



House of Lords Reform Since 1997: A Chronology
(Updated October 2007)

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Introduction

This House of Lords Library Note sets out in summary form the principal developments in House of Lords reform since the 1997 General Election. It updates a previous House of Lords Library Note, *House of Lords Reform Since 1999: A Chronology* (LLN 2007/003). It is primarily concerned with reform proposals in terms of the composition and powers of the House of Lords. It does not focus in detail on measures taken to reform the office of the Lord Chancellor and create a new Supreme Court to replace the existing system of Law Lords operating as a committee of the House of Lords.

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

April 1997

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

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

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

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

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

(Labour Party, *New labour: because Britain deserves better*, April 1997, pp. 32–33)

14 and 15 October 1998

The House of Lords conducted a two day debate on Lords reform (HL *Hansard*, cols. 921–1042 and 1052–1166). The Lord Privy Seal, Baroness Jay of Paddington, moved a motion taking note of the Government's proposals for reform of the House of Lords, as set out in the Labour Party manifesto, and announced the Government's intention to establish a Royal Commission.

Baroness Jay stated:

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

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

24 November 1998

In the Queen's Speech for the 1998–99 Session, it was announced that: "A Bill will be introduced to remove the right of hereditary Peers to sit and vote in the House of Lords. It will be the first stage in a process of reform to make the House of Lords more democratic and representative. My Government will publish a White Paper setting out arrangements for a new system of appointments of life Peers and establish a Royal Commission to review further changes and speedily to bring forward proposals for reform." (HL *Hansard*, 24 November 1998, col. 4).

19 January 1999

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

20 January 1999

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

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

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

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

to report by 31 December 1999.

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

11 November 1999

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

17 November 1999

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

20 January 2000

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

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

7 March 2000

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

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

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

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

(HL *Hansard*, cols. 912 and 915)

4 May 2000

The Prime Minister announced the membership of the interim non-statutory Appointments Commission (HC *Hansard*, cols. 181–82W).

The White Paper of January 1999, *Modernising Parliament: Reforming the House of Lords* (Cm 4183, pp. 33–34), had envisaged the establishment of a non-statutory Appointments Commission. The remit of the Appointments Commission was to recommend people for appointment as non-party political life Peers and vet all nominations for membership of the House to ensure the upholding of standards of propriety.

19 June 2000

The House of Commons debated the Royal Commission's report (HC *Hansard*, cols. 48–125). During the debate, the Government said that a Joint Committee of both Houses would in due course be established to consider the implications of the Royal Commission's work (HC *Hansard*, col. 55). This was in line with the 1997 Labour Party manifesto which had proposed that a Joint Committee would be set up to undertake a review of possible further change following the first stage of Lords reform (Labour Party Manifesto, *New Labour because Britain deserves better*, pp. 32–33).

6 March 2001

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

26 April 2001

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

May 2001

The Labour Party, the Conservatives and the Liberal Democrats all included statements on House of Lords reform in their General Election manifestos (*Ambitions for Britain*, p. 35; *Time for Common Sense*, pp. 45–46; *Freedom, Justice, Honesty*, p. 14).

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

We are committed to completing House of Lords reform, including removal of the remaining hereditary Peers, to make it more representative and democratic, while maintaining the House of Commons' traditional primacy. We have given our support

to the report and conclusions of the Wakeham Commission, and will seek to implement them in the most effective way possible. Labour supports modernisation of the House of Lords' procedures to improve its effectiveness. We will put the independent Appointments Commission on a statutory footing.

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

20 June 2001

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

7 November 2001

The Government published its White Paper, *The House of Lords: Completing the Reform* (Cm 5291), seeking responses by 31 January 2002, with a view to introducing legislation thereafter. Statements were made in both Houses (HC *Hansard*, cols. 239–55; HL *Hansard*, cols. 205–224).

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

9 and 10 January 2002

Two days of debate on constitutional reform were held in the House of Lords and one day in the House of Commons, with the White Paper's proposals attracting little support (HL *Hansard*, cols. 561–682 and 692–824; HC *Hansard*, 10 January, cols. 702–778).

14 January 2002

The Conservative Party unveiled reform proposals.

These included the creation of a 300 member assembly, to be called the Senate, with 240 members elected by a first-past-the-post system for 15-year terms (Conservative Party press notice, 'Conservatives call for new elected Senate').

