



HOUSE OF LORDS

# Library Note

## Size of the House of Lords

As at 16 December 2014, the total membership of the House of Lords was 847. However, excluding those currently ineligible to sit (such as members on leave of absence or those holding particular posts), the 'actual' membership was 791. The average attendance of the House of Lords in the 2013–14 session was 497.

This Note contains information and statistics on the changing membership of the House of Lords, and covers discussions and debates over the size of the House. It also briefly outlines the changes made by the House of Lords Reform Act 2014.

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## I. Introduction

As stated in a memorandum produced by the Clerk of the Parliaments, David Beamish, the ‘size’ of the House of Lords may be interpreted in two ways:

It can refer simply to the number of Members eligible to participate in proceedings, or it can refer to those Members who do in practice attend sittings. Measures to remove from membership those Members who play no significant part will reduce the size of the House in the first sense but will have no impact on crowding in the Chamber, pressure on facilities or costs.<sup>1</sup>

This Note summarises information and proposals relating to both these definitions. In particular, part two of this paper contains statistics on the size of the House and its average attendance; part three considers some of the concerns over the present and projected size of the House; part four discusses the recent reforms brought about by the House of Lords Reform Act 2014; and part five outlines some of the recent proposals put forward to limit numbers and participation. This Note does not, however, consider party reports on reform of the House of Lords, such as the report of the Labour Peers’ Working Group, or wider constitutional reforms.<sup>2</sup>

First, this Note examines some of the existing factors which may impact upon the House’s ‘absolute’ and its ‘actual’ membership. The absolute membership of the House includes all Members that may, at a point, exercise their right to sit in the House. Following the passing of the House of Lords Reform Act 2014, there are now four ways Members could leave the absolute membership of the House:

- Death
- Resignation
- Non-attendance for an entire session (subject to certain exceptions)
- If convicted of a serious offence resulting in a custodial sentence of a year or more

The provisions of the House of Lords Reform Act 2014 are considered in further detail in part four of this Note. Prior to this Act, Members could only leave the absolute membership through death, or through the House’s voluntary retirement scheme.<sup>3</sup> However, in practice, the retirement scheme prior to the 2014 would not stop a Member changing their mind about their retirement if they so wished, as they would continue to receive a writ of summons in each new parliament. Those retiring under the 2014 provisions do so on a statutory basis, and would no longer receive their writ of summons to attend. At the time of writing, seven Members of the House had retired under one of these two systems<sup>4</sup>, and two more had announced their retirement on a future date.

The actual membership of the House excludes Members who have taken leave of absence, or who are currently disqualified from sitting. In most cases, Members are disqualified from sitting

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<sup>1</sup> [Memorandum submitted by David Beamish, Clerk of the Parliaments](#), to the House of Commons Political and Constitutional Reform Select Committee, June 2013, para 4.

<sup>2</sup> Labour Peers’ Working Group, [A Programme for Progress](#), March 2014. This report was debated in the House of Lords on [19 June 2014](#).

<sup>3</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, paras 1.32–7.

<sup>4</sup> Parliament.uk, [‘Retired Lords’](#), accessed 16 December 2014.

due to holding a particular judicial post or as a Member of the European Parliament.<sup>5</sup> Leave of absence was strengthened in 2013 (upon recommendation of the Leader's Group on Members Leaving the House)<sup>6</sup> so that the Clerk of the Parliaments will now write to Members at the beginning of a new session if they have only attended infrequently during the previous session, inviting them to apply for a leave of absence.<sup>7</sup> Although both these measures preclude a Member from immediately participating in sittings of the House, they would only (in theory) be temporary exclusions. For example, Members on leave of absence may apply to return to the House following a three month notice period, and those disqualified for holding a particular office are able to participate in the House once their position has been relinquished.

In terms of joining the House, there are four main avenues to becoming a Member in the House of Lords:<sup>8</sup>

- Though recommendation by the House of Lords Appointments Commission<sup>9</sup>
- Prime Ministerial appointments (including non-party political appointments, resignation honours, dissolution honours, ministerial appointments and lists of new working Peers)<sup>10</sup>
- Appointment to the House as a Archbishop or Bishop<sup>11</sup>
- Election (through a by-election process) to replace a deceased excepted hereditary Peer<sup>12</sup>

However, in terms of the size of the House, the latter two have little practical effect, as all appointments in this manner are on the basis that they are replacing a Member who has left. For example, there are currently 26 seats available in the House for Archbishops or Bishops, consisting of five automatic seats (reserved for the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester) and 21 seats granted on the basis of seniority.<sup>13</sup> When a vacancy arises in one of the 21 seats (eg through retirement or death) it is occupied by the most senior Bishop from outside the House. (Bishops are required to retire at 70.) In addition, following the House of Lords Act 1999, 92 hereditary Peers are also granted a seat in the House of Lords.<sup>14</sup> Two of these seats are conferred upon the Earl Marshal and the Lord Great Chamberlain. When one of the remaining 90 seats becomes available (through the death of an incumbent), the Member is replaced following a by-election.

## 2. Information and Statistics on the Size of the House of Lords

As at 16 December 2014, there were 791 Members eligible to sit in the House of Lords (the 'actual membership'). This included 679 Life Peers, 86 'excepted hereditary' Peers and 26

<sup>5</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, para 1.02.

<sup>6</sup> Leader's Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11, para 26.

<sup>7</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, paras 1.27–31.

<sup>8</sup> Constitution Unit, [House Full: Time to Get a Grip on Lords Appointments](#), April 2011, pp 12–14.

<sup>9</sup> House of Lords Library, [House of Lords Appointments Commission](#), 9 May 2012, LLN 2012/016.

<sup>10</sup> Constitution Unit, [House Full: Time to Get a Grip on Lords Appointments](#), April 2011, pp 12–13.

<sup>11</sup> House of Lords Library, [House of Lords: Religious Representation](#), 25 November 2011, LLN 2011/036.

<sup>12</sup> Meg Russell, *The Contemporary House of Lords*, 2013, pp 72–3.

<sup>13</sup> House of Lords Library, [House of Lords: Religious Representation](#), 25 November 2011, LLN 2011/036, page 1.

