



HOUSE OF LORDS

Library Note

House of Lords Reform Draft Bill

On 17 May 2011, the Government published a white paper and draft Bill on reforming the House of Lords, containing proposals for a reformed House of 300 members, 80 percent of whom would be elected using the single transferable vote, with the transition to the new House staggered over three electoral cycles beginning in 2015. This House of Lords Library Note briefly sets out the Government's proposals; summarises the statements announcing the proposals and reaction to those statements in both the Commons and the Lords; and outlines the immediate reaction to the proposals from selected newspapers and a range of commentators. Other Lords Library Notes provide background information on the subject of House of Lords reform, including *Possible Implications of House of Lords Reform* (25 June 2010, [LLN 2010/014](#)) and *House of Lords Reform 1997–2010: A Chronology* (28 June 2010, [LLN 2010/015](#)).

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1. Introduction

On 17 May 2011, the Government published *House of Lords Reform Draft Bill* which includes a white paper alongside the text of a draft Bill. The draft Bill proposes the following:

- A reformed House of Lords of 300 members, which would be 80 percent elected. In addition to these 300 members, there would be 12 Bishops, and an unspecified number of Ministerial appointments.
- 240 members would be elected using a single transferable vote system, based on large multi-member constituencies. Elections would be staggered so that a third of seats would be contested at each election.
- 60 members would be appointed. The Government would establish an Appointments Commission on a statutory basis which would recommend 20 people for appointment at the same time as each election.
- The role of an appointed member would be “to make a contribution to the work of the House of Lords which is not a party political contribution”.
- Each member, whether elected or appointed, would serve a single non-renewable term of three election cycles; around 15 years.
- The Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester would be entitled to a seat in the House of Lords for as long as they hold that office. There would be an additional 7 seats reserved for Bishops of dioceses in England, selected by the Church of England.
- Ministers would be drawn from elected members of the reformed House of Lords. In addition the Prime Minister would be able to appoint an unspecified number of people to serve as Ministers who would be members of the House of Lords only for the duration of their appointment.
- Members (not including Bishops) would be entitled to a taxable salary, plus allowances, and a pension. These would be administered by the Independent Parliamentary Standards Authority.
- The powers of both Houses of Parliament, and the conventions which govern the relationship between the two Houses, should remain the same as at present.
- There should be a period of transition, in three stages, to the reformed House of Lords, during which some existing Peers should remain as transitional members.

(Cabinet Office, [House of Lords Reform Draft Bill](#), 17 May 2011, Cm 8077)

However, the white paper which accompanies the draft Bill includes a number of alternative proposals. The white paper states:

The draft Bill sets out our proposal for an 80 percent elected House. This enables the draft Bill to demonstrate how a partly appointed House would work but it is a draft and we will consider options including a wholly elected House.

(Cabinet Office, [House of Lords Reform Draft Bill](#), 17 May 2011, Cm 8077)

The white paper provides options for how to amend the Bill to achieve a wholly elected House. The paper also comments that, although the Bill proposes a single transferable

vote system for elections to a reformed House of Lords:

The Government recognises that a case can be made for other proportional systems and the arrangements set out in the draft Bill to underpin the use of STV could be applied to an open list system.

(Cabinet Office, [House of Lords Reform Draft Bill](#), 17 May 2011, Cm 8077)

The draft Bill outlines plans for a transition period, in which some existing Peers would remain as transitional members, in addition to the new elected and appointed members. These transitional members would be selected by the House or by political parties. However, the white paper also sets out alternative options for a transition period. All existing Peers could be permitted to remain in a reformed House until the time of the third election. Alternatively, 200 existing Peers would remain at the time of the first election, to be joined by 100 new members following the election. At the second election, the number of former members of the House of Lords would be reduced to 100, and 100 new members would join. All remaining former members of the House of Lords would leave at the third election (Cabinet Office, [House of Lords Reform Draft Bill](#), 17 May 2011, Cm 8077).

2. Responses to the Draft Bill in Parliament

2.1 House of Commons

The Deputy Prime Minister, Nick Clegg, made a statement to the House of Commons outlining the proposals contained in the draft Bill. He stated:

At the last general election, each major party committed to a democratically elected second chamber. The coalition agreement set out very clearly the Government's intention to deliver that, but the roots of these changes can be traced back much further. A century ago, the Government, led by Herbert Asquith, promised to create 'a second chamber constituted on a popular instead of hereditary basis'.

