



# Library Note

## History of the House of Lords: A Short Introduction

This House of Lords Library briefing provides a short introduction to the history of the House of Lords. In so doing, the briefing charts the principal developments affecting the House over the course of its history and highlights the main changes and legislation passed. Since the 19th century a number of Acts of Parliament have had a noteworthy effect on the role, powers and membership of the House of Lords. These include:

- Appellate Jurisdiction Act 1876
- Parliament Act 1911 and 1949
- Life Peerages Act 1958
- Peerage Act 1963
- House of Lords Act 1999
- House of Lords Reform Act 2014
- House of Lords (Expulsion and Suspension) Act 2015

This briefing identifies other proposals made that have sought to reform the House, either in regard to its role, powers and/or membership. Significant reform proposals over the last 100 years, including those sponsored by the Government of the day, have included:

- Bryce Commission 1918
- Parliament (No 2) Bill 1968–69
- Wakeham Commission 2000
- House of Lords Reform Bill 2012–13
- Strathclyde Review (2015)

This updated briefing also summarises the proposals for reform debated during the 2015–17 parliament.

Maxine James | Edward Scott | Sarah Tudor  
27 April 2017  
LLN 2017/020

**Table of Contents**

- 1. Origins of Parliament, Bicameralism and an Emerging Role ..... 1
- 2. Abolition, Unicameralism and Restoration ..... 2
- 3. Developments in 18th Century ..... 3
- 4. Developments in 19th Century ..... 4
- 5. Reforms in 20th Century ..... 6
- 6. Proposals for Further Reform in 21st Century ..... 11
- 7. Other Changes to Rules on Membership ..... 17
- 8. Future Reform? Proposals Debated During the 2015–17 Parliament ..... 19

## I. Origins of Parliament, Bicameralism and an Emerging Role

The English Parliament emerged and developed over centuries, gradually evolving into a bicameral Parliament of the United Kingdom. The origins of the English Parliament can be traced back to the Saxon Witenagemot, an assembly of ‘wise men’ composed of Bishops and Earls who advised the King.<sup>1</sup> As such advisory councils evolved under the Norman Kings, their nature remained ad hoc. The assemblies were composed of influential figures, drawn together to advise the King. Alongside clerical figures—which included Archbishops, Bishops and Abbots—were magnates, who held their land directly from the King in return for the feudal services they owed to him.<sup>2</sup> The King summoned whom he pleased to advise him, and it was not guaranteed that an individual summoned on one occasion would necessarily be summoned to the next.<sup>3</sup>

Historian JR Maddicott states that by the early 12th century there was evidence of the occasional participation of small landholders “below the level of the higher nobility”, in the proceedings of central assemblies.<sup>4</sup> During the 13th century, elected knights of the shires, burgesses from the towns, and, infrequently, the representatives of the lower clergy were also summoned by the King—through the local sheriffs—when taxation was under consideration.<sup>5</sup>

In the 1230s, the term ‘Parliament’ first appeared.<sup>6</sup> The first mention of the word in an official document was in 1236, when a case concerning the advowson of a church in Wiltshire was adjourned in the Court of Common Pleas,<sup>7</sup> and sent to be settled by the Parliament meeting at Westminster in the New Year.<sup>8</sup> Historian Edmund King suggests that Parliament in this instance acted as the court of final appeal.<sup>9</sup>

### Emerging Role

During the 14th century, the representatives of the shires and boroughs—who by this time were beginning to be referred to as the ‘Commons’—developed a practice of meeting separately from the magnates in order to discuss certain issues.<sup>10</sup> However, the full Parliament, meeting together, returned in order to advise the King. Meanwhile, the right of individuals to receive a personal writ of summons was gradually becoming established.<sup>11</sup> From its inception, the writ was viewed as a command from the King to attend, but as a place at the meetings of Parliament became more and more desirable, the reception of a writ of summons came to be highly valued.<sup>12</sup> Furthermore, it became customary for the King to repeat the summons to an individual who had previously received a writ, and to summon his heir after him.<sup>13</sup> It is generally

---

<sup>1</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 4.

<sup>2</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 5.

<sup>3</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 4.

<sup>4</sup> JR Maddicott, *The Origins of the English Parliament 924–1327*, 2013, p 86.

<sup>5</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 5.

<sup>6</sup> Edmund King, *Medieval England*, 2001, p 106.

<sup>7</sup> Advowson, in ecclesiastical law, is the right to recommend a member of the Anglican clergy for a vacant benefice, or to make such an appointment.

<sup>8</sup> Edmund King, *Medieval England*, 2001, p 106.