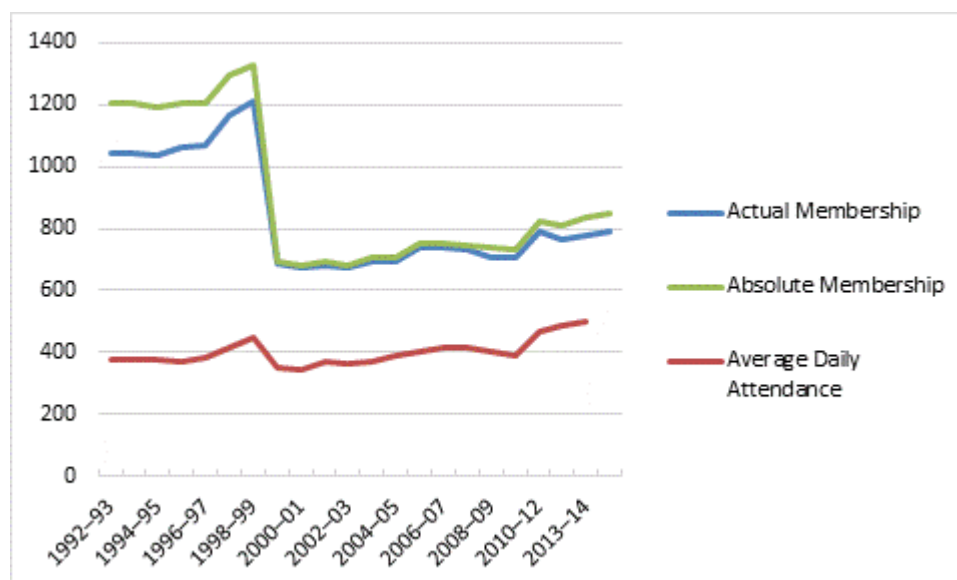
<sup>14</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, paras 1.03–6.

Bishops.<sup>15</sup> There were also 56 Members ‘ineligible’ to sit, taking the overall potential size of the membership (the ‘absolute membership’) to 847.<sup>16</sup> Ineligible Members include those disqualified from sitting due to holding a specified office (eg certain judicial positions and Members of the European Parliament, as detailed above) and those on leave of absence. At the time of writing, there were 8 Members disqualified from sitting due to holding a particular office and 47 members on leave of absence.

The following table shows the number of Members eligible to sit in the House of Lords, alongside party affiliation, as at 16 December 2014:<sup>17</sup>

Party/Group	Life Peers	Hereditary Peers	Bishops (Lords Spiritual)	Total
Bishops	0	0	26	26
Conservative	181	49		230
Crossbench	152	28		180
Labour	212	4		216
Liberal Democrat	101	4		105
Non-affiliated	20	0		20
Other parties	13	1		14
<b>Total</b>	<b>679</b>	<b>86</b>	<b>26</b>	<b>791</b>

The average daily attendance of the House of Lords in the 2013–14 session was 497.<sup>18</sup> The average daily attendance of the House since 1992–3, alongside actual membership and absolute membership figures, is displayed in the following graph (the full table containing this information is available in the Appendix to this Note):<sup>19</sup>



The graph shows that up to the House of Lords Act 1999 (which removed a large proportion of the hereditary Peers<sup>20</sup>), the actual and absolute membership of the House of Lords was over

<sup>15</sup> Parliament.uk, ‘[Lords by Party, Type of Peerage and Gender](#)’, accessed 16 December 2014.

<sup>16</sup> Parliament.uk, ‘[Ineligible Members of the House of Lords](#)’, accessed 16 December 2014.

<sup>17</sup> Parliament.uk, ‘[Lords by Party, Type of Peerage and Gender](#)’, accessed 16 December 2014.

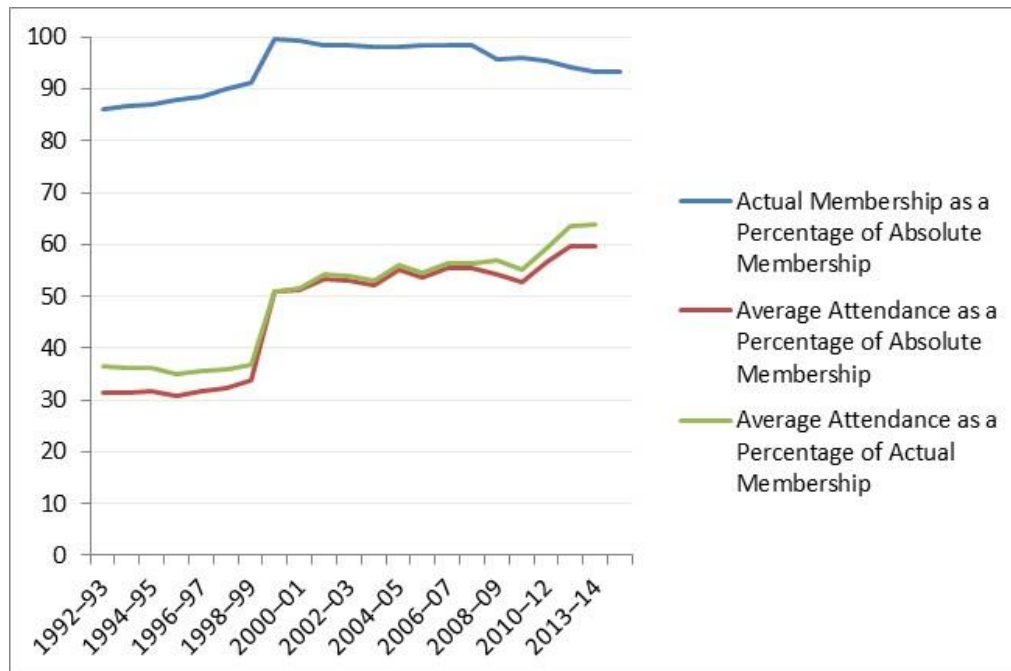
<sup>18</sup> House of Lords, *Sessional Statistics on Business and Membership 2013–14*, 2014

<sup>19</sup> Source: HL Library.

<sup>20</sup> House of Lords Library, *The Weatherill Amendment: Elected Hereditary Peers*, 23 October 2009, LLN 2009/008.

1000. The average daily attendance at this time ranged between 350 and 450. Following the reduction in membership that resulted from the 1999 Act, the last decade has seen a general increase in the membership of the House—both in actual and in absolute terms. In addition, the average daily attendance recorded in the last three sessions (figures are not yet available for the current session) were at their highest rate over the last 20 years.

