



## Library Note

### House of Lords Reform 2010–15

The 2010 general election campaign saw the three largest Westminster parties making a manifesto commitment to further reform of the House of Lords. However, the Government's [House of Lords Reform Bill 2012–13](#) failed to proceed through its stages in the House of Commons and did not reach the House of Lords. That Bill, sponsored by the Deputy Prime Minister, Nick Clegg, would have created a second chamber of 360 elected Members, 90 appointed Members, 12 Bishops and a maximum of eight ministerial Members appointed by the Prime Minister. Elected and appointed Members would have served a single term of up to 15 years, with a third of the membership of the House changing at the end of each five year fixed-term parliament.

Although the Bill was supported in the House of Commons at second reading by 462 votes to 124, the decision by 91 backbench Conservative MPs to vote against their party's whip resulted in the largest backbench rebellion for the Government since it took office. During second reading, Labour stated that it would not support the programme motion that would have established the timetable for committee stage. The Labour frontbench said it would oppose this motion on the grounds that proper scrutiny of the Bill should not be curtailed by the Government. The Government subsequently withdrew the programme motion and the House of Lords Reform Bill 2012–13 did not progress to committee stage.

In the same parliament, a number of incremental reforms to the House of Lords were introduced. These included two private member's bills that received the Government's support:

- The [House of Lords Reform Act 2014](#) enabled Members of the Lords to retire or resign on a statutory basis. It also made provision for Members who were not on leave of absence and who did not attend the House for a whole session of more than six months, to cease their membership of the House. Individuals that were convicted of a serious offence will also cease to be Members under the provisions of the Act.
- The [House of Lords \(Expulsion and Suspension\) Bill 2014–15](#) completed all of its stages in the House of Commons and the House of Lords and is expected to receive royal assent before the end of the parliament. The Bill makes provision to enable the House of Lords to resolve to expel Members, or suspend a Member for a particular period. Prior to this Bill, the House of Lords retained the right to suspend Members for a period of time no longer than the length of one parliament.

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## 1. Introduction

The debate over the powers of the House of Lords, and how its membership should be constituted, pre-dates the 20th century.<sup>1</sup> However, the 100 year anniversary of the passing of the Parliament Act 1911, enacted following a challenge by the House of Lords to the then Liberal Government, has led to reform of the House of Lords being referred to as a century-long process.<sup>2</sup>

The preface to the Parliament Act 1911 states that, in the future, there should be “a Second Chamber constituted on a popular instead of a hereditary basis”.<sup>3</sup> During the 20th century, a number of reforms to the House of Lords were proposed, although none led to the creation of Members voted for by the electorate. Of those reforms which were implemented, the Parliament Acts of 1911 and 1949 curtailed the powers of the House of Lords to veto and delay legislation. In 1958, the Life Peerages Act saw the introduction of Peers who could not pass on their title to their heirs and the introduction of female Members. At the end of the 20th century, the House of Lords Act 1999 led to the exclusion from the House of Lords of all but 92 Members who sit by virtue of a hereditary title. At that time, the Labour Government stated that the House of Lords Act 1999 was to be the first phase in a series of reforms to the second chamber. However, despite further attempts to seek a consensus, the next phase of House of Lords reform was not enacted during the Labour governments led by Tony Blair or Gordon Brown from 1997–2010.

Further information on the key developments in the reform of the House of Lords between 1900 and 2010 can be found in the House of Lords Library Note, [House of Lords Reform: Chronology 1900–2010](#).<sup>4</sup>

## 2. House of Lords Reform in the 2010 General Election

### 2.1 Membership and Powers of the House of Lords prior to the 2010 General Election.

Prior to the 2010 general election, the powers and membership of the House of Lords were constituted as follows:

The relationship between the House of Commons and the House of Lords was governed by a combination of legislation, such as the Parliament Acts, and conventions, such as the Salisbury (or Salisbury-Addison) convention, whereby the House of Lords would not reject a government bill which implemented a commitment contained in the Government’s election manifesto. During the 2005–06 session, an inquiry by the Joint Committee on Conventions, chaired by Lord Cunningham of Felling (Labour), considered the existing conventions between the two Houses. In its report, the Committee concluded that, on the basis of the existing conventions, the House of Commons retained primacy over the House of Lords and the House of Lords functioned as a revising chamber.<sup>5</sup>

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<sup>1</sup> The House of Lords was abolished by Oliver Cromwell in 1649, to be reinstated following the restoration of the monarchy in 1660 (UK Parliament, [Key Dates of the Civil War: November 1640–1660](#), accessed 18 March 2015).

<sup>2</sup> HM Government, [House of Lords Reform Draft Bill](#), May 2011, Cm 8077, p 5.

<sup>3</sup> Legislation.gov.uk, [Parliament Act 1911](#), accessed 25 March 2015.

<sup>4</sup> House of Lords Library, [House of Lords Reform: Chronology 1900–2010](#), 21 July 2011, LLN 2011/025.

<sup>5</sup> Joint Committee on Conventions, [Conventions of the UK Parliament](#), 3 November 2006, HL Paper 265 of session 2005–06, p 3.

At the end of the 2009–10 session, the House of Lords membership was constituted of 599 life Peers, 25 Bishops and 90 Members who sat by virtue of a hereditary title.<sup>6</sup> These figures exclude those Members who were unable to sit for reasons such as their being on leave of absence or their being disqualified from sitting as senior office holders in the Judiciary. Excluding the Bishops, there were 185 Conservative Members, 211 Labour Members, 72 Liberal Democrat Members and 186 crossbench Members.<sup>7</sup> The remaining Members were in other, smaller parties or were unaligned.

As is the case today, the maximum of 26 Bishops eligible to sit in the House of Lords were ex-officio Members. This term refers to the fact that they are Members by virtue of the office that they hold in the Church of England. In the 2009–10 session, as now, Bishops ceased to be a Member on their retirement, although they might return to the House if appointed a Member under the Life Peerages Act 1958.

Prior to the 2010–15 parliament, Members of the House of Lords did not lose their membership if they committed a criminal offence. With the exception of the Bishops, Members could also not retire or resign. The last occasion that Members of the House of Lords had had their titles removed was in 1917, under the Titles Deprivation Act 1917, passed to remove Peers who had fought against the Crown in the First World War.<sup>8</sup>

In May 2011, following the investigation of the House of Lords Sub-Committee on Lords' Interests into the conduct of four Members in respect of accusations in relation to lobbying activity, the House of Lords Committee for Privileges published a report in which it concluded that the House retained the right to suspend Members.<sup>9</sup> This suspension could only be for a period no longer than the remainder of the current parliament in which the suspension was to take place.<sup>10</sup>

Proposals were included in the [Constitutional Reform and Governance Bill 2009–10](#), as introduced in the House of Lords in March 2010, which would have provided for the expulsion of Members. These measures were taken out of the Bill before it received royal assent. However, the Constitutional Reform and Governance Act 2010 did require Members of the House of Lords to be resident in the UK for tax purposes. Provisions in the Act allowed for a limited period in which Members could resign, as a means of allowing them the choice of leaving the House if they did not want to be tax resident in the UK. Five Members chose to resign under these provisions.<sup>11</sup>

In a further reform, which was debated prior to the 2010 general election and agreed by the House early in the 2010–12 session, the system for the reimbursement of Members' expenses was replaced with an optional flat fee for attendance of either £300 or £150 a day.<sup>12</sup> The new

<sup>6</sup> Figures are for the House of Lords as at 12 April 2010, the date of the dissolution of the 2005–10 parliament. These figures are based on information held by the House of Lords Journal Office, available on the [parliamentary intranet](#).

