would substantially diminish the powers of the Prime Minister. Combined with a fair nomination system, that might be seen as a good thing. The possibility of an understanding between parties on Lords reform was a beguiling one; it would be attractive to accompany the removal of hereditary rights with a clear statement of principle on how the House of Lords should be composed and what its powers should be. He also noted that it was difficult to see how, without a very significant nominated element, the House of Lords could be a house of talents. How compatible this was with elections was another matter.

141. 'Peering into Reform' (Lord Annan, *House Magazine*, 9 February 1998)

Lord Annan asked how the House of Lords could become a respected part of the legislature. The first step should be the abolition of the right of Hereditary Peers to become members of the House automatically on succession to their titles. He expressed doubts about the virtues of an elected chamber but, on considering the possibility of a nominated House, noted that many posts in government were appointed by the Crown or by professional bodies. He noted that it had been argued that holders of certain public

offices should sit in a reformed House, but pointed out that these posts were held for a short term of years. No sooner had the holder learnt the procedure of the House than he would be replaced by his successor. He maintained that there was much to be said for a Scrutiny Committee to consider nominations for membership of the House. There were certain categories of persons who might have an *ex officio* right to sit in the House. Bishops would claim their right to sit as members of the established church; and other religious leaders might also be given a similar right. It could also be argued that Peers of the Blood Royal should sit in the House, as should the Earl Marshall and the Lord Great Chamberlain. He wondered whether the Law Lords should sit separately from the legislature. He felt that no more Peers should be appointed for life and that there should be a retiring age of 75 for present members of the House.

142. 'Lordly virtues' (*Economist*, 14 February 1998)

In an unattributed article, it was argued that the case for removing the right of Hereditary Peers to sit and vote in Parliament remained overwhelming and that the case for reducing prime ministerial patronage was also strong. However, to create an elected second chamber would threaten its independence, by bringing it into conflict with the House of Commons. It was precisely because Peers did not have to account for themselves to electors that they were capable of proposing substantial changes to major Government Bills.

143. 'Reform of the Lords' (Marquess of Bath, *The Times*, 16 February 1998)

In a letter, Lord Bath argued that a reformed House of Lords should reflect the regional divisions within the United Kingdom. The Hereditary Peers should be replaced by delegations from Scotland, Wales, Northern Ireland and eight English regions. Each delegation should consist of between 10 and 25 Life Peers per region, based on the population of the region from whence they came. They should be indirectly elected by regional assemblies and sit alongside whatever number of Life Peers from the UK as a whole was considered appropriate. Their chief responsibility in the House would be to their region.

In a letter in *The Times* on 24 February 1998, Colin Brain suggested that the regional development agencies proposed in the Government's white paper, *Building Partnerships in Prosperity* (December 1997, Cm 3814) could be used as useful stepping stones towards the reform of the Lords proposed by Lord Bath.

144. Speech by William Hague MP, 'Change and Tradition: Thinking Creatively about the Constitution' (24 February 1998)

In a speech to the Centre for Policy Studies, William Hague set out the Conservative Party's views on constitutional issues and on the Government's proposals for constitutional reform, including reform of the House of Lords. He said that in excluding the Hereditary Peers from the House of Lords the Government proposed to remove the House's main independent element. This could lead to a House almost entirely composed of nominated Peers. This would be a huge and dangerous extension of Prime Ministerial power. Hereditary Peers were one manifestation of the virtue of inheritance, although he accepted that the requirements for a House representing the inherited interests of property and land had diminished. Therefore Conservatives were open to suggestions about how membership of the Lords might be changed, and whether the hereditary principle was the right one to employ when choosing members for the House. He noted the considerable contributions made by the present House; the onus was therefore on the Government to propose a better alternative. The whole process of reform, if it was to be done, should be done in one step. Any reform should

meet the following tests, set out by Lord Cranborne: the reformed chamber should be better at scrutinising and revising legislation than the present one; a substantial independent element should remain; the Prime Minister's power of patronage should not be increased; members should be drawn from all parts of the United Kingdom; reform should be considered in the context of its effect upon Parliament as a whole; and the supreme authority of the House of Commons had to remain intact.