The next graph presents actual membership as a percentage of absolute membership, and average attendance figures as a percentage of both absolute and average membership (again, a full table is available in the Appendix to this Note).<sup>21</sup>



The figures demonstrate that average attendance, as a percentage of both actual and absolute membership, has increased over the last 20 years. Not only did this figure increase fairly substantially following the House of Lords Act 1999, but it has also increased since then from the low 50s to around 60 percent (both as a percentage of actual and absolute membership). In addition, the percentage of Members who make up the ‘actual’ membership rose by over 10 percent between 1992 and 2008, and has declined slightly since. This would indicate that, as a percentage, there are now more Members who are “ineligible” to sit in the House of Lords than there were around six years ago.

So far, in the 2014–15 session, there have been 30 new Members of the House of Lords, and 20 Members who have ceased being permanent Members of the House (this included 16 Members who have passed away, and four who retired under the new statutory retirement provisions contained in the House of Lords Reform Act 2014).<sup>22</sup> The average age of these new Members was 59, and the average age of those that ceased to be a Member was 85.<sup>23</sup> The average age for the House as a whole is 70.

<sup>21</sup> Source: HL Library.

<sup>22</sup> Source: HL Library.

<sup>23</sup> Source: HL Library.



The following table details the number of Members joining or leaving (either through death or voluntary resignation) the absolute membership of the House of Lords since 2000 (not including Bishops):<sup>24</sup>

Year	Members Joining the House	Members Leaving the House
2000	42	17
2001	45	25
2002	3	19
2003	5	21
2004	51	24
2005	45	21
2006	37	17
2007	20	18
2008	11	18
2009	11	19
2010	82	24
2011	47	13
2012	4	21
2013	39	12
2014 (up to 16 December)	30	20
<b>Total</b>	<b>472</b>	<b>289</b>

This table does not include Members who took leave of absence or became disqualified from sitting (or vice versa); it only includes Members joining or leaving the absolute membership of the House.

Further information on the composition and work of the House can be found in the following Lords Library Notes:

- [House of Lords: Profile of Membership](#), 30 October 2013, LLN 2013/030 (contains information such as length of membership and age ranges of Members)
- [House of Lords: Party and Group Strengths and Voting](#), 27 June 2012, LLN 2012/026 (includes tables detailing the changing party balance in the House dating back to 1984)
- [Peerage Creations Since 1997](#), 18 December 2013, LLN 2013/040 (lists appointments to the House of Lords since 1997 and details the appointments under each Prime Minister)
- [Work of the House of Lords: Statistics](#), 16 March 2012, LLN 2012/009 (includes membership numbers dating back to 1911)

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<sup>24</sup> Source: HL Library.

### 3. Observations on the Size of the House of Lords

#### 3.1 Constitution Unit

In the 2010 Coalition Agreement, the Government set out its intention to reform the House of Lords.<sup>25</sup> However, in the interim, the agreement stated that “Lords appointments will be made with the objective of creating a second chamber that is reflective of the share of the vote secured by the political parties in the last general election”. This principle was criticised in April 2011 by a report published by the Constitution Unit.<sup>26</sup> Written by Meg Russell, Professor of British and Comparative Politics and Deputy Director of the Constitution Unit, and supported by a selection of Members of Parliament from all three main political parties, the *House Full* report stated that:

There are particular concerns about the coalition’s stated objective of achieving proportionality between the parties in the House of Lords in relation to general election vote shares: putting this promise into effect would require a minimum of 269 additional Peers to be appointed, taking the size of the chamber to 1062.<sup>27</sup>

In view of the anticipated need to ‘rebalance’ the House after each general election, which could see further increases in the size of the House in the absence of any mechanism to remove Members, Meg Russell described the pursuit of proportionality as “unrealistic”.<sup>28</sup>

The *House Full* report also outlined three potential problems associated with the growing membership.<sup>29</sup> First, it suggested the growing membership would increase pressure on the House’s limited resources, including office space, facilities and the availability of space in the House of Lords Chamber. Second, it would create potential difficulties arising from the increased number of Members wishing to contribute to the business of the House, but who would be potentially unable to do so. And third, that the growing membership could result in possible changes to the culture of the House:

[T]he fact that so many Members have entered the Chamber so quickly has had a separate and negative impact upon its culture. In the past, Members of the House of Lords have been added only gradually, and become socialised in the Chamber’s practices and conventions. Most obviously, the Chamber is known for having a non-partisan ethos, and a courteous atmosphere. It has been widely noted—in the media as well as within parliament itself—that the influx of a large number of new Members, including many former MPs, has resulted in changed behaviour. This was particularly evident over the Parliamentary Voting System and Constituencies Bill, which was significantly delayed in the House of Lords.<sup>30</sup>

Following the announcement of 22 new Members in August 2014,<sup>31</sup> Meg Russell, described the situation regarding the size of the House as reaching “crisis proportions”.<sup>32</sup> Russell highlighted the increasing size of the actual and absolute memberships, and also the increased average daily

<sup>25</sup> HM Government, [The Coalition: Our Programme for Government](#), May 2010, p 27.

<sup>26</sup> Constitution Unit, [House Full: Time to Get a Grip on Lords Appointments](#), April 2011.

<sup>27</sup> *ibid*, p 3.

<sup>28</sup> *ibid*, p 11.

<sup>29</sup> Constitution Unit, [House Full: Time to Get a Grip on Lords Appointments](#), April 2011, p 9.

<sup>30</sup> *ibid*.

<sup>31</sup> GOV.UK, ‘[Working Peerages Announced: 2014](#)’, 8 August 2014.

<sup>32</sup> Constitution Unit, ‘[Lords Appointments Urgently Need Reforming: But How?](#)’, 14 August 2014.

attendance. Taking into account the 22 additional Members announced in August 2014, Meg Russell estimated that average daily attendance could soon exceed 500. Referring to the impact of the 1999 reforms, she asserted that:

The departure of large numbers of hereditary peers gave the chamber's Members a new confidence, and also created a broadly proportional membership where no single party was dominant. Blair and Brown's governments always lacked a majority in the Lords, and were thus forced to compromise over many aspects of policy (most notably civil liberties and constitutional matters). The coalition has also suffered numerous Lords defeats. So if the Lords becomes less effective this really matters: threatening to weaken parliament and the quality of parliament's scrutiny over government. And peers have complained repeatedly since 2010 that this is the case. The overcrowding in the chamber makes it increasingly difficult for individual peers to be heard, and the atmosphere is described as increasingly 'unruly'.<sup>33</sup>

Reasoning that the measures in the House of Lords Reform Act 2014 would do little to reduce overcrowding, Meg Russell called for an "agreed formula for sharing out appointments between the parties, which would bind the Prime Minister. This should ideally be overseen by the House of Lords Appointments Commission".<sup>34</sup> Failing this, Russell asserted that more radical options may need to be enforced, such as a moratorium on Lords appointments.