<sup>7</sup> House of Lords Library, [House of Lords: Party and Group Strengths and Voting](#), 27 June 2012, LLN 2012/026, p 4.

<sup>8</sup> House of Lords Information Office, ['Membership and Principal Office Holders: FAQs'](#), 19 May 2010.

<sup>9</sup> House of Lords Committee for Privileges, [The Powers of the House of Lords in Respect of its Members](#), 11 May 2009, HL Paper 87 of session 2008–09.

<sup>10</sup> *ibid*, p 5.

<sup>11</sup> UK Parliament, ['Retired Lords of the House of Lords'](#), accessed 17 March 2015.

<sup>12</sup> HL *Hansard*, 20 July 2010, [cols 915–46](#).

system was introduced on 1 October 2010. Following a resolution of the House, a [Code of Conduct for Members of the House of Lords](#) was also introduced and a House of Lords Commissioner for Standards established.<sup>13</sup>

## 2.2 The 2010 General Election and subsequent Coalition Negotiations

During the 2010 general election campaign, the three largest parties in the House of Commons included a commitment to reform the House of Lords in their manifestos.<sup>14</sup> Both the Liberal Democrat and the Labour Party manifestos included a commitment for the creation of a fully elected second chamber.<sup>15</sup> The Conservative Party manifesto included a commitment to seek consensus for a mainly-elected second chamber.<sup>16</sup> Further information on the proposals for reform of the House of Lords, as they stood in 2010, is provided in the House of Lords Library Note [Possible Implications of House of Lords Reform](#).<sup>17</sup>

With no party winning a clear majority in the House of Commons at the 2010 general election, the parties began negotiations to reach an agreement on how a government might be formed. A coalition was eventually agreed between the Conservatives and the Liberal Democrats. The 2010 Coalition Agreement, signed by the Leader of the Conservative Party, David Cameron, and the Leader of the Liberal Democrats, Nick Clegg, included the following commitment on reform of the House of Lords:

[The Government] will establish a committee to bring forward proposals for a wholly or mainly elected upper chamber on the basis of proportional representation. The committee will come forward with a draft motion by December 2010. It is likely that this will advocate single long terms of office. It is also likely that there will be a grandfathering system for current Peers. In the interim, 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.<sup>18</sup>

Following the publication of the Coalition Agreement, the Government announced that it would convene a cross party cabinet committee, chaired by the Deputy Prime Minister, to discuss proposals for reform of the House of Lords prior to the publication of a draft bill. The cabinet committee met seven times from June to December 2010.<sup>19</sup> Its membership included frontbench spokespeople from the Conservatives, Liberal Democrats and the Labour Party.<sup>20</sup> Subsequent to the publication of the draft Bill, the Shadow Secretary of State for Justice, Sadiq Khan, argued that debate over how best to reform the House of Lords had been curtailed in November 2010, with not all the issues having been discussed.<sup>21</sup>

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<sup>13</sup> House of Commons Library, [Regulation of Standards of Conduct in the House of Lords](#), 7 April 2010, SN04950, pp 14–16.

<sup>14</sup> House of Lords Library, [Possible Implications of House of Lords Reform](#), LLN 2010/014, 16 December 2011, pp 1–2.

<sup>15</sup> The Liberal Democrats, [Liberal Democrat Manifesto 2010](#), 2010, p 88; and the Labour Party, [A Future Fair for All](#), 2010, section 9:3, p 63.

<sup>16</sup> The Conservative Party, [Invitation to Join the Government of Britain](#), 2010, p 67.

<sup>17</sup> House of Lords Library, [Possible Implications of House of Lords Reform](#), LLN 2010/014, 16 December 2011.

<sup>18</sup> HM Government, [The Coalition: Our Programme For Government](#), May 2010, p 27.

<sup>19</sup> HM Government, [House of Lords Reform Draft Bill](#), May 2011, Cm 8077, p 5.

<sup>20</sup> HL *Hansard*, 8 June 2010, [col 595–6](#).

<sup>21</sup> HC *Hansard*, 9 July 2012, [col 38](#).

### 3. The House of Lords Reform Draft Bill 2010–12

The [House of Lords Reform Draft Bill](#) was published in May 2011, during the 2010–12 session.<sup>22</sup> In their preface to the draft Bill, the Prime Minister and the Deputy Prime Minister described it as “a unique opportunity for [the UK] to instil greater democracy into our institutions”.<sup>23</sup> They stated that their ambition was to hold the first elections to the House of Lords in 2015.

The draft Bill proposed the creation of a reformed House of Lords with 300 Members, of whom 240 would be elected and 60 would be appointed. In addition, 12 Bishops would sit as ex-officio Members. Provisions would be made for ministers to be appointed to sit in the House for the duration of their time in the office. In the summary of the proposals in the draft Bill, the Government also stated that it would consider the option of a wholly elected chamber as well, “if that option [was] supported as the draft Bill [was] scrutinised”.<sup>24</sup>

Members for the reformed second chamber were to have a single, non-renewable, membership term of three normal election cycles, likely in practice to amount to 15 years.<sup>25</sup> Staggered elections were to take place for the 240 elected seats, with a third of the membership contested in each election. These elections would use a proportional system, with Members being selected to represent particular regions of the UK.<sup>26</sup> At the same time, 20 Members would be appointed at each election, with appointments nominated by a statutory Appointments Commission.

The draft Bill provided for the gradual transition between the House as it is currently constituted and the reformed second chamber. The transition would take place in three phases, during which some existing Peers would remain as transitional members.<sup>27</sup>

Members of the reformed second chamber would receive a salary and allowances and be entitled to a pension. They would also be subject to disqualification, in a regime to be modelled on that for MPs in the House of Commons. New Members would not receive a peerage as a condition of membership, with the Government seeking to end the link between the award of a peerage and membership.<sup>28</sup> The draft Bill stated that the peerage would remain, but would revert to being solely an honour.

In respect of the powers of the reformed second chamber, the Government stated that there would be:

[...] no change to the constitutional powers and privileges of the House once it is reformed, nor to the fundamental relationship with the House of Commons, which would remain the primary House of Parliament. That primacy rests partly in the Parliament Acts and in the financial privilege of the House of Commons.<sup>29</sup>

<sup>22</sup> HM Government, [House of Lords Reform Draft Bill](#), May 2011, Cm 8077.

<sup>23</sup> *ibid.*, p 6.