There has been progress in the intervening years—the majority of hereditary Peers have gone, and the other place is now predominantly made up of life Peers. We should see ourselves as completing that work.

People have a right to choose their representatives. That is the most basic feature of a modern democracy. Our second chamber, which is known for its wisdom and expertise, is nonetheless undermined by the fact it is not directly accountable to the British people. I am therefore publishing a draft Bill today, and an accompanying White Paper, which set out proposals for reform.

(*HC Hansard*, 17 May 2011, [col 155](#))

He described how:

In the programme for government, we undertook to 'establish a committee to bring forward proposals for a wholly or mainly elected upper chamber on the basis of proportional representation'.

I chair that cross-party committee, which reached agreement on many of the most important issues—not on all of them, but good progress was made—and those deliberations have greatly shaped the proposals that are being published today.

(*ibid*, col 155)

The Deputy Prime Minister set out a timetable for the Bill:

The draft Bill and white paper will now be scrutinised by a Joint Committee composed of 13 Peers and 13 Members of this House. The Committee will report early next year, and a Government Bill will then be introduced.

The Prime Minister and I are clear that we want the first elections to the reformed upper chamber to take place in 2015.

(*ibid*, col 155)

He explained that the Government was open to discussion on their proposals:

Clearly, our fixed goal is greater democratic legitimacy for the other place, but we will be pragmatic in order to achieve that. We therefore propose an upper House

made up of 300 members... We are confident that 300 full-time members can cover the work comfortably. We are, however, open to alternative views on that.

The coalition agreement committed the Government to produce proposals for “a wholly or mainly elected chamber”.

That debate is reflected in what we are publishing today... The White Paper includes the case for a 100 percent elected House of Lords. The 80:20 split is the more complicated option, and so has been put into the draft Bill in order to illustrate it in legislative terms. The 100 percent option would be easy to substitute into the draft Bill should that be where we end up.

(*ibid*, [col 156](#))

Shadow Lord Chancellor and Secretary of State for Justice, Sadiq Khan, responded for the Labour Party. He supported the case for reform:

I agree that our politics and constitution are in need of reform. Like the Deputy Prime Minister’s party, Labour had a manifesto commitment to create a fully elected second chamber... This is about how we write the laws that affect us, including laws on schools and hospitals, and who writes those laws, so if we are doing it, we have to get it right.

(*ibid*, [col 157](#))

However, the Shadow Lord Chancellor suggested:

It is important that we get the details right. The Deputy Prime Minister says that he supports a fully elected second chamber, yet he is unveiling a Bill today that leaves at least 20 percent appointed, plus Bishops, plus Ministers appointed by the Prime Minister.

The Joint Committee will have a built-in Government majority, so the idea of it overturning anything of substance in the Bill by next year is unrealistic. These proposals risk being a dog’s dinner, with nobody happy at the outcome.

(*ibid*, col 157)

A series of questions followed from all sides of the House. Several Members focused on the implications of the proposals for the relationship between the House of Commons and the House of Lords. Eleanor Laing MP (Conservative) for example asked the Deputy Prime Minister to:

Explain how the balance of power between the two Houses of Parliament will change when an elected second chamber competes with this House and its Members for democratic legitimacy.

(*ibid*, [col 159](#))

The Deputy Prime Minister responded:

We discussed this in the cross-party committee. It is precisely to avoid competition between the two Houses that the Bill and the White Paper propose different systems of election, different geographical constituencies—the Lords

would not represent constituencies in the way that we understand in this House—and non-renewable 15-year terms. Bicameral systems in other countries show that, as long as the mandate and the term in one House are very different from those in the other, an asymmetrical relationship can be preserved.

(*ibid*, [col 159](#))

Other Members questioned whether Bishops should remain in a reformed House. Liz Kendall MP (Labour) asked:

Does the Deputy Prime Minister personally believe that there is a case for keeping Bishops in the House of Lords, and if so, what is it?

(*ibid*, [col 163](#))

The Deputy Prime Minister replied:

As I said earlier, the Church is an established Church. We have set out proposals in the Bill, however, under which if progress were to be made on a largely elected, but partly appointed, House of Lords, on a supernumerary basis the Church would be represented but on a much smaller scale.