Mr Hague had previously set out his arguments in an article in the *Express on Sunday*, 'My Radical Plans to Reform the House of Lords', which included reference to Lord Cranborne's six principles of reform, on 22 February 1998.

145. 'House of Lords Reform' (HL *Hansard*, 26 February 1998, vol 586, cols 792–4)

Lord Renton of Mount Harry asked the Government whether it would publish the minutes of meetings of the Ministerial Sub-Committee on Lords Reform and whether a general statement could be made on how the Government saw their pieces of constitutional reform being put together.

Lord McIntosh of Haringey, the Deputy Chief Whip, said that the proceedings of Cabinet Committees were confidential. He said that there would be full public consultation in the widest sense when the Sub-Committee had completed its deliberations. The Government's constitutional proposals had been set out as a whole in the Labour Party's election manifesto. In response to a supplementary question from Viscount Cranborne, Lord McIntosh said that the Government agreed with the six principles of reform set out in William Hague's article on Lords reform in the *Sunday Express* on 22 February 1998.

146. *House of Commons Select Committee on Public Administration: Minutes of Evidence* (3 March 1998, HC 398-v, cols 100–3)

In his evidence to the Select Committee on Public Administration on the Government's proposals for a Freedom of Information Act, Lord Irvine of Lairg answered a number of questions about the development of the Government's views on House of Lords reform.

Lord Irvine said that the Ministerial Sub-Committee on Lords Reform was looking not merely at the issue of the removal of the rights of Hereditary Peers, but was considering all issues which were relevant to a reformed and more representative upper house. In response to questions on whether a cross-party consensus on the shape of a second chamber could be found he said that the Government had a clear mandate to proceed, but that did not preclude discussion at a later date. In the meantime it was the responsibility of the Ministerial Sub-Committee to get ahead with the considered development of policy, to accumulate information from around the world on other upper houses and to be fully informed before coming to views which, once developed, would be the subject of consultation.

147. 'House of Lords Reform' (HL *Hansard*, 4 March 1998, vol 586, cols 1198–200)

Lord Hooson asked whether the Government envisaged that the future role of the House of Lords would be changed, having regard to the impending changes in the United Kingdom's constitutional framework and future relationship with the European Union, and when they intended to present their views on this matter to encourage public debate.

Lord Richard said that the House of Lords played an important and valuable role as a revising chamber and made an important contribution to the legislative and political process. The Government envisaged that this would continue after reform. It was

considering all the options and would publish its conclusions. He hoped that there would then be ample opportunity for public consultation.

148. 'Why it is crucial to shake up the House of Lords' (Lord Archer of Weston-super-Mare, *Western Daily Press*, 19 March 1998)

Lord Archer was concerned that the Government's proposals did not do justice to the great service provided by the Hereditary Peers. Instead, he proposed to allow all those Hereditary Peers currently in the House to become Life Peers and renounce their hereditary peerage. They would then be able to remain members of the House for the remainder of their lives.

149. 'Mr Blair's House of Patronage' (Andrew Tyrie MP, *The Times*, 23 March 1998)

Andrew Tyrie MP suggested that the Conservative majority in the Lords could propose to amend a Bill to remove Hereditary Peers so that it embodied far more radical and democratic reform, for instance by pressing for a fully elected second chamber. He argued that there should be one Lords reform Bill, which should be drafted after the major parties had engaged in serious consultations. The basis for these inter-party discussions was expressed in the six principles already set out by Lord Cranborne. The overriding task was to ensure that proper constitutional safeguards were in place to prevent the abuse of the power of the Commons.

150. 'The End of Representative Democracy?' (Viscount Cranborne, 1 April 1998)

In a speech to Politeia, Lord Cranborne analysed the Government's programme of constitutional reform and considered the future of representative democracy in the United Kingdom. A reformed House of Lords would be more powerful, and under certain circumstances could find itself pressing for a revival of the referendal principle, whereby in the event of deadlock between the two Houses the Lords might ask for the electorate to be consulted on a given issue. Nevertheless, it was sensible for any reform of the Lords to depend on the functions of the Commons. Only then was it possible to define how the second chamber was to perform the proper function of an upper house in a complementary system, which was to act as a check on the lower house. Although the hereditary peerage was open to criticism, it was the last element in either House which owed nothing to anyone. To abolish the Hereditary Peers without simultaneously substituting them for an element at least as independent would vastly increase the Prime Minister's power of patronage, or that of any persons nominated by him to exercise it. Unless the two stages happened together, the second stage would not happen at all.