<sup>24</sup> *ibid.*, p 7.

<sup>25</sup> *ibid.*

<sup>26</sup> *ibid.*, p 8.

<sup>27</sup> *ibid.*

<sup>28</sup> *ibid.*

<sup>29</sup> *ibid.*, p 7.



To this effect, clause two of the draft Bill stated that nothing in it would affect the status of the House of Lords as one of the two Houses of Parliament.<sup>30</sup> Neither would the primacy of the House of Commons, the powers, rights, privileges or jurisdiction of either House, nor the conventions governing the relationship between the two Houses be affected.<sup>31</sup> Further information on the House of Lords Reform Draft Bill and the reaction to its publication is provided in the House of Lords Library Note [House of Lords Reform Draft Bill](#).<sup>32</sup>

## 4. The Joint Committee on the Draft House of Lords Reform Bill

### 4.1 Report of the Joint Committee on the Draft House of Lords Reform Bill

The [Joint Committee on the Draft House of Lords Reform Bill](#), made up of Members of the House of Commons and the House of Lords, was appointed in June and July of 2011, to be chaired by the Labour Member of the House of Lords and former MP, Lord Richard. The Joint Committee's [report](#) was published on 23 April 2012.<sup>33</sup> Not all the recommendations of the report of the Joint Committee were unanimously agreed. However, a set of recommendations were agreed in a series of votes by members of the Joint Committee.

Many of the proposals in the draft Bill met with the support of the majority of the members of the Joint Committee, with a number of recommended alterations. In respect of the composition of the House, a majority of the members of the Joint Committee agreed with the proposal for an 80 percent elected and 20 percent appointed House.<sup>34</sup> They disagreed with the proposal that the size of the House should be limited to 300 elected and appointed Members, plus the 12 Bishops and any ministerial Members, recommending that this number would be insufficient to meet the demands of a revising chamber. The Joint Committee were instead in favour of 450 elected and appointed Members.<sup>35</sup>

Other proposals set out in the draft Bill were supported by the majority of the Joint Committee members. A majority were in favour of Members of the reformed second chamber having a single non-renewable term in office, and for the length of that term to be up to 15 years.<sup>36</sup> A majority of the Joint Committee agreed with the proposal in the draft Bill that the number of seats for Bishops should be 12.<sup>37</sup> The Joint Committee also recommended that the House of Lords Appointments Commission should become a statutory body.<sup>38</sup>

The Joint Committee advised the Government to consider two key aspects of its approach. Firstly, the Joint Committee expressed the view that reform of the second chamber was a significant constitutional change and recommended that the Government should hold a referendum on this issue.<sup>39</sup> Secondly, the Joint Committee made a number of recommendations

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<sup>30</sup> *ibid*, p 36, clause 2 (1).

<sup>31</sup> *ibid*.

<sup>32</sup> House of Lords Library, [House of Lords Reform Draft Bill](#), 16 June 2011, LLN 2011/021.

<sup>33</sup> Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), HL Paper 284 and HC 1313 of session 2010–12.

<sup>34</sup> *ibid*, paragraph 114.

<sup>35</sup> *ibid*.

<sup>36</sup> *ibid*, paragraphs 167 and 173.

<sup>37</sup> *ibid*, paragraph 290.

<sup>38</sup> *ibid*, paragraph 231.

<sup>39</sup> *ibid*, paragraph 385.

in respect of the relationship of the House of Commons and the House of Lords and how this relationship might be affected by the reforms set out in the final Bill.

### **The Relationship between the House of Commons and the House of Lords following Reform**

A majority of members of the Joint Committee agreed that the reformed second chamber should have an electoral mandate, provided it had commensurate powers.<sup>40</sup> The Joint Committee agreed with the Government that the reformed second chamber should perform the role of the current House of Lords in respect of legislation, scrutiny of government, and acting as a forum of debate on matters of public policy. It also agreed that there should be scope for the House to increase its role and that it should not be constrained by the role established for the current House.<sup>41</sup>

The reforms, the Joint Committee argued, would lead to the reformed second chamber taking on a new representative role.<sup>42</sup> The Joint Committee did not recommend the introduction of any restriction on this representative role, but it argued that Members of the second chamber wishing to pursue personal casework similar to that of MPs would be constrained by the lack of resources made available to them for this purpose and by the size of their large regional constituencies.

The Joint Committee concluded that the relationship between the House of Commons and the House of Lords rested, in part, on the self-restraint of the current House of Lords.<sup>43</sup> The Joint Committee agreed that a wholly or largely elected House of Lords would seek to use its powers more assertively.<sup>44</sup> A majority of the members of the Joint Committee acknowledged that the balance of power between the two Houses would shift with the introduction of elected Members.<sup>45</sup> Opinions differed in respect of what impact the proposed reforms might have on the relationship between the two Houses:

Some members believed that Commons primacy would remain absolute, buttressed by the provisions of the Parliament Acts: some believed that an electoral mandate would inexorably lead to claims of equal primacy with the Commons. Some believed that no attempt should be made to preserve Commons primacy, while others believed Commons primacy would be undermined.<sup>46</sup>

Despite these disagreements, a majority supported the view that, while there would be a shift in the balance of power between the two Houses, “the remaining pillars on which Commons primacy rests would suffice” to ensure that the primacy of the House of Commons continued.<sup>47</sup> However, the Joint Committee also concluded that clause two of the draft Bill would not be sufficient on its own to preserve the primacy of the House of Commons.<sup>48</sup> The Joint Committee also recommended that, following reform, the two Houses would need to establish a means of defining and agreeing the conventions governing the relationship between the two

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<sup>40</sup> *ibid*, paragraph 23.

<sup>41</sup> *ibid*, paragraph 33.

<sup>42</sup> *ibid*.

<sup>43</sup> *ibid*, paragraph 64.

<sup>44</sup> *ibid*, paragraph 34.

<sup>45</sup> *ibid*, paragraph 33.

<sup>46</sup> *ibid*, paragraph 67.

<sup>47</sup> *ibid*.

<sup>48</sup> *ibid*, paragraph 55.

Houses.<sup>49</sup> Further information on the reaction to the Joint Committee Report on the Draft House of Lords Reform Bill is provided in the House of Lords Library Note [Joint Committee Report on the Draft House of Lords Reform Bill: Reaction](#).<sup>50</sup>

## 4.2 Other Publications by Members of the Committee

On the same day as the publication of the Joint Committee's report, a cross-party group of members from the same Committee published their own report entitled *House of Lords Reform: An Alternative Way Forward*.<sup>51</sup> In this report, this group of Joint Committee members argued that the provisions in the draft Bill were insufficient to prevent a challenge from a reformed second chamber to the primacy of the House of Commons. The authors of the report also argued that the Government's proposals would lead to a rise in the cost of the second chamber.<sup>52</sup> The group concluded that a referendum was necessary before reform of the House of Lords could proceed.<sup>53</sup>

The issue of costing was not addressed in the Joint Committee's report. The Joint Committee had stated that any attempt to cost the proposals in the draft Bill would have been outside its remit because the Government had not put forward any costing, either in the draft Bill or following requests from the Chairman of the Joint Committee to the Minister responsible.<sup>54</sup>

A third report was published by the Society of Conservative Lawyers, written by Oliver Heald (Conservative MP for North East Hertfordshire) who was also a member of the Joint Committee.<sup>55</sup> Mr Heald criticised the Government's proposals on grounds of cost, suggesting that they would add complexity to the voting system and that the draft Bill, if implemented, would weaken the system of government in Westminster.