(*ibid*, [col 163](#))

He later dismissed the idea of other religious representatives sitting in a reformed House of Lords:

The Catholic Church prohibits its Bishops from sitting in Parliaments and political bodies. Leaders of other faiths—I was in discussion with the Chief Rabbi just yesterday—also recognise that they do not possess the hierarchies that would allow them to provide that kind of representation. Those leaders of other faiths have long accepted, acknowledged and supported the idea of continued representation of the established Church in this country, even in a reformed House of Lords.

(*ibid*, [col 165](#))

Several Members asked the Deputy Prime Minister whether he would use the Parliament Acts if the proposals were to be blocked by the House of Lords. In reply he stated:

The Bill will be treated in the same way as any other Government legislation. It was part of all our manifestos and features in the coalition agreement, and if we cannot make headway by any other means, we will use all the legitimate instruments at our disposal to get the Bill implemented before the next general election.

(*ibid*, [col 164](#))

2.2 House of Lords

The Leader of the House of Lords and Chancellor of the Duchy of Lancaster, Lord Strathclyde, repeated the Deputy Prime Minister's statement to the House of Lords. Baroness Royall of Blaisdon, Shadow Leader of the House of Lords, responded. She

objected to the fact that the proposals had apparently been leaked to the press:

It is, by the way, a discourtesy to this House for proposals for further reform of your Lordships' House to have been given to any and every journalist who asked to be told about them before they have been placed before this House itself.

(HL *Hansard*, 17 May 2011, [col 1271](#))

Baroness Royall suggested that the draft Bill was not a product of the cross-party group chaired by the Deputy Prime Minister:

I took part in that group, along with opposition colleagues from the other place. The purpose of the group was to produce a draft Bill, and I have to tell the House today that it did not do so. Indeed, I can inform the House that the group has not met since November—six months ago. I saw the Bill for the first time when I came into the chamber this afternoon. Make no mistake, this is a Government Bill.

(*ibid*, col 1271)

She suggested that the Bill must be given sufficient time on the parliamentary timetable:

We on these Benches welcome the proposal to establish a Joint Committee of both Houses to consider these issues in detail. The Government must avoid the rushed and piecemeal approach that has characterised their constitutional reform agenda so far. It is essential in considering these proposals that proper agreement is reached on the relationship between the two Houses and on the powers and privileges of each House.

(*ibid*, [col 1273](#))

Baroness Royall suggested that the proposals should be put to a referendum, “not today, not now, but when we have real reform before us” (*ibid*, [col 1272](#)).

In the debate which followed, several Peers raised constitutional concerns. Baroness D’Souza, Convenor of the Crossbench Peers, said:

Surely the outcome of an elected House would be to give it more political power than it currently has, despite what is said in the white paper. That would be the inevitable result of an elected House or even a partly elected House, and I think that it would eventually result in the power of veto, otherwise why undertake such radical change?... I would be much more in favour of abolishing the House of Lords altogether and appointing external scrutiny committees than having an elected chamber because I cannot be convinced that an elected House would be able to do its work better than the present House.

(*ibid*, [col 1274](#))

Lord Cunningham of Felling referred to the *Conventions of the UK Parliament* report, which was published by the Joint Committee on Conventions in 2006:

That report, inter alia, said that if this House, or part of it, were to be elected, and people had a mandate, it would be bound to call into question the relationship and the conventions operating between the two Houses... Does the Leader of the House not recognise that all the evidence underwrites these conclusions of the

committee, and not only in our country, if we look at the relationship between the House of Representatives and the Senate in the United States of America or between the Japan Diet's House of Representatives and House of Councillors? They moved to change their powers in the relationships just as this House with an elected mandate would seek to do, with the most profound consequences for the governance and the constitution of our country.

(*ibid*, [cols 1278–9](#))

Lord Wakeham, Chairman of the Royal Commission on the Reform of the House of Lords which published *A House for The Future* in 2000, suggested that:

A very important issue is the effect of the weakening of the House of Commons resulting from these proposals.

(*ibid*, [col 1280](#))

Lord Strathclyde responded to such concerns as follows:

During the transitional period between the wholly appointed House and an elected House, over 10 or 15 years, I fully expect the conventions and agreements between the Houses to change, to evolve and to adapt to different circumstances; it would be very strange if they did not do so. I also think that both Houses will be able to develop a mature relationship so as to retain the best of what we have now, but, as I said earlier, it would mean a more assertive House with the authority of the people and an elected mandate.

