



## BRIEFING PAPER

Number 07844, 30 March 2017

# House of Lords Reform: debates and issues in the 2015 Parliament

By Richard Kelly

### Contents:

1. The Government's position on Lords reform
2. Continued concern over the size of the House of Lords
3. Retirement from the House of Lords
4. Strathclyde Review
5. Further Reading



# Contents

<b>Summary</b>	<b>3</b>
<b>1. The Government's position on Lords reform</b>	<b>4</b>
1.1 Debates on House of Lords Reform in the House of Commons	5
<b>2. Continued concern over the size of the House of Lords</b>	<b>6</b>
2.1 Concerns early in the 2015 Parliament	6
2.2 House of Lords debate on reforming the House of Lords: September 2015	7
2.3 The new Lord Speaker's concerns about the size of the House of Lords	7
2.4 Proposals for reducing the size of the House of Lords	8
2.5 House of Lords debate on the size of the House: December 2016	8
2.6 Lord Speaker's Committee on the Size of the House	10
2.7 Public Administration and Constitutional Affairs Committee's inquiry	11
<b>3. Retirement from the House of Lords</b>	<b>12</b>
<b>4. Strathclyde Review</b>	<b>13</b>
4.1 Government response	13
4.2 Reaction to the Government Response	14
<b>5. Further Reading</b>	<b>16</b>

## Summary

In its manifesto for the 2015 General Election, the Conservative Party said that introducing an elected element into the House of Lords “is not a priority for the coming Parliament”. The Government has reiterated that position, with, on 2 November 2016, Chris Skidmore, the Parliamentary Secretary, Cabinet Office, telling the House of Commons that:

The Government agree that the House of Lords cannot grow indefinitely. However, comprehensive reform is not a priority for this Parliament, given the growing number of pressing priorities elsewhere. Nevertheless, when there are measures that can command consensus, we would welcome working with peers to look at taking them forward.

Then on 28 March 2017, Chris Skidmore again confirmed that the Government intended to stick to the Conservative Party’s manifesto commitment.

Members of the House of Lords have continued to express 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 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”.

The Lord Speaker’s Committee has issued a consultation paper and it called for written submissions by 20 February 2017. It intends to report by early summer 2017.

# 1. The Government's position on Lords reform

The [Conservative Manifesto](#) from the 2015 General Election stated that

**We will ensure that the House of Lords fulfils its valuable role as a chamber of legislative scrutiny and revision**

While we still see a strong case for introducing an elected element into our second chamber, this is not a priority in the next Parliament. We have already allowed for expulsion of members for poor conduct and will ensure the House of Lords continues to work well by addressing issues such as the size of the chamber and the retirement of peers.<sup>1</sup>

On 14 September 2015 the then Prime Minister, David Cameron, responded to a Parliamentary Question on the Government's policy on Lords reform. The Prime Minister said:

We have already supported changes allowing for the expulsion of members for poor conduct and will work to ensure the House of Lords continues to function well by looking, with others, at issues such as the size of the chamber and the retirement of peers.<sup>2</sup>

During a debate on House of Lords Reform on 15 September 2015, Baroness Stowell of Beeston, the then Leader of the House of Lords, announced her intention to establish cross-party discussions on addressing the size of the House of Lords.<sup>3</sup>

In May 2016, the then Cabinet Office Minister, John Penrose, informed the House that:

Given the very large and urgent list of other constitutional reforms currently underway, it's hard to justify giving Lords reform a higher priority than other manifesto promises. We will continue to consider steps that are able to command support from all sides of the House. The Leader of the House of Lords has convened cross-party talks to discuss these issues, and those talks continue.<sup>4</sup>

In an Opposition Day Debate on 19 October 2016, the Scottish National Party chose to debate *House of Lords Reform and the Size of the House of Commons*, linking concerns about the size of the House of Lords to reduction in the number of constituencies in the House of Commons. When he spoke in the debate, Michael Ellis, the Deputy Leader of the House of Commons told the House that "the Government recognise the need to reduce the size of the House of Lords. However, comprehensive reform of the House of Lords is not considered a priority in the current Parliament".<sup>5</sup>