### 3.2 Electoral Reform Society

Similar concerns over the future size of the House of Lords were expressed in a 2013 report by the Electoral Reform Society.<sup>35</sup> Describing prospective growth in the House as "unsustainable", the report estimated that the number of Members of the House of Lords could reach 1,000 by the end of the current parliament.<sup>36</sup> Further, based on a June 2013 poll of the public's voting intentions, the Electoral Reform Society argued this could lead to a figure of nearly 2,000 Peers in the 2015 parliament if the current objective of achieving political proportionality was to be maintained.<sup>37</sup> On these estimates, the authors stated that the Peer to MP ratio could reach 3:1 (as indicated in the following table).<sup>38</sup>

Year	House of Commons size	House of Lords size	Total size of Parliament	MPs as a percentage of Parliament	Peers as a percentage of Parliament
2013	650	759	1409	46	54
2015	650	970	1620	40	60
2015 onwards	650	1946	2596	25	75

The paper also stated that the House of Lords was currently the largest second chamber in the world, and that it could soon be rivalling China's National People's Congress as the largest parliamentary chamber outright.<sup>39</sup>

<sup>33</sup> *ibid.*

<sup>34</sup> *ibid.*

<sup>35</sup> Electoral Reform Society, [The Super-sized Second Chamber: The Future of the Unreformed House of Lords](#), June 2013.

<sup>36</sup> *Ibid.*, p 1.

<sup>37</sup> *ibid.*, p 1.

<sup>38</sup> *ibid.*, p 6.

<sup>39</sup> *ibid.*, p 1.

### 3.3 Concerns raised by the House

On 19 November 2013, Lord Foulkes of Cumnock (Labour), tabled a question asking the Government what representations it had received about the increase in the size of the House of Lords.<sup>40</sup> Asking the question on behalf of Lord Foulkes, Lord Dubs (Labour), argued that “there is virtually no support on the Benches behind [the Minister]—or anywhere else in the House—for further increases in the size of this House”.<sup>41</sup> Responding for the Government, Lord Hill of Oareford, then Leader of the House of Lords, stated that it was important to “keep refreshing the House with new and young membership” and that the majority of the representations that the Government had received on the subject lent support to further increases.<sup>42</sup>

Lord Laming (Crossbench), defended the work of the House regardless of the issue of size, stating that “whatever the issues may be, it is important to recognise that this House holds the Government to account to a very high standard, scrutinises legislation to a great degree and promotes debates that are of great concern to our fellow citizens. The House actually functions well”.<sup>43</sup> Also, in relation to fears of overcrowding, Baroness Seccombe (Conservative) noted that the average daily attendance was 450, and suggested that, compared to the House of Commons, the House of Lords was “rather well served in the ratio of seat to Peer”.<sup>44</sup> However, Lord Steel of Aikwood (Liberal Democrat) raised the possibility of introducing provisions for permanent retirement or exclusion of Members. These provisions were subsequently brought into force by the House of Lords Reform Act 2014, and will be discussed in part four of this Note.

A supplementary question from Lord Hunt of Kings Heath (Labour) addressed concerns over the principle of increasing the membership of the House of Lords through appointing new Members in an attempt to represent the main political parties’ share of votes from the previous general election.<sup>45</sup> In response, Lord Hill of Oareford, stated that the Government was showing “restraint” in the amount of Members appointed to the House, but added:

In terms of the future, I cannot give any different undertaking from that which I am sure all my predecessors would have given: namely, that patronage rests in the hands of the Prime Minister. However I shall certainly ensure, as I continually do, that the views of your Lordships’ House are brought before all those who are concerned with these decisions.<sup>46</sup>

Other issues that have been raised concerning the size of the House of Lords relate to its reputation, and to the potential financial implications of its increasing membership. For example, on 13 January 2011, the Leader’s Group on Members Leaving the House of Lords published its final report on the issue of the House’s membership.<sup>47</sup> In addition to concerns over the difficulties of conducting business effectively and the increased pressure on resources (which the Group also predicted could lead to greater financial costs), the report stated that “hitherto

<sup>40</sup> HL *Hansard*, 19 November 2013, [cols 849–52](#).

<sup>41</sup> *ibid.*, [col 850](#).

<sup>42</sup> *ibid.*, [cols 849–50](#).

<sup>43</sup> *ibid.*, [col 851](#).

<sup>44</sup> *ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> *ibid.*, [col 851](#).

<sup>47</sup> Leader’s Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11.

the administration has contained costs by means of efficiency improvements, but rising numbers of active Members will inevitably eventually have consequences either for standards of service or for costs”.<sup>48</sup> Turning to reputational risk, the report stressed that “the standing of the House as a serious parliamentary forum is compromised by its apparently unchecked growth and by a lack of understanding of the reasons for further new appointments”.<sup>49</sup>

#### 4. The House of Lords Reform Act 2014

Introduced as a private member’s bill sponsored by Dan Byles (Conservative MP for North Warwickshire) and Lord Steel of Aikwood (Liberal Democrat), the House of Lords Reform Act 2014 received royal assent on 14 May 2014. The Act contains the following provisions relating to Members leaving the absolute membership of the House of Lords:

- Statutory basis for Members to permanently retire (s 1)
- Cessation of membership following a session where a Member does not attend (s 2)
- Cessation of membership if a Member commits a serious offence (s 3)
- Details regarding the effects of “ceasing to be a Member”, eg they would no longer receive a writ of summons and would be disqualified from attending House proceedings (s 4)

The measures on retirement provided for by the Act replace the previous voluntary retirement scheme,<sup>50</sup> and place retirement of Members on a permanent and statutory basis. In practice, the retirement scheme prior to 2014 would not stop a Member changing their mind about their retirement if they so wished, as they would continue to receive a writ of summons in each new parliament. The new provisions came into force in August 2014. At the time of writing, three Members had retired under the old scheme (Lord Habgood, Lord Hutchinson of Lullington and Lord Bramall), and four Members had retired under the new 2014 provisions (Lord Grenfell, Lord Cobbold, Lord Chorley and Baroness Saltoun of Abernethy).<sup>51</sup> In addition, two Members had announced their retirement for a future date, Lord Jenkin of Roding and Lord Nickson.