(*ibid*, [col 1279](#))

Lord Strathclyde responded to questions on how the proposals would be marshalled through Parliament. He stated that “no final decision has yet been taken as to whether there should be a free vote and it would not be taken until we proposed a Bill” (*ibid*, [col 1281](#)) and suggested that, should the proposals be rejected by the House of Lords, “as with all government legislation, the Parliament Act is always a fallback” (*ibid*, [col 1278](#)).

2.3 House of Lords Constitution Committee

The Deputy Prime Minister, Nick Clegg, appeared before the House of Lords Constitution Committee on 18 May 2011. The account below is based on the audiovisual recording of this meeting, rather than the corrected transcript, which will later be available from the [Constitution Committee website](#).

The Deputy Prime Minister answered questions from the Constitution Committee about the House of Lords reform draft Bill. Several Peers raised concerns about the implications of the Government's proposals for the relationship between the House of Commons and the House of Lords. The Deputy Prime Minister suggested that other bicameral parliaments around the world had managed to maintain an asymmetrical relationship, even those in which both chambers were wholly elected. He said that the key lesson from these other bicameral parliaments, which he had sought to incorporate into the draft Bill, was to build in differences in the mandates enjoyed by the two chambers.

The Deputy Prime Minister dismissed the idea that a reformed House of Lords would lead to demands for co-equal status between the two Houses of Parliament. He predicted that the powers of the two Houses would evolve, but explained that he did not want to anticipate such changes. Instead he envisaged an organic readjustment in the relationship between the two Houses, marked by incremental change.

Baroness Jay of Paddington, Chair of the Constitution Committee, asked whether the Deputy Prime Minister had ruled out plans for a wholly elected House of Lords. She suggested that, if he had not, the Committee would need to question him more extensively on the relationship between the House of Commons and the House of Lords. The Deputy Prime Minister answered that he had not ruled out this possibility but he believed it would be possible to have a 100 percent elected reformed House of Lords and still maintain a clear role for each House and a relationship of asymmetry between them.

3. Responses to the Bill Outside Parliament

3.1 *Independent*: Time to Reform a Feudal Relic

The *Independent* broadly welcomed the Government's plans. It thought proposals to reduce the number of members from roughly 800 to 300 and for new members to serve 15-year terms and to be elected under a system of proportional representation were sensible. In theory all three main parties were committed to reform of the House of Lords, and there was "a golden opportunity to complete the great business, begun a century ago, of turning this feudal relic into a fully democratic chamber for revising legislation". However, it accepted that in practice there would be opposition on all sides, based on a number of assumptions, which it thought were wrong. For instance, the notion that a reformed House would be full of party apparatchiks, with no independence of mind, in its opinion ignored the fact that in the current Lords "large stretches of the red benches are dominated by former MPs, not to mention a number of generous party donors". Regular elections would make "these professional politicians and sugar daddies accountable directly to the public whom they nominally serve". It also disagreed with the idea that because Lords reform was not a major national talking point it was not worth pursuing: "If this was to be the qualification for Bills to be considered by the House of Commons, very little that MPs now discuss would qualify" (*Independent*, '[An Opportunity to Complete the Reform of a Feudal Relic](#)', 18 May 2011).

3.2 *Daily Telegraph*: Constitutional Tinkering

The *Daily Telegraph* argued that the Government's proposals were of "monumental irrelevance" and came at a time when the country was "weary of constitutional tinkering". Furthermore, it wondered whether the accompanying white paper would merely allow major Lords reform to be "kicked into the long grass". As to the issue it sought to address, this could be seen as the preserve of few outside of think tanks, constitutional experts and "obsessing" Liberal Democrats. However, there were dangers in what was proposed:

The alternative proposed by Mr Clegg would not only undermine its function as a revising chamber, but also reopen the argument that was settled in 1911, when the Parliament Act asserted the authority of the House of Commons over the Lords. An elected Upper House would claim to have a democratic legitimacy to match that of the Commons. That is a recipe for constitutional stalemate, or worse.