## 4.3 Joint Committee on the Draft House of Lords Reform Bill: Government Response

The [House of Lords Reform Bill 2012–13](#) was published by the Government on 27 June 2012, receiving a first reading in the House of Commons.<sup>56</sup> The Bill was sponsored by the Deputy Prime Minister, Nick Clegg. On the same day, the Government published its response to the report of the Joint Committee on the Draft House of Lords Reform Bill.<sup>57</sup> In its response, the Government stated that it had accepted the majority of the Joint Committee's conclusions and recommendations.<sup>58</sup> For example, the Government accepted the recommendation of the Joint Committee that a House of 300 Members, plus 12 Bishops and any ministerial members, would

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<sup>49</sup> *ibid*, paragraph 93.

<sup>50</sup> House of Lords Library, [Joint Committee Report on the Draft House of Lords Reform Bill: Reaction](#), 27 April 2012, LLN 2012/015.

<sup>51</sup> Baroness Andrews et al, [House of Lords Reform: An Alternative Way Forward](#), April 2012. An electronic copy is held on the House of Lords Library catalogue. This is available through the parliamentary intranet.

<sup>52</sup> *ibid*, p 57.

<sup>53</sup> *ibid*, p 30.

<sup>54</sup> Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), HL Paper 284 and HC 1313 of session 2010–12, paragraph 12.

<sup>55</sup> Society of Conservative Lawyers, [An Elected Second Chamber: Building a Better House](#), April 2012.

<sup>56</sup> [House of Lords Reform Bill](#), HC Bill 52, session 2012–13.

<sup>57</sup> HM Government, [Government Response to the Report of the Joint Committee on the Draft House of Lords Reform Bill](#), June 2012, Cm 8391.

<sup>58</sup> *ibid*, p 4.

not be sufficiently large for the volume of legislative scrutiny work required. However, it did not accept that a referendum would be necessary on reform of the House of Lords.<sup>59</sup>

In terms of the relationship between the House of Lords and the House of Commons, the Government accepted the Joint Committee's recommendation that a mainly elected chamber was likely to be more assertive.<sup>60</sup> However, it argued that this increased assertiveness would complement the work of the House of Commons. The Government also argued that the work of the two chambers would remain distinct.<sup>61</sup> In respect of the Joint Committee's conclusion that elected Members might take on a representative role, the Government accepted that the reformed second chamber might "develop some degree of representative function".<sup>62</sup> The Government described this representative function as providing the second chamber with a mandate for its work, although it argued that it would be inappropriate for elected Members to involve themselves in constituency casework.

In response to the recommendation that clause two of the draft Bill was not capable, on its own, of preserving the primacy of the House of Commons, the Government argued that it had never been its position that clause two would perform such a function:

[...] as the Government advised the Committee, clause two was intended to be purely declaratory. As a matter of law, the Government was clear that primary legislation does not need to deal with the powers and the relationship between the two Houses, and that if the Bill was silent on these, the current position would not be changed by the Bill. Clause two was, however, designed to provide clarity and reassurance that the House of Commons would retain its primacy.<sup>63</sup>

The Government concluded that clause two of the draft Bill was not now necessary, given that the Joint Committee had concluded that the primacy of the House of Commons would not be undermined by the proposals for reform in the draft Bill. Clause two of the House of Lords Reform Bill instead stated that the Parliament Acts of 1911 and 1949 would continue to apply after the reforms set out in the Bill came into force.<sup>64</sup>

The Government disagreed with the Joint Committee's recommendation for the establishment of a procedure by which existing and future conventions could be agreed between the two Houses.<sup>65</sup> The Government argued instead that the conventions should be allowed to develop and adapt over time, as they had been allowed to do over previous centuries.

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<sup>59</sup> *ibid*, p 32.

<sup>60</sup> *ibid*, p 6.

<sup>61</sup> *ibid*.

<sup>62</sup> *ibid*, p 5.

<sup>63</sup> *ibid*, p 7.

<sup>64</sup> [House of Lords Reform Bill](#), HC Bill 52, session 2012–13, clause 2.

<sup>65</sup> HM Government, [Government Response to the Report of the Joint Committee on the Draft House of Lords Reform Bill](#), June 2012, Cm 8391, pp 8 and 9.

## 5. The House of Lords Reform Bill of the 2012–13 Session

### 5.1 The Provisions of the Bill

In summary, the [House of Lords Reform Bill 2012–13](#) included the following provisions:

- Over the course of two transitional periods between elections, the membership of the House of Lords would be reduced to 360 elected Members, 90 appointed Members, 12 Bishops and a maximum of eight ministerial Members.<sup>66</sup>
- Members would have a period in office of three electoral cycles, with a third of the elected and appointed Members being replaced each cycle.<sup>67</sup>
- Elected Members would be elected in a number of electoral districts. Each district would return several Members.<sup>68</sup> There would be an open list system in Great Britain and a single transferrable vote system in Northern Ireland.<sup>69</sup>
- Appointed Members would be recommended by a statutory Appointments Commission and appointed by the Queen, on the recommendation of the Prime Minister.<sup>70</sup>
- The link between the peerage and membership of the House of Lords was to be ended.<sup>71</sup>
- The Parliament Acts of 1911 and 1949 would continue to apply, although the preface to the Parliament Act 1911, which made reference to further reform of the House of Lords, was to be repealed.<sup>72</sup> The Explanatory Notes to the Bill stated that the Bill provided “no new powers to the House of Lords other than in relation to the control of its own membership”.<sup>73</sup>
- Members would be paid a monthly salary and receive allowances.<sup>74</sup> These would be paid by the Independent Parliamentary Standards Authority (IPSA). Provisions would also allow for the creation of a pension fund for Members, run by IPSA.<sup>75</sup>
- The Bill would require the disqualification of individuals from membership of the House of Lords on grounds including insolvency and committing a serious offence.<sup>76</sup>
- A former Member of the House of Lords would be disqualified from being elected to the House of Commons for a period of over 4 years.<sup>77</sup>

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<sup>66</sup> [House of Lords Reform Bill](#), HC Bill 52, session 2012–13, clause 1 (3) and clause 24.

<sup>67</sup> *ibid*, clauses 3 and 4.

<sup>68</sup> *ibid*, schedule 1 and schedule 2.

<sup>69</sup> *ibid*, clause 5.

<sup>70</sup> *ibid*, clauses 11–18.

<sup>71</sup> *ibid*, clause 1 (4).

<sup>72</sup> *ibid*, clause 2 (2).