17 January 2002

The Liberal Democrats published reform proposals.

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

14 February 2002

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

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

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

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

13 May 2002

The Government proposed that, having taken into account the debates in both Houses, the responses to the White Paper and the Public Administration Select Committee report, Parliament should establish a Joint Committee on House of Lords Reform in order to try and take matters forward and achieve a consensus (HC *Hansard*, cols. 516–533; HL *Hansard*, cols. 12–23).

11 December 2002

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

The report set out “an inclusive range of seven options for the composition of a reformed House of Lords” and stated that it did so “against a background of broad agreement on the role, functions and powers of a reformed Second Chamber.” It saw “a continuation of the present role of the House of Lords, and of the existing conventions governing its relations with the House of Commons.” Once the views of both Houses were clear on the issue of

composition, the Joint Committee would “return to the detailed matter of how these important conventions should be maintained in a new constitutional settlement between the Houses” (*House of Lords Reform: First Report*, p. 5).

21 and 22 January 2003

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

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

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

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

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

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

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

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

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

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

29 January 2003

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

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

... everyone agrees that the status quo should not remain. Everyone agrees that the remaining hereditary Peers should go and, what is more, that the prime ministerial patronage should also go. However, the issue then is whether we want an elected—*[Interruption.]* I am asked for my views; I am giving them. Do we want an elected House, or do we want an appointed House? I personally think that a hybrid between the two is wrong and will not work.

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

(*HC Hansard*, 29 January 2003, cols. 877–78)

4 February 2003

The House of Commons and the House of Lords both voted on the seven options proposed by the Joint Committee on House of Lords Reform in its first report (*HC Hansard*, cols. 152-243; *HL Hansard*, cols. 115–138).

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

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

Option 1 Fully appointed

Option 2 Fully elected

Option 3 80 per cent appointed, 20 per cent elected

Option 4 80 per cent elected, 20 per cent appointed

Option 5 60 per cent appointed, 40 per cent elected

Option 6 60 per cent elected, 40 per cent appointed

Option 7 50 per cent appointed, 50 per cent elected

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

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

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

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

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

9 May 2003

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

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

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

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

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

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

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

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

12 June 2003

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

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

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

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

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

- Establishment of an independent Judicial Appointments Commission, on a statutory basis, to recommend candidates for appointment as judges. The

Government will publish a consultation paper before the summer recess on the best way of establishing such a Commission.

- Creation of a new Supreme Court to replace the existing system of Law Lords operating as a committee of the House of Lords. The new Secretary of State will not be a member of the Supreme Court. The Government will publish a consultation paper on proposals for a Supreme Court before the summer recess.
- Reform of the Speakership of the House of Lords. The Leader of the House of Lords will consult with the other parties, and the House as a whole, on changes to Standing Orders enabling a new Speaker – who is not a Minister – to be in place after the recess, subject to the wishes of the House...

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

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

3 July 2003

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

17 July 2003

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

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

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

Chamber. For the time being, the Government will concentrate on making the House of Lords work as effectively as possible in fulfilment of its important role.

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

18 September 2003

The Department for Constitutional Affairs published a consultation paper, *Constitutional Reform: next steps for the House of Lords* (CP 14/03). Statements were made in the House of Lords and the House of Commons (HL *Hansard*, cols. 1057–1078; HC *Hansard*, cols. 1086–1104).

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

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

Hereditary Peers

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

Appointments

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

Managing the size of the House

- The paper raises the question of whether there should be formal caps on the size of the House, but on balance recommends that this should be limited to a requirement on the

Commission to aim to ensure that the House does not grow beyond its present size and reduces in numbers over time to no more than 600 (paragraphs 44–52);

Disqualification

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

Joining the Lords

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

Leaving the Lords

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

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

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

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

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

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

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

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

If this Bill is ever presented to this House, the noble and learned Lord and his colleagues can be assured that he can expect a major fight on his hands, and it will not be confined to this Bill. This House values its independence, and in the past four

years it has found a voice that the country is increasingly willing to hear. We on this side of the House will not give that up lightly.

