

Research Briefing

10 October 2024

By Richard Kelly

House of Lords (Hereditary Peers) Bill 2024-25



Summary

- 1 Introduction
 - 2 Composition of the House of Lords
 - 3 Government plans for Lords reform
 - 4 The bill
 - 5 Previous proposals for reforming the House of Lords, since 1999
 - 6 Size of the House of Lords
 - 7 Further information
- Annex: How bills go through Parliament

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Contents

Summary	5
1 Introduction	8
2 Composition of the House of Lords	9
2.1 Excepted hereditary peers	10
Choosing hereditary peers	11
Hereditary peer by-elections	11
2.2 Lords composition by party	12
Impact of removing the hereditary peers	15
3 Government plans for Lords reform	17
3.1 Reaction to the Government’s proposals	18
House of Lords private notice question	18
Lords debate on the King’s Speech	19
Reasons for removing the hereditary peers	21
4 The bill	23
4.1 Removal of the hereditary peers	23
Sections 1 and 2 of the House of Lords Act 1999	23
4.2 Abolition of the House of Lords’ jurisdiction in relation to claims to a hereditary peerage	24
The Judicial Committee of the Privy Council	25
4.3 Consequential amendments	26
Peerage Act 1963	26
House of Lords Act 1999	26
Constitutional Reform and Governance Act 2010	26
House of Lords Reform Act 2014	26
4.4 Commencement	27
4.5 Territorial extent	27
4.6 Compatibility with the European Convention on Human Rights	27

5	Previous proposals for reforming the House of Lords, since 1999	29
5.1	A brief review	29
5.2	Brown Commission proposals, December 2022	30
	Speakers' reactions to the Brown proposals	31
	Other reactions to the Brown proposals	33
5.3	Ending by-elections for hereditary peers	33
6	Size of the House of Lords	35
6.1	Lord Speaker's committee on the size of the House	35
	Debate on the committee's proposals	36
	Prime Minister's response to the report	36
	Progress towards achieving the report's proposals	36
7	Further information	39
7.1	Hereditary peers	39
	Annex: How bills go through Parliament	40
	Commons stages	40
	Lords stages	41
	'Ping pong'	41
	Amendments	42
	Further information on bill procedure	42

Summary

The [House of Lords \(Hereditary Peers\) Bill 2024-25](#) was introduced in the House of Commons on 5 September 2024.

It is scheduled to be debated on second reading on 15 October 2024.

UPDATE (5 November 2024)

The House of Lords (Hereditary Peers) Bill 2024-25 [received a second reading](#) in the House of Commons on 15 October 2024.

The committee stage (committee of the whole House) and remaining stages in the Commons are scheduled to be taken on 12 November 2024.

[Proposed amendments to the bill have been tabled](#) for committee stage.

The briefing paper is unchanged from the paper published on 10 October 2024.

What would the bill do?

The bill would remove “the remaining connection between the hereditary peerage and membership of the House of Lords”. It would remove all remaining hereditary peers from the House of Lords and abolish the House of Lords’ jurisdiction in relation to claims to hereditary peerages.

[Section 1](#) of the House of Lords Act 1999 states that “No-one shall be a member of the House of Lords by virtue of a hereditary peerage”. However, as a result of a compromise during the passage of that legislation, up to 92 excepted hereditary peers were allowed to remain in the House of Lords ([section 2](#) of the 1999 act). This was intended to be temporary, pending further reform of the House of Lords.

At present there are 88 hereditary peers eligible to sit in the House of Lords. They sit alongside 692 life peers and 25 bishops (on 13 September 2024).

The House of Lords (Hereditary Peers) Bill 2024-25 removes section 2 from the 1999 act.

Clause 4(3) of the bill specifies that “This Act comes into force at the end of the Session of Parliament in which this Act is passed”. Excepted hereditary

peers would continue to sit in the House of Lords until the end of the parliamentary session in which the bill received Royal Assent.

The bill relates to the composition of the House of Lords and therefore extends and applies to the whole of the United Kingdom.

What further reform has the government proposed?

In its [manifesto for the 2024 general election](#) (PDF), the Labour Party set out its proposals for House of Lords reform. It identified the removal of hereditary peers as an “immediate modernisation”.

In the [debate on the King’s Speech in the House of Lords](#) on 23 July 2024, Lord Khan of Burnley, a Parliamentary Under-Secretary of State in the Ministry of Housing, Communities and Local Government, confirmed that the removal of hereditary peers was a “first step”.

He confirmed that the government was committed to other reforms:

- changes to appointments process, to improve the national and regional balance of the second chamber
- a mandatory retirement age
- “a long-term commitment to replace the House of Lords with an alternative second Chamber that is more representative of the regions and nations”
- a participation requirement

Lord Khan said the government would “conduct engagement and consult on proposals for an alternative second Chamber”.

Has there been any reform of the House of Lords since 1999?

Since the removal of all but 92 hereditary peers from the House of Lords in the House of Lords Act 1999, there have been plans for further reform. In 2003 and 2007 there were inconclusive votes on the proposed composition of a reformed second chamber; and in 2012 the House of Lords Reform Bill received second reading but did not progress further.

Two relatively small reforms were implemented as a result of backbench bills that originated in the House of Lords. Members of the House of Lords can

retire ([House of Lords Reform Act 2014](#)) and can be expelled and suspended beyond the end of a Parliament ([House of Lords \(Expulsion and Suspension\) Act 2015](#)).

Backbench bills have been introduced in the House of Lords to end the by-elections that fill vacancies among hereditary peers, until eventually no hereditary peers would be sitting in the Lords; and to put the House of Lords Appointments Commission on a statutory footing.

In December 2022, the Labour Party published [A New Britain: Renewing our Democracy and Rebuilding our Economy](#). The report was prepared by the Commission on the UK's Future, led by former Labour Prime Minister Gordon Brown.

It recommended replacing the House of Lords as a second chamber with an Assembly of the Nations and Regions, with around 200 members. The new second chamber would have “a new role of safeguarding the UK constitution”, in a way that sustained the primacy of the House of Commons.

The report said the new second chamber “must have electoral legitimacy”. It would be smaller than the House of Commons, elected on a different electoral cycle. Its precise composition and the method of election would be consulted on.

In a [Hansard Society lecture](#) on 7 December 2022, the Lord Speaker, Lord McFall of Alcluith, said it was not for him to put forward specific proposals for reform of the House. Rather, he suggested “a framework that will help us to have a constructive and purposeful debate about the future of the House”.

In interviews later in December, the Commons Speaker, Sir Lindsay Hoyle commented on the Labour Party's proposals. The BBC reported the Speaker “[expressed his opposition to Labour's plan](#) to replace the House of Lords with an elected chamber” and the plan “would undermine the authority of the House of Commons”.

1 Introduction

The [House of Lords \(Hereditary Peers\) Bill 2024–25](#) was introduced in the House of Commons on 5 September 2024.¹

It is scheduled to be debated on second reading on 15 October 2024.

The House of Lords Act 1999 states that “No-one shall be a member of the House of Lords by virtue of a hereditary peerage”.² However, as a result of a compromise during the passage of that legislation, an exception was made to allow up to 92 hereditary peers to remain in the House of Lords on a temporary basis, pending further reform of the House of Lords.

The House of Lords (Hereditary Peers) Bill 2024–25 would remove the excepted hereditary peers from the House of Lords.

In its manifesto and in the debate on the constitution and devolution (day five of the debate on the King’s Speech) in the House of Lords, the government confirmed its intention that the removal of hereditary peers was a “first step” and other reforms to the House of Lords would follow.³

Questions about and proposals for reform of the House of Lords arose after the 1999 act and some further small changes were made (see section 5 of this research briefing). The House of Lords itself has expressed concern about its size and a committee appointed by the Lord Speaker proposed voluntary measures to reduce the size of the House (see section 6 of this research briefing).

Before discussing the bill (section 4), this research briefing provides background information on the composition of the House of Lords (section 2) and on the government’s proposals for Lords reform (section 3).

¹ [HC Deb 5 September 2024 c454](#)

² House of Lords Act 1999 (chapter 34), [section 1](#)

³ [HL Deb 23 July 2024 cc483–484](#); Labour Party, [Change – Labour Party Manifesto 2024](#) (PDF), p108; and see also [HL PQ361](#), 7 August 2024

2

Composition of the House of Lords

The House of Lords can comprise:

- No more than 26 archbishops and bishops of the Church of England – the Lords Spiritual.⁴
- An unlimited number of life peers created under the Life Peerages Act 1958 or the, now repealed, Appellate Jurisdiction Act 1876.⁵
- No more than 92 excepted hereditary peers.

