



In Focus

House of Lords Reform Bill [HL] (HL Bill 22 of 2016–17)

Summary

The [House of Lords Reform Bill \[HL\]](#) is a private member's bill introduced by Baroness Jones of Moulsecoomb (Green Party). The Bill received its first reading on 26 May 2016 and is scheduled to receive its second reading on 3 February 2017. The Bill seeks to exclude excepted hereditary peers from the House of Lords, and would introduce regional elections to select 292 Members to sit and vote in the House. These elected Members would serve eight-year terms, with half being elected every four years. The Bill would not change the right of life peers and Lords Spiritual to sit and be appointed to the House, but would remove their right to vote. Setting out the purpose of the Bill, Baroness Jones stated:

Democratic reform of the House of Lords is leftover business from the 1999 House of Lords Act and has been attempted in each of the last three parliaments. In addition, it is promised by all the main political parties and will be inevitable within the next 5 to 15 years. My Bill gives the present House of Lords the chance to design its own reform, rather than having something imposed upon it by a future House of Commons. It would introduce elected members and remove the remaining hereditary peers, but would allow all life peers and bishops to remain as non-voting members of the reformed House with all their other rights and privileges intact.

Elections would be by the method which has been used for electing MEPs since 1999, with elected members serving for eight years and half being elected every four years. Existing peers would be able to stand in these elections without having to renounce their peerages, and there would be special arrangements to allow crossbench peers to stand as a group. Transitional arrangements would apply over the first four years under which the peers with the best attendance, voting and speaking records would retain their voting rights during this period. The resultant reformed House would be 100 percent democratic in its decision-making, but with the present members retaining their places and the influence due to their eminence and experience.¹

Provisions of the Bill

The Bill consists of 15 clauses. Clause 1 would amend the House of Lords Act 1999 to remove the right of excepted hereditary peers to sit in the House. Clause 2 sets out the proposed composition of the House, stating that (after four years) it would consist of 292 elected Members entitled to sit and vote, plus life peers and Lords Spiritual, who would be entitled to sit, but not vote. For a transitional period of four years, only half of the 292 Members entitled to sit and vote would be elected, with the other half made up of life peers selected under clause 11.

Clause 3 would provide for how the 146 seats to be decided at each election would be allocated across nine electoral regions. Clauses 4 and 5 would set out the voting systems to be used in Great Britain

(regional list system) and Northern Ireland (single transferrable vote). Clause 6 would require the Secretary of State to make regulations prescribing how vacant seats would be filled. Clause 7 sets out entitlement to stand for election, stating that people under 18, MPs and those disqualified under section 1 of the House of Commons Disqualification Act 1975 would not be able to stand. It also specifically states that current or former Members of the House of Lords would be able to stand. Clause 8 states that entitlement to vote at an election would apply to those entitled under section 1 of the Representation of the People Act 1983. Clause 9 sets out the applicability of laws regarding electoral offences. Clause 10 would provide for elections to take place on the first Thursday in June, with elections held every four years. It states that 146 Members would be elected at each election, and that those elected would be Members of the House for eight years (and would then cease to be a Member).

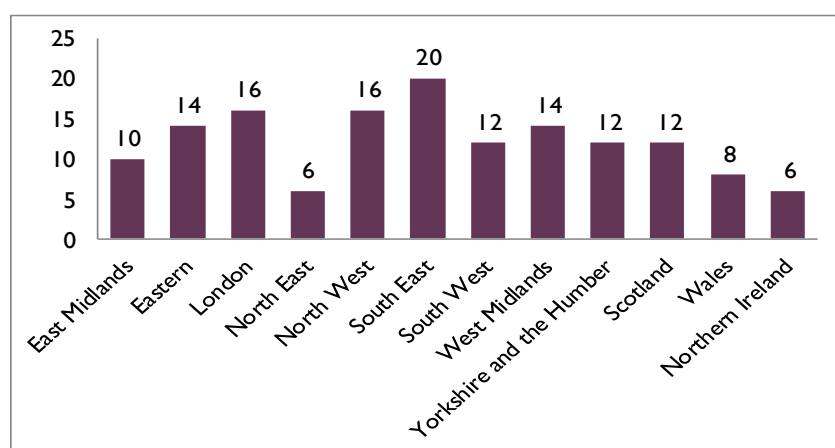
Clause 11 sets out how the 146 transitional life peers who would be entitled to sit and vote would be chosen. It states that the House's Standing Orders should provide that they are selected through a points-based system based on Members' attendance and on their speaking and voting records in the three years preceding the Act being passed. Clause 12 states that the Bill would not affect the right of life peers or Lords Spiritual to sit in the House or be appointed to the House, but specifies that they would not be able to vote. Clause 13 states that any regulations made under the Act (if passed) should be draft statutory instruments subject to the affirmative resolution procedure, and clause 14 provides the definitions of certain terms in the Bill. Finally, clause 15 contains the commencement provisions and states that the Bill would extend to the United Kingdom.

Regional Elections to the House of Lords

System Proposed

The electoral systems proposed in the Bill largely mirror the ones used in the UK's elections for the European Parliament, and are similar to those proposed in the Coalition Government's [House of Lords Reform Bill](#) in the 2012–13 session. The Bill would split the UK into twelve regions, with the 146 seats allocated for each election as follows:

Figure: Seat Allocations per Region



These are the same regions used for the European Parliament elections, with the seat allocations per region twice the amount allocated at those elections.

