HOUSE OF LORDS

Library Note

The Life Peerages Act 1958

This year sees the 50th anniversary of the passing of the Life Peerages Act 1958 on 30 April. The Act for the first time enabled life peerages, with a seat and vote in the House of Lords, to be granted for other than judicial purposes, and to both men and women. This Library Note describes the historical background to the Act and looks at its passage through both Houses of Parliament. It also considers the discussions in relation to the inclusion of women life peers in the House of Lords.

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1. Introduction

This Library Note focuses on the Life Peerages Act 1958. Part 1 gives an historical overview of life peerages, looking at early life peerages, which were exceptional to the generally hereditary nature of the peerage, the latter also excluding women from the right to sit and vote in the House of Lords. It then goes on to examine the failed attempt to create a life peerage for judicial purposes which occurred during the Wensleydale peerage case of 1856, followed by the statutory creation of judicial life peerages by the Appellate Jurisdiction Act 1876; and then examines subsequent attempts to introduce Bills providing for life peerages for the more general purpose of strengthening the legislative capacity of the Lords. Part 2 looks at the passage of the Life Peerages Act 1958 through Parliament, giving a summary of the debates in both Houses. Part 3 looks at the particular case of women peers, who were first enabled to sit and vote in the House of Lords by the 1958 Act. It examines the Viscountess Rhondda peerage case of 1922, which confirmed that hereditary peeresses in their own right were not entitled to a summons to Parliament, and then goes on to trace the subsequent attempts to admit women peers, leading up to the 1958 Act, which enabled the creation of women life peers, and briefly referring to the Peerage Act 1963, which enabled hereditary peeresses in their own right to sit and vote in the Lords.

2. Life peerages – an historical overview

2.1 Hereditary nature of peerage

The classic legal text on peerage law, *Palmer's Peerage Law in England*, defines a "peerage" as "an incorporeal hereditament, an inheritance", an estate in real property, the chief privilege of which is "the right to a summons to Parliament as a temporal lord."[1] In the earliest times, the writ of summons was seen merely as a command, which it has continued to be in form, but as presence at the meetings of Parliament became more and more desirable so the reception of a writ of summons came to be highly prized and therefore claimed. As the claim was made, so it became more usual for the King to behave as though the claim had a firm foundation. "That which had been merely usual came to be expected, and it became rarer for the King to withhold a summons from a man once summoned or his heir, and finally so rare that a denial of a writ appeared to be 'illegal', or a denial of a right".[2] However, the permanent and hereditary nature of the right to receive the writ of summons, and therefore membership of the Lords' House of Parliament, is generally held to have been confirmed and finally settled only in 1625. In that year Charles I refused to issue a writ of summons to the Earl of Bristol, who was out of favour, and the Earl presented a petition to the House of Lords. His petition was referred to a committee, which reported that "no precedent could be found for withholding a writ from a peer capable of sitting in the House of Parliament" and considering how far it might impinge upon the rights of members of the House to have their writs detained, asked the King to issue a writ to the Earl, and a writ was sent.[3]

2.2 Women not summoned to Parliament

The right to a summons to Parliament attached to a peerage was suspended whilst the holder of the peerage was a woman, i.e. a peeress in her own right: one who inherited because the terms of the original grant enabled descent to a woman, as, for example, in early English peerages, which were created simply by a writ of summons to Parliament (rather than by the later form of letters patent, which usually specified descent to "heirs male of the body") or in many Scottish peerages (which descended to "heirs general of the body"). This legal exclusion of women from participation in public life was the result of the influence of Roman law and perhaps also an echo of military tenure, and reflected the position of women in medieval society generally.[4]

The *Countess of Rutland's Case* (1606) has been cited as confirming that a woman was not qualified for a seat in the House of Lords. In that case, the Court of Star Chamber held that a countess by marriage or descent could not be arrested for debt or trespass, "for although in respect of her sex she cannot sit in Parliament, yet she is a peer of the realm, and shall be tried by her peers."[5]

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[1] Francis Beaufort Palmer, *Peerage Law in England* (1907), pages 4, 5 and 7.
[2] P. A Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, (1958), page 7.
[3] *Journals of the House of Lords 1625–1626*, Vol. VIII, page 537.
[4] George Chowdharay-Best, 'Peeresses at the opening of Parliament' (1972/73) XLI *The Table* 10 and O. Hood Phillips, 'Lords and Ladies for life' [1958] *Oxford Lawyer* 27 at page 29; see also J. Enoch Powell and Keith Wallis, *The House of Lords in the Middle Ages* (1968); Luke Owen Pike, *A Constitutional History of the House of Lords* (1894).
[5] *Countess of Rutland's Case* (1606) 6 Co. Rep. 52b. Cited in the *Viscountess Rhondda Peerage Claim* [1922] 2AC 339, see below, page 17.

2.3 Early life peerages

The source of peerages is the Crown, as the fountain of all honour and dignity. This origin, Palmer states, "has been consistently recognised from very early times, not only in patents and charters of nobility, but in Parliament, in the courts of law, and by all writers of authority. Thus Coke, in his Institutes, Part IV, p. 363 says that by the laws of England all the degrees of nobility and honour are derived from the King as the fountain of honour."[6] As such, the powers of the Crown are unlimited and dignities of a kind not used before may be created. Accordingly, a number of life peerages were granted in the Middle Ages and later in the seventeenth and eighteenth centuries. These had nothing to do with the right to attend Parliament but were rather, as O. Hood Phillips suggests, the reflection of family affection or romance on the part of the Monarch.[7] Cokayne's *Complete Peerage* lists 29 such peerages granted between 1377 and 1758.[8] Thus, for example, Richard II made Robert de Vere Marquess of Dublin for life in 1385 and Henry V gave life peerages to some of his relations. But as the grantees were already hereditary peers none of these grants involved taking a seat in Parliament. A later group of life peerages, eighteen from the Restoration onwards, were granted by various Monarchs to their mistresses or their natural offspring. Thus, for example, Louise de Keroualle was created Duchess of Portsmouth for life by Charles II in 1673; Catherine Sedley was created Countess of Dorchester by James II in 1686; Madame de Schulenberg was created Duchess of Kendal by George I in 1719; Petronilla Melusina, natural daughter of George I and the said Duchess of Kendal, was created Countess of Walsingham in 1722; and Madame Wallmoden was created Countess of Yarmouth by George II in 1740. But as the grantees were all women, again none of the grants involved taking a seat in Parliament.

In view of these precedents Palmer states that "it is not to be wondered at that generations of lawyers should have recognised the power of the Crown to grant life peerages" and he cites a number of eminent authorities including Coke, Blackstone and the Reports of the Lords Committee on the Dignity of a Peerage of the Realm (1816–1829).[9] Nevertheless, doubts as to the validity of such peerages have been expressed and Palmer cites other authorities who have taken this view.[10]

It was not until the year 1856, however, that the question of the validity of life peerages, with the incidental right to sit and vote in the House of Lords, arose in an acute form.