<sup>9</sup> *ibid.*

<sup>10</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 7; and Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 5.

<sup>11</sup> *ibid.*

<sup>12</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 7.

<sup>13</sup> *ibid.*; and AL Brown, ‘Parliament c. 1377–1422’, in RG Davies and JH Denton (eds), *The English Parliament in the Middle Ages*, 1981, pp 113–15.

accepted that the permanent and hereditary nature of the right to receive the writ of summons, and therefore membership of the House of Lords, was settled in 1625.<sup>14</sup> In that year, a committee of the House, responding to a petition from the Earl of Bristol who had been refused a writ of summons by Charles I, concluded that “no precedent could be found for withholding a writ from a Peer capable of sitting in Parliament”.<sup>15</sup>

The term ‘Peer’ became current in the 14th century as the name given to a Member of the emerging Upper House of Parliament.<sup>16</sup> Its origins lay in the idea that an accused nobleman ought to be tried by his equals, or ‘peers’.<sup>17</sup> PA Bromhead, in his study of the House of Lords, stated that the term was a convenient designation for the Members of the Upper House of Parliament: the term ‘House of Lords’ was not employed until the time of Henry VIII (1509–47).<sup>18</sup> Bromhead also suggests that the lower House was acquiring a clear identity and procedure of its own, and was developing a concern with the nation’s finances.<sup>19</sup> The separate deliberations of the two Houses were formally recognised in legislative terms in the Tudor period. Shortly after Henry VII (1485–1509) became Monarch in 1485, judges ruled that for a bill to become law the consent of both Houses was needed.<sup>20</sup> During the 16th century, the King’s chief minister, the Lord Chancellor, presided over the House of Lords and acted as an intermediary between the House and the King.<sup>21</sup> The Chancellor’s pre-eminence in the Lords, and their traditional seat on the ‘Woolsack’, was enshrined in statute in the House of Lords Precedence Act 1539.<sup>22</sup>

During the Tudor period (1485–1603) changes were also made to the composition of the House of Lords. Following Henry VIII’s break from Roman Catholicism and the dissolution of the monasteries between 1536 and 1540, the Abbots were removed from the House, leaving Bishops and Archbishops as the only Lords Spiritual.<sup>23</sup> As a result, the Lords Spiritual were reduced in number to 26, and the Lords Temporal were established as the majority for the first time. The number of Temporal Lords rose gradually from 28 in 1485, to around 60 by the end of the 16th century.<sup>24</sup>

## 2. Abolition, Unicameralism and Restoration

At the beginning of the 17th century, James I (1603–25) and his successor Charles I (1625–49) created a significant number of new peerages.<sup>25</sup> As a consequence, the membership of the House of Lords more than doubled in size, from 59 Peers in 1603 to 142 in 1649.<sup>26</sup> However, following the English Civil War (1642–51), and the execution of Charles I in 1649, the House of Commons resolved that “the House of Peers in Parliament is useless and dangerous, and ought

<sup>14</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 7; and AL Brown, ‘Parliament c. 1377–1422’, in RG Davies and JH Denton (eds), *The English Parliament in the Middle Ages*, 1981, pp 113–15.

<sup>15</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 7. Further information can be found in the House of Lords Library briefing, [Hereditary Peers in the House of Lords Since 1999](#), 26 March 2014.

<sup>16</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 5.

<sup>17</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 9.

<sup>18</sup> *ibid.*

<sup>19</sup> *ibid.*

<sup>20</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 5.

<sup>21</sup> N Underhill, *The Lord Chancellor*, 1978, p 102.

<sup>22</sup> D Woodhouse, *The Office of the Lord Chancellor*, 2001, p 5.

<sup>23</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, pp 7–8.

<sup>24</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 9.

<sup>25</sup> *ibid.*; and J V Beckett and Clyve Jones, ‘Introduction: The Peerage and the House of Lords in the Seventeenth and Eighteenth Centuries’ in Clyve Jones (ed), *A Pillar of the Constitution*, 1989, p 4.

<sup>26</sup> Andrew Swatland, *The House of Lords in the Reign of Charles II*, 1996, p 29.

to be abolished”.<sup>27</sup> Between 1649 and 1657, England was governed by a single-chamber legislature.<sup>28</sup>

In 1657, the second codified constitution of the Republic, *the Humble Petition and Advice*, was adopted. The document proposed that the Lord Protector, Oliver Cromwell, should recreate a bicameral Parliament.<sup>29</sup> The new Upper Chamber, known as the ‘other house’, was made up of Members chosen by the Lord Protector.<sup>30</sup> Cromwell issued 63 writs of summons, some to Peers who had sat in the previous iteration of the House of Lords, as well as many to his own relatives.<sup>31</sup> While a number of meetings of the ‘other house’ took place, there remained opposition in the House of Commons to the new arrangement.