The Bill proposes the use of a 'regional list system' to elect Members to the seats in the eleven regions of Great Britain. Clause 4 of the Bill sets this out as follows:

A vote may be cast for a registered party or an individual candidate named on the ballot paper. The first seat is to be allocated to the party or individual candidate with the greatest number of votes. The second and subsequent seats are to be allocated in the same way, except that the number of votes given to a party to which one or more seats have already been allocated are to be divided by the number of seats allocated plus one. In allocating the second or any subsequent seat there are to be disregarded any votes given to—a party to which there has already been allocated a number of seats equal to the number of names on the party's list of candidates, and an individual candidate to whom a seat has already been allocated. Seats allocated to a party are

to be filled by the persons named on the party's list of candidates in the order in which they appear on that list.

This is similar to the system used in the European Parliament elections, and an explanation of how this operates in practice can be seen on the [European Parliament website](#).² The voting system for Northern Ireland would be the single transferable vote system, which allows voters to indicate an order of preference for candidates. Again, this is similar to that used for Northern Ireland's elections to the European Parliament, and an explanation of how it works can be found on the [BBC website](#).³

At the UK's 2014 European Parliament election, the number of seats won by each party was as follows:

Table: UK European Parliament Election Results, 2014⁴

Party	Seats	Percentage
UK Independence Party	24	32.9
Labour	20	27.4
Conservatives	19	26.0
Green	3	4.1
Scottish National Party	2	2.7
Liberal Democrats	1	1.4
Plaid Cymru	1	1.4
Sinn Féin	1	1.4
Democratic Unionist Party	1	1.4
Ulster Unionists	1	1.4

The turnout at the elections was 35.4 percent.⁵

Regional Elections and the House of Lords

As stated in the Lords Library briefing, [Regional Representation in the House of Lords](#):

The introduction of an elected upper chamber featured as a commitment in several political party manifestos at the 2015 general election. These presented varying proposals for an elected upper house based around regions. The Labour Party's 2015 general election manifesto stated that it was committed to introducing elections to the second chamber by replacing the House of Lords with "an elected Senate of the Nations and Regions, to represent every part of the United Kingdom, and to improve the democratic legitimacy of the second chamber". The Liberal Democrat's manifesto stated that the Party would seek to "reform the House of Lords with a proper democratic mandate, starting from the proposals in the 2012 Bill". Similarly, the Scottish National Party (SNP) wrote that it believed that the "House of Lords should be scrapped and replaced with a fully elected second chamber". The Conservative Party's manifesto stated that whilst it saw a case for an elected element in the House of Lords it did not see this as a priority in the 2015–20 parliament.⁶

The briefing also includes a number of estimates as to the regional representation of the House of Lords at present, using expenses claims data and a number of other methods. However, it notes that none of the data can present an authoritative picture of the true regional representation of the House.⁷

The idea of elections to the House of Lords was considered in some depth by the Joint Committee on the Draft House of Lords Bill in 2012.⁸ A summary of the committee's views on the subject can be found in the Lords Library briefing, [House of Lords Reform 2010–15](#).⁹ The briefing noted the committee's deliberations over whether introducing elections to the House of Lords would challenge the supremacy of the House of Commons. Despite differing views and concerns over the matter, the majority opinion

of the Committee's Members was that although there might be a power shift of some kind, with the House of Lords potentially becoming more assertive, the foundations upon which the House of Commons is based (such as the provision of the Parliament Acts) would ensure Commons primacy was maintained. The briefing also summarises the other proposals and reforms made in the last parliament.

Impact on Current Members

Removal of Excepted Hereditary Peers

The House of Lords Act 1999 removed the majority of hereditary peers from the House of Lords, but preserved 92 seats to be held by 'excepted' hereditary peers. If passed, this Bill would bring about their removal. There have been a number of previous proposals to remove the hereditary peers, or not to replace those that leave the House, as set out in detail in the Lords Library briefing, [Hereditary Peers in the House of Lords Since 1999](#).¹⁰ These proposals include previous attempts at legislation, including the Coalition Government's House of Lords Reform Bill in the 2012–13 session and a number of private member's bills.

Changes to the Role of Life Peers and Bishops

Currently, all Members of the House of Lords eligible to attend at a given point (ie excluding those on leave of absence or otherwise disqualified from attending) have the right to sit and vote. This Bill would seek to exclude the right to vote from life peers and bishops, whilst still allowing them to attend. A similar principle (which it described as "associate membership") was considered in the 2011 report of the Leader's Group on Members Leaving the House.¹¹ In particular, the report discussed the idea of there being a 'two-tiered' membership, with some Members having a more limited role in the work of the House (for example, not participating in legislative debates). The Group recommended the matter for further consideration, but questioned whether such Members would be entitled to claim an allowance. It also stated:

The introduction of different categories of member, in the shape of a scheme for associate membership, would represent a very profound change for the House and could give rise to tensions between the two classes of members. Creating two classes of member might have the further effect of creating "second rank" business. Moreover, the increasing size of the House means that places on select committees and delegations are already much sought after. Levels of participation by "full" members in all areas of the House's proceedings, whether on or off the floor of the House, might make it difficult to offer many opportunities to associate members.¹²

¹ Text provided by Baroness Jones of Moulsecoomb on request from the Library.

² European Parliament, [The Voting System](#), accessed 27 January 2017.

³ BBC News, [Vote 2014: How Northern Ireland's Voting System Works](#), 13 May 2014.

⁴ House of Commons Library, [European Parliament Elections 2014](#), 11 June 2014, p 12.

⁵ *ibid*, p 1.

⁶ House of Lords Library, [Regional Representation in the House of Lords](#), 14 July 2016, p 1.

⁷ *ibid*.

⁸ Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284-I of session 2010–12, pp 7–58.

⁹ House of Lords Library, [House of Lords Reform 2010–15](#), 25 March 2015, pp 5–7.

¹⁰ House of Lords Library, [Hereditary Peers in the House of Lords Since 1999](#), 26 March 2014, pp 22–36.

¹¹ Leader's Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–12, pp 12–14.

¹² *ibid*, p 13.

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