<sup>73</sup> [House of Lords Reform Bill Explanatory Notes](#), 27 June 2012, p 1.

<sup>74</sup> [House of Lords Reform Bill](#), HC Bill 52, session 2012–13, clause 46.

<sup>75</sup> *ibid*, clause 47.

<sup>76</sup> *ibid*, clauses 26–35.

<sup>77</sup> *ibid*, clause 41. This restriction would not have applied to former Bishops in the House of Lords.

- The Bill would allow for the Standing Orders of the House of Lords to be amended, allowing the House to agree the expulsion of a Member, or the suspension of a Member for a period of the House's choosing.<sup>78</sup> The Bill would also have allowed for the resignation of Members.<sup>79</sup>

## 5.2 Second Reading Debate of the House of Lords Reform Bill 2012–13 in the House of Commons

MPs debated the House of Lords Reform Bill 2012–13 at second reading over the course of two days—9 and 10 July 2012.<sup>80</sup> During second reading of the Bill, the Deputy Prime Minister, Nick Clegg, argued that, despite the commitment and public service of many of its Members, the House of Lords was a “flawed institution”.<sup>81</sup> He argued that reform of the House of Lords was necessary on the grounds that the powers exercised by the House of Lords lacked democratic legitimacy.<sup>82</sup> He also argued that elections would improve the scrutiny function of the House, enabling the House to better challenge the power of the executive, leading to better legislation.<sup>83</sup> This argument was repeated by the Chairman of the House of Commons Political and Constitutional Reform Committee, Graham Allen, who said that elections to the second chamber would increase the powers of Parliament as a whole to scrutinise the executive.<sup>84</sup> Finally, Mr Clegg argued that reform of the House of Lords was necessary on a practical basis, to ensure a limit was placed on its size.<sup>85</sup>

The Shadow Secretary of State for Justice, Sadiq Khan, stated the Labour Party's support for reform of the House of Lords and said that the party would support the Bill at second reading.<sup>86</sup> However, he outlined areas in which the Opposition had reservations. Mr Khan argued that it was not yet clear whether clause two of the Bill would be sufficient to ensure the primacy of the House of Commons, for example, following its alteration after scrutiny by the Joint Committee on the Draft House of Lords Reform Bill.<sup>87</sup> Mr Khan also said that the Opposition were disappointed that the Government had not gone for the option of a fully elected second chamber.<sup>88</sup> He argued that there were legitimate concerns that a hybrid system of elections and appointments could lead to tensions between the different types of Members.<sup>89</sup> He also argued that the length of the term Members would be in office, of up to 15 years, risked them becoming unaccountable to the electorate once they had taken office.<sup>90</sup> Mr Khan described as a key absence from the Bill that there was to be no referendum on House of Lords Reform. He argued that this was an error and ran contrary to the “growing tradition that major constitutional change should be put to the people in a referendum”.<sup>91</sup>

As well as those who spoke in support of the principle of an elected element in the House of Lords, a number of MPs opposed the Bill. Eleanor Laing (Conservative MP for Epping Forest)

<sup>78</sup> *ibid*, clause 44.

<sup>79</sup> *ibid*, clause 45.

<sup>80</sup> HC *Hansard*, 9 July 2012, [cols 24–133](#) and 10 July 2012, [cols 188–280](#).

<sup>81</sup> HC *Hansard*, 9 July 2012, [col 24](#).

<sup>82</sup> *ibid*, [col 25](#).

<sup>83</sup> *ibid*, [col 25](#).

<sup>84</sup> *ibid*, [col 62](#).

<sup>85</sup> *ibid*, [col 27](#).

<sup>86</sup> *ibid*, [col 38](#).

<sup>87</sup> *ibid*, [col 41](#).

<sup>88</sup> *ibid*, [col 43](#).

<sup>89</sup> *ibid*, [col 44](#).

<sup>90</sup> *ibid*, [col 45](#).

<sup>91</sup> *ibid*.

argued that the introduction of elected Members would challenge the primacy of the House of Commons, with the creation of dual representation in Parliament undermining the “unique link of accountability” between the elector and their MP.<sup>92</sup> Citing his experience as a former party whip, Oliver Heald (Conservative MP for North East Hertfordshire) argued that there would be potential for conflict between the two Houses, if both had elected Members.<sup>93</sup> Mr Heald characterised the Parliament Acts as “the nuclear option”, and argued that they would not be sufficiently agile to enable disputes between the two Houses to be settled without a long period of delay.<sup>94</sup> Jesse Norman (Conservative MP for Hereford and South Herefordshire) argued that the Bill failed to adequately resolve what the relationship between the two Houses was to be in the future, a failure that, he argued, would lead to constitutional grid-lock.<sup>95</sup> Mr Norman cited a memorandum, published by the Lord Pannick (Crossbench), which argued that the Parliament Acts only related to the end of the legislative process and not to the day-to-day conventions of the two Houses.<sup>96</sup> The election of Members to the House of Lords was also criticised by some MPs on the Opposition benches. For example, Margret Becket (Labour MP for Derby South) opposed the Bill on the basis that her preferred option would have been the abolition of the second chamber and the creation of a unicameral parliament.<sup>97</sup>

### **The Withdrawal of the Programme Motion and the Division on Second Reading**

Prior to second reading, opposition to the Bill from some backbench Conservative MPs was reported as posing a threat to its passage through the House of Commons. In June 2012, the BBC reported comments by Bernard Jenkin (Conservative MP for Harwich and North Essex) that the Deputy Prime Minister, Nick Clegg, might face a “war of attrition” over the Bill.<sup>98</sup> This might be made possible, Mr Jenkin suggested, through a move to block the programme motion to establish the timetable for consideration of the Bill at committee stage.

During the first day of second reading, the Shadow Secretary of State for Justice, Sadiq Khan, stated that important changes to the Bill needed to be debated, and that “attempts to shorten or stifle debate by the Government would be unhelpful”.<sup>99</sup> Mr Khan accused the Government of not only denying the public a chance to have their say on the Bill in a referendum, but also seeking to curtail its scrutiny by MPs.<sup>100</sup> On this basis, Mr Khan stated that the Opposition would vote to oppose the programme motion.

The Deputy Leader of the House of Commons, David Heath, accused the Opposition of avoiding the question of how long they believed it would be necessary to debate the Bill and suggested that they “simply [wanted] to vote against the programme motion”.<sup>101</sup> The Leader of the House of Commons, Sir George Young, argued that the Government had sought a consensual approach with the Opposition on the agreement of a timetable for discussion of the Bill, but that this had not proved possible.<sup>102</sup> The decision not to vote for the programme motion was defended by Peter Hain (Labour MP for Neath), who argued that any government

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<sup>92</sup> *ibid*, [col 59](#).

<sup>93</sup> *ibid*, [col 69](#).

<sup>94</sup> *ibid*.

<sup>95</sup> *ibid*, [col 80](#).

<sup>96</sup> BBC News, ‘[Top QC Raises Difficulties over Coalition’s Lords Reform Plans](#)’, 9 July 2012.