## Restoration

After the restoration of the monarchy, and Charles II’s accession to the throne in April 1660, the sittings of the Upper House resumed alongside the House of Commons.<sup>32</sup> According to Andrew Swatland, Charles II’s peerage creations following his restoration “decisively influenced the composition of the House”, and were often determined by political considerations.<sup>33</sup> For instance, a number were granted to Royalists in recognition of past services to the monarchy, and to former Parliamentarians who helped secure his restoration. He also created several peerages for former opponents, as an inducement to remain loyal to the regime.<sup>34</sup> The Bishops, who had been removed from the membership as a result of the Bishops Exclusion Act 1642, were restored to the House under the Clergy Act 1661.

It was during the 17th century, following the restoration of the Monarchy in 1660, that the House of Commons more firmly asserted and established its financial privilege.<sup>35</sup> In 1671 and 1678, the House of Commons passed resolutions which asserted that the Lords could not amend financial bills.<sup>36</sup>

## 3. Developments in 18th Century

At the beginning of the 18th century, concerns were once again raised about the membership of the House of Lords and the Crown’s prerogative to create new peerages and influence the political balance in the House.<sup>37</sup>

In 1710, a general election was won by the Tory Party, while in the House of the Lords, the Whig Party held a majority.<sup>38</sup> Following a dispute in 1711–12, between the House of Commons and the House of Lords over the acceptance of the terms of the Treaty of Utrecht,<sup>39</sup>

---

<sup>27</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 10.

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

<sup>29</sup> Andrew Swatland, *The House of Lords in the Reign of Charles II*, 1996, p 12; and EA Smith, *The House of Lords in British Politics and Society 1815–1911*, 1992, p 1.

<sup>30</sup> Andrew Swatland, *The House of Lords in the Reign of Charles II*, 1996, pp 12–13.

<sup>31</sup> *ibid.*, p 13.

<sup>32</sup> *ibid.*, p 15.

<sup>33</sup> *ibid.*, p 31.

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

<sup>35</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 5.

<sup>36</sup> *ibid.*

<sup>37</sup> *ibid.*, p 6.

<sup>38</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 19.

<sup>39</sup> Under the 1713 Treaty of Utrecht, France recognised Anne’s title over that of James II’s Roman Catholic son, James Stuart, and confirmed Britain’s possession of Gibraltar.

Queen Anne (1702–14) was persuaded by her ministers to create twelve new Tory Peers, giving the Government a majority in both Houses.<sup>40</sup> There was further controversy when George I (1714–27) created 15 new Peers within four years.<sup>41</sup>

These developments led to the introduction of the Peerage Bill in 1719, which attempted to limit by statute the ability of the Crown to create peerages.<sup>42</sup> The Bill was introduced by the Duke of Somerset, and sought to restrict the Monarch's prerogative to create Peers by capping the size of the peerage to 235.<sup>43</sup> New creations would only be permitted in order to fill vacancies when existing lines died out. The Bill was supported by Ministers, the House of Lords and the King. Nevertheless, it was dropped after repeated rejection in the House of Commons.<sup>44</sup>

### Scottish and Irish Representative Peers

Changes were made to the membership of the House of Lords during this period, however, following the addition of Scottish and Irish representative Peers. The Scottish Act of Union of 1707 and the Irish Act of Union of 1800 provided that elected representatives of the peerages of Scotland and Ireland would sit in the House of Lords. While the Scottish Peers elected 16 representatives for each new parliament, the Irish chose 28 Peers in 1800 to sit for life; thereafter, an election occurred only when an elected Member died.<sup>45</sup> In addition to the election of representative Peers from both nations, individuals from Scotland and Ireland also received peerages of Great Britain, or of the United Kingdom.<sup>46</sup>

The elections of Irish representative Peers continued until 1922. These elections ceased following the establishment of the Irish Free State and the abolition of the Lord Chancellor of Ireland.<sup>47</sup> However, those Members who had already been elected were not required to relinquish their seats. As a consequence, some Irish Peers continued to be Members of the House of Lords after 1922, and remained so until their death.<sup>48</sup> Elections for Scottish representative Peers did not cease until 1963, under the provisions of the Peerage Act 1963 which provided holders of Scottish peerages the same right to receive a writ of summons as holders of UK peerages.