On 13 September 2024, there were 831 members of the House of Lords. However, 26 were ineligible to sit because they were on leave of absence (23), disqualified through holding high judicial office (2) or suspended (1). Of the remaining 805 there were:

- 25 Lords Spiritual
- 692 life peers (including six created under the Appellate Jurisdiction Act 1876)
- 88 excepted hereditary peers⁶

⁴ There are more than 26 bishoprics in England. The number of places for Lords Spiritual is limited to 26 by the [Bishoprics Act 1878](#). The Archbishops of Canterbury and York and the Bishops of Durham, London and Winchester automatically sit in the House of Lords. The remaining 21 places are filled by the longest serving diocesan bishops, although female bishops who are not members of the House of Lords have precedent over longer serving male bishops (under the Lords Spiritual (Women) Act 2015).

⁵ Until the establishment of the Supreme Court under the Constitutional Reform Act 2005, its functions were undertaken by the Appellate Committee of the House of Lords, comprising specifically appointed Lords of Appeal in Ordinary (Law Lords). Supreme Court Justices are now appointed directly to the Supreme Court.

⁶ One excepted hereditary peer is on leave of absence, there are two current vacancies and the current Lord Great Chamberlain (Lord Carrington) was already an excepted hereditary peer when he became Lord Great Chamberlain.

2.1

Excepted hereditary peers

The intention of the House of Lords Bill 1998–99, which became the House of Lords Act 1999, was to remove all hereditary peers from the House of Lords. Section 1 of the act states:

No-one shall be a member of the House of Lords by virtue of a hereditary peerage.⁷

However, during the passage of the bill, the government accepted an amendment to allow “the interim retention of one in 10 of the hereditary Peers, 75 out of the existing 750, plus 15 hereditary office-holders, until the second stage of House of Lords reform has taken place”.⁸ The amendment also allowed the holder of the office of Earl Marshall and the person performing the office of the Lord Great Chamberlain to be additional to the limit of 90 if they were not already excepted.⁹ These provisions are now section 2 of the House of Lords Act 1999.

The intention of the bill, to remove all hereditary peers, reflected the Labour Party’s 1997 election manifesto which had said Labour would “end the hereditary principle in the House of Lords”. Although this was to be part of a wider reform of the House of Lords, the manifesto said that removing all hereditary peers was to be a “self-contained” reform:

A modern House of Lords

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

The system of appointment of life peers to the House of Lords will be reviewed. Our objective will be to ensure that over time party appointees as life peers more accurately reflect the proportion of votes cast at the previous general election. We are committed to maintaining an independent 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.¹⁰

⁷ House of Lords Act 1999 (chapter 34), [section 1](#)

⁸ [HL Deb 30 March 1999 c207](#)

⁹ [HL Deb 11 May 1999 cc1088–1138](#)

¹⁰ Labour Party, [Manifesto 1997](#) (PDF) [via a third party site]

At second reading of the bill in the House of Lords, Lord Irvine of Lairg, then the Lord Chancellor, explained why the amendment would be accepted by the government at committee stage. He said it would guarantee that a second stage of reform would take place; would give greater authority to remaining hereditary peers because they would have been elected by the hereditary peers in their party groups; and it prevented the unceremonious removal of the entire hereditary peerage from the House of Lords.¹¹

Choosing hereditary peers

In July 1999, the House of Lords Procedure Committee confirmed the excepted hereditary peers consisted of the following categories and set out how they would be chosen:

- (2) The excepted hereditary peers shall consist of the following categories:
 - (i)
 - (a) 2 peers elected by the Labour hereditary peers;
 - (b) 42 peers elected by the Conservative hereditary peers;
 - (c) 3 peers elected by the Liberal Democrat hereditary peers;
 - (d) 28 peers elected by the Cross-bench hereditary peers;
 - (ii) 15 peers, elected by the whole House, from among those ready to serve as Deputy Speakers or in any other office as the House may require; and
 - (iii) any peer holding the office of Earl Marshal or performing the office of Lord Great Chamberlain.¹²

Hereditary peer by-elections

The House of Lords Act 1999 required that after the end of the first session of the next Parliament (that was from the beginning of the 2002–03 session), any vacancies among the 90 excepted hereditary peers would be filled through by-elections.¹³

For vacancies in category (i), only hereditary peers in the relevant party would have a vote. For vacancies in category (ii) the whole House would vote. However, the distribution between the parties has been unchanged since the first 15 were elected in 1999, as Lord Norton of Louth explained to the Public Administration and Constitutional Affairs Committee in 2023:

It is a whole-House election but under what is known as the Carter formula after Lord Carter who was the Labour Chief Whip at the time and agreed that

¹¹ [HL Deb 30 March 1999 cc207-208](#)

¹² Procedure Committee, [Third Report](#), 6 July 1999, HL Paper 81 1998–99

¹³ House of Lords Act 1999 (chapter 34), [section 2\(4\)](#)

the House should elect somebody from that party to replace whatever party that member is of.¹⁴

Under Standing Order 9(5), by-elections must take place within three months of a vacancy arising.¹⁵

In anticipation of legislation to remove all hereditary peers, on 25 July 2024, the House of Lords agreed that by-elections should take place within 18 months of a vacancy arising.¹⁶ Baroness Smith of Basildon explained that the usual channels (business managers) in the House of Lords thought it would be “deeply undesirable” to hold by-elections while the bill was being considered.¹⁷

At the time of this decision, there were two hereditary peer by-elections pending.¹⁸

2.2

Lords composition by party

Table 1 reports the number of peers in each grouping in the House of Lords, as of 13 September 2024. It also shows the breakdown of hereditary and life peers in each group and the number of male and female peers in each group. The table only shows eligible peers (those on a leave of absence, disqualified or suspended are not included).

¹⁴ Public Administration and Constitutional Affairs Committee, [Oral evidence: Membership of the House of Lords](#) (PDF), HC 199 Tuesday 28 November 2023, Q27

¹⁵ House of Lords, [Standing Orders of the House of Lords – Public Business, 2021](#), with amendments up to 28 February 2024, Standing Order 9

¹⁶ [HL Deb 25 July 2024 cc624–627](#)

¹⁷ HL Deb 25 July 2024 c624

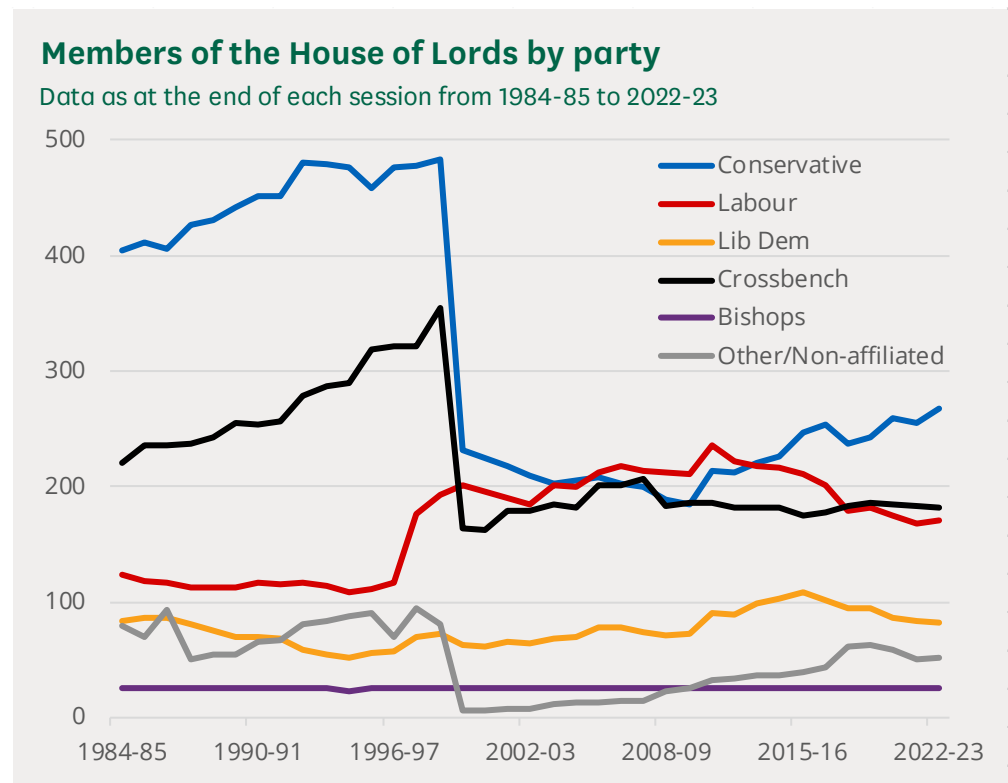
¹⁸ HL Deb 25 July 2024 c624

**Table 1: Lords membership, by party, by peerage and by gender
on 13 September 2024**

Party/group	Total	Hereditary	Life	Male	Female
Conservative	276	45	231	206	70
Labour	185	4	181	113	72
Crossbench	184	33	151	136	48
Lib Dem	79	4	75	47	32
Non-affiliated	41	2	39	32	9
Bishops*	25			19	6
DUP	6		6	6	
UUP	3		3	3	
Green	2		2		2
Plaid Cymru	2		2	1	1
Cons Ind	1		1	1	
Lord Speaker	1		1	1	
Totals	805	88	692	565	240