2.4 Wensleydale Peerage Case (1856)

In January 1856 letters patent were issued to Sir James Parke, a distinguished judge of the Court of Exchequer, creating him Baron Wensleydale "for and during the term of his natural life" and a writ of summons to Parliament was issued to him. He was then 74 years old, had no surviving son, and it was unlikely that he would have any. According to P. A. Bromhead, Palmerston's Government had two objectives. "It wanted to strengthen the number of specially qualified peers, so that the House might the better perform its tasks as the highest court of law in the land, but it also hoped to prepare the ground for future grants of life peerages to peers for other than judicial services."[11]

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[6] Palmer, o*p. cit.*, page 1.
[7] Hood Phillips, *op. cit.*, page 28.
[8] G. E. Cokayne, *The Complete Peerage*, Volume VIII, Appendix C (1932), pages 751–753.
[9] Palmer, *op. cit.*, page, 86.
[10] Palmer, *op. cit.*, pages 86–87.
[11] P. A. Bromhead, *The House of Lords and Contemporary Politics 1911–1957* (1958), pages 245–246.

The validity of this grant was immediately challenged. On 7th February 1856, Lord Lyndhurst, a Conservative and former Lord Chancellor, moved that the letters patent issued to Sir James Parke be "referred to the Committee for Privileges with directions to examine and consider the same and report thereon." He argued that the question before the House was "whether the ancient hereditary character of this House is to continue or whether it is to be broken in upon and remodelled to the extent and according to the discretion and interest of the Minister for the time being" (*Parliamentary Debates*, 7th February 1856, Vol. 140, col. 264). He added that "this patent is intended as a precedent for future occasions and to enable the Minister for the time being to place in this House as many tenants for life of the peerage as may suit at any future period in the history of this country" (*ibid.*). He also rejected the argument that, because the creation of life peerages was theoretically possible under the Crown's prerogative powers, such creations were constitutionally desirable:

> My Lords, it is said … that this is a part of the prerogative of the Crown, and that the Crown may legally appoint a Peer for life. Assuming that to be the case … it does not follow that every exercise of such a prerogative is consistent with the principles of the constitution. The Sovereign may by his prerogative, if he thinks proper, create a hundred Peers, with descendible qualities, in the course of a day. That would be consistent with the prerogative, and would be strictly legal; but everybody must feel and everybody must know that such an exercise of the undoubted prerogative of the Crown would be a flagrant violation of the principles of the constitution.
>
> (*ibid.*, col. 265)

His view was that "no instance has occurred in the history of this country within the last 400 years in which any commoner has been raised to a seat in this House by a patent of peerage containing only an estate for life" (*ibid.*, col. 265). He referred to the various cases in which peerages for life had been granted, but none of these had involved taking a seat in the House and they had been granted at a time when the Crown's prerogative powers were untrammelled; even assuming that the Crown had ever had such power in this respect, it had been lost by desuetude (*ibid.*, col. 275).

In reply to Lord Lyndhurst, Earl Granville, the Lord President of the Council and the Leader of the House, maintained that the power of the Crown to create peers for life had always existed, had been frequently exercised and was not lost. "In fact, there has never been any uniform mode of conferring peerages: some are given without limitation, others with limitation to heirs male, others limited to heirs male of the body, and others again constituting some extraordinary remainders …" (*ibid.*, col. 285). The immoral conduct of the ladies granted life peerages, referred to by Lord Lyndhurst, strengthened rather than weakened the argument for the rights of the Crown. If the Crown "could, and actually did, make Peeresses for life of an unpopular King's foreign mistresses, how can the right of the Crown in Baron Parke's instance be disputed?" (*ibid.*, cols. 285–286). Earl Granville held that:

> I hardly understand how the constitutionality of the question can be abstractedly argued. All that we contend is, that the act of creating a peerage for life is legal, and, if legal, it can also be shown that it is expedient; then it becomes perfectly constitutional.
>
> (*ibid.*, col. 290)

He added that the creation of life peers was desirable due to the difficulty in "conferring an hereditary peerage on a lawyer [to assist the House in hearing appeals] who may be unable to sustain the dignity, either from want of fortune or some other cause" (*ibid.*).

In the event, Lord Lyndurst's motion was approved by 138 votes to 105 (*ibid.*, cols. 380–381).

On 22nd February 1856 a motion by Lord Glenelg that the questions "Is it in the power of the Crown to create by Patent the dignity of a Baron of the United Kingdom for life?" and "What rights and privileges does such a grant confer?" be referred to the judges was defeated by 142 votes to 111 (*Parliamentary Debates*, 22nd February 1856, Vol. 140, cols. 1121–1152). On the same day, following a number of hearings of the whole House, sitting as the Committee for Privileges, Lord Lyndhurst moved the following motion:

> The Committee have, as directed by the House, examined and considered the Copy of the Letters Patent purporting to create the Right Honourable Sir James Parke, Knight, a Baron of the United Kingdom for Life; and they report it as their Opinion, that neither the said Letters Patent, nor the said Letters Patent with the usual Writ of Summons issued in pursuance thereof, can entitle the Grantee therein named to sit and vote in Parliament.
>
> (*ibid.*, col. 1170)

An amendment to the motion by Earl Grey, that 'the highest legal authorities have concurred in declaring the Crown to possess the power of creating peerages for life", and, as a result, "the House of Lords would not be justified in assuming the illegality of the Patent" issued to Sir James Parke (*ibid.*, col. 1179), was defeated by 92 votes to 57 and Lord Lyndhurst's motion was agreed to (*ibid.*, cols. 1152–1218).

Of the decision of the Committee, R. P. Gadd states that:

> This resolution meant in effect that, although the Crown could create a life peer, the House of Lords could decide whether or not such a creation allowed a seat and vote in the House of Lords.[12]

On 23rd July 1856, Sir James Parke was granted an hereditary peerage, as Lord Wensleydale of Walton. The title became extinct on his death on 25th February 1868.[13]

2.5 Appellate Jurisdiction Act 1876

Bromhead comments on the result of the Wensleydale case that:

> With regard to their limited purpose of strengthening the judicial side of the House of Lords, the advocates of life peerages were not prepared finally to abandon their case. If the House was to be able to perform its judicial functions adequately, it must clearly include a larger number of judges than were at that time members. It would have been easy enough to solve the problem by granting ordinary peerages to a few judges, but this solution was not at that time acceptable, because judges were not considered wealthy enough to be able to

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[12] R. P. Gadd, *Peerage Law* (1985), page 51.

[13] The background to this case is discussed in detail by Olive Anderson in 'The Wensleydale Peerage case and the position of the House of Lords in the mid-nineteenth century' (1967) 82 *English Historical Review* 486. It is also reported at (1856) 5 HLC 958.

found dynasties of the nobility. It was still felt that peers ought to be men of great substance, and that a man who inherited a peerage without great wealth would be in a situation embarrassing to himself and harmful to the prestige of the peerage as a whole.[14]

The limited purpose of strengthening the judicial capacity of the House of Lords was eventually achieved by the enactment of the Appellate Jurisdiction Act 1876 which enabled life peerages to be granted to a maximum number of four judges, to be known by the special title of Lords of Appeal in Ordinary and receiving salaries. The Act was passed by Disraeli's Conservative administration and preserved the appellate jurisdiction of the House of Lords, which the previous Liberal administration of Gladstone had proposed to abolish in the Judicature Act 1873.[15]

The 1876 Act originally provided that the Lords of Appeal in Ordinary should sit and vote only so long as they held office (although retaining their title of Baron for life), but this provision was later amended so that they could sit and vote for life (Appellate Jurisdiction Act 1887, section 2). Their maximum number has been gradually increased by subsequent legislation: to 6 in 1913, to 7 in 1929; to 9 in 1947; to 11 in 1968; and to 12 in 1994.