An edited version of Lord Cranborne's speech was published as an article, 'An over-mighty Mr Blair', in the *Daily Telegraph* on 2 April 1998.

151. *The House of Lords and the Constitution* (Earl of Halsbury, May 1998)

In a note placed in the House of Lords Library, Lord Halsbury pointed out that the present composition of the House represented the professions. If there was to be reform, it should be based upon what was already in existence. A nominated second chamber should consist of nominees from the governing councils of chartered professions, appointed for life by a Committee of the Privy Council. This Committee would select from the candidates those with a record of public work and service willing to attend the House on a non-party political basis, and make recommendations to the Government and the Crown. This would avoid the possibility of the House being crammed with placemen whenever there was a change of government. The abolition of the right of Hereditary Peers to sit and vote would reduce professional representation in

the Lords. However, Hereditary Peers could be given life peerages. Lord Halsbury suggested that if the heir to a peerage followed his father's profession he could be admitted to membership of the Lords on the recommendation of a professional body without further reference to the Privy Council.

152. 'Being the Church' (Chris Bryant, *Established Certainties? Reflections on Church, State and the Formation of Englishness*, Christian Socialist Movement, May 1998)

In an essay on the relationship between Church and State, Chris Bryant noted that there were anomalies in the manner of choosing which Bishops sat as Lords Spiritual in the House of Lords. If the House was to be elected, a bench of Anglican Bishops would seem ludicrously out of place. However, if Bishops no longer sat in the Lords, the Prime Minister might feel able to surrender his role in the appointment of Bishops, who could then be elected by the whole membership of the Church. Mr Bryant also noted that it would be difficult to replace bishops with representatives of other denominations or faiths. Roman Catholic clergy were banned by their own canon law from sitting in any legislature, while non-conformist churches did not appoint national leaders for more than a year at a time.

153. 'Labour will try to outflank enemies of Lords reform' (*The Times*, 1 May 1998)

In comments quoted in *The Times*, Lord Richard said that the Government would issue a green paper outlining a range of options for a reformed second chamber. This paper would set out possible considerations and options leading to the second stage of reform following the abolition of the rights of Hereditary Peers to sit and vote. He said that it was likely to be analytical rather than indicative. It was expected to be published by the time the Government introduced draft legislation for the first stage of reform.

154. 'A gentle revolution inside the Lords' (William Wyndham, *Financial Times*, 2 May 1998)

William Wyndham considered the functions of the second chamber. He noted that the strength of the work of the House as presently composed had been in the work of its Select Committees. He therefore proposed a comprehensive committee structure for Parliament as a whole. The Lords' Committees could have a semi-permanent membership, vetted by a Joint Standing Committee of both Houses, and concentrate upon social affairs, foreign affairs and the European Union, and the scrutiny of local government and quangos. Under this proposal the Lords would be a forum for debate on very broad policy issues and detailed scrutiny of executive and administrative methods, leaving the Commons control of current public finance, contentious legislation and day-to-day policy. If the second chamber was to be partly elected and partly nominated, voting could be held by reference to constituencies used for elections to the European Parliament, regionally grouped on some system of proportional representation. MEPs and mayors could be included in the appointed members. A broad spectrum of views could be kept by reviving the proposals from the aborted 1968 reforms for a two-tier house of voting and non-voting Peers.