* the 25 bishops are not classed as hereditary or life peers, they are Lords Spiritual
Source: UK Parliament, [Lords membership](#) [note, the published tables are updated daily]

The chart below shows how the party breakdown in the House of Lords has changed since 1984–85.



Source: House of Lords, [Statistics on Business and Membership](#), data compiled by the House of Lords Library

In her evidence to the Public Administration and Constitutional Affairs Committee's inquiry into the membership of the House of Lords in 2023, Professor Meg Russell provided the following commentary on these figures:

... we have a problem now that the House of Lords is too big, and it is too Conservative.

One of the problems that we have had is that since 2010, there have been—I have the figures here—206 Conservative appointments and 80 Labour appointments. Now maybe the governing party should get a few more appointments than the Opposition but this is always the pattern, and this is one of the things that drives the ever-large size of the Chamber. If there is a change of government to a Labour Government, then the Labour Prime Minister will face a terrible dilemma as to whether to go into this arms race and try to outnumber the Conservatives in the Lords. An easy way of balancing the numbers somewhat would be to end the hereditary route.¹⁹

Table 2 reports the age structure of the House of Lords on 13 September 2024, for the 780 eligible life peers and hereditary peers (that is, excluding the bishops).

¹⁹ Public Administration and Constitutional Affairs Committee, [Oral evidence: Membership of the House of Lords](#) (PDF), HC 199, Tuesday 28 November 2023, Q22

**Table 2: Age profile of the House of Lords
on 13 September 2024**

Age	Number of peers
> 85	27
80 – 84	157
75 – 79	144
70 – 74	134
60 – 69	183
50 – 59	100
< 50	35

Source: Members' Names Information Service

In response to a parliamentary question, Lord Gardiner of Kimble, the Senior Deputy Speaker, said that “A total of 324 current members of the House of Lords will be aged 80 or over on 1 June 2029”. He also provided a breakdown by party of those 324 peers (as of 24 July 2024):

- 92 Labour members
- 87 Conservative members
- 87 Crossbench members
- 37 Liberal Democrat members
- 12 Non-affiliated members
- 3 Democratic Unionist Party members
- 2 Ulster Unionist Party members
- 1 Conservative Independent member
- 1 Independent Social Democrat member
- 1 Independent Ulster Unionist member
- 1 Plaid Cymru member.²⁰

Impact of removing the hereditary peers

If all hereditary peers were removed from the House of Lords, it would reduce in size by 88 members (on present numbers).²¹

²⁰ [HL PQ122](#), 29 July 2024

²¹ Lisa James, “[Who are the last hereditary peers?](#)”, Constitution Unit Blog, 11 September 2024

The proportion of Conservative members would fall from 34% to 32%; and the proportion of Labour members would increase from 23% to 25%. This reflects the fact that the majority of hereditary peers are Conservative (45 out of 88).²²

²² Lisa James, "[Who are the last hereditary peers?](#)", Constitution Unit Blog, 11 September 2024

3

Government plans for Lords reform

In its manifesto for the 2024 general election, the Labour Party set out its proposals for House of Lords reform:

- Remove the right of hereditary peers to sit and vote in the House of Lords, which it identified as an “immediate modernisation”.
- Require that members retire from the House of Lords at the end of the Parliament in which they reached 80 years of age.
- Introduce a new participation requirement and strengthen the circumstances in which “disgraced” members can be removed.
- Reform the appointments process to ensure the quality of new appointments.
- Seek to improve the national and regional balance of the second chamber.²³

The Labour manifesto also stated that:

... Labour is committed to replacing the House of Lords with an alternative second chamber that is more representative of the regions and nations. Labour will consult on proposals, seeking the input of the British public on how politics can best serve them.²⁴

In the King’s Speech on 17 July 2024, the government said:

Measures to modernise the constitution will be introduced including House of Lords reform to remove the right of hereditary peers to sit and vote in the Lords.²⁵

During the debate on the King’s Speech in the House of Lords, these proposals were raised by several members. At the end of the debate on the constitution and devolution (the fifth day of debate on the King’s Speech in the Lords), Lord Khan of Burnley, a Parliamentary Under-Secretary of State in the Ministry of Housing, Communities and Local Government, confirmed that the removal of hereditary peers was a “first step”. He said that “Places in the second Chamber should not be reserved for individuals because of their family background”.²⁶

²³ Labour Party, [Change – Labour Party Manifesto 2024](#) (PDF), p108

²⁴ As above

²⁵ [HC Deb 17 July 2024 c41](#)

²⁶ [HL Deb 23 July 2024 c483](#)

He confirmed that the government was committed to other reforms:

- changes to appointments process, to improve the national and regional balance of the second chamber
- a mandatory retirement age
- “a long-term commitment to replace the House of Lords with an alternative second Chamber that is more representative of the regions and nations”
- a participation requirement

Lord Khan said the government would “conduct engagement and consult on proposals for an alternative second Chamber”.²⁷

On 7 August 2024, in response to a written question in the House of Lords, Broness Twycross, a Baroness in Waiting (government whip), confirmed that “legislation to remove the right of hereditary peers to sit and vote in the House of Lords [would] be the first step in wider reform to the second chamber, as set out in the manifesto”.²⁸

The House of Lords (Hereditary Peers) Bill 2024-25 was introduced in the House of Commons on 5 September 2024.²⁹

3.1

Reaction to the Government’s proposals

House of Lords private notice question

On the day that the bill was introduced in the House of Lords, Lord Strathclyde, a hereditary peer and a former Conservative Leader of the House of Lords, was granted a private notice question (urgent question) on the government’s plans to remove excepted hereditary peers.³⁰

Lord Strathclyde said the proposals in the bill would remove “some of our most senior and experienced Peers”. He criticised the government for not discussing the proposals with other parties and suggested removing peers who rarely attended the House of Lords rather than “those who have shown an active commitment over many years”.³¹

In response, Baroness Smith of Basildon, the Leader of the House of Lords, argued that the discussions in 1999 only took place because there was no agreement on removing all hereditary peers at that time. Now, she argued,

²⁷ HL Deb 23 July 2024 c484

²⁸ [HL PQ361](#), 7 August 2024

²⁹ [HC Deb 5 September 2024 c454](#)

³⁰ [HL Deb 5 September 2024 cc1246–1251](#)

³¹ HL Deb 5 September 2024 cc1246–1247

the process of removing the hereditary peers could be completed: the excepted hereditary peers could be removed.³²

For the Liberal Democrats, Lord Wallace of Saltaire said his party was committed to further reform of the House of Lords. He suggested that the Conservatives were over-represented in the House and asked whether there had been discussions about a voluntary reduction in their numbers.³³

In her response to Lord Wallace, Baroness Smith said:

... for the last 25 years one of the arguments has been that nothing should be done until everything can be done—but no one agrees on what “everything” is. A piecemeal approach is by far the better way.³⁴

In 2020 and 2021, the Conservative government rejected piecemeal reforms to the House of Lords.³⁵

For the Conservative Party, Lord True, Shadow Leader of the House of Lords, asked for discussions in the “spirit of consensus”. In her reply to Lord True, Baroness Smith said: “It has been debated in this House on many occasions and I am sure the dialogue will continue”.³⁶

Lords debate on the King’s Speech

On 23 July 2024, during its debate on the King’s Speech, the House of Lords considered the constitution and devolution.³⁷ A number of speakers in the debate referred to the government’s plans for removing the hereditary peers and for wider Lords reform.