2.6 Bills subsequent to Wensleydale

As regards the more general purpose of strengthening the House of Lords in its legislative capacity by the grant of life peerages, various attempts were made subsequent to the Wensleydale case to bring forward legislation to that effect. Private members' Bills seeking to introduce a limited number of life peerages were brought forward in 1869, 1888, 1907, 1929, 1935 and 1953.[16]

The 1869 Bill, introduced by Earl Russell, provided for the creation of not more than four life peers a year, with a maximum of twenty-eight such peers at any one time. The Bill was rejected on third reading by 106 votes to 76 (*Parliamentary Debates*, 3rd Series, Vol. 197, cols. 1387–1403). A similar Bill in 1888, introduced by the Prime Minister, the Marquess of Salisbury, after an earlier private member's Bill was withdrawn, (*Parliamentary Debates*, 3rd Series, Vol. 323, cols. 763–816) reached second reading but made no further progress (*Parliamentary Debates*, 3rd Series, Vol. 328, cols. 852–871).

In 1907 a Bill amending the composition of the House of Lords, introduced by Lord Newton, was withdrawn after debate (*Parliamentary Debates*, 4th Series, Vol. 173, cols. 1203–1294, Vol. 174, cols. 3–42), but the whole question of Lords reform was referred to a Select Committee, chaired by the Earl of Rosebery. In its 1908 report the Committee recommended, inter alia, that the Crown should be empowered to summon four life peers annually as Lords of Parliament, the total number of such peerages not to exceed forty.

In 1929 Viscount Elibank introduced a Bill providing for the appointment of life peers, but he withdrew it when it became clear that the general feeling of the House was against the Bill (HL *Hansard*, 5th Series, Vol. 72, cols. 1165–1182). In 1935 Lord Rockley introduced substantially the same Bill that was sponsored by his uncle, the Marquess of

[14] Bromhead, o*p. cit.*, page 246.
[15] For further background to these reforms see the Lords Library Note, *The Appellate Jurisdiction of the House of Lords* (LLN 2007/008), pages 7–9.
[16] For further discussion of these Bills see Sydney D. Bailey, 'Life Peerages' in *The Future of the House of Lords* (Hansard Society, 1954), pages 109–120.

Salisbury, in 1888 (which itself was based on Earl Russell's Bill of 1869). The Bill had a second reading but proceeded no further (HL *Hansard*, 5th Series, Vol. 96, cols. 577–614). In 1937 Lord Strickland proposed that the Prime Ministers of the Dominions should be granted life peerages, but withdrew his motion after a short debate (HL *Hansard*, 5th Series, Vol. 104, cols. 783–803).

In 1953 Viscount Simon introduced a Bill providing for the creation of up to ten life peers (of both sexes) in any one year. After being debated on second reading on 3 and 4 February (HL *Hansard*, Vol. 180, cols. 133–147, 149–197, 199–224, 226–255), Earl Fortescue, for the Government, proposed an adjournment, in order that discussions might be held between party leaders, with a view to trying to arrive at a general agreement between them on wholesale reforms. The projected talks never took place, however, and the adjourned debate on Viscount Simon's Bill was never resumed. Bromhead contends that the talks did not take place because the Labour Party believed that, as the discussions of 1948 [the Conference of Party Leaders during the passage of the Parliament Bill[17]] had revealed fundamental cleavages of opinion between the parties on what was the proper part to be played by the House of Lords, there seemed to be no prospect of reaching agreement.[18]

Finally, in 1957 the Conservative Government introduced the Life Peerages Bill. Donald Shell in *The House of Lords* (1988), commenting on the whole period between the Appellate Jurisdiction Act 1876 and the introduction of this Bill, suggests that further attempts to extend the life peerages principle were frustrated, initially by a fear that life peerages would weaken the independence of the Upper House, but latterly out of a reluctance to allow piecemeal rather than fundamental reform of the Lords to take place (page 13).

Shell continues:

> Because the Labour Party believed a comprehensive reform of the House ought to take place it was always ambivalent about the creation of any new peerages. In 1938 there were still only 15 Labour peers, compared with 80 Liberals and 400 Conservatives… Atlee, however, took a decidedly practical view and ennobled forty-four Labour supporters between 1945 and 1951. Labour representation in the House of Lords became adequate, but never generous. Back in opposition, Labour numbers began to decline, and Conservative prime ministers were reluctant to give hereditary awards to their opponents. In any case, with new hereditary creations running on average at almost ten per year, the House of Lords was growing in size by more than fifty per decade. Unless the flow of new creations were increased, the proportion of peers by succession would grow, a trend which had nothing to recommend it.
>
> A simple Bill to award life peerages provided a means of escape from the trap. Prior to its introduction the Government undertook some discussions with Labour leaders about possible reforms, but in the end acted on its own in bringing forward the Life Peerages Bill.[19]

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[17] *Parliament Bill 1947: Agreed Statement on conclusion of Conference of Party Leaders, February–April, 1948* (Cmd. 7380).
[18] Bromhead, *op. cit.*, page 247.
[19] Donald Shell, *The House of Lords* (1988), pages 13–14.

3. Life Peerages Act 1958

At the beginning of the Session that preceded the introduction of the Life Peerages Bill the Government had promised to put forward proposals for reforming the composition of the Lords in the Queen's Speech of 6 November 1956 (HL *Hansard*, Vol. 200, cols. 1–4). Nothing happened until the last days of the Session when a Lords debate was arranged on the principle of life peerages for men and women on 30 and 31 October 1957 (HL *Hansard*, Vol. 205, cols. 581–678, 683–774). Shortly afterwards, the Life Peerages Bill was introduced in the Lords at the beginning of the new Session, the second reading taking place on 3 and 5 December 1957 (HL *Hansard*, Vol. 206, cols. 609–726, 843–866, 870–951).

The debate was opened by the Earl of Home, Secretary of State for Commonwealth Relations and Leader of the House. He referred to the recently held Lords debate and suggested that it had revealed a large measure of agreement, if not unanimity, on the introduction to the House of life peers. He continued:

> For this the arguments are strictly and severely practical. There is, as all your Lordships know, a small number of noble Lords opposite who enable us to present to the world a picture of a House which is efficient and informed and which maintains a high level of debate. But, equally, we know that this is a brave façade and we know that on a small number of noble Lords opposite there is falling a strain which they cannot and should not be asked to carry much longer, and that this House is perilously near a breakdown in its machinery. That situation can, in the opinion of the Government and I think of all your Lordships, be eased if the Prime Minister is given the discretion to offer life peerages to those persons who feel, for various good reasons, that they cannot accept hereditary peerages to-day.
>
> (HL *Hansard*, 3 December 1957, Vol. 206, col. 610)

Further on, he said:

> I hope that the noble Viscount opposite will not chide the Government with accusations of "tinkering". If this is "tinkering" whose fault is it? Our Government, the Government of noble Lords on this side of the House, have offered time and again to have discussions with the Opposition on this matter in order to arrive at a comprehensive scheme of reform, and it is the other side of the House that has turned those conversations down. Further, my Lords, I hope they will not press the point that the hereditary element in this House is clinging to excessive powers, because I would remind the noble Viscount that the powers which we enjoy to-day are powers on which his Government insisted in 1948.
>
> (*ibid.*, col. 615)

The Earl of Home concluded by saying that the Bill was not the end of the story. He hoped that in the long run agreement on these constitutional matters would be reached, but asked the House to be content with the Bill for its "immediate merits" (*ibid.*, col. 616).