Following on from the retirement provisions in the 2014 Act, the House of Lords agreed the recommendations of the Procedure Committee that the Lord Speaker should inform the House of any retirements before oral questions, and that Members should be able to make a valedictory speech:

We recommend that members who give written notice of their resignation under section 1 of the House of Lords Reform Act 2014 should be able to make a valedictory speech before the resignation takes effect. Such speeches would be afforded the same courtesies as maiden speeches and would be marked in Hansard.<sup>52</sup>

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<sup>48</sup> *ibid*, [para 17](#).

<sup>49</sup> *ibid*, [para 15](#).

<sup>50</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, paras 1.32–7.

<sup>51</sup> Parliament website, ‘[Retired Lords](#)’, accessed 16 December 2014.

<sup>52</sup> House of Lords Procedure Committee, [House of Lords Reform Act 2014: Further Consequential Changes, Questions for Short Debate, Queen’s and Prince of Wales’ Consents](#), 15 October 2014, HL Paper 50 of session 2014–15, p 3.

In addition, the House agreed that Members should be given the same access rights upon retirement as are given to retired Bishops of the House.<sup>53</sup> This includes access to certain facilities and the right to sit on the steps of the Throne.

Turning to the cessation of a Peer's membership following a session of non-attendance, the House agreed that the Clerk of the Parliaments should "continue to write to Members who attended infrequently in the previous session inviting those Members to take Leave of Absence. This system should be used to ensure that all Members are aware of the provisions of section 2 of the House of Lords Reform Act 2014".<sup>54</sup> This section of the Act came into force in August 2014, but only applies in respect of attendance during the next session and beyond (s 2 (6)). Therefore, the earliest that someone could cease to be a Member under this section is in the session to follow next.

The House of Lords Reform Act 2014 was largely welcomed by Members of the House of Lords, although many did state that it should only be the first step to further reforms and believed it would not greatly reduce numbers in the House. For example, introducing the Bill, Lord Steel of Aikwood (Liberal Democrat) stated that:

[T]his is a limited reform Bill, adding to the record of incremental reforms to our House passed over the years. It does not, in any way, cut across a large variety of possible future reforms.<sup>55</sup>

Similarly, Lord Jay of Ewelme (Crossbench), stated his hope that "this Bill—for which we owe a huge amount, as others have said, to the tenacity of the noble Lord, Lord Steel—will be followed by a more substantive reform Bill, or Bills, over time".<sup>56</sup> In support of this view, Lord Jay referenced the important work done by the House of Lords, and expressed his concerns that this may be negatively affected by the increasing size of the House. Lord Hunt of Kings Heath (Labour) also called for wider reforms, and questioned the Government's current appointment policy.<sup>57</sup> Responding for the Government, the then Leader of the House of Lords, Lord Hill of Oareford, praised the provisions in the Bill and declared it "a modest Bill, perhaps more modest than those on both wings of the debate might like. Nevertheless, it is a sensible Bill".<sup>58</sup> Lord Hill also stated his opposition to Members receiving any form of financial incentive or compensation to encourage retirement, preferring instead that the House focused on marking the contributions of retiring Members.<sup>59</sup>

## 5. Recent Proposals and Debates on the Size of the House of Lords

### 5.1 Legislation

Introduced in the House of Commons in June 2012, the Government's [House of Lords Reform Bill](#) included provision to reduce the size of the House of Lords to around 450. This would

<sup>53</sup> House of Lords House Committee, [Access and the Use of Facilities by Retired Members](#), 18 November 2014, HL Paper 59 of session 2014–15.

<sup>54</sup> House of Lords Procedure Committee, [House of Lords Reform Act 2014: Consequential Changes to the Procedures of the House. Recess Tabling of Written Questions. Legislative Consent Motions](#), 8 July 2014, HL Paper 20 of session 2014–15.

<sup>55</sup> HL *Hansard*, [28 March 2014](#), col 703.

<sup>56</sup> *ibid*, col 708.

<sup>57</sup> *ibid*, cols 732–4.

<sup>58</sup> *ibid*, col 735.

<sup>59</sup> *ibid*, col 736.

have been comprised of 360 elected Members, 90 appointed Members, up to twelve Lords Spiritual (Bishops) and any ministerial appointments. The Bill would also have placed limits on the length of membership, with Members (whether appointed, elected or ministerial) only able to serve three electoral terms. The Bill received its second reading in the House of Commons on 9 and 10 July 2012,<sup>60</sup> but was withdrawn in September 2012 before reaching committee stage.<sup>61</sup>

There is currently a Bill before Parliament relating to the size of the House of Lords, the [House of Lords \(Maximum Membership\) Bill 2014–15](#). This is a ‘Presentation Bill’<sup>62</sup> sponsored by Christopher Chope (Conservative MP for Christchurch), which proposes to limit the number of Members of the House of Lords entitled to vote to 650; to introduce a compulsory retirement system to achieve this figure (based on seniority); and to set a cap (at 45) on the number of new Members that could be appointed up to 1 June 2015. The Bill received its first reading on 7 July 2014, and is due to receive its second reading on 9 January 2015.

## 5.2 House of Commons Political and Constitutional Reform Select Committee

In its 2013 report, *House of Lords Reform: What Next?*,<sup>63</sup> the House of Commons Political and Constitutional Reform Select Committee discussed the need to implement many of the measures subsequently contained in the House of Lords Reform Act 2014 (eg cessation of membership for non-attendance, or upon committing a serious offence). In addition, the report recommended proposals to end the replacement of hereditary Peers. The committee believed this “would also serve to reduce the reputational risk to the House” which, it suggested, resulted from the practice.<sup>64</sup> However, the Committee recognised that this change was unlikely to have a significant impact on the current size of the House.

The Committee report considered the role of the House of Lords Appointments Commission in the process, particularly as to whether the Commission should be placed on a statutory basis or given exclusive competence over the appointment of new Members to the House.<sup>65</sup> The report concluded:

In the evidence we received, the case for placing the Appointments Commission on a statutory basis was strong. So, too, were the arguments that the Appointments Commission could play a role in monitoring and overseeing the size and party balance in the Chamber and in extending its locus in terms of political appointments. While we support the idea of placing the current House of Lords Appointments Commission on a statutory footing, we believe that changes to its remit would be best discussed in the context of wider reform of the House of Lords.<sup>66</sup>

The Committee also rejected ideas to place a moratorium on appointments, or to implement a voluntary retirement age.<sup>67</sup> It suggested that both of these measures could have a negative

<sup>60</sup> HC *Hansard*, 9 July 2012, [cols 24–132](#); and HC *Hansard*, 10 July 2012, [cols 188–278](#).