Lord Hermer, the Attorney General, opened the debate. He paid tribute to the work of hereditary peers before saying that it had been a feature of the British constitution that change was “incremental and not revolutionary”; and the steps set out for Lords reform in several stages reflected this.³⁸

For the Conservative Party, Lord Keen of Elie argued that the proposed removal of hereditary peers, which he described as an “alleged interim measure”, failed to “take account of the functioning of our constitutional system as a whole”. He also argued the proposal was driven by short-term political considerations rather than long-term constitutional imperatives.³⁹ Lord Strathclyde, a former Conservative Leader of the House of Lords, also

³² HL Deb 5 September 2024 c1247

³³ HL Deb 5 September 2024 c1247

³⁴ HL Deb 5 September 2024 cc1247–1248

³⁵ [PQ82009](#), 1 December 2021; [HL Deb 30 June 2021 c784](#); [PQ52229](#), 8 June 2020; [PQH14071](#), 14 May 2020

³⁶ HL Deb 5 September 2024 cc1250–1251

³⁷ [HL Deb 23 July 2024 cc370–418](#) and [cc432–488](#)

³⁸ HL Deb 23 July 2024 c373

³⁹ HL Deb 23 July 2024 c375

argued against piecemeal reform, until there was the “certainty of proper reform”.⁴⁰

A number of peers suggested there was room for negotiation for transitional arrangements to allow some hereditary peers to remain.⁴¹ One such was the Liberal Democrat spokesperson, Lord Wallace of Saltaire, who also highlighted the “gross imbalance between Conservative Peers and other parties”.⁴² Another was Lord Fowler, the former Lord Speaker, who established the Lord Speaker’s committee on the size of the House.

Lord Kinnoull, the Convenor of the Crossbench Peers, referred to evidence he had given to the Public Administration and Constitutional Affairs Committee’s inquiry into the membership of the House of Lords. He identified “three unfairnesses” in the make-up of the House of Lords:

... the hereditaries, the bishops, and the unlimited and unfettered power the Prime Minister has to make appointments to this House.⁴³

He argued that the Prime Minister’s power to make appointments was the “greatest unfairness” and that the removal of the hereditary peers would “add power to the Prime Minister”.⁴⁴

Lord Hope of Craighead (crossbench) suggested that non-attendance should be the focus of reasons for disqualification from the House of Lords.⁴⁵ So too did Lord Foulkes of Cumnock.⁴⁶ Under the House of Lords Reform Act 2014, any member of the House of Lords who does not attend the House of Lords during a session ceases to be a member at the beginning of the next session, unless they are disqualified from sitting and voting or suspended.⁴⁷

Baroness Jay of Paddington, a former Labour Leader of the House of Lords, who was Leader at the time of the 1999 act, argued for a 15-year term-limit, in preference to a retirement age of 80.⁴⁸

Lord Burns (crossbench), who chaired the Lord Speaker’s Committee on the size of the House, welcomed proposals to remove hereditary peers. He highlighted the imbalance in the party strengths in the House of Lords and said the only way of “restoring balance in the number of seats is to have a significant number of new appointments”. He argued his committee’s proposals for a cap on the size of the House; for party balance to be

⁴⁰ HL Deb 23 July 2024 c385

⁴¹ For example, Lord Wallace of Saltaire (c379); Lord Fowler (c388); Lord Foulkes of Cumnock (c411); Lord Bourne of Aberystwyth (c446)

⁴² HL Deb 23 July 2024 c379

⁴³ HL Deb 23 July 2024 c381

⁴⁴ As above (see also Lord Butler of Brockwell, c443)

⁴⁵ HL Deb 23 July 2024 c393

⁴⁶ HL Deb 23 July 2024 c411

⁴⁷ House of Lords Reform Act 2014 (chapter 24), [section 2](#)

⁴⁸ HL Deb 23 July 2024 c402

determined by results of elections to the Commons; and for term limits were still relevant.⁴⁹

Baroness Smith of Llnfaes (Plaid Cymru) welcomed the “initial step” towards reform. She called for further reform to make the House more representative, in terms of gender and of the nations and regions.⁵⁰

In his valedictory speech, Lord Warner (crossbench) argued the downsizing of the House of Lords was “too timid and not strong enough”. He called for a statutory cap on the size of the House, fixed terms of appointments, a retirement age of 80 and restrictions on the Prime Minister’s power to appoint. He also said that the bishops should be removed.⁵¹

Viscount Astor (Conservative), a hereditary peer, suggested hereditary peers should remain until the end of the current session – the bill provides for this. He also said he was “happy to go, as long as the Government accept that proper constitutional reform is required”.⁵²

Lord Tyrie (non-affiliated) said the removal of hereditary peers was “long overdue” but he opposed the introduction of a retirement age.⁵³ He and others called for the second chamber to be elected.⁵⁴

In a Guardian comment article in September 2024, the Green peer Baroness Jones of Moullescoomb argued that getting rid of hereditary peers was “just a tweak”. She said she was a “firm believer” in a wholly elected second chamber. She questioned why the hereditary peers were being singled out and suggested addressing the “corrupt system of prime ministerial patronage” and the right of Church of England bishops to sit and vote in the House of Lords.⁵⁵

Reasons for removing the hereditary peers

In its blog on “Who are the last hereditary peers?”, the Constitution Unit at University College London identified both normative and political reasons for removing the hereditary peers.

They said it was “widely (if not universally) considered settled” that hereditary status was not an appropriate qualification to sit in parliament in a modern democracy.⁵⁶ This view was widely echoed by academics and members of the House of Lords in evidence to the Public Administration and Constitutional

⁴⁹ HL Deb 23 July 2024 cc412–413

⁵⁰ HL Deb 23 July 2024 cc439–440

⁵¹ HL Deb 23 July 2024 c449

⁵² HL Deb 23 July 2024 c456

⁵³ HL Deb 23 July 2024 c468

⁵⁴ As above, see also Viscount Thurso (c472)

⁵⁵ Jenny Jones [Baroness Jones of Moullescoomb], “[I sit in the House of Lords – and here’s why getting rid of 92 hereditary peers won’t fix it](#)”, Guardian, 10 September 2024

⁵⁶ Lisa James, “[Who are the last hereditary peers?](#)”, Constitution Unit Blog, 11 September 2024

Affairs Committee’s inquiry into membership of the House of Lords,⁵⁷ although Lord True, then Leader of the House of Lords, reminded the committee that the hereditary peers had been retained pending the next stage of permanent reform. He commented that in 1999, no one “envisaged that hereditary peers would be there after 2005”.⁵⁸

The political motives mentioned by the Constitution Unit were twofold:

... the majority of hereditaries are Conservative (and only four are Labour). And in practical terms, their removal will reduce the size of the House, which is widely considered too large.⁵⁹

⁵⁷ Public Administration and Constitutional Affairs Committee, [Oral Evidence: Membership of the House of Lords](#) (PDF), 28 November 2023, Q22 and Q29; [Oral Evidence: Membership of the House of Lords](#) (PDF), 9 January 2024, Q65 and Q67; [Oral Evidence: Membership of the House of Lords](#) (PDF), 14 May 2024, Q79

⁵⁸ Public Administration and Constitutional Affairs Committee, [Oral Evidence: Membership of the House of Lords](#) (PDF), 14 May 2024, Q134

⁵⁹ Lisa James, “[Who are the last hereditary peers?](#)”, Constitution Unit Blog, 11 September 2024

4 The bill

The [House of Lords \(Hereditary Peers\) Bill 2024–25](#) (PDF) was introduced to the House of Commons on 5 September 2024.⁶⁰ The bill and its [explanatory notes](#) (PDF), and information about the progress of the bill, are published on the parliamentary website.⁶¹

The House of Lords (Hereditary Peers) Bill 2024–25 has two substantive clauses and makes consequential amendments to legislation relating to hereditary peers and membership of the House of Lords.

The bill would remove “the remaining connection between the hereditary peerage and membership of the House of Lords”; and abolish the House of Lords’ jurisdiction in relation to claims to hereditary peerages.

4.1 Removal of the hereditary peers

Clause 1 omits section 2 of the House of Lords Act 1999.

Section 2 of the House of Lords Act 1999 enshrined the compromise agreement to allow up 92 hereditary peers to be excepted from the blanket provision in section 1 of the 1999 act.