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

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

The Government have now made it clear that they want no democratic reform at all. They have betrayed the trust of those who believed that they were truly committed to full constitutional reform. They have done so because your Lordships’ House is a nuisance to them. We amend their Bills and we take up their time in debates. A proper reform would make things even worse for the Government, so they take the easy way out. Your Lordships’ House will remain wholly appointed.

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

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

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

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

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

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

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

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

18 November 2003

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

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

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

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

26 November 2003

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

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

Legislation will be brought forward to reform the House of Lords. This will remove hereditary Peers and establish an independent Appointments Commission to select non-party Members of the Upper House.

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

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

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

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

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

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

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

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

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

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

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

2 December 2003

On the fourth day of debate on the Queen's Speech in the House of Lords, the Conservatives and the Liberal Democrats both moved amendments to the motion for an humble Address critical of the Government's proposals for constitutional reform. The Conservatives' amendment was carried by 188 votes to 108 (*HL Hansard*, cols. 295–296).

12 January 2004

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

24 February 2004

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

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

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

The Bill is divided into 5 parts:

Part 1: Arrangements to replace office of Lord Chancellor

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

Part 2: The Supreme Court

- Part 2: Makes provisions for a Supreme Court to replace the existing system of Law Lords operating as a committee of the House of Lords. It provides for the appointment of judges, the Court's jurisdiction, its procedures, resources, including accommodation, and other matters.

Part 3: Judicial appointments and discipline

- Part 3: Makes provision for a Judicial Appointments Commission to be responsible for recruiting and selecting judges. It provides for it to report to the Minister on who has been selected, and for the Minister to make the appointment or the recommendation to The Queen. It also makes provision for a Judicial Appointments and Conduct Ombudsman, who will investigate any complaints, and for disciplinary procedures in relation to the judiciary.

Part 4: Other provisions in relation to the judiciary

- Part 4: Makes provisions regarding Parliamentary disqualification and the judicial functions of the Lord President of the Council.

Part 5: General

- Part 5: provides for interpretation, minor and consequential amendments, repeals and revocations, supplementary provisions, extent, commencement and the title of the Act.

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

8 March 2004

The Constitutional Reform Bill received its Second Reading in the House of Lords. At the end of the Second Reading, Lord Lloyd of Berwick moved an amendment to the motion committing the Bill to a Committee of the Whole House. Lord Lloyd's amendment, which called for the Bill to be committed to a Select Committee, was accepted by 216 votes to 183 (HL *Hansard*, cols. 979–1006 and 1023–1112).

19 March 2004

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

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

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

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

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

21 March 2004

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

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

Now that's what it's been doing. So I think we need to bring down the period that it can frustrate the will of the Commons, from a year to under a year, and we need to get procedures in place that allow legislation to go through, instead of just talking things out in an anarchic way.

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

22 March 2004

The Select Committee on the Constitutional Reform Bill was established, with an instruction to report on the Bill to the House not later than 24 June 2004. Provision was also made for the Bill to be carried over into the next Session of Parliament (HL *Hansard*, cols. 468–472).

22 April 2004

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

In the foreword, the Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, confirmed that the Government did not intend at this stage to pursue the legislative proposals set out in the September 2003 consultation paper:

In September of last year I published the consultation paper *Constitutional reform: next steps for the House of Lords*. This paper set out the Government's proposals for taking forward the next incremental stage of reform to the Second Chamber. The consultation paper proposed to remove the remaining hereditary Peers, establish a new independent statutory Appointments Commission, and bring the provisions on disqualification into line with those of the Commons. In the face of determined refusal by the opposition to support these reasonable reforms, the Government has subsequently decided not to pursue this legislation at this stage.

Instead, the Government intends to reflect on the possible options for longer-term reform of the House of Lords, and to encourage wide-ranging debate on the best way forward.

(Constitutional reform: next steps for the House of Lords – Summary of responses to consultation, 22 April 2004, p. 1)

1 May 2004

Forty six new life peerages were announced.

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

25 May 2004

The Government reiterated its commitment to reforming the House of Lords.

Speaking in the House of Commons, the Parliamentary Under-Secretary of State for Constitutional Affairs, Christopher Leslie, stated:

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

Most hon. Members would agree with the notion that the House of Commons should be supreme in the final decision-making process and, therefore, that the powers of the House of Lords should follow that overriding principle. The Lords has a revising function, but any change to increase the legitimacy of the Second Chamber would need to maintain the balance that we already have...