<sup>61</sup> BBC News. ‘[Nick Clegg Confirms Lords Reforms Have Been Officially Withdrawn](#)’, 3 September 2012.

<sup>62</sup> Parliament website, [Presentation Bills](#), accessed 9 December 2013.

<sup>63</sup> House of Commons Political and Constitutional Reform Select Committee, [House of Lords Reform: What Next?](#), 17 October 2013, HC 251 of session 2013–14.

<sup>64</sup> *ibid*, para 19.

<sup>65</sup> *ibid*, pp 27–9.

<sup>66</sup> *ibid*, p 29.

<sup>67</sup> *ibid*, pp 35–6.



impact on the House due to the potential loss of expertise derived from new or experienced Members. In addition, the Committee suggested that more thought should be given to a non-statutory scheme of fixed appointments (whereby nominees would give an assurance to retire after serving a certain number of years), and the strengthening of the leave of absence and voluntary retirement schemes. When discussing retirement schemes, the Committee considered the appropriateness of providing financial incentives, but suggested that such a proposal carried “little support” due to the potential public reaction.<sup>68</sup> Instead, the Committee preferred the idea that voluntary retirement could be accompanied by some form of ceremony recognising the Member’s work within the House.<sup>69</sup> The Committee also stressed the importance of cross-party co-ordination to ensure Members could be encouraged to retire without feeling it would damage their party’s representation in the House. Commenting further on the importance of addressing the issue of party strengths within the House, the report concluded that:

Agreement on how to determine the relative numerical strengths of the different party groups in the Lords would not only be a valuable end in itself, it would also pave the way for the implementation of the majority of the other small-scale reforms we have discussed in this report. Of all the issues we have discussed it has the most potential to have a positive impact on the size of the House. Inevitably, it is also the most contentious. We have referred in this Report to various suggestions as to how this could be approached. However, the reality is that it is up to the party groups to engage in dialogue with a view to reaching an agreement on the next step forward. We recommend that in its response to this report, the Government sets out its position on this issue. We also encourage the individual party groups and Crossbenchers to provide their views in writing to us with a view to making progress on this issue before the next general election.<sup>70</sup>

### 5.3 Leader’s Group on Members Leaving the House

Chaired by Lord Hunt of Wirral (Conservative), the Leader’s Group on Members Leaving the House published its final report on 13 January 2011.<sup>71</sup> Two of the report’s recommendations—the introduction of a voluntary retirement scheme and the strengthening of the leave of absence system—have already been implemented.<sup>72</sup> Additional proposals considered by the report included compulsory retirement<sup>73</sup> (which the Committee rejected in favour of voluntary retirement and the strengthening of the leave of absence system) and the introduction of ‘associate’ Members:

[I]t has been suggested that a new category of associate Member should be created, to which Members might opt to belong. The advantage of such a scheme is that it would reduce the overall size of the House, whilst keeping available the expertise of those who have had long experience of the House and have played a significant part in public life but now wish to reduce the scale of their involvement. It could complement a provision

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<sup>68</sup> *ibid*, para 49.

<sup>69</sup> *ibid*, para 50.

<sup>70</sup> *ibid*, para 81.

<sup>71</sup> Leader’s Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11.

<sup>72</sup> [Memorandum submitted by David Beamish, Clerk of the Parliaments](#), to the House of Commons Political and Constitutional Reform Select Committee, June 2013, paras 11–12.

<sup>73</sup> Leader’s Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11, p 16.



for voluntary retirement, providing a potentially attractive option for those who are unable to make a full commitment to the work of the House.<sup>74</sup>

The Group envisaged that such Members could have more limited options for participation, such as an exclusion from legislative debates or Chamber debates, and could instead be encouraged to perform more work within select committees or all-party parliamentary groups.<sup>75</sup> Although the Leader's Group acknowledged that the proposals could not be implemented quickly, and would require legislation, it did view them as viable options to complement voluntary retirement and assist in reducing the numbers in the House.

A further proposal considered by the Leader's Group was that of providing financial provisions to Members who wish to retire.<sup>76</sup> The Group agreed that it would be "inappropriate for a reduction in the number of Members to occasion any additional cost on the taxpayer",<sup>77</sup> but stressed its view that such a proposal could actually represent an overall saving:

We recommend that a reduction in the number of Members of the House should result in an overall saving to the taxpayer. We recommend that the possibility of offering a modest pension, or payment on retirement, to those who have played an active part in the work of the House over a number of years, should be investigated in detail, though on condition that this should come from within the existing budget for the House and should incur no additional public expenditure. We further recommend that any such payment should be available only to those who choose voluntary retirement within a limited period after its introduction.<sup>78</sup>

The Leader's Group also addressed the future introduction of new Members, stating:

Whilst we cannot recommend that there should be a moratorium on new appointments to the House—since, while the purpose of the House is to provide expertise, we must ensure that expertise is refreshed and kept up to date—we do urge that restraint should be exercised by all concerned in the recommendation of new appointments to the House, until such time as debate over the size of membership is conclusively determined.<sup>79</sup>

The report, and its recommendations, were debated in the House of Lords on 28 February 2013.<sup>80</sup>

#### **5.4 Memorandum by the Clerk of the Parliaments and Subsequent Debate**

In an updated memorandum submitted as written evidence to the House of Commons Political and Constitutional Reform Select Committee, the Clerk of the Parliaments, David Beamish, provided further details on what a number of the proposals to limit the size of the House might involve (such as whether they would require legislation).<sup>81</sup> This included consideration of many

<sup>74</sup> *ibid*, para 37.

<sup>75</sup> *ibid*, para 38–9.

<sup>76</sup> *ibid*, paras 44–8.

<sup>77</sup> *ibid*, para 44.

<sup>78</sup> *ibid*, para 47.

<sup>79</sup> *ibid*, para 67.

<sup>80</sup> HL *Hansard*, 28 February 2013, cols 1165–85.

<sup>81</sup> [Memorandum submitted by David Beamish, Clerk of the Parliaments](#), to the House of Commons Political and Constitutional Reform Select Committee, June 2013.

of the provisions that went on to form the House of Lords Act 2014. The memorandum also contained further consideration of the Leader's Group's proposals regarding financial provision to Members upon retirement.<sup>82</sup> The Clerk of the Parliaments suggested that the scheme could potentially operate as follows:

- The amount payable to a retiring Member could be based on the number of times they attended the House over a particular period (eg the last year) and set at £300 per attendance (ie around a year's worth of allowances).
- The scheme could be confined to those over a certain age or who had served a certain amount of time in the House.
- The initial scheme could be time and cost limited (eg Members would only have a limited chance to take advantage of it).
- Informal arrangements could be made between party Whips to ensure that they were all content that the proposed retirements were equally distributed across parties.