The wording of sections 1 and 2 of the 1999 Act are set out below – the bill would remove section 2 entirely.

Sections 1 and 2 of the House of Lords Act 1999

1 Exclusion of hereditary peers.

No-one shall be a member of the House of Lords by virtue of a hereditary peerage.

2 Exception from section 1.

(1) Section 1 shall not apply in relation to anyone excepted from it by or in accordance with Standing Orders of the House.

(2) At any one time 90 people shall be excepted from section 1; but anyone excepted as holder of the office of Earl Marshal, or as performing the office of Lord Great Chamberlain, shall not count towards that limit.

⁶⁰ [HC Deb 5 September 2024 c453](#)

⁶¹ All documents relating to the bill can be found on the [House of Lords \(Hereditary Peers\) Bill](#) pages

(3) Once excepted from section 1, a person shall continue to be so throughout his life (until an Act of Parliament provides to the contrary).

(4) Standing Orders shall make provision for filling vacancies among the people excepted from section 1; and in any case where—

(a) the vacancy arises on a death occurring after the end of the first Session of the next Parliament after that in which this Act is passed, and

(b) the deceased person was excepted in consequence of an election,

that provision shall require the holding of a by-election.

(5) A person may be excepted from section 1 by or in accordance with Standing Orders made in anticipation of the enactment or commencement of this section.

(6) Any question whether a person is excepted from section 1 shall be decided by the Clerk of the Parliaments, whose certificate shall be conclusive.⁶²

4.2

Abolition of the House of Lords' jurisdiction in relation to claims to a hereditary peerage

At present, if someone wants to claim a hereditary peerage (for example, if the previous holder of the peerage dies), they must apply to the Lord Chancellor (through the Crown Office) to be entered onto the [Roll of the Peerage](#) (PDF).⁶³ If the Attorney General for England and Wales is satisfied by the claim, then “he may recommend the exercise of the royal discretion without reference to the House of Lords”.⁶⁴

Disputed or complex peerage claims – or claims to abeyant peerages – may, however, be referred to the House of Lords. Lords Standing Orders provide for

⁶² [House of Lords Act 1999](#) (chapter 34), sections 1 and 2

⁶³ The Roll of the Peerage is an officially compiled and maintained list, intended to contain the names of all living peers, whether they are hereditary or life peers. See College of Arms, [Roll of the Peerage](#) .

The current system is outlined in a [Royal Warrant of 2004](#) (PDF).

The Roll of the Peerage replaced the Roll of the Lords Spiritual and Temporal, which existed until 1999. The current Roll is prepared and kept by the Lord Chancellor, acting in consultation with Garter Principal King of Arms (for English, Irish, British and United Kingdom peerages) and Lord Lyon King of Arms (for Scottish peerages). The Roll of the Peerage also records peers of Ireland and life peers

⁶⁴ [Claims to Peerage](#), Debrett's website. The College of Arms website includes [guidance notes on how to prove succession to a peerage](#).

referral of claims to a temporary committee for peerage claims.⁶⁵ The Lords would agree the committee's decision and report the outcome to the Crown.⁶⁶

The process for those claiming Irish peerages is similar, save that claimants petition the House of Lords directly.⁶⁷ In the case of Scottish peerages or other peerages with a strong Scottish connection, complex or disputed claims are referred via the Scottish authorities to Lord Lyon King of Arms.⁶⁸ There has not been a peerage claim since the passage of the House of Lords Act in 1999.⁶⁹

Clause 2 of the bill would abolish the jurisdiction of the House of Lords in relation to hereditary peerage claims. Subsection (2) provides that for the purposes of this section “a claim to a hereditary peerage includes a claim to a hereditary peerage in abeyance”.

The explanatory notes to the bill state that the “intention” is for any “complex or disputed” peerage claims instead to be referred to the [Judicial Committee of the Privy Council](#) under [section 4](#) of the Judicial Committee Act 1833. The notes add that claimants to a peerage of Ireland “will no longer petition the House of Lords to confirm their succession”.⁷⁰

There is no explicit provision in the bill that complex or disputed claims should be referred to the Judicial Committee of the Privy Council. But section 4 of the Judicial Committee Act 1833 allows the Monarch to refer “any such other matters whatsoever as his Majesty shall think fit” to the Judicial Committee of the Privy Council for “hearing or consideration”.

Writing in 2016, Alex Peplow, a solicitor, observed that the section 4 reference (under the Judicial Committee Act 1833) was “a little-used jurisdiction”. He added that only three referrals had been heard between October 2009 and July 2016. These involved baronetcy claims; baronet is the rank below baron, and it is not a peerage.⁷¹

The Judicial Committee of the Privy Council

The [Judicial Committee of the Privy Council](#) is the highest court of appeal for many Commonwealth countries, as well as the United Kingdom's overseas territories, crown dependencies, and military sovereign base areas.

It also hears appeals from ancient courts (such as the court of Admiralty of the Cinque Ports) and from ecclesiastical courts.

⁶⁵ [Lords Standing Orders 77 and 78](#). The committee of four sits with three current holders of “high judicial office” (see Erskine May, [para 11.6](#)). The Lords Committee for Privileges previously handled peerage claims

⁶⁶ Erskine May, *Parliamentary Practice*, 25th edition, 2019, [para 11.6](#)

⁶⁷ [Lords Standing Orders 79 and 80](#)

⁶⁸ Debrett's website, [Claims to Peerage](#)

⁶⁹ House of Lords Procedure Committee, [First Report](#), HL Paper 29, 3 March 2020, para 14

⁷⁰ House of Lords (Hereditary Peers) Bill, [Explanatory Notes](#) (PDF), para 5

⁷¹ Alex Peplow, [A Curious Jurisdiction – Section 4 of the Judicial Committee Act 1833](#), UK Constitutional Law Association blog, 15 July 2016

The Justices of the Judicial Committee of the Privy Council are the current Justices of the Supreme Court.⁷²

4.3 Consequential amendments

Clause 3 makes a series of amendments to legislation that relates to the hereditary peerage.

Peerage Act 1963

The bill would remove the restriction in the Peerage Act 1963 (section 1(2)) that prevented excepted hereditary peers from disclaiming a peerage – as there will no longer be excepted hereditary peers.

It would also remove the provisions in the act that enabled all Scottish peers, rather than a number elected from their ranks (section 4) and peeresses in their own right (female hereditary peers) to sit in the House of Lords.

House of Lords Act 1999

Section 3 of the House of Lords Act 1999 lifted the bar on hereditary peers voting in parliamentary general elections. However, it retained this bar for excepted hereditary peers. Clause 3(2)(a) removes the exception for excepted hereditary peers, as there will be none. All hereditary peers will now be able to vote in UK general elections, unless they are prevented by some other preventing factor. The prohibition on members of the House of Lords voting in UK parliamentary general elections is not affected.

A change made to the Peerage Act 1963 by the 1999 act is omitted by clause 3(2)(b).

Constitutional Reform and Governance Act 2010

The Constitutional Reform and Governance Act 2010 required MPs and members of the House of Lords to be domiciled in the UK for tax purposes. Section 42 of the act allowed peers to resign from the House of Lords instead. Clause 3(3) of the House of Lords (Hereditary Peers) Bill removes references to hereditary peers in section 42 of the 2010 act.

House of Lords Reform Act 2014

The House of Lords Reform Act 2014 allowed members of the House of Lords to resign from the House. Section 4 of the act set out the consequences for a

⁷² Judicial Committee of the Privy Council, [Biographies of the Justices](#)

member that resigns. Clause 3(4) of the House of Lords (Hereditary Peers) Bill removes references to hereditary peers in section 4 of the 2014 act.

4.4 Commencement

Clause 4(3) of the bill specifies that “This Act comes into force at the end of the Session of Parliament in which this Act is passed”. Excepted hereditary peers would continue to sit in the House of Lords until the end of the parliamentary session in which the bill received the Royal Assent.

Clause 4(4) confirms that “any writ of summons for the present Parliament in right of a hereditary peerage is of no effect after that Session”, that is the session in which the bill receives Royal Assent.

4.5 Territorial extent

The bill relates to the composition of the House of Lords and therefore extends and applies to the whole of the United Kingdom.

The explanatory notes state that as the bill relates to the reserved or excepted matter of the Parliament of the United Kingdom under the devolution statutes,⁷³ the [Sewel Convention](#) is not engaged and legislative consent motions in the Scottish Parliament, Senedd and Northern Ireland Assembly are not required.