155. *Cross-Bench Peers and House of Lords Reform* (Paper drafted by a Working Party of Cross-Benchers, 14 May 1998)

The Working Party recognised the strength of the case for a substantial reform of the composition of the House of Lords to produce a new second chamber; accepted that in the new second chamber there would be no automatic seats for all Peers by succession; considered that this reform would best be carried out by comprehensive legislation

establishing a new second chamber containing a strong independent element; and saw no sufficient justification for a measure which abolished the participation of Hereditary Peers before the composition of the new second chamber had been determined. It was unlikely that the current Life Peers could satisfactorily conduct the business of the House. At present, the House of Lords provided a number of strengths and advantages, which would be substantially reduced by the removal of the hereditary element without any effective replacement and would not be maintained by appointments by the Government. These included: the participation of those with special knowledge and interests; independence; a variety of expertise and experience; and an element of youth and cost effectiveness. The Working Party did not attempt to formulate any specific proposal for the most appropriate method of selecting the membership of a revised second chamber. However, it expressed the hope that any future proposals would seek to retain, and even enhance, the strengths and virtues of the existing House. The second chamber should be neither a mirror-image of the House of Commons, nor so composed as to be likely to come into frequent and direct conflict with it.

156. *The Athenian Option: Radical Reform for the House of Lords* (Anthony Barnett and Peter Carty, Demos, June 1998)

The authors proposed an 'Athenian solution' to the reform of the House of Lords. This could take the form of an experimental programme over several years to apply methods of deliberative polling and direct democracy to the work of the second chamber. This approach would bring the reform of the Lords into the rapidly developing debate on radical experimentation with new democratic bodies and procedures at local and regional level, in the interest of revitalising democracy. The House of Lords should be changed into a second chamber with broadly similar powers to those exercised by the present one: a chamber of scrutiny unable to challenge the legislative will of the Commons. However, it should have three enhanced powers: it should be able to insist that new legislation was drafted in clear English; that new laws should not lead to outcomes that were at odds with the Government's declared intentions; and that new laws did not endanger basic constitutional values. To exercise such a role, the reformed second chamber needed an impartial, non-party political character. This could be obtained by selecting a proportion—ideally, ultimately the majority—of its members by lot from among registered voters, on the lines of a jury. This should not be entirely random. Different regions should be represented in proportion to their population, each with an equal number of men and women. Those selected could be called PPs (Peers in Parliament). They could serve full-time for a fixed period or they could be selected to scrutinise a particular piece of legislation. It also argued that there would be a need for nominated PPs, similar to present Life Peers, to serve alongside those selected by lot.

157. *Reforming the Lords: A Conservative Approach* (Andrew Tyrie MP, Conservative Policy Forum, June 1998)

Andrew Tyrie held that Conservatives were better placed to influence the debate on Lords reform by fighting to prevent the imposition of an appointed chamber rather than defending the Hereditary Peers. He surveyed Conservative proposals for a reformed chamber over the 20th century. These had been based on a commitment to limited government; vigilance in defence of personal freedom; and checks on unlimited authority, offering redress to the inevitable weaknesses of any democratic arrangement. In relation to the powers of a second chamber, he held that some modifications to the present arrangements merited consideration. The House could be given the same power to amend and delay statutory instruments as it already had in respect of ordinary Bills. It should have a greater role in considering constitutional legislation, with a possible increase in delaying powers to the life time of a parliament, or alternatively the category of Bills over which the House could exercise an absolute veto could be

increased. Constitutional Bills could be certified as such by a parliamentary committee of elder statesmen, the Law Lords or the Speaker of the House of Commons. In terms of the composition of the House, he favoured direct elections, although there might be a place for a small number of nominated members, sitting as Cross-Benchers. Electoral arrangements for members of the House of Lords should differ from those used in the election of MPs, and any system used should include a degree of proportionality. He also advocated staggered terms of office for members, which would be longer than the terms of office for members of the Commons, although extra election days should be avoided. The House should consist of 250 members, of whom possibly 50 should be nominated. The need to pay members should be considered as should the possibility of prohibiting members of the second chamber from being Ministers. Ministers from the Commons should be called to answer questions and debates in the second chamber as and when needed. Greater use of Joint Committees of both Houses should also be considered.