<sup>97</sup> *ibid*, [col 53](#).

<sup>98</sup> BBC News, ‘[Nick Clegg Faces Battle of Attrition over Lords Reform, Warns Senior Tory](#)’, 18 June 2012.

<sup>99</sup> *ibid*, [col 46](#).

<sup>100</sup> *ibid*, [col 49](#).

<sup>101</sup> *ibid*, [cols 48–9](#).

<sup>102</sup> *ibid*, [col 49](#).

with the size of majority that the current Government had would be able to get the Bill through its legislative stages in the House of Commons if it wished to, with or without a programme motion.<sup>103</sup>

At the beginning of the second day of second reading, the Leader of the House of Commons, Sir George Young, announced that the programme motion would not be moved until a later date.<sup>104</sup> The Shadow Leader of the House of Commons, Angela Eagle, argued that the decision to drop the programme motion was a “victory for Parliament”.<sup>105</sup> The BBC reported that the Government’s decision had been made in response to the possibility that it might lose in a division on the programme motion.<sup>106</sup> The BBC had also reported that some members of the Conservative Party leadership were reluctant to see the legislative agenda dominated by debates over constitutional reform, if the Bill did not receive a programme motion.<sup>107</sup>

The House of Commons did, however, divide on a motion that the Bill be read a second time. A majority of MPs voted in favor of the Bill at second reading, with 462 votes in favor of the motion and 124 against.<sup>108</sup> Despite carrying the vote, 91 Conservative MPs voted against the Government whip. Matthew Goodwin, of the School of Politics and International Relations at the University of Nottingham, stated that this rebellion constituted the largest for the Government since taking office and the largest rebellion by MPs in a governing party on the second reading of any bill in the post-war period.<sup>109</sup>

### 5.3 The Failure of the House of Lords Reform Bill to Proceed beyond Second Reading

On 6 August 2012, the Deputy Prime Minister, Nick Clegg, stated outside the House of Commons that the Government’s plans to reform the House of Lords were to be abandoned.<sup>110</sup> This press statement was followed by a statement in the House of Commons on 3 September 2012, in which the decision not to proceed with the House of Lords Reform Bill 2012–13 was confirmed.<sup>111</sup>

During his August 2012 press statement, Mr Clegg argued that the vote in favour of the House of Lords Reform Bill at second reading was a “historic vote”, showing that a majority of MPs were in favour of elected Members of the House of Lords.<sup>112</sup> Mr Clegg blamed the failure of the Bill on the combined opposition of a group of Conservative backbenchers and the Labour Party. The Deputy Prime Minister stated that he had been told by the Prime Minister, David Cameron, that he had been unable to convince a sufficient number of Conservative MPs to support the Bill. Mr Clegg accused the Labour Party of “short-term political opportunism” in its refusal to support the programme motion to the Bill, arguing that the use of individual closure motions, proposed to him by the Opposition, would have resulted in the Bill taking up an unacceptable amount of parliamentary time.<sup>113</sup> Following Mr Clegg’s August 2012 statement, the

<sup>103</sup> *ibid*, [col 67](#).

<sup>104</sup> HC *Hansard*, 10 July 2012, [col 188](#).

<sup>105</sup> *ibid*, [col 188](#).

<sup>106</sup> BBC News, ‘[Lords Reform: Government Abandons Crucial Vote Amid Likely Defeat](#)’, 10 July 2012.

<sup>107</sup> James Landale, ‘[Lords Reform: Tory MPs Meet to Oppose the Plans](#)’, BBC News, 19 June 2012.

<sup>108</sup> HC *Hansard*, 10 July 2012, [cols 274–9](#).

<sup>109</sup> Ballots and Bullets, ‘[Four Records Down, a Fifth Avoided](#)’, 11 July 2012.

<sup>110</sup> BBC News, ‘[House of Lords Reform: Nick Clegg’s Statement in Full](#)’, 6 August 2012.

<sup>111</sup> HC *Hansard*, 3 September 2012, [cols 35–6](#).

<sup>112</sup> BBC News, ‘[House of Lords Reform: Nick Clegg’s Statement in Full](#)’, 6 August 2012.

<sup>113</sup> *ibid*.



Shadow Secretary of State for Justice, Sadiq Khan, was reported as characterising Mr Clegg's accusations as "outrageous".<sup>114</sup> Mr Khan instead argued that the lack of progress on the Bill had been due to the lack of a serious commitment to reform from the Conservatives.<sup>115</sup>

Further information on the decision not to proceed with the House of Lords Reform Bill is provided in the House of Commons Library Note [House of Lords Reform Bill 2012–13: Decision Not to Proceed](#).<sup>116</sup>

## 6. Other Reforms to the House of Lords during the 2010–15 Parliament

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

During the 2010–15 parliament, there was an increase in both the actual membership, those able to take part in proceedings, and the absolute membership, including Members unable to take part in proceedings for reasons such as being on leave of absence.<sup>117</sup> The average daily attendance increased during the parliament from 388 in the 2009–10 session to 497 in the 2013–14 session.<sup>118</sup> Further information on the debate both inside and outside Parliament on the size of the House of Lords is provided in the House of Lords Library Note [Size of the House of Lords](#).<sup>119</sup> The House of Lords Library has also published a Note entitled [Peerage Creations since 1997](#), which lists the appointments made since 1997 under different Prime Ministers.<sup>120</sup>

The increased size of the House of Lords led to increased complexity with respect to the Government's interim plans for changing the Membership of the House of Lords. As mentioned in Section 2.2 of this Note, the Coalition Agreement included a commitment to use the appointment of new Members to the House of Lords as a means of changing the composition of the House of Lords so that it might reflect the share of the vote secured by the political parties at the 2010 general election.<sup>121</sup> This was described as an interim measure, to be used prior to the passing of a bill on reform of the House of Lords. Using the appointment of new Members in such a way would not require any change in legislation because there is no legislation limiting the number of new Members that can be appointed by the Queen on the advice of the Prime Minister. Neither is there a limit on the number of Members of the House of Lords or on the size of the party groups within the House. Such a change to the composition would, however, have affected the overall number of Members. This was because there was limited means by which the number of Members of the House of Lords might be reduced.

In 2010, with the exception of the Bishops, no system existed for the retirement of Members of the House of Lords. The main means by which the number of Members of the House of Lords might be reduced would be following the death of Members appointed as Life Peers. In the 2010 general election, the Conservative Party secured 36.1 percent of the vote, the Labour

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<sup>114</sup> Patrick Wintour, '[Coalition Deadlock as Nick Clegg and David Cameron Veto Each Other](#)', *Guardian*, 6 August 2012.

<sup>115</sup> Sadiq Khan, '[Now Nick Clegg Knows Real Roadblock to Reforming Lords is Tory Party—Khan](#)', Tumblr, accessed 18 March 2015.

<sup>116</sup> House of Commons Library, [House of Lords Reform Bill 2012–13: Decision Not to Proceed](#), 25 September 2012, SN06405.