Analysis of the financial impact of such a scheme was provided by the Finance Director of the House of Lords, and included as an Appendix to the memorandum.<sup>83</sup> Addressing this analysis, the Clerk of the Parliaments stated that "it is clear that such a scheme could pay for itself quickly".<sup>84</sup> Other proposals discussed in the memorandum, included:

- The gradual withdrawal of financial support for Members (based on age or term of service).<sup>85</sup>
- Confining certain payments to regular attendees based on a threshold of attendance (although the Clerk of the Parliaments acknowledged that, whereas this may discourage rare attendees, it could also encourage others to attend more).<sup>86</sup>
- Reduced allowances becoming available over a certain threshold of attendance (it was suggested that this could decrease overcrowding in the Chamber and may encourage Members to be more selective about the sittings they attend).<sup>87</sup>
- Further promotion of the voluntary retirement scheme by encouraging more high profile Members to retire and by marking the service of retiring Members in the Chamber.<sup>88</sup>

The memorandum was debated in Grand Committee on 24 October 2013.<sup>89</sup> Opening the debate, Lord Higgins (Conservative), highlighted the lack of incentives for Members to retire and, with reference to the discussion of the issue in the memorandum, recommended the introduction of financial incentives:

The Clerk's memorandum makes it absolutely clear that this proposal will be likely to reduce public expenditure. The key policy of the Government is to reduce public expenditure. Therefore, I am sorry that it is not a Treasury Minister who will reply to the debate this afternoon. I do not suggest that the proposal will result in a massive reduction in the deficit. None the less, it is a move in the right direction, and if we do

<sup>82</sup> *ibid*, paras 21–8.

<sup>83</sup> *ibid*, Appendix D.

<sup>84</sup> *ibid*, para 28.

<sup>85</sup> *ibid*, para 31.

<sup>86</sup> *ibid*, para 32.

<sup>87</sup> *ibid*, para 33.

<sup>88</sup> *ibid*, paras 35–6.

<sup>89</sup> HL *Hansard*, 24 October 2013, [cols GC425–39](#).

nothing at all with more and more Members being appointed, there will be an increase in public expenditure, which is clearly incompatible with the fundamental economic policy of the present Government. The Clerk of the Parliaments has helpfully pointed out, in fairly concrete mathematical terms, what the savings might be. They are not insignificant, and this points the way forward [...]

One particular point needs to be borne in mind. It is the question of party balance. Clearly, if all the volunteers were from one part of the House, that would give a certain amount of concern to the Whips. We will need to take that into account. Therefore, in organising this, the Whips will need to be involved. None the less, we can make significant progress. I do not believe that it is something which is impossible to sell to the public at large. The argument that we will reduce public expenditure is very strong indeed.<sup>90</sup>

This proposal was supported by Lord Norton of Louth (Conservative), who, addressing the Government's previous opposition to spending "taxpayers' money" on financial incentives, queried the Government's stance in light of the use of similar financial incentives in the House of Commons, and the use of public funds to facilitate the creation of new peerages.<sup>91</sup> Lord Steel of Aikwood (Liberal Democrat) also highlighted the potential savings noted in the Clerk of the Parliaments' memorandum, and emphasised his backing for the retirement provisions that were passed in the form of the House of Lords Reform Act 2014.<sup>92</sup>

Baroness Hayman (Crossbench) raised the issue of appointing Members in pursuit of party-political balance:

I want to take up the theme of party-political balance in the House. We have no agreement about what the relative strengths of parties in the House should be. However, we do have agreement, I think, that much legislation that comes to this House is badly drafted, inadequately scrutinised or not scrutinised at all, because of timetabling in the other place. Given those circumstances, I ask the Government to think very carefully about increasing by large numbers the proportion of party-political Peers in the House. Second Chambers exist to ask first Chambers to have second thoughts. We need to do our job of pressure-testing legislation, both for policy and for drafting, and to ask the Commons to think again when appropriate. The joy of our present system, and the reason why many of us oppose an elected House of Lords, is because democratic power, accountability and legitimacy lie with the Commons, which always in the end gets its way.<sup>93</sup>

This point was supported by Lord Hunt of Kings Heath (Labour), who stressed the importance of the House's role as a revising Chamber, and expressed his concerns that—due to the policy set out in the Coalition Agreement—this function would soon be depreciated by the potential size of the Government majority in the House:

Our estimate is that the Government will shortly have a political majority in the Chamber of more than 100. What is the point of it? We are a revising Chamber; if the Government cannot be defeated, revisions cannot take place.<sup>94</sup>

<sup>90</sup> *ibid.*, [cols GC426–7](#).

<sup>91</sup> *ibid.*, [cols GC433–4](#).

<sup>92</sup> *Ibid.*, [cols GC428–9](#).

<sup>93</sup> *ibid.*, [col GC439](#).

<sup>94</sup> HL *Hansard*, 24 October 2013, [col GC435](#).

Responding for the Government, Lord Wallace of Saltaire (Liberal Democrat) reaffirmed the Government's commitment not to introduce financial incentives:

Service in this House is a privilege which we should not expect to have to be bought out of. That is the view which I and a number of others hold. The Government remain unconvinced that we should attempt to buy older Peers out.<sup>95</sup>

However, Lord Wallace did indicate his backing for “a scheme that encourages retirement” and suggested that further consideration would be given to the proposal of recognising a Member's service when retiring.<sup>96</sup> He also stated that, due to the participation of Crossbench Members, the Government did not have an overall majority in the House:

[T]his is for the first time a coalition Government and part of the issue is whether you count the entire coalition of both parties as one or as two. The Government do not have an overall majority in this House because we have a large number of Crossbenchers. If I may say so, one of the first things I learnt when I entered this House was that if you want to defeat the Government, what you need is a speaker from each of the four main groups, because at that point the Government will recognise that they are about to lose.<sup>97</sup>