It therefore suggested an alternative:

A better approach would be to accept that, in essence, we have a unicameral parliament—an elected legislature with a revising chamber bolted on—and to make that system work as effectively as possible. To that end, reducing the size of the Lords and limiting prime ministerial patronage might be reforms worth considering; Mr Clegg's are not.

(*Daily Telegraph*, '[The Country is Weary of Mr Clegg's Tinkering](#)', 17 May 2011)

3.3 *Times*: Not the Right Time for Lords Reform

The *Times* suggested that the recent defeat for those who supported a change to the electoral system (the AV referendum) indicated that there was not much appetite amongst the public for constitutional reform, while reform of the Lords could divert the

Government from more pressing matters:

... very few people outside Westminster are interested in it, or regard it as important to their lives. Lords reform is necessary and significant in constitutional terms, but also tricky and controversial. The ideas being canvassed have massive implications for the government of Britain and, since there is no prior agreement on them, are bound to spark debate and meet with resistance. They will therefore, if advanced now, take up much of the time, attention and political capital of the Government.

It also warned those who were impatient for change and those who saw it as a political make-weight:

For those people who reflect with impatience on the existing House of Lords, the decades that have passed since reform began a century ago are a sign that change cannot wait a day longer. They could, however, look at the decades another way. They are a warning. They signal that no government has ever felt the electorate sufficiently engaged with the matter to be prepared to pay the price of change in terms of turbulence and other reforms forgone.

... Reform of the Lords is not to be undertaken as a consolation prize for the Liberal Democrats to compensate them for losing council seats and the referendum. The outcome matters too much. The time for reform needs to be right, and it is not.

(*Times*, 'Not the Right Time; Reform of the House of Lords should not be a Government Priority', 17 May 2011)

3.4 Lord Hennessy of Nympsfield: Laying Waste to their Lordships' Wisdom

Lord Hennessy of Nympsfield, writing in the *Daily Telegraph*, thought that the Government's proposals would lead to a battle between those who sought an "organic" reform of the House of Lords that was "in tune with its existing physiology" and those who sought radical change in the shape of a largely or wholly elected chamber which would replace the existing House. The former feared that the proposals were "dripping with unintended consequences" and would dispense with those "who are there primarily because they know things, rather than believe things"; the latter believed that the only solution was one where "everyone engaged in legislating in the public's name should be accountable to and removable by the electorate". He questioned whether the proposals could allow a compromise between these two positions, while they would also concern the House of Commons with the prospect of "another set of elected politicians in the Palace of Westminster, who are bound to challenge its primacy".

Lord Hennessy thought that the great asset of the second chamber was its "accumulated wisdom" and expertise which was best met "by a largely appointed chamber, leavened with a substantial number of independent, Crossbench Peers". This, he argued, was threatened by the proposals:

... [I]t would be an act of folly of heroic proportions if it were thrown away—for once abandoned, it could not be restored. As the White Paper recognises, it is inconceivable that the men and women I sit beside—scientists and engineers, medics and philosophers, former generals and cabinet secretaries—would stand for election in their late fifties and early sixties. Apart from anything else, they are simply not party-political (yet another benefit of the current system).

He suggested that the Deputy Prime Minister's proposals ignored the success of the organic approach, which had led to the Parliament Acts of 1911 and 1949 and limited the Lords' delaying powers and also allowed the Life Peerages Act and the removal of all but 92 of the hereditary Peers in 1999. Similar organic changes could also be considered and implemented swiftly. He pointed to Lord Steel of Aikwood's proposals, with a "humane approach" to the remaining hereditaries (as they die, they will not be replaced by election, as at present), provision for long-term non-attendees to be deemed as having taken a permanent leave of absence and the proposal for a beefed-up, independent House of Lords Appointments Commission. In addition, there were also proposals for voluntary retirement to reduce the overall number of Peers and more streamlined procedures and select committee reform. He suggested that if the proposals were voted down or the Prime Minister refused to use the Parliament Acts to get them through, such an organic approach could allow changes that changed the Lords for the better (Lord Hennessy of Nympsfield, ['Don't Lay Waste to the Wisdom of the Lords'](#), *Daily Telegraph*, 17 May 2011).