In reply, Viscount Alexander of Hillsborough, the Leader of the Opposition, asked why a Bill of such constitutional importance was first introduced into the Lords, or whether it was the belief of the Leader of the House that there would be such unanimity in the Lords on these limited proposals that he could go to the Commons and say that it was an agreed Bill in the Lords. However, Viscount Alexander said he would not propose to ask

his colleagues to vote against the second reading of the Bill because it had become a convention in the Lords not to vote against the second reading of a Government Bill (*ibid.*, col. 617).

He referred to a Bill in the last Session to abolish capital punishment which had been passed in the Commons by a majority of all parties but which was thrown out by the Lords, the Government choosing to accept the Lords vote as superior to the representative vote in the Commons (*ibid.*, col. 618). He then continued:

> It is not surprising, therefore, that there are many people in another place who regard the Bill which we are considering now—and here I am going to say what the noble Earl the Leader of the House did not want me to say—as tinkering with the problem of the reform of the House of Lords, in that it makes no attempt to deal with the need, advanced now for many years by large numbers of the population, for the abolition of the hereditary principle (and that, as the noble Earl has indicated, has been going on for at least fifty years) nor to give relief to the heirs of Peers who do not desire to receive the Writ of Summons of this House but to be enabled, by Statute, to make once-and-for-all decision, in their individual cases, to exercise the privilege of Parliamentary service, if they are chosen by the electors, in another place.
>
> (*ibid.*, col. 618)

Viscount Alexander concluded that the purpose of the Bill was to buttress the hereditary principle:

> …the House of Lords in its present form, and with its hereditary foundation, is an anachronism in a democratic State. Now this Bill does not touch the hereditary principle. Is it introduced to enhance the prestige of the House while retaining the hereditary principle? I feel certain that that is a question which will be asked and debated strongly in another place when the Bill leaves this House. I think that the answer is, Yes.
>
> (*ibid.*, col. 620)

He rejected the suggestion by the Earl of Home that it was entirely the fault of the Labour Party that it had not been possible to come to an agreement in dealing with the reform of the House of Lords. “I hurriedly consulted my noble friend Lord Attlee, and he says that on the last occasion when conversations broke down they were broken down by the other side and not by us” (*ibid.*, col. 626).

Lord Rea, the Liberal Leader in the Lords, supported the Bill. He said:

> From conversations which I have heard, both inside and outside your Lordships’ House, it seems to me that the Bill before us to-day can be supported for two distinct reasons: first, that it accelerates the prospect of further reform of your Lordships’ House, and, secondly, that it retards the prospect of the further reform of your Lordships’ House. I understand that there are two equally good reasons for voting against this Bill, which are exactly the same reasons. Since a measure of reform has been advocated from these Benches for the last forty years, I personally find no difficulty in supporting the Bill as a small advance to that reform which we, in this quarter of your Lordships’ House, consider to be desirable.
>
> I support it because although, unfortunately, it avoids—and, indeed, it is not attempting to take into account—most of the points which were arrived at

> unanimously at the Leaders' Conference in 1948, it does bring before us two of those agreed conclusions: that there should be life peerages, and that women should be eligible equally with men.
>
> (*ibid.*, cols. 626–627)

The Bill, Lord Rea continued, was consistent with the first recommendation of the 1948 Party Leaders' Conference, that, since the Second Chamber should be complementary to and not a rival to the Lower House, any modification here should be based on its existing constitution as opposed to some system of election; and the second recommendation, aimed towards a more representative balance of the parties, certainly seemed to be implicit in the Bill (*ibid.*, col. 627).

At committee stage (HL *Hansard*, 17 and 18 December 1957, Vol. 206, cols. 1205–1280, 1284–1311) a Labour amendment, moved by Viscount Alexander of Hillsborough, to allow a life peer to renounce his peerage, was defeated by 105 votes to 22 (18 December 1957, *ibid.*, cols. 1284–1306). Other amendments were debated but withdrawn: to enable a person offered a peerage to chose between a life peerage and an hereditary peerage (Lord Lucas of Chilworth: 17 December 1957, *ibid.*, cols. 1237–1246); to enable life peers to be paid a salary (Lord Lucas of Chilworth: 17 December 1957, *ibid.*, cols. 1246–1254); to enable a member of the House of Commons who succeeded to a peerage to continue as a member until the following dissolution of Parliament (Viscount Astor: 18 December 1957, *ibid.*, cols. 1307–1311). An amendment by Lord Silkin allowing an hereditary peer to amend his letters patent to a life peerage was defeated by 75 votes to 25 (17 December 1957, *ibid.*, cols. 1261–1280).

The Bill was reported without amendment and given a third reading on 30 January 1958 (HL *Hansard*, Vol. 207, cols. 305–328).

In the Commons, the second reading took place on 12 and 13 February 1958 (HC *Hansard*, Vol. 582, cols. 402–522, 581–708). Opening the debate, Mr R. A. Butler, Secretary of State for the Home Department and Lord Privy Seal, indicated that the purpose of the Bill was to ensure that membership of the Lords was replenished satisfactorily.

He recalled the decision of the House of Lords in the Wensleydale peerage case (see above) which the Bill would reverse by enabling the Crown to create life peerages with the right to sit and vote in that House. The Bill was concerned solely with the constitution of the House of Lords and not with its powers:

> Some have argued, and will argue, that there is a case for a reform of the House of Lords more radical and comprehensive than that which the Bill proposes. I should like to make this submission to the House: any comprehensive change should be one based on agreement between the two parties, and no such agreement has hitherto proved possible. Since 1911, attempts to reach agreement on reform, all of them unsuccessful, have been made. It is true that most of the discussions have embraced the contentious question of powers as well as the question of membership, and the area of controversy has, therefore, been wide.
>
> (HC *Hansard*, 12 February 1958, Vol. 582, col. 405)

However:

> If we cannot get agreement between the parties on any radical scheme of reform of the House of Lords, what is the need for this Measure? I will describe it. It is simply to make possible the strengthening of the House of Lords by the creation of life peers who will be able and prepared to attend regularly to contribute to the discharge of that work which is vital to the working of our constitution. For a variety of reasons we all know, many people are reluctant today to accept hereditary peerages. It may be for personal reasons, it may be because they do not want their sons to become peers, or it may be for reasons which make them feel that they want to remain ordinary commoners.
>
> We cannot rely solely on the creation of hereditary peerages to provide an adequate field of recruitment for the House of Lords in the future. What we want to do, quite simply, by this Bill is to enlarge that field and make it possible to offer life peerages to people of distinction in the public service, people who could represent some aspect of the nation's life with particular authority, or who could take part in an adequate way in the Parliamentary life of the country.
>
> In the many schemes of reform which have been suggested in the past there has been one common element of agreement, that there should be an increase in the non-hereditary element in the House of Lords. That is why we have decided to recommend to the House, following discussions in another place, the simple Bill which we have put before the House this afternoon. The Government have been encouraged by the favourable reception of the Bill in another place, and outside, to believe that our proposals command a wide measure of agreement.
>
> (*ibid.*, col. 407)

Mr Butler then went on to indicate the type of person that the Government envisaged would be created a life peer:

> What we want to achieve is the addition to the House of Lords of men and women of distinction from all main sectors of our national life, men and women who will strengthen it by their knowledge of affairs and their experience and widely varied interests, political, scientific, economic, cultural and religious. By this means we may hope to ensure that in carrying out its important duties of revising or initiating legislation, and of debating the great issues of public policy which continually arise, the House of Lords will adequately and accurately reflect the life and thought of the nation.
>
> Some of those men and women—and this will no doubt interest us here, as politicians—will be recommended for appointment primarily on political grounds. Before making such recommendations of members of an opposition party, I would expect any Prime Minister informally to consult the leader of that party. The responsibility constitutionally will and must be the Prime Minister's, whoever is the Prime Minister of the day, but it would be reasonable and right for him to consult the Leader of the Opposition to ascertain the views of the Opposition on any particular recommendation; and I think that that is how the proposal will work out.
>
> It will also be the duty of the Prime Minister, of course, to recommend men and women who, though not actively associated with any political party, are qualified by their eminence in other spheres to make a constructive contribution to the work of Parliament. In doing so, the Prime Minister of the day will doubtless take

soundings in many quarters with the object of ensuring that those whose experience best fits them to give this service and who are able and willing to give it are selected.

(*ibid*, cols. 408–409)

In conclusion, Mr Butler said:

There are various other rather controversial matters, which are covered by the general omnibus argument that we are not putting forward a Bill for comprehensive reform, or a comprehensive reform of the hereditary element. The questions asked in this connection are: why cannot hereditary peeresses, in their own right, sit in the House of Lords? Why cannot hereditary peers who do not want to give up their right to stand for the House of Commons renounce their right to sit in the House of Lords? Why cannot Scottish peers not elected as representative peers vote at Parliamentary Elections, or stand for election to, and sit in, this House? These are matters which are not included in the Bill and which, in our view, could be suitably discussed, entertained or inserted in the Bill only if it were a comprehensive Bill for the reform of the hereditary element.

That is not the purpose of the Bill, and the Government have taken the view that it is wiser to limit the present operation to the injection of new blood which will help keep the Upper House in a condition to discharge its functions effectively.

…In recommending the Bill to the House, we base our case on the line that in our Constitution, failing agreement, it is often better to take a small step and to make a gradual move—moving by evolution and not suddenly and overnight by revolutionary methods. In the Bill we simply propose to take a step in the evolution of Parliament in order to fit it to discharge its responsibilities in the constantly changing era in which we live.

(*ibid.*, cols. 410, 411)

The Leader of the Opposition, Mr Hugh Gaitskell, opposed the Bill because it left the House of Lords "overwhelmingly hereditary in character and with unimpaired powers to frustrate and obstruct the will of the elected representatives of the people" (*ibid.*, col. 411). He then went on to deal in turn with the arguments for the Bill put forward by the Government.

Firstly, the reasons given by the Leader of the House of Lords, the Earl of Home, were quite different from those given by the Leader of the House of Commons, Mr Butler. The latter had said that the Government were putting forward the Measure because they could not reach agreement upon a wider Measure. But Lord Home had referred to a significant area of agreement on the Bill. Mr Gaitskell commented:

On which leg do the Government stand on this? Are they saying to us, "We are putting this forward because it is not agreed, it is only limited", or are they putting it forward because this is what is agreed? Those are two totally different propositions put forward in the two Houses of Parliament.

I submit that it is perfectly clear that Lord Home was wholly in the wrong when he suggested that there was a large measure of agreement about this Bill.

> In point of fact, of course, there has been no discussion whatever between the two parties on this constitutional change. No attempt has been made, in respect of this Bill, to find out whether or not there could be agreement.
>
> (*ibid.*, cols. 413–414)

The second argument for the Bill which, Mr Gaitskell said, was not referred to by Mr Butler but repeatedly mentioned in the House of Lords, was that the Bill would assist the Labour Party, the Opposition, in the Lords:

> It is not very easy for us to believe, or to take seriously, the idea that the Government are anxious in any way to assist the Labour Party. If this really is put forward as a serious proposition, it seems to me very odd indeed that the Labour Party, which was to benefit so much, was not even consulted about whether it wanted the Bill.
>
> (*ibid.*, col. 414)

The implication of that sort of approach, Mr Gaitskell argued, was that the Labour Party had conscientious scruples about the acceptance of hereditary peerages, that the Tories had no such scruples and therefore were prepared to make it easier for members of the Labour Party to sit in the House of Lords:

> What we are objecting to is not the conscientious difficulties in which we are supposed to be placed, but the fact that the composition of the House of Lords as a whole is totally wrong in being overwhelmingly hereditary. We should regard it as still hopelessly wrong even though, in this generous fashion, they offered us a few life peerages so that we might strengthen our ranks.
>
> In any case, as the right hon. Gentleman knows very well, if there are difficulties in manning our benches in the House of Lords, it is, at the moment, for a rather different reason. It is simply that we find it difficult—I freely confess this—to have enough people there who can put in practically the whole of their time in the House of Lords and can give up their business, profession or job, and on the basis of the allowances only recently introduced, devote, as I say, their whole time to the day-to-day work in the House of Lords which is so necessary in a revising Chamber. Therefore, the major problem—we may as well face this—is not that it is difficult to get people to accept hereditary titles; the major problem is to find people who can spare the time; the major problem is, in fact, the problem of pay in the House of Lords, about which this Bill proposes to do nothing.
>
> (*ibid.*, cols. 415–416)

The third argument for the Bill was, Mr Gaitskell said, advanced by Mr Butler to the effect that the Government wished to make the House of Lords work better, to strengthen it. Mr Gaitskell commented:

> So far as that concerns Labour peers, I have already given my answer. So far as it applies to non-Labour peers, these considerations seem to me to arise. For what reason is it believed that it will be easier to get distinguished persons to spend a lot of time in the House of Lords—which, again, is the real problem—because they are offered life peerages instead of hereditary peerages? Why should one assume that they will be more assiduous in their work than the

> hereditary peers? Why, indeed, should the "distinguished" people—and the right hon. Gentleman used the word twice—be those people who would have the time to do the work in the House of Lords?
>
> (*ibid.*, col. 416)

The final Government argument, which, Mr Gaitskell said, was the real argument, was that the Bill would enhance the prestige of the House of Lords and make it less vulnerable to attack. He responded:

> …I must make it plain that, in our opinion, even the present powers are excessive, and that, if, in consequence of this Bill, the prestige of the House of Lords is enhanced, we believe that the House of Lords may very well seek to use its existing powers far more intensively and far more frequently.
>
> (*ibid.*, col. 418)

Mr Gaitskell concluded:

> …the Bill is not really a reform Bill, as we see it. It leaves the Conservative majority in its overwhelming character. It leaves the present powers of the House of Lords unchanged and it gives, conveniently, an apparently slightly more respectable appearance to the House of Lords. We are opposed to a cloak of respectability put upon a person when the reality is quite unchanged. We do not see any case for enhancing the prestige of the House of Lords, so long as it is in all major respects the same as it is now.
>
> (*ibid.*, col. 423)

Mr Clement Davies, formerly Leader of the Liberal Party, thought that the Bill was a pretence:

> While pretending to bring in a reform of the second Chamber, all it proposes to do is to add an unknown number of men and women to the already extraordinary number of hereditary peers. I believe that the number of hereditary peers today is 875. I listened carefully to what the Leader of the House had to say about the numbers of life peers that may be created. He said there should be no limit; but I gather there is no intention whatsoever of creating a number equal to, still less exceeding, the number of hereditary peers existing today.
>
> So in truth and in fact the power will still remain with the hereditary peers.
>
> (*ibid.*, col. 430)

For generations, Mr Davies said, the overwhelming majority in the House of Lords had been Conservative and the Conservative Party had exercised their power even though they had been in a minority in the Commons and in the country; that situation would still be maintained when the Bill became law and new life peers were created (*ibid.*, cols. 430–431).

He continued:

> We all realise the tremendous burden which is today being put upon the Labour Opposition in the House of Lords. It is suggested that its position will be eased and that more persons can be induced to undertake the burden of attending and

taking part in debates in the second Chamber if they are offered a life peerage as against a hereditary peerage. What is the inducement to all these people, whether the peerage is being offered to them on political grounds or whether their qualification is that they have obtained distinction in a profession, industry or public service? What inducement is there for them to devote the time required to undertake duties in another place when all they get are their bare expenses, just £3 a day?

…The whole thing is absurd. As I have said, the reason underlying all this is the maintenance of the hereditary principle as a qualification for membership, whereas in truth and fact the hereditary principle today is a complete anachronism.

…Some in the other place found it possible not only to favour the Bill but to vote for it, and they did so because for the first time it is proposed to admit women and life peers. What in the name of reason would they think it was possible to do about reforming the House of Lords unless one created life peers and admitted women or had an elected Chamber? It seemed to me that all that they saw in this was a necessity, and that they turned that necessity into a virtue.

(*ibid.*, cols. 431–432)

Mr Davies concluded that a true reform of the House of Lords was needed, not a mere sham, and he drew attention to proposals discussed at the Conference of Party Leaders in 1948, at which he and Lord Samuel had represented the Liberals. These included[20] the proposals that the reform of the House of Lords should be based on modification of its existing constitution as opposed to some form of election; that a permanent majority should not be assured for any one party; that the right to attend and vote based solely on heredity should not by itself constitute a qualification for admission to a reformed Second Chamber; that Members of the Second Chamber should be styled 'Lords of Parliament' and appointed on grounds of personal distinction or public service, being drawn from hereditary peers or from commoners who would be created life peers; that women should be eligible to be appointed as Lords of Parliament; and that some remuneration should be payable to Members of the Second Chamber, so as not to exclude persons without private means (*ibid.*, cols. 433–435).

At the end of the debate, the Opposition amendment declining a second reading to the Bill was defeated by 305 votes to 251 (HC *Hansard*, 13 February 1958, Vol. 582, cols. 703–708).

The Bill was considered by a Committee of the Whole House on 25 March 1958 (HC *Hansard*, Vol. 585, cols. 300–390). A number of Labour amendments were debated, including one to limit the number of life peers to one hundred (*ibid.*, cols. 311–335) and another to enable the Crown, on receipt of an Address, to revoke the letters patent conferring a life peerage (*ibid.*, cols. 380–386). These were either negatived or withdrawn and the Bill was reported without amendment (*ibid.*, col. 389). The Bill was given a third reading on 2 April 1958 by 292 votes to 241 (HC *Hansard*, Vol. 585, cols. 1227–1298) and received Royal Assent on 30 April 1958.

The first batch of 14 life peers was announced on 24 July 1958, of which 4 were women (see below).

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[20] *Parliament Bill 1947: Agreed Statement on conclusion of Conference of Party Leaders, February–April, 1948* (Cmd. 7380), paragraph 5.

3.1 Other contemporary changes

Two other minor, but significant, changes took place at about the same time as the Life Peerages Act 1958. The first was the introduction of daily allowances in 1957; and the second was the introduction in 1958 of Leave of absence for peers who did not wish to attend the House, following the recommendation of a Lords Select Committee (HL Paper 60, 1957–58).[21]

[21] Discussed in Donald Shell, *The House of Lords* (1988), pages 14–15.

4. Women peers

As previously noted (see 2.2 above), hereditary peeresses in their own right were not entitled to sit and vote in the House of Lords, the right to a summons to Parliament being suspended whilst the peerage was held by a female. This position at common law was confirmed by the decision of the Lords Committee for Privileges in the Viscountess Rhondda case in 1922.[22]

Viscountess Rhondda had succeeded to the peerage on the death of her father, David Thomas, a former Minister and Liberal MP, who had been created Viscount Rhondda by letters patent with a special remainder to his only daughter, Margaret, and her heirs male. The Viscountess presented a petition to the Crown requesting a writ of summons to Parliament, basing her claim on the Sex Disqualification Act 1919, section 1, the main purpose of which was to allow women to enter the professions but broadly worded, providing that "A person shall not be disqualified by sex or marriage from the exercise of any public function" (women were already eligible to sit in the House of Commons by virtue of the Parliament (Qualification of Women) Act 1918). The petition was referred to the Lords Committee for Privileges, which initially reported in favour of the claim, but later the report was referred back to the Committee for reconsideration, the Committee finally deciding by 22 to 4 that the Viscountess was not entitled to a writ of summons to Parliament. Bromhead gives a useful summary of the reasoning behind the Committee's conclusion:

> …although there was no law or order of the House in existence to prevent a writ of summons from being issued to a woman, the fact that no woman had ever received a writ must be taken to have established a rule which could only be superseded by legislation or some other specific decision. The Act only removed disqualifications, and women were not disqualified from sitting in the House of Lords; they had no right to sit there. Furthermore, the Committee could not disregard the point that if the Act had intended to allow women to sit in the House of Lords, it could easily have made specific provision on the matter.[23]

Following the Viscountess Rhondda case, Viscount Astor (whose wife had become the first women Member of Parliament, after a by-election in November 1919) attempted unsuccessfully on five occasions between 1924 and 1929 to promote Bills enabling hereditary peeresses in their own right to sit and vote in the Lords.[24] On 16 July 1930 Viscount Astor also moved a motion that would have welcomed a measure admitting women to the House on the same terms as men, which was narrowly defeated by 55 votes to 49 (HL *Hansard*, 16 July 1930, Vol. 78, cols. 498–536).