158. *Enhancing our democracy: reforming the House of Lords* (Nicholas Kent, Tory Reform Group, June 1998)

Nicholas Kent held that a reformed second chamber should have a clearly defined role. It should be differently composed from the Commons and should not be entirely appointed; it should seek to fill some gaps in constitutional arrangements, such as a feeling of alienation from the centre in the regions; it should have powers commensurate with its role; and it should be complementary to the House of Commons and not a rival to it. He suggested that appropriate core functions would be to consider and where necessary revise legislation; to play a part in informing and educating through general debates and expert committees; to hold the executive to account in the chamber and in Select Committees; to scrutinise European legislation; to be the guardian of human rights and of constitutional matters more generally; and to be the final court of appeal in the UK. In addition, a reformed House could provide a national platform for the discussion and resolution of regional issues. To fulfil these functions he recommended a House composed of 350 members, composed as follows: 160 members elected regionally either by proportional representation or first past the post for a nine year term; 91 members to be appointed as Life Peers; 12 Law Lords; 20 Bishops and Archbishops from the Church of England; 12 other religious leaders; 5 members elected by the British Overseas Territories; 50 non-voting Hereditary Peers. The Life and Hereditary Peers could be selected by an independent commission. The House's powers needed to be increased. It should be prepared to reject Statutory Instruments, its existing powers to delay Bills should be increased to two years, and it should be able to reject constitutional Bills outright. A Joint Select Committee of both Houses should be appointed to settle any disputes between the two chambers.

159. *Peers in Parliament Reformed* (William Wyndham, June 1998)

William Wyndham held that the functions of a popular second chamber were to revise legislation brought from the Commons, scrutinise executive and administrative action, interact with the European Parliament and devolved Parliaments and Assemblies to ensure integrated popular representation in the government of the United Kingdom, and to act as a guardian of the constitution. It should develop and extend its committee structure and retain its current functions. Its existing power to delay Bills should be extended in the case of constitutional Bills, which could be subject to a two year delay. The House should have the power to demand a referendum on constitutional Bills. Its composition should be a combination of 420 voting peers, two-thirds of whom would be elected by proportional representation, from the regions, and a third of whom would be appointed. Elections would be for varying terms. Non-voting Peers would have the right

to sit and would undertake to attend a proportion of the House's sittings. All current Peers would be entitled to sit.

160. 'Most voters want elections for new House of Lords' (*Daily Telegraph*, 8 June 1998)

A survey for the *Daily Telegraph* on Lords reform by Gallup produced the following results:

Should we?

Leave it as it is	35%
Keep it but reform it	32%
Abolish it	27%
Don't know/refused	6%

Who should choose it?

Public elections	52%
Independent consultative body	21%
Prime Minister	13%
Party leaders	10%
None/don't know	3%

Who should be in it?

Doctors, scientists	82%
Business leaders	78%
Professors	77%
Political leaders	76%
People from charities, voluntary organisations	74%
Religious leaders	63%
Trade union leaders	60%
People like painters, writers, musicians	50%
Journalists, broadcasters	41%
Show business personalities	23%

161. Conference on 'Labour and the House of Lords' (Institute for Constitutional Research and *Daily Telegraph*, 8 June 1998)

Lord Richard said that Lords reform was unfinished business from 1911 and needed to be set in the context of the Government's wider programme to modernise the constitution and the reform of Parliament as a whole. Changes to the composition of the Lords had potential consequences for its relationship with the House of Commons. The Government firmly believed that the Lords had to remain the subordinate chamber. There was no point having a revising chamber if it was simply going to set itself up as a continuous rival to the House of Commons. The Commons would remain the House from which the Government was led and predominantly formed. In terms of powers, the Government believed that the Lords should exercise no more than its current powers as a revising chamber.

The Government had made its intentions very clear in its manifesto. The right of Hereditary Peers to sit and vote in the House of Lords would be ended by statute. This was the first stage in a process of reform to make the House more democratic and

representative. The system of appointments of Life Peers to the House of Lords would be reviewed. There was a need for a more transparent process, which ensured that the membership of the House was drawn from a wide variety of backgrounds, reflecting the talents of the nation as a whole. The objective over time was to ensure that party appointees as Life Peers more accurately reflected the proportion of votes cast at the General Election. There were no plans to flood the Lords with party appointees. The interim House should be regarded as legitimate. The Government was also committed to maintaining an independent Cross-Bench presence of Life Peers. The Law Lords would also continue to sit. There would be a wide-ranging consultative process to consider the options for the second stage, and put forward recommendations for further change following the removal of the Hereditary Peers. The Government hoped to achieve a consensus, but if it was not possible to achieve this, it would proceed with an initial Bill to remove the Hereditary Peers. By that time, the Government would have produced a consultation document surrounding the second stage. It would then seek to achieve all-party agreement to a wider reform in the medium term.