3.5 Michael White: Lords Reform Not Worth the Fuss

Writing on his blog on the *Guardian* website, Michael White thought that the Deputy Prime Minister had tried to be conciliatory when revealing his proposals in the Commons, by acknowledging the work and efforts of the previous Labour Government in reforming the Lords. However, he was struck by the hostility displayed on all sides of the House of Commons towards his plans. White argued that it reflected a more general problem that "voters don't seem to care much", which he thought was understandable. While "middle class progressives" had looked to constitutional reform for their agenda the public was not "obliged to share that enthusiasm, as it demonstrated in the AV vote".

White also suggested that the existing Lords did appear to work quite effectively:

The half-reformed Upper House usually works well enough as a revising chamber, a tripwire for the collective folly of MPs—better than none, I'd say. It's full of old but tough folk from many walks of life—the non-political appointees can be really clever and interesting—who won't readily hand over to such an unknowable alternative as the Clegg package.

Many difficulties would lie ahead, if the plans were to be enacted. Backbench MPs would "be disobliging, whatever their party manifesto said last time", and there was a question of whether a "battle over this particular reform would be worth the fuss". And he wondered whether "we really need another tier of elected politicians" as it was "not as if the talent pool of volunteers is bursting" (Michael White, ['Lords Reform: Not Worth the Fuss?'](#), *Guardian*, 18 May 2011).

3.6 Lord Steel of Aikwood: Trouble Ahead

Writing on the *Guardian's* website, Lord Steel of Aikwood argued that instead of pressing ahead with an overhaul of the entire system, the Government should press ahead with more pragmatic changes that could be immediate and effective. These included statutory provision for retirement, reducing numbers, ending the "for life" automatic tenure, the end of hereditary by-elections and the establishment of a long-promised statutory appointments commission to end the abuse of political patronage.

For more fundamental change, he advocated a thorough public debate on a number of key questions about the second chamber:

For a start, what is to be the function of the second chamber? If it remains nominated as at present, it has only revising and delaying powers, and no financial ones. Is it believable that an elected chamber would settle for those? Surely it is likely to require more powers.

Another tricky subject is the issue of pay. At present Peers in the Lords get no salaries, just a modest daily allowance when we turn up. A full-time chamber of 300 people will need to be paid and will expect to have offices with assistants or secretaries paid by the public purse. What are the estimates for this and does the public wish to have more professional politicians?

The suggestion that 20 percent of a future senate might be nominated will lead to a hybrid House and is an unwilling recognition that an elected chamber will lack the specialist expertise provided by those non-politicians in the Lords appointed precisely because of that expertise they bring from different walks of life.

He also wondered how existing “life” Peers would be reduced by 2025, “other than by the grim reaper” and how the Government would approach defeats in an 80:20 elected/appointed House, if it were perceived that the unelected 20 percent had caused them. There was also the potential problem for MPs if elected senators (possibly of different parties) began “wandering about their constituencies claiming “we have a mandate too”” (Lord Steel of Aikwood, [‘House of Lords Reform: On the Right Track?’](#), *Guardian*, 18 May 2011).

3.7 Lord Tyler: Legislators should be Elected by the People they Affect

Lord Tyler argued that for parliamentarians to understand why reform of the House of Lords was necessary, they should remind themselves of a simple principle:

... legislators should be elected by the people whose lives they affect. Everyone seems rightly determined that this should hold true in north Africa and the Middle East, yet so many are willing to eschew it for our own parliament.

He questioned a number of assumptions which he feared would be lined up against reform. This included the notion of the Lords’ expertise:

Most self-satisfied of all is the idea that members of the Lords are all so expert and representative: in fact, most of us are either ex-politicians or ex-experts, and our average age is 69.

Through its committees, parliament can get external expert advice whenever it is needed. The idea, though, that an expert embryologist or eminent constitutional academic should be given the automatic right to vote on immigration, education, transport, and every other area of public policy is palpably ludicrous.

He disputed the idea that the current Lords was ‘representative’ in comparison to what was proposed:

The draft Bill will create a second chamber with real democratic legitimacy and, crucially, real representation from all parts of the UK. It will be a stark and welcome contrast with the present House, which is stuffed not with wise elders but with largely London-based friends of, and donors to, political parties.

He also addressed the issue of the Lords replicating and challenging the Commons:

The white paper proposes elections by proportional representation in tranches of a third, every five years, with members sitting for a limited term of 15 years. Thus the chamber as a whole would never have a more recent mandate than the Commons, and that the less partisan, more measured, approach of the present Lords can be maintained.