4.6 Compatibility with the European Convention on Human Rights

The government considers that the bill is compatible with the [European Convention on Human Rights](#) (ECHR). Accordingly, it has made a statement on the face of the bill to that effect under [section 19\(1\)\(a\)](#) of the Human Rights Act 1998.

The explanatory notes state that the principal human rights issue raised by the bill is whether a “hereditary peer who is deprived of their membership of the House of Lords (or of their potential to stand for election to a position in the House of Lords in the future) has any Convention Rights in respect of the

⁷³ Scotland Act 1998, [Schedule 5](#), Government of Wales Act 2006, [Schedule 7A](#), Northern Ireland Act 1998, [Schedule 2](#).

loss of that entitlement”.⁷⁴ The notes state that the right to be a member of the House of Lords is not covered by the ECHR:

Membership of Parliament, including as a member of the House of Lords, is a public law right, which has been held by both domestic courts and the European Court of Human Rights as being outside the scope of the relevant ECHR articles.⁷⁵

In respect of article 6 (the right to a fair trial) of the ECHR, the explanatory notes state that the European Court of Human Rights has affirmed in [*X v United Kingdom* \(app no 8208/78\)](#) that:

The right to participate in the work of the House of Lords cannot be regarded as a ‘civil right’ within the meaning of article 6. It is of the opinion that such a right, connected as it is to the composition of part of the legislature, falls into the sphere of public law rights outside the scope of article 6.⁷⁶

The explanatory notes state that the right to receive a writ of summons and to sit and vote in the House of Lords was a public right and ECHR article 6 was not engaged. Nor was the right to receive a writ part of private life for the purposes of article 8 or a possession for the purposes of article 1 (the right to freedom of thought).⁷⁷

Article 3 on the right to free elections does not arise in respect of the by-elections by which hereditary peers may currently become members of the House of Lords.⁷⁸

Because none of these rights are in question, the explanatory notes state it therefore follows that “there can be no breach of article 14 on discrimination”.⁷⁹

⁷⁴ House of Lords (Hereditary Peers) Bill, [Explanatory notes](#) (PDF), para 22

⁷⁵ House of Lords (Hereditary Peers) Bill, [Explanatory notes](#) (PDF), para 22

⁷⁶ House of Lords (Hereditary Peers) Bill, [Explanatory notes](#) (PDF), para 23

⁷⁷ House of Lords (Hereditary Peers) Bill, [Explanatory notes](#) (PDF), para 24

⁷⁸ House of Lords (Hereditary Peers) Bill, [Explanatory notes](#) (PDF), para 25

⁷⁹ House of Lords (Hereditary Peers) Bill, [Explanatory notes](#) (PDF), para 26

5 Previous proposals for reforming the House of Lords, since 1999

5.1 A brief review

Since the removal of all but 92 hereditary peers from the House of Lords in the Labour government's House of Lords Act 1999, there have been plans for further reform.

The Labour government established a Royal Commission (chaired by Lord Wakeham) which reported in 2000. It made a wide range of recommendations, including:

- the removal of the remaining hereditary peers
- a minority of members to be elected regionally by proportional representation.⁸⁰

No legislation followed the Wakeham Commission but proposals for an elected element of the House of Lords continued to be made. Inconclusive votes on the proposed composition of a reformed second chamber took place in 2003 and 2007.⁸¹

The coalition government published a draft bill on House of Lords reform in 2011. It was scrutinised by a Joint Committee before introduction, and it was introduced in the 2012–13 session.⁸² It received a second reading but made no further progress as a programme motion (to provide time for the bill to be scrutinised in a committee) could not be agreed. The government withdrew the bill.⁸³

In 2005 the Constitutional Reform Act was passed, providing for the creation of the UK Supreme Court. As a result of those changes, a stronger formal separation of powers was established between Parliament and the judiciary. Active senior judges, including Supreme Court justices, are now disqualified

⁸⁰ [A House for the Future: Royal Commission on the reform of the House of Lords](#), 20 January 2000.

⁸¹ House of Commons Library briefing, [House of Lords developments since 2002](#), RP 03-85, 25 November 2003, Section V; [House of Lords Reform: 2007 White Paper](#), SN04255

⁸² [Joint committee on the Draft House of Lords Reform Bill](#)

⁸³ House of Commons Library briefing, [House of Lords Reform Bill 2012-13: decision not to proceed](#), SN06405, 25 September 2012

from participating in House of Lords proceedings, even if they hold a peerage. Only those who have retired as a judge may participate as a legislator.⁸⁴

Two relatively small reforms were implemented as a result of backbench bills that originated in the House of Lords. Members of the House of Lords can retire ([House of Lords Reform Act 2014](#)) and can be expelled and suspended beyond the end of a Parliament.⁸⁵ ([House of Lords \(Expulsion and Suspension\) Act 2015](#)).

During the 2015 and 2017 Parliaments, backbench bills to implement small changes were introduced in the House of Lords but there was no government support for reform. In 2016, the government said, “comprehensive reform is not a priority for this Parliament”.⁸⁶

In its manifesto for the 2017 general election, the Conservative Party said that “comprehensive reform” of the House of Lords was “not a priority”.

Backbench bills have been introduced in the House of Lords to end by-elections to fill vacancies among hereditary peers, until eventually no hereditary peers would be sitting in the Lords; and to put the House of Lords Appointments Commission on a statutory footing.

In the 2019 Parliament, the Conservative government also ruled out piecemeal reforms to the House of Lords.⁸⁷

5.2

Brown Commission proposals, December 2022

In December 2022, the Labour Party published [A New Britain: Renewing our Democracy and Rebuilding our Economy](#). The report was prepared by the Commission on the UK’s Future (known as the Brown Commission), led by former Labour Prime Minister Gordon Brown.

It argued that “The unelected House of Lords is completely indefensible today. Our country requires a new, democratically legitimate second chamber”.⁸⁸ The commission said there could be no justification for hereditary peers making law and it also expressed concern about the size of the House of Lords.⁸⁹

⁸⁴ For more on this, see Commons Library, [The UK Supreme Court](#), CBP 9536, Section 3.

⁸⁵ Before this legislation was passed the House of Lords had concluded it was only able to suspend a member until the end of the Parliament in which the suspension took place – Committee for Privileges, [The Powers of the House of Lords in respect of its Members](#) (PDF), 14 May 2009, HL Paper 87 2008-09, para 8

⁸⁶ [HC Deb 2 November 2016 c872](#)

⁸⁷ [PQ82009](#), 1 December 2021; [HL Deb 30 June 2021 c784](#); [PQ52229](#), 8 June 2020; [PQH14071](#), 14 May 2020

⁸⁸ Labour Party, [A New Britain: Renewing our Democracy and Rebuilding our Economy](#): Report of the Commission on the UK’s Future, p17

⁸⁹ As above, p135

It contained recommendations to replace the House of Lords as the second chamber with an Assembly of the Nations and Regions, with around 200 members.

The new second chamber would have “a new role of safeguarding the UK constitution”, in a way that sustained the primacy of the House of Commons. The commission proposed that the current powers of the House of Lords to delay legislation should be limited to a range of constitutional issues “and should only be exercised if the Supreme Court agrees the legal basis for it exists”. It said the list of laws that were constitutionally protected should be consulted upon.

The report said the new second chamber “must have electoral legitimacy”. It would be smaller than the House of Commons, elected on a different electoral cycle. Its precise composition and the method of election would be consulted on.⁹⁰

Speakers’ reactions to the Brown proposals

Lord Speaker

In a [Hansard Society lecture](#) on 7 December 2022,⁹¹ the Lord Speaker, Lord McFall of Alcluith, said it was not for him to put forward specific proposals for reform of the House. Rather, he suggested there should be “a framework that will help us to have a constructive and purposeful debate about the future of the House”.

He said the Lords was distinct from and complementary to the House of Commons and this enabled it to add “significant value to parliamentary scrutiny”. Although its different composition enabled this to happen there were issues with its current composition: he mentioned both size and the appointment process.

Lord McFall proposed the following principles should be used to assess reform of the House of Lords. The three principles “build one upon another”:

First, that changing the composition of the House will inevitably change its role, even if there are no explicit changes in its powers.

Secondly, that the more radical the change in composition, the more radical and unpredictable will be the resulting change in the role of the House.

[...]