In November 1932 a joint committee of Conservative peers and MPs, chaired by the Marquess of Salisbury, proposed extensive reforms of the House of Lords including a

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[22] Reported in *Viscountess Rhondda's Peerage Claim* [1922] 2 AC 339 and discussed in further detail by R. P. Gadd, *Peerage Law* (1985), pages 73–75; Gavin Drewry and Jenny Brock, *The Impact of Women on the House of Lords* (1983), pages 5–7; and F. Pollock, 'Note on the Rhondda Peerage Case' (1923) 153 LQR 3. In contrast, in 1929 the Judicial Committee of the Privy Council decided that women could be admitted to the Senate of Canada, as the word "persons" in the British North America Act 1867 included members of either sex, and thus women who had the qualifications specified in the Act could be summoned by the Governor General to the Senate (*Edwards v. Attorney General for Canada* [1930] AC 124).

[23] P. A. Bromhead, *The House of Lords and Contemporary Politics 1911–1957* (1958), page 255.

[24] Chronicled in Pamela Brookes, *Women at Westminster* (1967), pages 206–208.

reduction in the number of hereditary peers, by a system of election from among their number, and the creation of life peers, with no bar to the admittance of women in either category. The proposals were mentioned in a subsequent Commons debate on Lords reform, introduced by a Conservative member (HC *Hansard*, 30 November 1932, Vol. 272, cols. 892–955); in reply, the Solicitor General in the National Government, Sir Boyd Merriman, did not express any opinion on the Salisbury Committee proposals but pointed out that it would be impossible to find time for dealing with so difficult and contentious a subject (*ibid*., cols. 928–930). The proposals formed the basis of a Bill introduced by the Marquess of Salisbury (HL *Hansard*, Vol. 90, 19 December 1933, cols. 605–654), but it progressed no further than second reading (HL *Hansard*, 8, 9 and 10 May 1934, Vol. 92, cols. 67–152, 155–232, 233–295).

After the Second World War, Gavin Drewry and Jenny Brock explain that:

> …attempts to admit women became entangled with the Labour government's antipathy towards the second chamber and with the arguments preceding the Parliament Act 1949. On 27 July 1949 (against the background of a national, all-party petition), Lord Reading moved for legislation to admit women peers. (HL Deb., v. 164, cc. 581–624); the Lord Chancellor, Lord Jowitt, expressed the view that 'we should be taking a step which is in the right direction in that they are women, but in the wrong direction in that the proposition is based on the hereditary principle'. Although the motion was carried by 45 votes to 27, the division was mainly on party lines and the victory was a hollow one. The issue had once again become defined as a small part of a big constitutional controversy, rather than as a discrete issue of removing a longstanding anachronism.
>
> With the advent of Conservative government in the early 1950s, the initiative shifted away from those who doubted a priori whether the House of Lords should remain in being towards those who wished to reinforce its effectiveness and its credibility.[25]

Thus in 1953 Viscount Simon introduced his Bill providing for the creation of life peers of both sexes, although, as previously noted, consideration of it was adjourned when the Churchill Government tried, unsuccessfully, to promote all-party talks on Lords reform. Pamela Brookes points out that it was at this time that the proponents of admitting women peers received a powerful boost to their campaign by the accession of a female monarch; and on 22 March 1957 a joint letter signed by representatives of twenty-three interested societies was sent to all MPs and the press, pointing out that the eligibility of women for the Upper House had followed enfranchisement without any additional legislation in the United States, Australia, New Zealand, the Irish Free State, Austria, Belgium, Iceland, Czechoslovakia, Denmark, Germany, the Netherlands, Poland and Sweden.[26]

4.1 Life Peerages Act 1958

The Life Peerages Bill introduced by the Macmillan Government in December 1957 provided, in clause 1(3), that a life peerage could be conferred on a woman.

[25] Gavin Drewry and Jenny Brock, *The Impact of Women on the House of Lords* (1983), page 7.
[26] Pamela Brookes, *Women at Westminster* (1967), page 210.

At second reading in the Lords on 3 December 1957, the Earl of Home, Secretary of State for Commonwealth Relations and Leader of the House, set out the Government's view as follows:

> There is substantial agreement on the introduction of women to your Lordships' House. The need to keep this House up to date is perhaps the most powerful argument for the introduction of women. There are some of your Lordships who may contend—indeed, some have—that women have not made the mark on the political life of this country that was expected of them. Some of our instincts against surrendering this, one of the last sanctuaries of the male, may be very strong. Some may say that women do not understand how golden is silence, particularly when seven o'clock in the evening is approaching. My trouble is that I cannot see any argument in logic or in reason, why, if women are in another place, they should not be here.
>
> (HL *Hansard*, 3 December 1957, Vol. 206, col. 611)

The Leader of the Opposition, Viscount Alexander of Hillsborough, said:

> I have heard many people, in all parts of the House, say that they thought it unfair that, in giving for the first time the suffrage use of this House to women, the Government should exclude those who already have a right to a current peerage but who are denied the right of coming to this hereditary House. However, I am bound to say that I agree with the Government in not extending that privilege, because I think it would add very much to the prestige of the hereditary principle in the House… I feel convinced that the Government, in their proposal for the appointment of Life Peers, are right in granting women the same privilege as men.
>
> (*ibid.*, col. 625)

Lord Rea, the Liberal Leader in the Lords, supported the admission of women life peers, saying that he and his party "have advocated, and will continue to advocate, the equality of men and women in all spheres in which they can contribute equally" (*ibid.*, col. 628). The admission of men and women life peers was in accordance with the fourth and fifth proposals unanimously arrived at by the Party leaders in 1948 (*ibid.*, col. 628).

At committee stage on 17 December 1957 the Earl of Airlie moved an amendment to exclude women from the Bill. He said that:

> …this is quite a unique Chamber, and unlike any other institution, as it is at present constituted. Though, of course, it is an anomaly, it has worked well in the past. Perhaps—I say "perhaps"—we have now come to the time when a change is necessary. Personally I am not at all sure of this, because I fear that our successor cannot be all that much better. I am also not sure that the country thinks that the time for change has come. But there I may be wrong, and apparently Her Majesty's Government are quite sure. I submit, however, that in view of the possible change it might be wiser to wait to see how the proposed step-by-step reforms worked out and then, if it were thought advisable, to admit the ladies.
>
> (HL *Hansard.*, 17 December 1957, Vol. 206, cols. 1208–1209)

On a division, the amendment was defeated by 134 votes to 30 (*ibid.*, cols. 1235–1236).