My hon. Friend clearly believes that the House of Commons should be supreme, as do I. It is important that the Second Chamber can exercise revising functions, including asking the Commons to reconsider. However, that has to be a reasonable power, exercised in a reasonable manner.

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

2 July 2004

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

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

20 July 2004

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

Among the report's main conclusions were:

- A Second Chamber should complement the work of the elected House of Commons and concentrate on the scrutiny and revision of legislation.

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

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

29 September 2004

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

Lord Falconer told delegates:

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

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

manifesto to identify a solution which makes for a representative chamber, and then commit ourselves to it, in the manifesto...

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

(‘Opening up our institutions for the future’, speech by Lord Falconer to the Labour Party Conference, 29 September 2004)

25 January 2005

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

The House of Lords Appointments Commission is responsible for recommending non-party-political appointments to the House of Lords. However, I continue to nominate direct to Her Majesty the Queen a limited number of distinguished public servants on retirement. I have decided that the number of appointments covered under this arrangement will not exceed ten in any one Parliament.

(*HC Hansard*, col. 10WS)

26 January 2005

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

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

(*HC Hansard*, col. 301)

26 January 2005

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

21 February 2005

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

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

24 March 2005

The Constitutional Reform Act 2005 received Royal Assent.

The Act's Long Title summarises its provisions as follows:

An Act to make provision for modifying the office of Lord Chancellor, and to make provision relating to the functions of that office; to establish a Supreme Court of the United Kingdom, and to abolish the appellate jurisdiction of the House of Lords; to make provision about the jurisdiction of the Judicial Committee of the Privy Council and the judicial functions of the President of the Council; to make other provision about the judiciary, their appointment and discipline; and for connected purposes.

April 2005

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

The Labour Party manifesto pledged:

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

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

Following a review conducted by a committee of both Houses, we will seek agreement on codifying the key conventions of the Lords, and developing alternative forms of scrutiny that complement rather than replicate those of the Commons; the

review should also explore how the upper chamber might offer a better route for public engagement in scrutiny and policy-making. We will legislate to place reasonable limits on the time bills spend in the Second Chamber – no longer than 60 sitting days for most bills.

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

(Britain forward not back, pp. 103 and 110)

The Conservative Party's manifesto stated:

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

(It's time for action, p. 21)

The Liberal Democrat manifesto asserted:

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

(The real alternative, p. 18)

13 May 2005

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

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

17 May 2005

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

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

This Session the House also has unfinished business concerning the speakership of this House. Noble Lords will recall the history of this issue. It was put on hold while the Constitutional Reform Bill went through Parliament. That Bill finally received Royal Assent just before Easter. It remains the Government's view that the Speaker of this House should not be appointed by the Prime Minister. We believe that the House will be stronger if it seizes the opportunity to take the Speakership into its own

hands. This House needs a presiding officer of its own, and I will resume discussions with the usual channels to explore the scope for consensus. I will then bring the issue before the House.

(*HL Hansard*, col. 23)

23 May 2005

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

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

The gracious Speech confirmed that we will bring forward proposals to continue the reform of your Lordships' House. In doing so, we want to ensure that there is a proper opportunity for deliberation and consensus building. That is central to our approach. We set out clearly during the course of the election the Government's objective: an upper Chamber that is effective, legitimate and more representative, without challenging the primacy of the Commons. That involves a debate about the purpose and powers of the upper Chamber and not just about its composition.

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

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

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

(*HL Hansard*, cols. 243–44)

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

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

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

(*HL Hansard*, col. 247)

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

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

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

(*HL Hansard*, col. 253)

29 September 2005

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

Lord Falconer told delegates:

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

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

12 December 2005

The Constitution Unit, part of University College London’s School of Public Policy, released research findings showing “surprising levels of support from MPs and the public for the Lords to vote down government proposals” (Constitution Unit press release, ‘Lords should

block government bills, say public and MPs’). The Constitution Unit is undertaking a research project into the Lords’ behaviour since 1999 (see www.ucl.ac.uk/constitution-unit/).