<sup>117</sup> Further explanation of these two categories is provided in the House of Lords Library Note, [Size of the House of Lords](#), 19 December 2014, LLN 2014/045, p 1.

<sup>118</sup> House of Lords Library, [Size of the House of Lords](#), 19 December 2014, LLN 2014/045, p 18.

<sup>119</sup> *ibid.*

<sup>120</sup> House of Lords Library, [Peerage Creations since 1997](#), 18 December 2013, LLN 2013/040.

<sup>121</sup> HM Government, [The Coalition: Our Programme For Government](#), May 2010, p 27.

Party 29 percent and the Liberal Democrats 23 percent.<sup>122</sup> This was not reflected by the Members of the House of Lords in May 2010. At the end of the 2009–10 session, Conservative Members made up 26.2 percent of the membership of the House of Lords, Labour Members 29.9 percent and Liberal Democrat Members 10.2 percent.<sup>123</sup> Without a means of reducing the size of the House of Lords, using new appointments to change the membership so that it reflected the share of the vote would have entailed a large increase in the size of the House. The objective set out in the Coalition Agreement was criticised by both the Electoral Reform Society and the Constitution Unit at University College London on the grounds that any change to the composition of the House through the appointment system alone would inevitably lead to the creation of a House with an unsustainably large membership.<sup>124</sup>

In the 2010–12 session, 123 new peerage creations were announced.<sup>125</sup> Of the new Members, 47 were Conservative at the time of the creation of their title, 24 were Liberal Democrats, and 39 were members of the Labour Party. However, at the end of the 2010–12 session, the size of the party groups still did not represent the share of the vote secured in the 2010 general election, with Conservatives making up 27.3 percent of the membership of the Lords, Labour 30 percent and the Liberal Democrats 11.5 percent. The Leader’s Group on Members Leaving the House published a report in 2011 in which it recommended the introduction of provisions for the retirement of Members. A voluntary retirement system was introduced following agreement by the House in June 2011, which was utilised by three Members.<sup>126</sup> However, this new retirement system was not placed on a statutory basis.

### 6.3 House of Lords Reform Act 2014

Since the House of Lords Act 1999, a number of private member’s bills have been introduced, setting out proposals for reform. During the same session as the House of Lords Reform Bill 2012–13 was put forward, Lord Steel of Aikwood (Liberal Democrat), sponsored the [House of Lords \(Cessation of Membership\) Bill 2012–13](#). This was his fifth attempt to pass a bill on reform of the House of Lords.<sup>127</sup> Following the decision not to proceed with the House of Lords Reform Bill in the 2012–13 session, the Deputy Prime Minister, Nick Clegg, had stated his opposition to legislation intended to reform the House of Lords on an incremental basis. In response to a request from Sir Malcolm Rifkind (Conservative MP for Kensington) for the Government to consider supporting the proposals put forward by Lord Steel, Mr Clegg characterised such reforms as “no surrogate for democracy”.<sup>128</sup> The House of Lords (Cessation of Membership) Bill 2012–13 completed its stages in the House of Lords, however a date for second reading was not scheduled for the Bill in the House of Commons and it did not progress further.

<sup>122</sup> Colin Rallings and Michael Thrasher, *British Electoral Facts 1832–2012*, 2012, p 60.

<sup>123</sup> House of Lords Library, [House of Lords: Party and Group Strengths and Voting](#), 27 June 2012, LLN 2012/026, pp 4–5.

<sup>124</sup> Electoral Reform Society, [The Super-sized Second Chamber: The Future of the Unreformed House of Lords](#), June 2013; and Constitution Unit, [House Full: Time to Get a Grip on Lords Appointments](#), April 2011.

<sup>125</sup> This is the number of announced peerage creations between 18 May 2010 and 29 May 2012, taken from the House of Lords Library Note [Peerage Creations since 1997](#) (18 December 2013, LLN 2013/040). It includes the creation of one hereditary peerage for the HRH Prince William as the Duke of Cambridge, announced on 23 April 2011.

<sup>126</sup> UK Parliament, [Retired Lords of the House of Lords](#), accessed 17 March 2015.

<sup>127</sup> A summary of the various private member’s bills sponsored by Lord Steel prior to May 2012 is provided in the House of Lords Library Note [Lord Steel of Aikwood’s Private Member’s Bills on House of Lords Reform](#) (11 May 2012, LLN 2012/017).

<sup>128</sup> HC *Hansard*, 3 September 2012, [cols 37–8](#).

Two further private member's bills on reform of the House of Lords were sponsored during the 2012–13 session. The [House of Lords Reform Bill 2012–13](#), sponsored by Baroness Hayman (Crossbench), would have granted Members the opportunity to permanently retire from the House of Lords. The [House of Lords \(Maximum Membership\) Bill 2012–13](#), sponsored in the House of Commons by Christopher Chope (Conservative MP for Christchurch), would have limited the size of the House of Lords and introduced a retirement system for Members. Both Bills failed to complete all their legislative stages and did not become law.

In the following session, Dan Byles (Conservative MP for North Warwickshire), introduced a private member's bill entitled the [House of Lords Reform \(No 2\) Bill 2013–14](#). This Bill sought to reform the rules concerning membership of the House of Lords and included some of the proposals laid out in the previous bills introduced by Lord Steel and Baroness Hayman. Mr Byles's Bill was sponsored in the House of Lords by Lord Steel, who described it as the sixth in a line of "various incarnations" of his Bill introduced since July 2007. The Bill included the following provisions:

- Clause one of the Bill provided for Members of the Lords to retire or resign on a statutory basis.
- Clause two made provision that Members who did not attend the House for a whole session of more than six months, and were not on leave of absence, would cease to be Members.
- Clause three made provision for Members of the House of Lords who had been convicted of a serious offence, and sentenced or ordered to be imprisoned indefinitely or for more than one year, to be disqualified from the House of Lords.

The Bill received a first reading in the House of Commons on 19 June 2013, and was debated at second reading in the Commons on 18 October 2013. During second reading, the Minister of State at the Cabinet Office, Greg Clark, confirmed that the Government was prepared to support the Bill.<sup>129</sup> During the progress of the House of Lords Reform (No 2) Bill 2013–14 in the House of Commons, the House of Commons Political and Constitutional Reform Select Committee published a report entitled [House of Lords Reform: What Next?](#)<sup>130</sup> For this report, the Committee considered a range of "small scale reforms" to reduce the size of the House of Lords.<sup>131</sup> The Committee recommended that there was a clear consensus that legislation should be passed to enable it to be possible to expel Peers who had been convicted of a serious offence. In its response, published on 17 February 2014, the Government welcomed the Committee's report and said that it would support those recommendations of the report that were in-line with the provisions contained within the House of Lords Reform (No 2) Bill.<sup>132</sup> However, the Government also stated that it was "committed to a mainly elected upper chamber and it [was] in that context that wider and substantive reform would be pursued".

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<sup>129</sup> HC *Hansard*, 18 October 2013, [col 1011](#).

<sup>130</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>131</sup> *ibid*, p 3.