In the Commons at second reading, Mr R. A. Butler, Secretary of State for the Home Department and Lord Privy Seal, adverted only briefly to the Bill's provision enabling the Crown to confer life peerages on women. He said:

> That is a provision that the Government entirely support. I do not think that any argument of mine is necessary in support of it—but I think it will be quite interesting to see who is chosen.
>
> (HC *Hansard*, 12 February 1958, Vol. 582, col. 410)

The Leader of the Opposition, Mr Hugh Gaitskell, commented:

> I say at once that if we take, on their own, the two principles of life peerages compared with hereditary peerages, and no discrimination between men and women in the membership of the House of Lords, there is obviously much to commend them, although I would note, in passing, that the Government's sudden enthusiasm for non-discrimination between men and women does not extend to hereditary peeresses.
>
> But here we are not merely discussing two principles in the abstract; we are dealing with a proposed change in the Constitution, and I submit that we can judge whether it is or is not a desirable change only by comparing very carefully what the House of Lords is today—before the Bill is through—with what it is to be like after the change. We are in some difficulty, because this is an enabling Bill, and we do not know exactly what the consequences will be. Even the right hon. Gentleman's remarks as to what he thought Prime Ministers might or might not do do not carry us very far forward. We do not know how many life peerages will be created; we do not know how far the Standing Orders of the House of Lords will be changed, and we do not know how far the present position will be affected.
>
> (*ibid.*, col. 412)

Mr Clement Davies, formerly Leader of the Liberal Party, said some in the House of Lords had favoured the Bill because for the first time it was proposed to admit women and life peers. But that was turning necessity into a virtue. The Bill was a sham and there should be a true reform based on the proposals discussed at the Conference of Party Leaders in 1948 (*ibid.*, cols. 432, 433).

In the Committee of the Whole House on 25 March 1958 the Labour MP, Jennie Lee, moved an amendment to leave out clause 1(3) entirely, saying that the purpose of the amendment was to reject the proposition that life peeresses should be sent to the Lords. She argued:

> The representatives of the Government ask us to believe that in sending peeresses to the House of Lords they are honouring my sex, that such peeresses would have to be women of distinction, that this is a step towards sex equality and that there is something very strange about those of us sitting on this side of the Committee who are not impressed by and who do not agree with that suggestion. If it is an honour for women to be sent to the other place, why do hon. Members, particularly noble Lords, not start with the women in their own families? Do not they think any of them are worthy of being honoured? Why are peeresses in their own right excluded? Do they lack the intelligence or the personality, or are the Lords insistent that they are only going to put up with strange women? It is an extraordinary proposition that should come to us from

> the Lords, that they are willing to countenance the women they do not know but are not going to have anything to do with women whom they do know.
>
> (HC *Hansard*, 25 March 1958, Vol. 585, col. 351)

Miss Lee continued:

> If we are seeking to honour women, why not begin by introducing the hereditary peeresses into the other House? Throughout the whole debate there has been an argument with which I do not agree. It applies to this Amendment, but it applies also to men who are to be made life peers. All the time we hear that if distinguished men or women are going to be sent to the other place, the likelihood is that they will be appointed only as life peers or peeresses.
>
> Is it intended to make all the undistinguished people hereditary peers and the distinguished people life peers?
>
> (*ibid.*, col. 352)

She concluded:

> We are asked to believe that the Government are seriously honouring women by extending the Bill to them, but we know what the situation really is. We know that the Government are anxious to maintain a permanent Tory majority in the other Chamber, and they know that the other Chamber is deadly dull, so deadly dull that something has to be done to give it a little more news interest and a little more brightness. I am opposed to members of my own sex being given these peerages because I think they could improve the other place. I am putting a feminist, not an anti-feminist, argument. If I thought that the presence of women would make the second Chamber duller, more stupid, more reactionary than it is, I would reconsider my Amendment.
>
> (*ibid.*, col. 353)

The House of Lords, Miss Lee said, should be replaced by "a sensible and reformed House", but if that could not be done, "let us not try to drag in a number of women to camouflage it" (*ibid.*, col. 354).

Miss Lee's amendment was defeated by 302 votes to 59 (*ibid.*, cols. 375–378).

Shortly after the Bill received Royal Assent, the first batch of life peers was announced on 24 July 1958 which included four women: Dame Katharine Elliot (Baroness Elliot of Harwood); Mary Irene Curzon (Baroness Ravensdale of Kedleston) (a baroness in her own right and elder daughter of Lord Curzon); Dame Stella Issacs, Dowager Marchioness of Reading (Baroness Swanborough); and Barbara Wootton (Baroness Wootton of Abinger). Baroness Wootton was the first women to be created a life peer, when her letters patent were sealed on 8 August 1958. The first to take her seat in the Lords was Baroness Swanborough, on 21 October 1958.

4.2 Peerage Act 1963

Although the Life Peerages Act 1958 enabled life peerages to be conferred on women, hereditary peeresses in their own right were not affected and they continued to be excluded.

A resolution, moved by the Marquess of Reading on 21 January 1959 (HL *Hansard*, Vol. 213, cols. 612–644), calling for legislation to allow hereditary peeresses in their own right to sit and vote in the House, was carried by 59 votes to 51.

But they were not finally admitted until the Peerage Act 1963 (which also allowed hereditary peers to disclaim their peerages, all Scottish peers to sit in the Lords, and Irish peers to sit in the Commons and vote in parliamentary elections). *Debrett's Peerage* for 1964 lists 20 hereditary peeresses in their own right who were thereby enabled to sit and vote in the Lords.

During the second reading debate on the Peerage Bill in the House of Lords, the Lord Chancellor, Lord Dilhorne, said:

> Clause 6 confers on female holders of hereditary peerages the right to membership of this House and, at the same time, puts them in the same Parliamentary position as men holding the same peerages. They will have to disclaim if they wish to stand for election to the House of Commons or vote at Parliamentary elections. Your Lordships have repeatedly extended a warm, though ineffective, invitation to the hereditary peeresses and I am sure that the House will be pleased that effect can now be given to its wishes.
>
> (HL *Hansard*, 4 July 1963, Vol. 251, col. 1008)

The Leader of the Opposition, Viscount Alexander of Hillsborough, said:

> I am quite sure your Lordships will agree that, by the addition of the lady peers to the House under the Life Peerages appointments, the general effect of our debates, especially on social questions, has been greatly improved. It may well be so, if we remember the case of an outstanding lady like the late Lady Rhondda; it would not have injured debating or the public-spiritedness of the Members of this chamber if this privilege to female holders of titles had been given long ago in the circumstances of the hereditary basis which have continuously existed.
>
> (*ibid.*, col. 1011)

No amendments to Clause 6 were moved during the passage of the Bill through Parliament.

None of the women life peers spoke in the debates on the Bill.

The first hereditary peeress in her own right to take her seat in the Lords was Baroness Strange of Knokin on 19 November 1963.

4.3 Lord Diamond's Bills

On 26 November 1992 Lord Diamond moved the second reading of his Hereditary Peerages Bill, which would have enabled hereditary peers to petition the Crown to amend their letters patent so that the peerage could descend to the eldest legitimate child, male or female. Further progress on the Bill was effectively halted when Lord Denham moved an amendment to delay the second reading for six months, which was carried by 60 votes to 33 (HL *Hansard*, 26 November 1992, Vol. 540, cols. 1118–1166).

On 7 March 1994 Lord Diamond moved the second reading of a similar Bill, but further progress was halted when the Earl of Shrewsbury moved an amendment to delay the second reading for six months, which was carried by 74 votes to 39 (HL *Hansard*, 7 March 1994, Vol. 552, cols. 1283–1330).

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