The Government's proposals for Lords reform had no implications for the Monarchy. It believed that the Church of England should continue to be represented in a reformed House. It was also important in a more representative second chamber to consider representation for other churches and faiths.

Lord Cranborne said that there was an important distinction between abolition of the Hereditary Peers and reform of the second chamber. He asked why the Government did not produce an options paper, so that the options could then be put to the public in whatever form the Government suggested, and efforts could be made to build a consensus for a Bill which could pass without too much difficulty through both Houses of Parliament. The real issue was whether the hereditary peerage would be abolished without simultaneously putting something at least as independent in its place. He was concerned that the second stage of reform would never happen. Parliament as a whole needed reform, and there was a very good case for reforming the House of Lords. However, in order to reform it there had to be a clear idea of what the Lords was for; which was why it was a good idea to look at the House of Commons first. The weakness of the Lords as presently composed was that, because of its composition, it did not exercise the considerable powers it in theory had, because it felt it did not have the authority to do so.

Lord Rodgers said that the present House of Lords functioned tolerably well, although its merits and influence could be exaggerated and it was constrained in the exercise of the existing powers by its own awareness of its undemocratic nature. In a representative democracy, it was unacceptable that more than half the members of the second chamber should not be there on merit. The number of seats in the House for each party should be related to votes cast in the General Election. There should be a move to a predominantly elected House of Parliamentary Peers within the next parliament, but public discussion and an attempt to get agreement among the parties should precede such change. In the interim the right of Hereditary Peers to sit and vote should be removed, subject to important safeguards—the Prime Minister should not be free to make all nominations to the House, but only those of his own political party; the Prime Minister should not be free to determine the overall composition of the House; the Cross-Bench Peers should be retained; and an independent commission should be responsible for the nomination of Cross-Bench Peers and for the overall regulation of the process of appointment. If the Government published a Bill to abolish the right of Hereditary Peers to sit and vote, the direction to the second stage of reform should be clearly signposted. The Liberal Democrats' preferred option was that a Joint Committee of both Houses should be appointed immediately the legislation on the first stage reached the statute book.

Lord Rodgers felt that there had been insufficient debate both amongst the public and in Parliament about the most effective and acceptable way of electing a second chamber or of its functions and powers to combine the two stages of reform. There was little likelihood of an informed debate on the long term future of the House until the issue of Hereditary Peers had been resolved. The Liberal Democrats' preference was for a second chamber of members elected from the English regions and from Scotland and Wales. As for powers, it could not become a rival to the Commons, although there were some functions of monitoring and consent that it might acquire. However, these were matters to be argued through in the hope of reaching a substantial agreement across the parties and amongst public opinion.

162. Speech by Paddy Ashdown MP, 'Rebuilding Trust, Empowering People' (8 June 1998)

In a speech on political and constitutional issues to the Westminster Forum, Paddy Ashdown commented on ways of strengthening Parliament to enable it to hold the Executive to account more fully. Part of this process was to legitimise the role of the House of Lords and make it a full partner in the legislature. It should be turned into a Senate. This should be mainly elected, but with a small proportion—perhaps a sixth—of its members appointed. Appointments should be made by a Committee of both Houses.

163. Policy Review Commission Report: Constitutional Affairs (Liberal Democrats, 8 June 1998)

In this paper the Liberal Democrats set out their views on a new constitutional settlement, including the composition and powers of the second chamber. When legislation was introduced to remove the rights of Hereditary Peers, a consultation paper on the subsequent stage of reform should be published. A reformed second chamber should take on additional functions, such as greater scrutiny of delegated legislation and representing the nations and regions of the United Kingdom. The Liberal Democrats reaffirmed the recommendations of the Joint Consultative Committee on Constitutional Reform, which proposed that a Joint Committee of both Houses be appointed to bring forward detailed proposals on the structure and functions of a democratic and representative second chamber. Legislation should be introduced to implement the Committee's proposals in the next Parliament. The reformed second chamber should be called the Senate, and its members Senators.