Senior Research Fellow at the Constitution Unit, Dr Meg Russell, provided the following analysis of the research results:

“Despite the unelected basis of the Lords these results make clear that it enjoys support from MPs and the general public to block policies that are perceived as unpopular. Far from clashing with the Commons it may even inflict government defeats with the silent approval of Labour MPs. Whilst government may wish to tame the powers of the Lords, these results suggest that voters are really quite happy with things as they are.”

(Constitution Unit press release, ‘Lords should block government bills, say public and MPs’, 12 December 2005)

9 January 2006

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

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

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

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

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

31 January 2006

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

15 February 2006

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

Baroness Amos was quoted as saying:

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

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

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

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

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

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

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

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

26 February 2006

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

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

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

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

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

The interviewer, Jon Sopel, put it to the Lord Chancellor that while there may be a broad consensus for the creation of a hybrid House of Lords, the Prime Minister had previously been against such a move. Lord Falconer responded:

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

Asked if the Prime Minister would support the possibility of a hybrid Chamber with an elected element, Lord Falconer said:

Well that is what both other opposition parties want. There's significant support for it in my own party. Let's see what sort of consensus can be built. I don't know what the consensus building will produce, but if it produced a result where the primacy of the House of Commons were clear, and a way forward on composition was clear, then we would certainly not stand in the way, indeed we would encourage reform along those lines. But the crucial thing is, let's see if we can build a consensus.

As to whether he himself would support the creation of a hybrid Chamber, Lord Falconer stated:

Yes I would, and I think that we need to see whether or not that represents a consensus, or there is some other consensus...

...if there is a broad political consensus for change, then we will support it. If that involves a hybrid House, then that is something that could be acceptable.

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

27 February 2006

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

In a short exchange, Lord Strathclyde told Peers:

My Lords, I wish to draw to the attention of the House the fact that this morning I notified the Leader of the House that I wanted to ask the following Private Notice Question:

“To ask Her Majesty’s Government if, in view of recent statements to the media by government Ministers, they will indicate to the House what are their future plans with regard to policy on the House of Lords”.

Imagine my surprise when I discovered that this Question had been turned down on the basis that it was not an urgent matter. Will the Leader of the House say what, on Saturday afternoon, made the Government brief the BBC and newspapers on the future of the House of Lords? Will she also say what made the Lord Chancellor break his engagements on Sunday and urgently go to the BBC studios to give an interview on the future of your Lordships’ House when it is not sufficiently urgent to give a statement in this very House this afternoon? I am asking the Leader of the House not to reverse her decision now, although that would be a perfectly fair thing for her to do, but to consider very carefully whether she took the right decision and whether she believes that this House should be told before the media what the Government have in mind on the future of this House—an issue that is extremely important to every Member of your Lordships’ House.

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

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

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

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

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

27 February 2006

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

The Power Inquiry, established and funded by the Joseph Rowntree Charitable Trust and the Joseph Rowntree Reform Trust, was set up in 2004 to explore how political participation and

involvement could be increased and deepened in Britain. The report included the following recommendation on House of Lords reform:

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

(From executive summary and recommendations, pp. 21-22)

1 March 2006

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

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

In 2005 we saw:

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

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

5 March 2006

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

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

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

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

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

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

21 March 2006

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

25 April 2006

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

The motion proposed:

That, accepting the primacy of the House of Commons, it is expedient that a Joint Committee of the Lords and Commons be appointed to consider the practicality of codifying the key conventions on the relationship between the two Houses of Parliament which affect the consideration of legislation, in particular:

(A) the Salisbury-Addison convention that the Lords does not vote against measures included in the governing party's manifesto;

(B) conventions on secondary legislation;

(C) the convention that Government business in the Lords should be considered in reasonable time;

(D) conventions governing the exchange of amendments to legislation between the two Houses;

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

(*HL Hansard*, 25 April 2006, cols. 74–75)

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

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

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

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

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

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

(*HL Hansard*, 25 April 2006, cols. 78–79)

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

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

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

(*HL Hansard*, 25 April 2006, cols. 91–92)

5 May 2006

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

10 May 2006

The House of Commons debated the motion proposing the creation of a Joint Committee to consider codification of the key conventions on the relationship between the two Houses (HC *Hansard*, cols. 436–474). The Motion was agreed by 416 votes to 20 (Deferred division, HC *Hansard*, 17 May 2006, col. 1070).