Elections to the Commons will continue to determine the government of the day, and the prime minister and senior ministers will be drawn from it. Additionally, the government proposes to maintain the parliament acts, which set out in law the primacy of the Commons.

(Lord Tyler, '[House of Lords Reform: On the Right Track?](#)', *Guardian*, 18 May 2011)

3.8 Lord Norton of Louth: History, Electoral Systems and Political Reality

Lord Norton of Louth, writing on his blog, was critical of the white paper and the draft Bill: "It is truly stunning in its apparent ignorance of history, the impact of electoral systems and indeed political reality". He was concerned that an elected upper chamber would undermine the rationale of the Parliament Acts and the supremacy of the Commons. He also thought that the use of STV (Single Transferable Vote) in Ireland for elections encouraged "excessive localism and keeping TDs away from the Dail". Elections more generally would change "fundamentally the terms of trade between the parties and indeed between the two chambers". He thought it could lead to an elected second chamber demanding more powers than the existing chamber and to problems with multiple representatives having overlapping constituencies: "Why should a member elected by, say, the people of the county of Essex expect to be subordinate to members of the lower House elected by constituencies in Essex?" (The Norton View, '[White Paper and Draft Bill](#)', 17 May 2011).

3.9 Lord Soley: Reform—Draft Bill

Lord Soley, writing on [Lords of the Blog](#), said that there were "many unanswered questions" regarding the possible impact of the Government's proposed reforms. One question was that if the second chamber was elected "why won't there be conflict between the two chambers and why won't it be dominated by political parties?". He also believed that if there was a referendum on the issue it would be lost. Furthermore, though he accepted that the House needed reform, the draft Bill was not the answer. He was not convinced that an elected second chamber was "necessary or desirable" and while he was "slightly more open minded" on some elected members from the regions, even that raised "issues about the role of the two Houses" (Lord Soley, '[Lords Reform—Draft Bill](#)', Lords of the Blog, 18 May 2011).

3.10 Church of England: The Case for Change?

Writing on the Church of England's website in response to the Government's proposals, the Rt Rev Tim Stevens, Bishop of Leicester and Convenor of the Lords Spiritual, agreed that "some reform of the Lords is overdue, not least to resolve the problem of its ever-increasing membership". However, he also maintained that getting the balance of reform right was important so "that we retain what is good in our current arrangements, whilst freeing up the House to operate more effectively and efficiently". He thought that the case for a fully or largely elected second chamber had not been made, because such a

case would require “a clear redefinition of the primary purpose and function of the Upper House”.

The House of Lords excelled as a revision and scrutiny chamber, due in large part to the independence and expertise of its members. He maintained that “any change that would have the effect of restricting the independence or expertise available to parliament risks being a retrograde step”, whereas a “wholly or largely elected House will be a more politicised House”, which would be a more assertive House, “liable to challenge the authority of the primary elected chamber, the House of Commons”. The reforms risked “substituting that large body of distinguished professionals appointed for their experience across all walks of life, with a further class of salaried professional politicians”.

He also wondered, after the result of the AV referendum, whether there was any appetite amongst the wider public for constitutional change, especially if it might have “unintended consequences” and when there were many pressing social and economic problems to address. He did, however, welcome that the Government had agreed that in a reformed second chamber, which had an appointed element, there would continue to be a role for the established Church (Church of England press release, [‘Statement on Government White Paper on House of Lords Reform’](#), 17 May 2011).

3.11 National Secular Society: The Bishops

The National Secular Society was unhappy with the proposal that if an appointed element was retained within the 300 strong new chamber 12 Bishops would remain. Numerically, the Society argued that though the overall number of Bishops would be cut, 12 out of 300 would actually increase their proportion relative to the other members. It did, however, accept that the Deputy Prime Minister had also said that another option contained within the white paper was for a 100 percent elected House. More fundamentally, Keith Porteous Wood, Executive Director of the National Secular Society, questioned the thinking behind their retention:

Britain is the only western democracy left to reserve seats for clerics in its Parliament—elsewhere only theocracies have such arrangements.

For the proportion of Bishops to rise in the slimmed down chamber is an affront to democracy and a regression, not modernisation.