The Senate should be predominantly elected, with its members drawn from the nations and regions, which should have a direct voice in Parliament to protect their positions against centralisation. Members should be elected by a single transferable vote system for six year terms with one third facing re-election every two years. The constituencies should be Scotland, Wales, Northern Ireland and each English region. There was a role for a small number of appointed Senators. A Committee of both Houses should appoint such individuals to sit on the cross-benches. No one political party should have a majority in the Senate. It should have 300 members, of whom 250 were elected. The Senate should have a general watchdog brief and powers of advice and consent over public appointments. It should have a role in overseeing the activities of quangos and in scrutinising delegated and European legislation.

164. 'Government defeats in Lords' (Earl of Mar and Kellie, *The Herald*, 10 June 1998)

In a letter, Lord Mar and Kellie wrote that there was a distinct need to re-establish a special group of Scottish representative peers, particularly as the House of Lords would not be scrutinising Scottish domestic legislation after the establishment of a Scottish

Parliament. As a result, there would be an acute need to examine and improve reserved powers legislation emanating from the United Kingdom governmental departments but destined for application in Scotland. The Scottish representative peers should scrutinise and revise this legislation.

165. 'No jobs for life in the Lords' (John Grigg, *The Times*, 11 June 1998)

John Grigg, who had disclaimed his hereditary peerage as Lord Altrincham in 1963, argued that appointments to the second chamber should be for a set period, possibly 10 years, with perhaps a restricted provision for reappointment in exceptional cases. Only a fixed number should be made each year on the recommendation of the Prime Minister. The rest should be made on the advice of an independent commission. He also argued for an extension of *ex officio* members, with individuals holding a seat by virtue of their office, such as the Governor of the Bank of England, the General Secretary of the Trades Union Congress, the Presidents of Royal Colleges, curators of national art collections, and holders of leading posts in education and sport. In addition, those who sat in the second chamber should not be lords, but designated Lord in Parliament (LP). The award of hereditary peerages should be continued, but, other than Hereditary Peers of first creation, the holders of hereditary peerages should not be entitled to sit in the House of Lords.

166. 'Elections are not the only way to bring honour to the Lords' (Anne McElvoy, *The Independent*, 15 June 1998)

Ms McElvoy suggested that the second chamber should consist of members nominated by their communities or by professional bodies and selected by an independent commission. Members should sit for a fixed term. The system of life peerages should be abandoned. In addition, political parties should be excluded from the process of selection.

167. 'The Lords our stakeholders' (Lord Skidelsky, *Daily Telegraph*, 16 June 1998)

Lord Skidelsky held that there was a strong argument for retaining a hereditary element in a reformed House on a long-term basis. This depended upon the value of the hereditary peerage as a social institution. It was a unique survival of a time when property in land was held in trust. It was a public function, created for certain public purposes, and held under condition of their fulfilment. As advisers to the crown, land owners were a bulwark against the centralising tendencies of monarchies, due to their local duties. This sense of social and political duty remained as an historical reflex. He argued that it was comparable to the notion of stakeholding. This was also a notion which contended that property was held in trust, and the negation of the idea that important assets were purely private property, to be bought and sold irrespective of social consequences. Therefore there should either be a two-tier system in a reformed House, under which a small minority of Hereditary Peers were entitled to sit and vote, and the rest only to speak; or an election by Hereditary Peers of some of their number, perhaps 100 in a House of 600, to represent the hereditary peerage as a whole.

168. 'The Prime Minister, patronage and Labour's flawed plans for the Lords' (Ken Livingstone MP, *The Independent*, 17 June 1998)

Ken Livingstone argued that the second chamber should be modelled upon the German system, whereby a small upper chamber comprised elected representatives of the regional parliaments of Germany. This could be tied to the Government's plans for elected regional assemblies in England. Representatives from each assembly could sit in an Upper House.