[Third] we need reform proposals to achieve engagement and endorsement from Government, from political parties in Parliament and—not least—from across our increasingly diverse UK population

⁹⁰ As above, p17 and pp135-142

⁹¹ The lecture was originally planned to take place in September but was postponed following the death of Queen Elizabeth II.

Commons Speaker

In interviews later in December 2022, the Commons Speaker, Sir Lindsay Hoyle commented on the Labour Party's proposals. The BBC reported the Speaker "[expressed his opposition to Labour's plan](#) to replace the House of Lords with an elected chamber" and "it would undermine the authority of the House of Commons". The BBC quoted the Speaker:

However, Sir Lindsay ... said a second elected chamber would create confusion.

"If you have a second elected chamber, who has supremacy? You cannot have the competition" he told BBC Radio 4's Carolyn Quinn.

He also defended the work of the House of Lords, saying: "Thank goodness we have had the house next door to reform some of the bills.

"They needed tidying up... because when you have speedy legislation, you need someone to really look at it.

"That's where the House plays a very important role."

He added that he didn't think scrapping the House of Lords would be a priority for any future Labour government.⁹²

In an LBC interview with Andrew Marr, the Speaker said he disagreed with Labour's proposals for Lords reform:

Hoyle said he disagreed with the proposals tabled by Labour calling for the abolition of the House of Lords and reforms to the peerage system.

"People will say 'we've got more and more peers who don't carry out duties and question marks over others, is that what we should have?'" said Hoyle.

"What I would say is the second chamber has been very, very useful to the House of Commons. It's been refining the business, getting the bills tidied up and sending them back in good order."

He added: "I don't think we should have, a second house that is elected.

"I don't want competition – who's got supremacy?"

"At the moment it's very clear, the House of Commons is the elected house of supremacy. Once you have a second house that's elected, then you're into an arm wrestle – who has the power?"

"What I would say is if people want to reform it, please do, but do not have a second elected house"

"We don't need the competition"

⁹² BBC News, [Commons Speaker Sir Lindsay Hoyle opposes Labour's Lords plans](#), 21 December 2022

“The House of Commons is what people recognise as the senior house, we don’t want any arm struggles. We want very distinct powers separated ... but not via an election.”⁹³

Other reactions to the Brown proposals

The Institute for Government think tank published an “explainer” on the constitutional proposals in the Brown Commission’s report. On House of Lords reform, it said that a second chamber would be a good place to discuss constitutional matters, but that it could be difficult to decide which matters counted as “constitutional”:

The safeguarding of the constitution is a welcome role for the second chamber, and would create a new mechanism for constitutional entrenchment which has long been a challenge in the UK’s uncodified constitution. Although the report has suggested some principles that might be included, such as the Sewel convention and the Constitutional Reform Act 2005, there would need to be a process of deciding what exactly constitutes a “constitutional statute”. This could be tricky, and potentially contentious, task.⁹⁴

The Church Times newspaper reported that some Lords Spiritual (the bishops of the Church of England who sit in the House of Lords) said proposals to abolish the House of Lords and replace it with an elected second chamber “would be a mistake”. The Bishop of St Albans argued the two Houses of Parliament should not be seen as separate entities but as “distinct but complementary components of a whole parliamentary system”, with the entire system deriving its legitimacy through its elected part.⁹⁵

Dexter Govan, a researcher at the Constitution Society,⁹⁶ cautioned that although there is much agreement about the current House of Lords being too big, that hereditary peers should have no role in legislating and some acceptance of suggestions that any second chamber should be elected, debates about change “quickly become fraught”.⁹⁷

Labour’s proposals were also discussed on BBC Radio 4’s “[Briefing Room](#)”, on 8 December 2022.

5.3

Ending by-elections for hereditary peers

In recent sessions, Lord Grocott (Labour) has introduced a private member’s bill to abolish the system of by-elections for hereditary peers. In both the

⁹³ LBC, [Commons doesn’t ‘need the competition’ of a second elected chamber, says Sir Lindsay Hoyle amid plans tabled by Labour](#), 20 December 2022

⁹⁴ Institute for Government, [Labour’s constitutional proposals: Report on the Commission of the UK’s future](#), 22 November 2022 and 6 December 2022

⁹⁵ “[Bishops reject Labour plans to abolish the House of Lords](#)”, Church Times, 9 December 2022

⁹⁶ The Constitution Society describes itself as “an independent, non-party educational foundation which works to promote informed debate about constitutional reform”

⁹⁷ Dexter Govan, “[A new Britain in review](#)”, Constitution Society blog, 8 December 2022

2022–23 and 2023–24 sessions, John Spellar (Labour) introduced an identical bill in the Commons:

- [House of Lords \(Hereditary Peers\) \(Abolition of By-Elections\) Bill 2022-23 \(PDF\)](#)
- [House of Lords \(Hereditary Peers\) \(Abolition of By-Elections\) \(No 2\) Bill 2022-23 \[HL\] \(PDF\)](#)
- [House of Lords \(Hereditary Peers\) \(Abolition of By-Elections\) \(No. 2\) Bill 2023–24](#)
- [House of Lords \(Hereditary Peers\) \(Abolition of By-Elections\) Bill \[HL\] 2023–24](#)

In 2021–22, Lord Grocott’s bill was debated at second reading on 3 December 2021.⁹⁸ The bill passed second reading without a vote but fell at the end of the session without reaching committee stage.⁹⁹

⁹⁸ [HL Deb 3 December 2021 cc1561-1600](#)

⁹⁹ For more information on proposals to remove hereditary peers, see the Lords Library research briefing [Proposed legislation to remove hereditary peers from the House of Lords: 1999–2024](#), September 2024

6 Size of the House of Lords

Throughout the 2015 Parliament, members of the House of Lords expressed frustration with the size of the House through questions and debates in the House.

In a debate on 5 December 2016, members of the House of Lords called for the establishment of a select committee to explore how the size of the House of Lords could be reduced.

Following that debate, on 20 December 2016, the then Lord Speaker, Lord Fowler, announced that he had established a Lord Speaker's committee drawn entirely from the back benches to "examine possible methods by which the House could be reduced in size".

6.1 Lord Speaker's committee on the size of the House

On 31 October 2017, the Lord Speaker's committee on the size of the House published its report. It recommended that the size of the House of Lords should be capped at 600.¹⁰⁰

Until this target was met, it said that there should be a "two-out, one-in" approach. In the longer term, the number of new members joining would be limited to the number of vacancies arising – approximately 40 per year.

It recommended that all new members should serve a non-renewable fixed term of 15 years. This would ensure that vacancies arose to renew and rebalance the House.

The crossbenchers would continue to make up the same proportion of the House as "at present" (the report noted 23.38% of peers were crossbenchers – 187 of 800, excluding the bishops).

New political appointments would be shared between the parties in line with the results of the previous general election: "defined as the average of a party's percentage share of Common seats and its percentage share of the national vote".

¹⁰⁰ [Report of the Lord Speaker's Committee on the size of the House](#), 31 October 2017

The committee said that these changes could be implemented without any changes to legislation.

Because legislation would be needed to end by-elections to choose hereditary peers and to reduce the number of bishops, by-elections would continue and there would be no reduction in the number of bishops.

Debate on the committee's proposals

The House of Lords debated the Lord Speaker's committee's report on 19 December 2017. During the debate members of the House of Lords gave the report a broad welcome.

There was a little dissent. Some peers considered that there was no problem with the proposals; and others that the 15-year term limit would cause problems. A number of speakers called for a firm commitment from the Prime Minister (then Theresa May) that she would limit the number of appointments that she made.

Towards the end of the debate, Baroness Smith of Basildon, winding up for Labour, summarised the feeling of the House towards the report:

Tonight's debate has been more than a broad welcome. With very few exceptions there has been clear support for this report around the House.¹⁰¹

Prime Minister's response to the report

The then Prime Minister, Theresa May, responded to the committee's report in a letter to the Lord Speaker in February 2018.¹⁰² She said that further consideration needed to be given to the mechanism proposed to maintain a steady and smaller state of the House of Lords.

She welcomed the widespread call to limit the size of the House of Lords and committed to continue with restraint in making new appointments.