The Government's position was reiterated on 2 November 2016, in response to an oral question, when Chris Skidmore, the Parliamentary Secretary, Cabinet Office, told the House that:

---

<sup>1</sup> [The Conservative Party Manifesto 2015](#)

<sup>2</sup> [PO 9202 \[House of Lords: Reform\]](#), 14 September 2015

<sup>3</sup> [HL Debate 15 September 2015 cc1750](#)

<sup>4</sup> [PO 35749 \[House of Lords: Reform\]](#), 9 May 2016

<sup>5</sup> [HC Deb 19 October 2016 c887](#)

The Government agree that the House of Lords cannot grow indefinitely. However, comprehensive reform is not a priority for this Parliament, given the growing number of pressing priorities elsewhere. Nevertheless, when there are measures that can command consensus, we would welcome working with peers to look at taking them forward.<sup>6</sup>

Then on 28 March 2017, Chris Skidmore again confirmed that the Government intended to “stick” to the Conservative Party’s manifesto commitment: “While we still see a strong case for introducing an elected element into our second chamber, this is not a priority in the next Parliament is not a priority in the next [this] Parliament”.<sup>7</sup>

As discussed in section 2, the size of the House of Lords has caused concern amongst peers. In a debate about the size of the House of Lords on 5 December 2016, Baroness Evans of Bowes Park, the Leader of the House, acknowledged these concerns. She indicated that there was an opportunity to make progress and suggested that a small back bench-led group could be convened to consider options. Subsequently, the Lord Speaker announced the establishment of such a group (see sections 2.5 and 2.6).

## 1.1 Debates on House of Lords Reform in the House of Commons

### *House of Lords Reform*

- A 30-minute Westminster Hall debate, initiated by David Morris (Conservative), 23 June 2015.<sup>8</sup>

### *House of Lords Reform*

- A debate in the Chamber in Backbench Business time, initiated by Martin Docherty (SNP), 14 January 2016.<sup>9</sup>

### *House of Lords Reform and the Size of the House of Commons*

- An Opposition Day debate (½ day) initiated by the Scottish National Party, 19 October 2016.<sup>10</sup>

### *Hereditary Peers*

- A 30-minute Westminster Hall debate, initiated by David Hanson (Labour), 28 March 2017.<sup>11</sup>

---

<sup>6</sup> [HC Deb 2 November 2016 cc872-873](#)

<sup>7</sup> [HC Deb 28 March 2017 cc91WH-92WH](#)

<sup>8</sup> [HC Deb 23 June 2015 cc202WH-208WH](#)

<sup>9</sup> [HC Deb 14 January 2016 cc1065-1102](#)

<sup>10</sup> [HC Deb 19 October 2016 cc876-920](#)

<sup>11</sup> [HC Deb 28 March 2017 cc86WH-95WH](#)

## 2. Continued concern over the size of the House of Lords

### Summary

Members of the House of Lords have continued to express 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 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".

### 2.1 Concerns early in the 2015 Parliament

On 21 July 2015 Lord Campbell-Savours asked "why do we not avoid public ridicule, bite the bullet and ask the Prime Minister to freeze the size of the House by adopting a new formula: one retirement or one death equals one new appointment?"<sup>12</sup>

In an oral PQ in the House of Lords on 25 June 2015, Lord Campbell-Savours asked what proposals the Government had for the appointment system in the House of Lords. In response, Baroness Stowell of Beston, the Leader of the House of Lords, said that appointments to the Lords remain a matter for the Prime Minister, and that:

If and when a Dissolution Honours List marking the end of the previous Parliament is published, it would be surprising if it did not reflect the fact that there were two parties in government. More importantly, the message I want to direct to all noble Lords is that, regardless of party balance, this House has a very important role in the legislative process, and in doing our work, this House is not, and should not become, an alternative platform for party politics.<sup>13</sup>

The creation of 45 new peerages in the Dissolution Honours list announced on 28 August 2015 caused further disquiet.<sup>14</sup> On 22 October 2015 Alan Brown MP said that:

Since I was elected in May, 44 new Lords have been sworn in to the other place, despite this Government's pledge to cut the cost of politics. Given that, yesterday, even the hon. Member for North East Somerset (Mr Rees-Mogg) expressed his concern about the performance of the other place, will the Leader of the House now agree, on the second time of asking, to bring forward a debate in Government time on the merits, performance and value for money of the other place—because we might now all agree on abolition?<sup>15</sup>

---

<sup>12</sup> [HL Deb 21 July 2015 c1000](#)

<sup>13</sup> [HL Deb 25 June 2015 c1694](#)

<sup>14</sup> Gov.uk, [Press Release: Dissolution Honours](#), 27 August 2015

<sup>15</sup> [HC Deb 22 Oct 2015 c1155](#)

## 2.2 House of Lords debate on reforming the House of Lords: September 2015

In a debate on House of Lords Reform in the House of Lords on 15 September 2015, Baroness Stowell of Beeston said that “this Government are clear that the House cannot keep growing indefinitely”. She said that “As Leader I am conscious of our responsibility to examine and address the question of our size”.<sup>16</sup>

She stressed the importance of ensuring any approach to answering the question of the size of the House was as simple as possible. She suggested:

That is why some of the simpler, although sensitive, approaches such as age and term limits, which will doubtless attract commentary this afternoon—both positive and negative—deserve further consideration.<sup>17</sup>

She also said announced that “now is the time to begin discussions on a cross-party basis”.<sup>18</sup> She indicated that there was support for talks from other party leaders, and that they would begin after the Conference Recess.<sup>19</sup>

In the same debate Lord Steel of Aikwood suggested having a “cut-off” age at which members of the Lords had to retire:

if we had an automatic cut-off with anybody over the age of 80 at the end of each Parliament departing, it would enable the House to be refreshed after each election without the numbers becoming excessive. In fact, if this had happened at the last election, 158 Members would have left. If it happens at the end of this Parliament, 260—including myself—would have to go. I think that that is probably a very good thing—I am not referring to myself, but to the generality. It would enable an incoming Government to make new creations without the numbers becoming excessive.<sup>20</sup>

Following David Cameron’s resignation as Prime Minister, in July 2016, a resignation honours list was published in August 2016.<sup>21</sup> It included a total of 16 new life peerages.

## 2.3 The new Lord Speaker’s concerns about the size of the House of Lords

In early September 2016, after his election as Lord Speaker, Lord Fowler, argued that:

“I don’t think we can justify a situation where you have over 800 peers at the same time as you’re bringing the Commons down to 600.

“The principle, it seems to me, is that we should have fewer Lords. We should certainly not have more peers than there are

---

<sup>16</sup> [HL Debate 15 September 2015 cc1748-1749](#)

<sup>17</sup> Ibid c1750

<sup>18</sup> Ibid c1750

<sup>19</sup> Ibid c1750

<sup>20</sup> Ibid c1754

<sup>21</sup> Cabinet Office, [Resignation Honours 2016](#), 4 August 2016

Members of Parliament. I think that's a principle that would find agreement amongst most of the House".<sup>22</sup>

## 2.4 Proposals for reducing the size of the House of Lords

Later in September 2016, Lord Cormack, a founder of the Campaign for an Effective Second Chamber,<sup>23</sup> suggested that in order to reduce numbers, those who "barely attend" would have to be excluded. He also acknowledged that the question of political representation needed to be addressed. He suggested that, following a general election, either party groups or the House acting as an electoral college "should decide who sat in the next Parliament".<sup>24</sup>

In a blog post on 6 October 2016, Meg Russell, Director of the Constitution Unit, UCL, suggested how the size of the Lords could be reduced:

I argue that this requires four interconnected things: a large number of departures before 2020, a long-term cap on the size of the House, limitations on future appointments, and an agreed principle of balance between the parties (and other groups).<sup>25</sup>

## 2.5 House of Lords debate on the size of the House: December 2016

On 5 December 2016, the House of Lords debated a motion on the size of the Lords. The motion was moved by Lord Cormack:

To move to resolve that this House believes that its size should be reduced, and methods should be explored by which this could be achieved.<sup>26</sup>

In introducing his motion, Lord Cormack reviewed the growth in the size of the House of Lords, since its reform in 1999. He also noted the criticisms and pressures that the Lords faced because of its size. He referred to the Campaign for an Effective Second Chamber's discussion paper (produced "last autumn") that explored ways in which the size of the House could be reduced.<sup>27</sup> He argued that the House of Lords should agree that it needed to reduce its size and then put in place a process to examine methods to reduce the size of the House of Lords:

I hope that today we will not become too preoccupied with how to reduce our numbers but will concentrate on the fact that we

---

<sup>22</sup> Daniel Bond, "[Lord Fowler: Time to axe more than 200 peers](#)", *PoliticsHome*, 5 September 2016; see also, Lord Fowler, "[The Lords cannot justify its current size](#)", *PoliticsHome*, 16 September 2016; Jon Stone, "[House of Lords size should be cut by 200 peers, Lords Speaker says: Lord Fowler said it was difficult to justify the size of the upper house](#)", *Independent*, 6 September 2016

<sup>23</sup> A group that argues against the introduction of elections to the second chamber [Second Chamber, *The Campaign*]

<sup>24</sup> Lord Cormack, "[Lord Cormack: Here's how we reduce the size of the House of Lords](#)", *PoliticsHome*, 29 September 2016; Tom Peck, "[Absentee Lords could lose their seats](#)", *Independent*, 30 September 2016

<sup>25</sup> Meg Russell, "[Reducing the size of the House of Lords: here's how to do it](#)", *Constitution Unit blog*, 6 October 2016

<sup>26</sup> [HL Deb 5 December 2016 c500](#)

<sup>27</sup> Campaign for an Effective Second Chamber, *Latest News*; see Press Release, 10.11.15



must. The question of how is dealt with in the second part of the Motion: “methods should be explored”. Our group would—I think unanimously—favour the establishment of a Select Committee. But, whatever is done, it is essential that all solutions, both in our paper and from colleagues in all parts of the House, are properly examined and assessed before recommendations are made. The time for reform has come, and it is for us to take the initiative and work with government, not for us to wait for government to decide and then to impose. In the last two weeks the Public Administration and Constitutional Affairs Committee in the other place has decided to conduct an inquiry into the size and composition of your Lordships’ House. Now it is for us to state unequivocally that we believe that our numbers should be reduced, and today we have that opportunity.<sup>28</sup>

The Public Administration and Constitutional Affairs Committee’s inquiry “[Is the House of Lords an effective second chamber?](#)” was launched on 9 November 2016 (see section 2.7)

A large number of peers, who spoke in the debate, supported the call for a select committee (or another similarly constituted group) to be established to give consideration to how the size of the House of Lords could be reduced.

In responding to the debate, Baroness Evans of Bowes Park, the Leader of the House of Lords, said that the debate had demonstrated that many members believed that the size of the House presented problems for the Lords in terms of how it performed its scrutinising and revising role and in relation to the public’s perception and understanding of the House of Lords.

She acknowledged that feeling and the strong desire to work constructively to make progress on the issue of size. However, she stressed that “any reform must not be simply about numbers; it must result in this House working better in fulfilling our role effectively, as well as serving the public at large”.

She then considered what should happen next:

Following today’s constructive debate, we have an opportunity to make progress. It is clear that there is strong feeling across all Benches that the size of the House is an issue of concern and that noble Lords want to continue discussions about how we might address this, although I think it is also fair to say that there is not currently clear agreement on what a solution might be.