169. 'House of Lords Reform' (HL *Hansard*, 25 June 1998, vol 591, cols 344–8)

Lord Denham asked whether the Government had been prepared to discuss without preconditions fully comprehensive single stage Lords reform before talks with the Opposition were broken off.

Lord Richard said that the Labour Party manifesto was clear on the issue of Lords reform. This would be done in two stages. The first stage would be a discrete stage standing on its own, which would be the abolition of the right of hereditary peers to sit and vote. Whether a different posture by the Government would make an agreement more or less likely was a matter of judgement. Following the first stage there would be a full-scale public consultation. The manifesto mentioned such consultation taking place by means of a Joint Committee of both Houses. Another possibility might be a Royal Commission. In the case of that process the Government would have to make its own views clear.

Appendix

Extracts from the General Election manifestos of the major political parties from 1970 to 1997, in which House of Lords reform was referred to.

1970

Labour Party

“We cannot accept the situation in which the House of Lords can nullify important decisions of the House of Commons and, with its delaying powers, veto measures in the last year before an election. Proposals to secure reform will therefore be brought forward”.

1974 (February)

Liberal Party

“In the long term we would establish a federal system of Government for the United Kingdom with power in domestic matters transferred to Parliaments in Scotland, Wales and Northern Ireland and Provincial Assemblies in England. The Westminster Parliament would then become a Federal Parliament with a reformed second chamber in which the majority of members would be elected on a regional basis”.

1979

Conservative Party

“The public has rightly grown anxious about many constitutional matters in the last few years—partly because our opponents have proposed major constitutional changes for party political advantage. Now Labour want not merely to abolish the House of Lords but to put nothing in its place. This would be a most dangerous step. A strong second chamber is necessary not only to revise legislation but also to guarantee our constitution and liberties”.

Labour Party

“No one can defend on any democratic grounds the House of Lords and the power and influence it exercises in our constitution. We propose, therefore, in the next Parliament, to abolish the delaying power and legislative veto of the House of Lords”.

Liberal Party

“The House of Lords should be replaced by a new, democratically chosen, second chamber which includes representatives of the nations and regions of the United Kingdom, and UK members of the European Parliament”.

1983

Conservative Party

“Labour want to abolish the House of Lords. We will ensure that it has a secure and effective future. A strong Second Chamber is a vital safeguard for democracy and contributes to good government”.

Labour Party

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

SDP/Liberal Alliance

“We propose to reform the powers and composition of the House of Lords, which must include a significant elected element representative of the nations and regions of Britain”.

1987

SDP/Liberal Alliance

“In recent years the House of Lords has proved the value of a second chamber by its careful scrutiny of bills which got little attention in the Commons and by its willingness to defeat the government on issues of national concern. But there can be no justification for basing the membership of the second chamber so largely on heredity and on the whim of Prime Ministers. The Alliance will work towards a reform of the second chamber linked with our devolution proposals so that it will include members elected from the regions and nations of Britain and will phase out the rights of Hereditary Peers to vote in the Lords”.

1992

Labour Party

“Constitutional reforms will include those leading to the replacement of the House of Lords with a new elected second chamber which will have the power to delay, for the lifetime of a Parliament, change to designated legislation reducing individual or constitutional rights”.

Liberal Democrat Party

“We will reform the House of Lords. We will maintain a second chamber as a senate, primarily elected by the citizens of the nations and regions of the United Kingdom. It will have power to delay all legislation other than Money Bills for up to two years”.

1997

Conservative Party

“We have demonstrated we are not against change where it is practical and beneficial. But fundamental changes which have not been fully thought through—such as opposition proposals on the House of Lords—would be extremely damaging. We will oppose change for change’s sake”.

Labour Party

“The House of Lords must be reformed. As an initial, self-contained reform, not dependent on further reform in the future, the right of 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 cross-bench 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. We have no plans to replace the monarchy”.

Liberal Democrat

“We will... create an effective and democratic upper house. We will, over two Parliaments, transform the House of Lords into a predominantly-elected second chamber capable of representing the nations and regions of the UK and of playing a key role in scrutinising European legislation”.