22 May 2006

After debate, the House of Lords agreed to a motion setting out the membership and powers of the Joint Committee on Conventions by 184 votes to 31 (HL *Hansard*, cols. 582–595).

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

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

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

(HL *Hansard*, 22 May 2006, cols. 582–83)

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

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

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

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

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

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

(*HL Hansard*, 22 May 2006, cols. 584–85)

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

My second concern is about who is, overall, in control. Since 1997, this role has been carried out by the Lord Chancellor—the noble and learned Lords, Lord Irvine of Lairg

and Lord Falconer of Thoroton. At the latest reshuffle, only a few weeks ago, that role was given to the leader of another place, Mr Jack Straw. It is the first time that I can think of where responsibility for the future of this House resides not here but in another place. I cannot believe that that is the best way to create confidence in this process.

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

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

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

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

Baroness Amos also responded to the concern, raised by several Peers, that the Joint Committee, in being asked to report by 21 July, would not have enough time to carry out its work. She stated that the Joint Committee could ask both Houses to agree to a revised timetable (cols. 587–88).

25 May 2006

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

5 June 2006

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

Speaking during starred questions, Baroness Amos stated:

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

continuation of the reform process. I remind the noble Lord that this Prime Minister is the first to have improved the accountability of government through, for example, his appearance twice a year to the chairs in the Liaison Committee.

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

8 June 2006

The Leader of the House of Commons, Jack Straw, stated that, alongside the work of the Joint Committee, he was also consulting the political parties, as well as the crossbenchers and the Bishops, on Lords reform.

The Lobby briefing reported Jack Straw as saying that:

...he was also consulting the parties, plus the crossbench Peers and bishops, formally and informally. He was quite clear that the Prime Minister would not have asked him to undertake the task if he did not believe there was a possibility of dealing with it once and for all. Mr Straw said that he thought most people considered the current position of the House of Lords to be unsustainable. They wanted a Second Chamber which continued the very important work of revising legislation and holding Ministers to account, but one which respected the primacy of the Commons. They wanted to see the issue sorted as well. He was aiming to achieve that and, with luck, there would be a consensus. If the issue was not settled in the next year or so, then the parties' patience with it would probably be exhausted for five or ten years.

(10 Downing Street, 'Afternoon press briefing from 8 June 2006')

20 June 2006

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

20 June 2006

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

Nigel Griffiths stated:

As has been pointed out, my right hon. Friend the Leader of the House has been asked to take the lead responsibility for developing the Government's proposals to take forward Lords reform. That is recognition of the importance that the Government

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

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

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

4 July 2006

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

4 July 2006

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

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

11 July 2006

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

Jack Straw argued that:

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

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

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

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

24 October 2006

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

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

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

Second, a reformed Lords must not be a replica of the Commons. The role of the Lords is to revise and to scrutinise – to act as a second opinion. It does this very effectively. If it were to replicate what the Commons does, it would not only threaten

its position as holding primacy, but it would also remove an effective part of the Parliamentary process.

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

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

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

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

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

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

3 November 2006

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

- accepted the primacy of the Commons;
- argued that the Salisbury-Addison Convention had changed since 1945, and particularly since 1999;
- warned against trying to define "reasonable" in the context of the convention that the Lords consider Government business in "reasonable" time;
- stated that ping-pong was not a convention, but rather "a framework for political negotiation";

- declared that although the Lords should not frequently reject statutory instruments, in exceptional circumstances it may be appropriate to do so;
- ruled out legislation, or any other form of codification, which would turn conventions into rules.

The report's full summary stated:

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

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

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

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

There undoubtedly is a convention that the Lords consider government business in reasonable time. But there is no conventional definition of “reasonable”, and we do not recommend that one be invented. It would be possible for a new symbol to appear on the Lords order paper, to indicate a Bill which has spent more than a certain period in the House; we suggest 80 sitting days, or roughly half an average Session. There is scope for better planning of the parliamentary year as a whole, possibly involving greater use of pre-legislative scrutiny and carry-over. If the Government can even out the workload in both Houses throughout the Session, this should reduce time problems on individual Bills.

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

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

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

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

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

The formulations are as follows:

In the House of Lords:

A manifesto Bill is accorded a Second Reading;

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

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

The House of Lords considers government business in reasonable time.