Although she did not rule out the establishment of a select committee, she said that she would consider “whether a more immediate, practical step could be taken in convening a small, Back Bench-led consultative group whose work could be overseen, for instance, by the Lord Speaker”. She accepted that progress on the issue depended on working together as a House, saying, “The way forward will not be instigated, led and imposed by government alone”.<sup>29</sup>

At the conclusion of the debate, Lord Cormack agreed that the idea of a committee convened by the Lord Speaker deserved “serious consideration”.<sup>30</sup>

---

<sup>28</sup> [HL Deb 5 December 2016 c503](#)

<sup>29</sup> [HL Deb 5 December 2016 cc588-591](#)

<sup>30</sup> [HL Deb 5 December 2016 c592](#)

## 2.6 Lord Speaker's Committee on the Size of the House

At the beginning of business on 20 December 2016, the Lord Speaker made a statement announcing the establishment, membership and remit of a new committee – the first Lord Speaker's Committee – to consider how the size of the House could be reduced:

I am setting up a six-member Lord Speaker's Committee, drawn entirely from the Back Benches, to examine the possible methods by which the House could be reduced in size. I am pleased to announce that the noble Lord, Lord Burns, has agreed to chair the committee and that the other members will be the noble Lord, Lord Beith, the noble Baronesses, Lady Browning, Lady Crawley and Lady Taylor of Bolton, and the noble Lord, Lord Wakeham.

He said that "The committee will get down to work as soon as the House resumes after the Christmas Recess".<sup>31</sup>

Further details of the Committee's work were given in a written statement by Lord McFall of Alcuith, the Senior Deputy Speaker:

The Lord Speaker has asked the committee to examine practical and politically viable options that might lead to progress on this issue; analyse their implications; and set out any outstanding questions that may need to be answered in order for any proposals to command broad consensus across the House. The committee will then offer advice to the Lord Speaker as to potential next steps.<sup>32</sup>

The Lord Speaker's Committee has issued a consultation paper and it called for written submissions by 20 February 2017.<sup>33</sup>

Speaking in the debate on 28 March 2017, on hereditary peers, Chris Skidmore, Parliamentary Secretary, Cabinet Office, discussed the Lord Speaker's Committee's work. He said that the Committee's remit meant that it could not consider change to the House of Lords' role and powers nor to the primacy of the Commons. It also accepted that Members would continue to be appointed, but with a ceiling on the total size of the House; that the cost of the House would not increase; that there would be a guaranteed percentage or minimum number of Cross-Bench peers; and that no single party is to have a political majority.

Chris Skidmore said that the Committee, in its consultation exercise, sought suggestions about how to achieve two overarching aims: first, to reduce the House from its current size to a target number or range; and secondly, to keep the House at that target size or range afterwards.<sup>34</sup>

The Lord Speaker's Committee intends to report by early summer 2017.<sup>35</sup>

---

<sup>31</sup> [HL Deb 20 December 2016 c1541](#)

<sup>32</sup> [HLWS386](#) [on Lord Speaker's Committee on the size of the House], 20 December 2016

<sup>33</sup> House of Lords, [Consultation Document](#)

<sup>34</sup> [HC Deb 28 March 2017 c94WH](#)

<sup>35</sup> Lord Speaker's Committee on the size of the House, [Inquiry launched into the size of the House of Lords](#), 25 January 2017

## 2.7 Public Administration and Constitutional Affairs Committee's inquiry

On 9 November 2016, the Public Administration and Constitutional Affairs Committee launched an inquiry "[Is the House of Lords an effective second chamber?](#)" By way of background it noted the Strathclyde Review (see section 4) and the Prime Minister's resignation honours list. It also noted that the House of Lords was the largest second chamber in the world. The Committee "will seek to identify the 'unarguable next steps' for reform of the House of Lords". It issued a call for evidence that addressed:

- What function and role should the House of Lords have within the UK's system of Parliamentary Government
- Given that successful Lords reform has generally been on the basis of incremental, small steps, what is the next most urgent reform needed in order to allow the House of Lords to perform its functions most effectively
- How the size of the House of Lords can be most effectively managed, including whether there should be a fixed size for the House of Lords, with a phased reduction in the number of peers towards that maximum size
- How a reduction in the size of the House of Lords can co-exist with renewal of the different groupings in the chamber
- Whether there should be greater oversight of the patronage the Prime Minister exercises over appointments to the House of Lords
- What role the House of Lords Appointments Commission should play in the appointment of all new peers and what additional powers and resources are required for it to play such a role
- How it might be possible to ensure that peers, when appointed, will contribute to the function and role of the House of Lords
- The effectiveness of the new retirement system, provided by the House of Lords Reform Act 2014, and the potential scope for reform of leaves of absence.<sup>36</sup>