## 5.5 Debate on the Size of the House of Lords

The size of the House of Lords was debated in the House on 12 December 2013. Introducing the debate, Lord Norton of Louth (Conservative) stated that “in terms of membership, the House of Lords has grown, is growing and ought to be reduced. There is an immediate problem; there is an even greater prospective problem”.<sup>98</sup> Lord Norton went on to identify the different aspects to the size of the House: the absolute membership, and the actual membership.<sup>99</sup> He stated that both of these were continuing to grow, and that the increase in the average attendance of the House was putting extra pressure on House resources and on space. As such, he put forward a number of possible proposals to alleviate such pressures, including a moratorium on the creation of new Members; mandatory lengths of service; and agreements by each political party to determine a specific number of Members to be elected from within their own ranks to continue as Members. Lord Norton also made reference to the provisions that went on to form the House of Lords Reform Act 2014, stating that they “would not affect the active membership but would have a beneficial effect in terms of public perception”.<sup>100</sup>

Baroness Hayman (Crossbench) also expressed concerns over the size of the House, but drew a line at introducing proposals such as a moratorium on new appointments:

I have no desire to introduce mechanistic or arbitrary solutions to this issue. I do not believe in a moratorium on new Members because I also welcome what the new Members have brought to this House and continue to bring. However, we cannot just continue to expand. I sometimes said when I had the honour of representing the House

<sup>95</sup> *ibid*, [col GC439](#).

<sup>96</sup> *ibid*, [col GC438](#).

<sup>97</sup> *ibid*, [col GC437](#).

<sup>98</sup> HL *Hansard*, 12 December 2013, [col 972](#).

<sup>99</sup> *ibid*, [cols 972–5](#).

<sup>100</sup> *ibid*, [col 974](#).

and acting as its ambassador that I sometimes thought the Government believed that the Chamber of the House of Lords was the TARDIS—it got bigger and bigger inside so that it could accommodate whoever came in. It is not quite like that. This is not only about having enough seats but about having time to speak in debates—a one-minute limit on speeches—and a whole range of issues.<sup>101</sup>

As such, Baroness Hayman backed the proposals which formed the basis of the House of Lords Reform Act 2014, and called for discussions between political parties to make progress in reducing the size of the House, following the introduction of the retirement provisions.<sup>102</sup> Lord Tyler (Liberal Democrat) also considered the proposals to remove Members convicted of a serious offence and those who did not attend, stressing his belief that neither measure would have a significant impact upon reducing the size of the House.<sup>103</sup> Instead, Lord Tyler called for wider reforms in line with the [House of Lords Reform Bill 2012–13](#).

Lord Hunt of King’s Heath (Labour) stated that he agreed that the increasing size of the House of Lords was a pressing concern, and stated that he agreed with other Members that: “while the size of the House is important, much more crucial is the question as to whether it is effective in acting as a check on the Executive and as a revising Chamber, and in adding to the effectiveness more generally of parliamentary scrutiny”.<sup>104</sup> He questioned the Government’s commitment to appoint Member’s in pursuit of party balance, and how this might impact upon costs and upon the appointment considerations of successive Governments. Responding for the Government, Lord Hill of Oareford, then the Leader of the House of Lords, stated that the cost of the House had actually decreased, and looked to quell fears over the impact upon facilities and resources.<sup>105</sup> He stated:

I accept that average attendance has been increasing—it was about 480 in the previous Session—but that is the figure we should concentrate on, not the figures we sometimes read about which do not relate to our day-to-day experience. I recognise that higher attendance means that the House will sometimes be crowded on popular occasions, but it is important to remember that we should not overstate the problem. There is plenty of space in the Chamber and in Grand Committee during the great majority of our business, particularly legislation, and the same is true of debate—there are some empty spaces here this afternoon.

Members generally have time to speak. There has been some reference today to Members having only one minute to speak. They had an average of nearly six minutes in time-limited QSDs in the previous Session, and more than nine minutes in balloted debates. Even during Oral Questions, which I know, probably more than anyone, is a particularly busy time, we have a wide range of participants.<sup>106</sup>

Lord Hill concluded the debate by praising the work of the House, both in terms of its low cost of running and its effectiveness scrutinising the work of the Government.<sup>107</sup>

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<sup>101</sup> *ibid*, [cols 985–6](#).

<sup>102</sup> *ibid*, [col 986](#).

<sup>103</sup> *ibid*, [cols 976–8](#).

<sup>104</sup> *ibid*, [col 992](#).

<sup>105</sup> *ibid*, [cols 994–1000](#).

<sup>106</sup> *ibid*, [col 996](#).

<sup>107</sup> *ibid*, [cols 999–1000](#).

## Appendix: Statistical Tables on Lords Membership

**Table 1: Actual Membership, Absolute Membership and Average Daily Attendance from 1992–93**

Session	Actual Membership	Absolute Membership	Average Daily Attendance
1992–93	1040	1207	379
1993–94	1043	1204	378
1994–95	1037	1190	376
1995–96	1061	1207	372
1996–97	1067	1204	381
1997–98	1166	1297	417
1998–99	1210	1325	446
1999–00	690	693	352
2000–01	675	679	347
2001–02	683	694	370
2002–03	671	682	362
2003–04	693	707	368
2004–05	692	706	388
2005–06	738	751	403
2006–07	738	751	415
2007–08	733	744	413
2008–09	704	736	400
2009–10	706	735	388
2010–12	788	826	468
2012–13	762	810	484
2013–14	778	833	497
2014–15 <sup>108</sup>	791	847	—

**Table 2: Actual Membership as a Percentage of Absolute Membership, and Average Daily Attendance as a Percentage of Absolute and Actual Membership Dating Back to Session 1992–93**

Session	Actual Membership as a Percentage of Absolute Membership	Average Attendance as a Percentage of Absolute Membership	Average Attendance as a Percentage of Actual Membership
1992–93	86.2	31.4	36.4
1993–94	86.6	31.4	36.2
1994–95	87.1	31.6	36.3
1995–96	87.9	30.8	35.1
1996–97	88.6	31.6	35.7
1997–98	89.9	32.2	35.8
1998–99	91.3	33.7	36.9
1999–00	99.6	50.8	51.0

<sup>108</sup> As at 16 December 2014.

2000–01	99.4	51.1	51.4
2001–02	98.4	53.3	54.2
2002–03	98.4	53.1	53.9
2003–04	98.0	52.1	53.1
2004–05	98.0	55.0	56.1
2005–06	98.3	53.7	54.6
2006–07	98.3	55.3	56.2
2007–08	98.5	55.5	56.3
2008–09	95.7	54.3	56.8
2009–10	96.1	52.8	55.0
2010–12	95.4	56.7	59.4
2012–13	94.1	59.8	63.5
2013–14	93.3	59.7	63.9
2014–15 <sup>109</sup>	93.4	—	—

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<sup>109</sup> As at 16 December 2014.