<sup>132</sup> House of Commons Political and Constitutional Reform Select Committee, [House of Lords Reform: What Next?—Government Response to the Committee's Ninth Report of 2013–14](#), 17 February 2014, HC 1079 of session 2013–14, p 1.

The House of Lords Reform (No 2) Bill 2013–14 received royal assent on 14 May 2014. To date, five Members of the House of Lords have retired from the House on a statutory basis.<sup>133</sup> Further information on the progress of the Bill through the House of Lords and the House of Commons is provided in the House of Commons Library Note, [House of Lords Reform \(No 2\) Bill 2013–14](#).<sup>134</sup>

## 6.4 The House of Lords (Expulsion and Suspension) Bill 2014–15

Although the House of Lords Reform Act 2014 allowed for the removal of Members of the House of Lords on the grounds of low attendance or conviction of a serious offence, the House did not have the option of removing Members on other grounds. Neither did the House have the power to suspend Members for a period longer than one parliament. Depending on when during a parliament the decision to suspend the Member was made, a Member would only be suspended for a period of between five years and, potentially, less than a month.

The [House of Lords \(Expulsion and Suspension\) Bill 2014–15](#) was introduced in the House of Lords by Baroness Hayman, as a private member's bill. The Bill made provision to enable the House of Lords to resolve to expel Members, or to resolve to suspend a Member for a period specified in the resolution. During second reading of the Bill, Baroness Hayman described it as one further stage in the gradual reform of the House of Lords which had continued over the course of the 2010–15 parliament.<sup>135</sup>

The Bill completed its stages in the House of Lords with a number of amendments, including that the provisions would only apply to conduct which had taken place after the Act had come into force.<sup>136</sup> The Bill received the support of the Government in the House of Commons and was sponsored by the Government Chief Whip, Sir George Young.<sup>137</sup> A number of amendments were tabled at report stage and third reading in the Commons, however, following criticism from Christopher Chope (Conservative MP for Christchurch) that the powers granted to the House of Lords in the Bill were too open-ended.<sup>138</sup> However, these amendments were defeated and, at the time of writing, the Bill is expected to receive royal assent shortly. Further information on the progress of the Bill through the House of Lords and the House of Commons is provided in the House of Commons Library Note, [House of Lords \(Expulsion and Suspension\) Bill \[HL\] 2014–15](#).<sup>139</sup>

## 7. Measures for Reform Proposed ahead of the 2015 General Election

At the time of writing, the following announcements have been made by the parties in respect of their policy on reform of the House of Lords for the next parliament.

Following the vote in favour of Scotland remaining part of the United Kingdom in the 2014 referendum on Scottish Independence, the Leader of the Opposition, Ed Miliband, spoke in support of a constitutional convention to examine how power ought to be devolved from

<sup>133</sup> UK Parliament, '[Retired Lords of the House of Lords](#)', accessed 17 March 2015.

<sup>134</sup> House of Commons Library, [House of Lords Reform \(No 2\) Bill 2013–14](#), 10 July 2014, SN06832.

<sup>135</sup> HL *Hansard*, 24 October 2014, [cols 924–5](#) and [939–40](#).

<sup>136</sup> HL *Hansard*, 21 November 2014, [cols 644–50](#).

<sup>137</sup> HC *Hansard*, 23 January 2015, [col 533](#).

<sup>138</sup> House of Commons Public Bill Committee, *House of Lords (Expulsion and Suspension) Bill*, 4 February 2015, [col 6](#).

<sup>139</sup> House of Commons Library, [House of Lords \(Expulsion and Suspension\) Bill \[HL\] 2014–15](#), 12 March 2015, SN07093.

Westminster to the rest of the UK.<sup>140</sup> Mr Miliband argued that reform of the House of Lords should be considered in the context of this constitutional convention. During his speech to the 2014 Labour party Conference, Mr Miliband advocated the creation of an elected second chamber including representatives of the cities, regions and nations of the UK.<sup>141</sup> Mr Miliband described the body that would replace the House of Lords as being a “Senate of the nations and regions”.<sup>142</sup>

The two parties forming the current governing coalition have not stated what their separate policies on House of Lords reform might be in the 2015 general election campaign. In response to an oral question in the House of Commons on constitutional reform, the Parliamentary Secretary at the Cabinet Office, Sam Gyimah, stated that, despite the fact that the Government’s programme to reform the House of Lords had been unsuccessful, the Government remained committed to reform of the House of Lords in future.<sup>143</sup> In November 2014, the Deputy Prime Minister, Nick Clegg, stated:

The Government remains fully committed to the principle of House of Lords Reform. In a modern democracy, there should be elected Members in both Houses, which was the intention of the Government’s House of Lords Reform Bill in 2012.

The Government continues to favour a reformed upper House containing mostly elected members even though it has not been possible to pass legislation to achieve this in this Parliament.<sup>144</sup>

Of the other parties in the 2010 general election, the Scottish Nationalist Party are opposed to the House of Lords in its current form and have refused the appointment of SNP Members.<sup>145</sup> The UK Independence Party, which in March 2015 had three Members of the House of Lords, has argued that the House of Lords does not currently represent adequately its share of the vote in recent local government and European Parliamentary elections.<sup>146</sup> The Green Party has advocated the replacement of the House of Lords with a fully-elected upper House.<sup>147</sup> Plaid Cymru has also stated their support for democratically elected members of a reformed second chamber.<sup>148</sup> MPs from the Democratic Unionist Party voted against second reading of the House of Lords Reform Bill in the 2012–13 session.<sup>149</sup> The three MPs from the Social Democratic and Labour Party voted in favor of the Bill’s second reading. Sinn Féin do not send representatives to sit in the UK Parliament.

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<sup>140</sup> Labour Party, ‘[A Constitutional Convention for the UK: A Dynamic New Political Settlement for England and for Britain](#)’, 19 September 2014.

<sup>141</sup> Patrick Wintour, ‘[Miliband Calls for Second Chamber to Represent all UK’s Cities and Regions](#)’, *Guardian*, 31 October 2014.

<sup>142</sup> Labour Party, ‘[Ed Miliband: 2014 Labour Conference Speech](#)’, 23 September 2014.

<sup>143</sup> HC *Hansard*, 18 November 2014, [col 122](#).

<sup>144</sup> House of Commons, written question: House of Lords, 11 November 2014, [906055](#).

<sup>145</sup> SNP, ‘[SNP Debate to End Absurd House of Lords](#)’, 11 January 2015.

<sup>146</sup> *Telegraph*, ‘[UKIP Demands More Seats in House of Lords](#)’, 7 June 2014.

<sup>147</sup> Green Party, ‘[Democracy for Everyone: The UK after the Scottish Referendum](#)’, September 2014.

<sup>148</sup> BBC News, ‘[Peerage for Former Plaid Cymru Leader Dafydd Wigley](#)’, 19 November 2010.

<sup>149</sup> Stephen Walker, ‘[Lords Reform Plans Divide Northern Ireland MPs, as NIO Aide Conor Burns Quits](#)’, BBC News, 11 July 2012.