(National Secular Society, [‘Reform proposals will increase proportion of Bishops in House of Lords’](#), 17 May 2011)

3.12 Constitution Unit: Obstacles on the Road to Lords Reform

Just before the Government’s proposals were published, the Constitution Unit, based at University College London, offered its analysis of their likely content and prospects for their enactment. Meg Russell thought that while the proposals could perhaps be seen as following the logical trajectory of reform since 1999 from an appointed to a largely elected second chamber, they would face political obstacles. She thought that while the Liberal Democrats were fairly cohesive, “there is much opposition on the Conservative benches, and Labour has long been split on Lords reform”. While much attention would focus on reaction in the Lords, it would be equally important how the proposals were received by the House of Commons and the public.

A number of specific issues would arise, which could cause disagreement. The proposed 80:20 split between elected and appointed members would not please those who wanted a fully elected House or those who opposed any elected element. The electoral system that was put forward, STV, would alienate many Conservatives, who did not favour proportional voting systems, while others would disagree about the detail of any such arrangements. The notion of 15 year non-renewable terms would be criticised by those who thought it was too long and by others who believed that re-election was essential for accountability. Reducing the number of Bishops from 26 to 12 was a “compromise” that would “please no-one”, with many wanting them to go altogether. Another potential sticking point was the absence of any proposals to address the issue of the House of Lords’ powers, which many believed would be a problem if an elected Upper House became too strong. Reducing the number of members to 300 could be seen as leaving little space for part-timers who often represented the Lords’ greatest asset—its expertise. There would also be many disagreements about the details of the transition between a House of more than 800 to one of 300. Finally, the Labour Party, in particular, may argue that any such constitutional reform would need to be agreed by the electorate in a referendum, as was set out in their 2010 general election manifesto.

Bearing these potential problems in mind, Robert Hazell pointed to failed attempts at wholesale change by a Labour Government in 1968. He wondered whether the present batch of proposals would similarly suffer “slow destruction by a coalition of opponents on the Conservative and Labour benches” (UCL Constitution Unit press release, [‘Eight Key Obstacles on the Road to Lords Reform’](#), 17 May 2011). Commenting also on the Institute for Government website, he thought that the extent of cross party and intra-party support for the reforms would be particularly “tested at the next stage, when the white paper and draft Bill are considered at length by a joint committee of both Houses” (Institute for Government, [‘Deputy Prime Minister Outlines Options for Lords Reform’](#), 17 May 2011).

3.13 ComRes Poll: House of Lords Reform

On the same day as the Government unveiled its plans for reform of the Lords, ComRes, a polling organisation, revealed the results of a poll of a representative cross-section of 121 Peers regarding Lords reform. The Peers were asked for their views on four options for reform.

When asked whether they would support “replacing the current House with around 300 new senators elected by PR”, overall 78 percent were against, 15 percent for and 7 percent did not know; 67 percent of Liberal Democrat Peers would vote for this option, but only 13 percent of Labour Peers and 7 percent of Conservatives would.

When the question was of a hybrid House based on “one-third election, one-third appointment from civil society, and one-third political nomination”, 68 percent were against, 20 percent were for and 13 percent did not know; 83 percent of Conservatives, 78 percent of Labour, and 72 percent of Liberal Democrat Peers would vote against this option.

When asked whether they would favour a system based on “a Secondary Mandate system, where the aggregated distribution of votes cast at General Election leads to each party being allocated a proportion of Lords seats from a closed list”, 83 percent were against, with 8 percent in favour and 9 percent did not know; this would be supported by 16 percent of Conservative, 6 percent of Liberal Democrat and 2 percent of Labour Peers.

When asked whether they would support changing the name of the second chamber to a 'Senate', 24 percent were for, 63 percent were against and 14 percent did not know; 55 percent of Liberal Democrats would vote for this, compared to 37 percent of Labour Peers and 9 percent of Conservatives.

Peers were also asked "how likely or unlikely is it that major House of Lords reform will be passed during the current Parliament?". In response, 5 percent of Peers thought that such reform was "very likely", 17 percent "fairly likely", 58 percent "fairly unlikely" and 20 percent "very unlikely"; 55 percent of Liberal Democrat Peers, 81 percent of Labour Peers and 86 percent of Conservative Peers thought reform was "very" or "fairly" unlikely (ComRes, [House of Lords Reform Survey 17 May 2011](#), 17 May 2011).