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

We do not recommend legislation, or any other form of codification which would turn conventions into rules, remove flexibility, exclude exceptions and inhibit evolution in response to political circumstances. And, however the conventions may be

formulated, the spirit in which they are operated will continue to matter at least as much as any form of words.

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

(*Conventions of the UK Parliament*, HL 265, 3 November 2006, pp. 3–5)

15 November 2006

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

13 December 2006

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

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

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

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

In the introduction to its response, the Government elaborated:

The complex issue of the relationship between the two Houses sits at the core of the arrangements through which Parliament holds the Government to account. The House of Lords has a crucial part to play in the process, through its role as the revising chamber. But it is clear that in our constitutional arrangements the House of Commons retains primacy. Only the Commons has the power to grant or withhold supply, and, linked to this, it is only the Commons whose confidence a government must maintain in order to remain in office. These arrangements mean that there is a very different relationship between the Government and the two Houses of

Parliament. They ensure that the party which secures a majority through a general election has the right to form a government and to carry through the programme set out in its election manifesto.

The House of Lords must be equipped with the power to perform its role as a revising chamber effectively, but it must not exercise this power in a way which undermines the position of the House of Commons. The constitutional backstops of Commons' primacy are the Parliament Acts and the rules on supply. However, there are other elements which underline this – those which govern the day to day relationship between the two Houses. These are the kinds of conventions that the Committee was asked to investigate.

We accept the Joint Committee's analysis of the effect of all the conventions, and the Joint Committee's recommendations and conclusions. Its report accurately defines the current relationship between the Lords and the Commons.

(Government Response to the Joint Committee on Conventions' Report of Session 2005–06: Conventions of the UK Parliament, Cm 6997, 13 December 2006, p. 3)

16 January 2007

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

The debate saw a general endorsement of both the Joint Committee's report and the Government's response. Several speakers, however, questioned the Government's contention that the relationship and conventions identified by the Joint Committee should apply to any differently composed chamber. Responding to the debate, the Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer, elaborated on this issue:

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

The noble and learned Lord, Lord Howe of Aberavon, rightly said that the House does well at the moment and performs its role extremely effectively. I agree, but the question that is posed—one which is not for answer today—is whether it is possible to have a House that performs the complementary function that this House does, as defined in the report of my noble friend Lord Cunningham of Felling, if there was an elected element. There are noble Lords who say that that is impossible—someone

used the words “pie in the sky”—and that once there is an elected element in the context of the relationship between the Commons and the Lords, you can never have the relationship that currently exists. That is the issue. It is not resolved by the Joint Committee. It will have to be resolved when the debate takes place on the free vote.

(*HL Hansard*, 16 January 2007, cols. 635–36)

17 January 2007

The House of Commons debated the report of the Joint Committee on Conventions (*HC Hansard*, cols. 808–887).

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

7 February 2007

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

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

However, reform of the House of Lords remains unfinished business. There are still 92 hereditary Peers sitting in the Lords. But ending this anomaly, in the Government’s view, does not go far enough to ensure that Britain’s Second Chamber is fit to meet the demands and expectations of this century. The legitimacy and authority of the Second Chamber continue to be called into question.

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

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

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

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

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

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

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

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

- A hybrid House with at least 20% non party political appointments;
- Direct elections through a partially open list system;
- A lengthy transition period for existing members, with no current Peers being forced to leave; members of a reformed House should serve long non-renewable terms;
- A staggered process for any elected element, with one third of it being introduced at each election; these would coincide with elections to the European Parliament and have the same constituency base;
- House of Commons primacy must remain in any reform process. The Lords should not rival or replicate the House of Commons and, normally, no party after reform should have a majority of either the party-political members of the House or of the House as a whole;
- Future membership should reflect as far as possible the diversity of the UK's people and viewpoints, and representation of the Church of England in the House should continue;
- A proposal to establish a new independent Statutory Appointments Commission, reporting directly to Parliament, and no future Prime Ministerial appointments;

- Size of the reformed House should be 540 members;
- The link between the peerage and a seat in Parliament will be broken altogether;
- The right of hereditary Peers to sit and vote in the House of Lords on the basis of their ancestry brought to an end.