Progress towards achieving the report's proposals

Following its initial report in October 2017, the committee has published four further reports, commenting on progress towards achieving its proposals:

- [Second Report of the Lord Speaker's committee on the size of the House \(PDF\)](#), 24 October 2018
- [Third Report of the Lord Speaker's committee on the size of the House \(PDF\)](#), July 2019

¹⁰¹ [HL Deb 19 December 2017 c2101](#)

¹⁰² The Prime Minister, [Letter to the Lord Speaker on the Report of the Lord Speaker's Committee](#), 20 February 2018

- [Fourth Report of the Lord Speaker’s committee on the size of the House](#) (PDF), 9 May 2021
- [Fifth Report of the Lord Speaker’s committee on the size of the House](#) (PDF), 17 July 2023

Fourth report, 2021

In its fourth report, the committee was more critical of Theresa May’s successor as Prime Minister, Boris Johnson:

the current Prime Minister has not shown the same restraint as his predecessor. At the time of writing, there had been almost twice as many appointments as we had recommended by this stage. By contrast, there had been 119 departures from the House, which exactly meets the benchmark set by the committee.¹⁰³

In its initial report, it expected there to have been 119 departures and 60 new appointments in the four years between 8 June 2017 and 7 June 2021. In that period there were 119 departures but 113 new appointments or elections, which far exceeded the proposed “two-out, one-in” benchmark that the committee proposed.¹⁰⁴

The committee acknowledged that “some of the appointments of recent years have been driven by two changes of Prime Minister and three general elections, which traditionally involve resignation and dissolution lists respectively”. It also noted the Prime Minister had other priorities and no incentive to give up a power of political patronage. It continued:

Nonetheless, we fear that the sheer rate of new appointments presages a return to the inexorable upward path in the size of the House.

We are also concerned that party nominations over the four years have been overwhelmingly Conservative and have fallen well short of our proposal for sharing appointments to reflect the result of General Elections.¹⁰⁵

Fifth report, 2023

In the calendar year 2022, 20 peers retired from the House of Lords, and 14 sitting members died.¹⁰⁶ (Bishops are excluded as they leave the House when they retire.)

In its fifth report, in July 2023, the committee flagged concerns about the “size and composition of Prime Minister Boris Johnson’s resignation list”. It also noted that the Conservatives had many more members in the House of Lords than the Labour Party, saying there was concern that “the next Labour Prime Minister will appoint a large number of new peers in order to get the

¹⁰³ [Fourth Report of the Lord Speaker’s committee on the size of the House](#) (PDF), 9 May 2021, para 5

¹⁰⁴ As above, paras 9-10

¹⁰⁵ As above, paras 12-13

¹⁰⁶ House of Lords, Find members of the House of Lords: [Recently retired](#) and [Recently deceased](#)

Government’s business through the House (though this has been denied by the Labour leadership)”.¹⁰⁷

It addressed these issues in more detail in its analysis of departures and appointments against the benchmarks it set in its original proposals for restricting the size of the House of Lords. It then explained how its proposal would prevent “leapfrogging”:

12. Under the committee’s proposals for a cap and fair appointments system, leapfrogging would not be an issue because the appointments formula would dictate the number and allocation of new appointments. There could be temporary flexibility in the cap for an incoming government, if necessary, and for the appointment of ministers to the House (for example, the government could have an ‘advance’ on the new members it is due).¹⁰⁸

¹⁰⁷ [Fifth Report of the Lord Speaker’s committee on the size of the House](#) (PDF), 17 July 2023, para 4

¹⁰⁸ [Fifth Report of the Lord Speaker’s committee on the size of the House](#) (PDF), 17 July 2023, para 12

7 Further information

The House of Lords Library has published a number of briefings on the size and composition of the House of Lords over time and comparative information on bicameral chambers.

7.1 Hereditary peers

The House of Lords Library has gathered a number of briefings on [Hereditary peers in the House of Lords](#) together on single webpage. It includes:

- [Proposed legislation to remove hereditary peers from the House of Lords: 1999–2024](#) (September 2024)
- [Hereditary Peers in the House of Lords Since 1999](#) (March 2014)
- [Hereditary by-elections: Results](#) (July 2024)
- Data on House of Lords membership
- A reading list on the House of Lords

The House of Lords Library have also produced the following analysis of second chambers in other countries:

- [Second chambers around the world: Size and membership](#) (September 2024)

Annex: How bills go through Parliament

Bills can be introduced in either the House of Commons or the House of Lords. They can be amended but the entire text has to be agreed by both Houses before they can receive Royal Assent and become law. In both Houses, bills go through the same stages although there are slight differences in the practices of the two Houses.

Commons stages

A bill that is introduced in the House of Commons will go through the following stages.

- First reading sees the formal introduction of a bill, when a clerk reads out the name of the bill in the Commons chamber. There is no debate at this stage. Bills cannot be published before their introduction. Government bills are usually published immediately after introduction.
- Second reading debate is the first time MPs debate a bill. They discuss the purpose of the bill. Debates are usually scheduled to take a full day (five to six hours). At the end of the debate, MPs decide whether it should pass to the next stage. Sometimes a ‘reasoned amendment’, which sets out the reasons to reject a bill, is tabled. If this is agreed to, or if the bill is simply voted down, the bill cannot make any further progress. No amendments are made to the bill itself at this stage.
- Committee stage is usually conducted by a small number of MPs (usually 17) in a public bill committee but sometimes bills can be considered in detail in the Commons Chamber by all MPs in a Committee of the whole House. The committee debates and decides whether amendments should be made to the bill and whether each clause and schedule should be included.
- Report stage takes place in the Commons Chamber and involves MPs considering the bill as agreed at committee stage. MPs can also propose further amendments which can be voted on.
- Amendments at committee and report stage can leave out words, substitute words and add words, including whole clauses and schedules. They can be proposed by backbench and frontbench MPs. The Speaker or the chair of the committee selects and groups amendments to debate.

- Third reading, usually on the same day as report stage, is the final chance for MPs to debate the contents of a bill before it goes to the House of Lords. It's usually a short debate and changes cannot be made at this stage in the Commons. At the end of the debate, the House decides whether to approve the bill and therefore pass it onto the House of Lords.

Lords stages

Bills introduced in the Lords go through the same process, completing all stages in the Lords before being sent to the Commons.

The House of Lords respects the Commons' primacy on financial matters and does not usually amend Finance Bills (those that implement the Budget) or money bills.

Members of the House of Lords debate the bill, going through the same stages as in the Commons. Key differences between the two Houses are that in the Lords, committee stage usually takes place on the floor of the House and a bill can be amended at third reading.

Most bills are considered by a committee of the whole House in the House of Lords. Some are referred to the Lords Grand Committee – which all members can attend. However, divisions (votes) are not permitted in the Grand Committee and any amendments made have to be agreed to without a division.

The Lords can also make amendments to a bill. Major points of difference should have been resolved before third reading but amendments to “tidy-up” a bill are permitted.

No party has a majority in the House of Lords and government defeats are not uncommon. For bills that have started in the House of Commons, the Lords is essentially asking MPs to think again about the subject of the amendment.

‘Ping pong’

If the Lords amend a bill that was sent from the Commons, the amendments are returned to the Commons and MPs debate the amendments proposed by the Lords. This is potentially the start of “ping-pong”, a process whereby amendments and messages about the amendments are sent backwards and forwards between the two Houses until agreement is reached.

Once agreement has been reached, the Bill receives Royal Assent, becoming law when both Houses have been notified that Royal Assent has been granted.

Amendments

MPs can submit amendments, via the Public Bill Office (PBO), at three different stages of a bill: committee stage, report stage, and when a bill is returned from the Lords. Once the PBO accepts the amendment, it has been ‘tabled’. If an MP wants to amend a bill during committee stage but is not a member of the committee, they will need a committee member to ‘move’ it for debate on their behalf.

In order to be debated, the amendment must be selected by the chair. Similar amendments may be grouped for debate to avoid repetition. For committee stage, selection and grouping is carried out by MPs from the panel of chairs chosen to chair the committee. If there is a Committee of the Whole House, the chair is the Chairman of Ways and Means (the principal Deputy Speaker). For report stage, it is the Speaker.

Amendments might not be selected for debate if they are, for example, outside the scope of a bill, vague, or tabled to the wrong part of a bill. The PBO can advise on whether an amendment is likely to be selected.

Further information on bill procedure

The [MPs’ Guide to Procedure](#) has a [section on bills](#).

MPs who have questions about the procedure for bills or want advice on how to amend them should contact the [Public Bill Office](#).

The Library can provide information on the background and potential impact of a bill and of amendments but cannot help MPs with drafting amendments.

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