The Committee has held two oral evidence sessions and received over 40 written submissions.<sup>37</sup>

---

<sup>36</sup> Public Administration and Constitutional Affairs Committee, [Is the House of Lords an effective second chamber?](#) 9 November 2016

<sup>37</sup> Public Administration and Constitutional Affairs Committee, [An effective Second Chamber? The House of Lords inquiry](#)

### 3. Retirement from the House of Lords

Voluntary retirement from the House of Lords was placed upon a statutory basis by the [House of Lords Reform Act 2014](#). In effect, this replaced the non-statutory voluntary retirement scheme in place since 2011. Members can retire under the 2014 Act by giving written notice to the Clerk of the Parliaments specifying a date upon which they want to retire. Over 50 members of the House of Lords have retired under the Act. A list of retirees is available [here](#).

## 4. Strathclyde Review

On 26 October 2015 the House of Lords twice amended a motion so as to decline to consider a statutory instrument that would have implemented the Government's policy on tax credits. This prompted some to question whether the House of Lords had acted properly in voting down a statutory instrument, and whether it had encroached on the financial primacy of the House of Commons. Others stated that the Lords had acted within its normal competence and no conventions had been broken. The incident drew attention to these conventions and how they operate when the Government lacks a majority of members in the House of Lords.

As a result, the Government launched a "rapid review" of the relationship between the two Houses of Parliament which was chaired by a former Leader of the House of Lords, Lord Strathclyde.<sup>38</sup>

Lord Strathclyde published his report on 17 December 2015. In it he recommended that there should be a new procedure, set out in statute, which would allow the Lords to invite the Commons to "think again" when there is a disagreement on a statutory instrument between the two Houses. The Commons would then be able to insist on its view. He also suggested that a review should take place, with the involvement of the House of Commons Procedure Committee, into the circumstances in which statutory instruments should be subject to Commons-only procedures. Lastly, he suggested that it would be appropriate for the Government to take steps to ensure that "too much is not left for implementation by statutory instrument" in order to mitigate excessive use of the new process.<sup>39</sup>

In a statement in the House of Lords on 17 December 2015, Baroness Stowell of Beeston said that the Government would allow a full debate on the Report in the Lords in the New Year before the Government responded in full.<sup>40</sup> The Lords debate took place on 13 January 2015, on a motion that "... this House takes note of Command Paper Cm 9177, *Secondary legislation and the primacy of the House of Commons*".<sup>41</sup>

### 4.1 Government response

On 17 November 2016, following media speculation about the Government's response to the Strathclyde Review, David Lidington, the Leader of the House of Commons, told the House that:

I can confirm that although the Government found Lord Strathclyde's analysis compelling and we are determined that the principle of the supremacy of the elected House should be upheld, we have no plans, for now, to introduce new primary legislation.<sup>42</sup>

---

<sup>38</sup> [HC Deb 28 Oct 2015 c349](#)

<sup>39</sup> [Strathclyde Review: Secondary legislation and the primacy of the House of Commons](#), December 2015

<sup>40</sup> [HL Deb 17 December 2015 cc2189-2190](#)

<sup>41</sup> [House of Lords Business, Wednesday 13 January 2015](#)

<sup>42</sup> [HC Deb 17 November 2016 cc395-396](#)

In the House of Lords, Baroness Evans of Bowes Park, the Leader of the House, made a statement in which she echoed this but cautioned that the Government could revisit this decision if the discipline and self-regulation of the Lords broke down:

The Government agree with my noble friend Lord Strathclyde's conclusion that on statutory instruments, as with primary legislation, the will of the elected House should prevail, and we believe that his option 3 provides a credible means of achieving this. However we do not believe that we need to introduce primary legislation at this time. We recognise the valuable role of the House of Lords in scrutinising SIs, but there is no mechanism for the will of the elected House to prevail when they are considered, as is the case for primary legislation. The Government are therefore reliant on the discipline and self-regulation that this House imposes upon itself. Should that break down, we would have reflect on this decision.<sup>43</sup>

On 1 December 2016, David Lidington announced that the Government had published its response to the Strathclyde Review and four related select committee reports.<sup>44</sup> In his written statement, David Lidington restated that the Government had no plans to introduce new primary legislation, to implement Lord Strathclyde's preferred option, "at this time":

... although the Government found Lord Strathclyde's analysis compelling and we are determined that the principle of the supremacy of the elected House should be upheld, we have no plans to introduce new primary legislation at this time.<sup>45</sup>

## 4.2 Reaction to the Government Response

On 21 December 2016, the Secondary Legislation Scrutiny Committee published a copy of the Government's response along with letters to the Chairmen of the three House of Lords committees that commented on Lord Strathclyde's Review. The three Chairmen also published a letter from them to David Lidington. They welcomed the Government's decision not to introduce legislation. However, the Chairmen criticised the Government's response as it contained no commentary on any of the conclusions and recommendations of their committees or of the Public Administration and Constitutional Affairs Committee (which had also reported on the Strathclyde Review). They reiterated their criticism

---

<sup>43</sup> [HL Deb 17 November 2016 c1539](#)

<sup>44</sup> [Government Response to the Strathclyde Review: Secondary legislation and the primacy of the House of Commons and the related Select Committee Reports](#), Cm 9363, December 2016. The related select committee reports were: Public Administration and Constitutional Affairs Committee, [The Strathclyde Review: Statutory Instruments and the power of the House of Lords](#), 12 May 2016, HC 752 2015-16; Constitution Committee, [Delegated Legislation and Parliament: A response to the Strathclyde Review](#), 23 March 2016, HL 116 2015-16; Delegated Powers and Regulatory Reform Committee, [Special Report: Response to the Strathclyde Review](#), 23 March 2016, HL 119 2015-16; Secondary Legislation Scrutiny Committee, [Response to the Strathclyde Review: Effective parliamentary scrutiny of secondary legislation](#), 14 April 2016, HL 128 2015-16;

<sup>45</sup> [HCWS304](#) [on Government Response to the Strathclyde Review], 1 December 2016

of the fundamental error of the Government in setting Lord Strathclyde's remit:

Finally and crucially, we wish to draw attention again to the fundamental error of the Government that, when they asked Lord Strathclyde to consider parliamentary practice and procedure in relation to secondary legislation, they set as his remit the relationship between the two Houses (the "primacy of the House of Commons") rather than the relationship between Parliament and the Executive. It is regrettable that this error is perpetuated in the Government's response.<sup>46</sup>

---

<sup>46</sup> Secondary Legislation Scrutiny Committee, *Joint response to the Government Response to the Strathclyde Review and related Select Committee Reports by the Constitution Committee, the Delegated Powers and Regulatory Reform Committee and the Secondary Legislation Committee*, 21 December 2016, HL 19 2016-17

## 5. Further Reading

### Commons Library briefings

House of Commons Library, [\*Conventions on the relationship between the House of Commons and House of Lords\*](#), 7 January 2016

House of Commons Library, [\*House of Lords Reform - developments in the 2010 Parliament\*](#), 12 January 2015

### Lords Library briefings

House of Lords Library, [\*House of Lords: Statistical Profile of Membership—January 2017\*](#), 6 February 2017

House of Lords Library, [\*Statistics on the Size and Composition of the House of Lords\*](#), 28 November 2016

- This Library Note was prepared for the debate on 5 December 2016 (see section 2.5)

House of Lords Library, [\*Life Peerages Created Since 1997\*](#), 5 August 2016

House of Lords Library, [\*Second Chambers\*](#), 10 March 2014



### About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email [papers@parliament.uk](mailto:papers@parliament.uk). Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email [hcenquiries@parliament.uk](mailto:hcenquiries@parliament.uk).

### Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).