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

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

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

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

If the Government try to force this mish-mash through, then our ways will part. These confused plans are not real reform, and risk bringing division and perhaps discredit on us all. The wise thing would be to pause for mature reflection in both Houses and to gather the wisdom of Parliament, treating this plan as the Green Paper that it really is and giving us all time to consider what is and is not in it in far more depth and in a less febrile climate than today’s.

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

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

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

reading. I shall echo a great Liberal statesman from the 20th century in saying that this White Paper is not the end of the debate on Lords reform; it is not even the beginning of the end, but it could be the end of the beginning.

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

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

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

19 February 2007

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

6 and 7 March 2007

The House of Commons debated the White Paper and voted on options for composition (*HC Hansard*, cols. 1389–1488 and cols. 1524–1638).

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

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

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

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

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

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

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

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

12 and 13 March 2007

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

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

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

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

14 March 2007

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

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

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

14 March 2007

On the same day as the votes on composition in the House of Lords, two private members' bills were introduced to the Lords (HL *Hansard*, cols. 740–41).

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

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

15 March 2007

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

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

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

29 March 2007

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

A press release issued by the Constitution Unit claimed:

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

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

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

Senior Research Fellow Dr Meg Russell said: "The House of Lords may remain unelected, but the 1999 reform removed the anachronistic dominance of hereditary Peers, and crucially made the chamber more politically representative. With the balance of power held by Liberal Democrats and independents it can be argued that it more closely reflects public opinion than the House of Commons. Peers therefore feel justified in challenging government more. The chamber has been strengthened by the 1999 reform, and if in future it is made elected it will become far stronger still." She continued "The Peers still act with some caution due to their unelected status, but if plans for an elected house go ahead, clashes like these will become far more common"...

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

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

20 April 2007

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

18 May 2007

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

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

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

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

27 June 2007

Gordon Brown became Prime Minister.

3 July 2007

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

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

In 1999 the Government enacted a historic and long overdue reform to Parliament's second chamber. The House of Lords Act 1999 provided for the removal of the sitting and voting rights of the majority of hereditary Peers and established a mechanism for retaining 90 hereditary Peers through a process of election (75 elected by hereditary Peers in their party groups and 15 by the whole House. There are two other hereditary Peers who are the hereditary office holders, the Earl Marshal and the Lord Great Chamberlain).

These reforms were a fundamental step towards a more legitimate and assertive second chamber which has scrutinised the work of the Government more effectively, thereby improving British democracy overall.

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

In May 2006 the Government supported the establishment of a Joint Committee to examine the conventions governing the relationship between the two Houses of Parliament. The Committee's report, published in November 2006, provides clarity

on those conventions and is an invaluable baseline for the debate on the future of the House of Lords.

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

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

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

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

The Secretary of State for Justice and Lord Chancellor will continue to lead cross-party discussions with a view to bringing forward a comprehensive package to complete House of Lords reform. The Government will develop reforms for a substantially or wholly elected second chamber and will explore how the existing powers of the chamber should apply to the reformed chamber.

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

(The Governance of Britain, Cm 7170, 3 July 2007, pp. 41–42)

19 July 2007

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

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

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

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

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

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

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

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

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

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

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

(*HC Hansard*, 19 July 2007, cols. 450-51)

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

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

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

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

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

The Statement accepts the facts of political life, however. The House of Commons has voted decisively. The leaderships of all three parties are committed to reform—even, I think, the Front Benches in this House. The new Prime Minister and Government have reiterated the former commitments. I hope the Statement gives the so-called “refuseniks” in both Houses the opportunity to recognise that from now on our job as parliamentarians is to try constructively to contribute to the process, rather than to slow it down or filibuster to make it impossible to make reasonable progress.

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

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

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

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

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

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

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

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

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

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

20 July 2007

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

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

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

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

(CPS press release, 'CPS decision: "Cash for Honours" case', 20 July 2007)

20 July 2007

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

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

In conclusion—I want to be brief and encourage brevity throughout the day—let me reiterate the main point of the Bill: its proposals provide an opportunity for consensus on a more limited range of reforms than those that were outlined to us yesterday. It has the potential to unite a majority in all three parties and in both Houses. Most interesting of all, it has the potential to unite those who seek an elected House and those who are happy with an appointed House. Yesterday, in a timely intervention, the Constitution Unit said:

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

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

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

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

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

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

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

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

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

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