## 4. Developments in 19th Century

In the 19th century, further attempts were made to reform the composition of the House of Lords. Several bills were introduced in Parliament which sought to completely exclude Bishops from the House.<sup>49</sup> Each of these bills were defeated by substantial majorities in the House of Commons. Nevertheless, in response to the increase in the number of urban bishoprics, the Ecclesiastical Commissioners Act 1847 was passed.<sup>50</sup> The Act capped the number of English and

<sup>40</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 6.

<sup>41</sup> Ruth Paley and Paul Seaward, *Honour, Interest and Power: An Illustrated History of the House of Lords 1660–1715*, 2010, p 342.

<sup>42</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 6.

<sup>43</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 19.

<sup>44</sup> *ibid*, p 20; and Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 6.

<sup>45</sup> MW McCahill, 'The Representative Peers of Scotland and Ireland', *Parliamentary History*, October 2009, pp 44–69.

<sup>46</sup> EA Smith, *The House of Lords: In British Politics and Society 1815–1911*, 1992, pp 75–8.

<sup>47</sup> *ibid*, p 77.

<sup>48</sup> PA Bromhead, *The House of Lords and Contemporary Politics 1911–1957*, 1958, p 19.

<sup>49</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 8.

<sup>50</sup> *ibid*.

Welsh Bishops at 26. Subsequently, the four Irish Bishops who sat in the House departed following church disestablishment in 1869, and the Welsh Bishops did likewise in 1920.<sup>51</sup> The seats of the Welsh Bishops were taken by Bishops of the Church of England, their number still capped at 26.<sup>52</sup>

## Law Lords

The issue of the Chamber's composition in relation to its judicial role was also addressed during the 19th century.<sup>53</sup> Concerns had been expressed over the small number of legally qualified Members of the House of Lords, and the quality of decisions made in the legal appeals which the House heard as a court of law.<sup>54</sup> An attempt to broaden the membership of the House of Lords and to allow for life peerages was made in January 1856, when Queen Victoria (1837–1901) conferred a life peerage on the senior judge, James Parke, creating him Baron Wensleydale.<sup>55</sup> The intention was that he would serve as a Law Lord.<sup>56</sup> However, this decision was resisted by many Peers, and the issue was subsequently referred to the House of Lords Committee for Privileges.<sup>57</sup> The Committee resolved that, while the Crown had the right to create peerages for life only, the right to sit and vote was to be determined by the House itself.<sup>58</sup> The immediate issue was resolved by conferring a hereditary peerage on Parke.<sup>59</sup> It was not until the Appellate Jurisdiction Act 1876 that life Peers became entitled to sit in the House of Lords.<sup>60</sup> The Act allowed a maximum of four judges to be granted life peerages and to sit in the House as Lords of Appeal in Ordinary.<sup>61</sup>

## Life Peerages

Further attempts to strengthen the House's legislative capacity by admitting life Peers were made in the following years.<sup>62</sup> For instance, in 1869 Earl Russell sponsored a private member's bill that would have permitted the creation of no more than four life Peers a year, with up to 28 at any given time.<sup>63</sup> The Bill was eventually defeated at third reading by 106 votes to 76.<sup>64</sup> In 1884, the Earl of Rosebery proposed that a select committee should be established to consider the introduction of life peerages in order to broaden the House's membership.<sup>65</sup> The proposal was defeated, with opposition from both front benches. In 1888, the Earl of Rosebery raised the issue again when he introduced a Bill which sought to introduce life peerages and to limit the number of hereditary Peers. He proposed that the automatic right of any male possessor of a hereditary peerage to a seat in the House should be abolished, and instead a limited number should be elected by the whole body to serve for a limited period.<sup>66</sup> The Bill was withdrawn

---

<sup>51</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 8; and Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 23.

<sup>52</sup> *ibid.*

<sup>53</sup> *ibid.*

<sup>54</sup> Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 9.

<sup>55</sup> *ibid.*

<sup>56</sup> *ibid.*; and Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 23.

<sup>57</sup> *ibid.*, p 10.

<sup>58</sup> EA Smith, *The House of Lords: In British Politics and Society 1815–1911*, 1992, p 32.

<sup>59</sup> *ibid.*

<sup>60</sup> House of Lords Library, [Hereditary Peers in the House of Lords Since 1999](#), 26 March 2014, p 2.

<sup>61</sup> House of Lords Library, [The Life Peerages Act 1958](#), 21 April 2008, pp 5–6.

<sup>62</sup> EA Smith, *The House of Lords: In British Politics and Society 1815–1911*, 1992, p 170; and House of Lords Library, [Hereditary Peers in the House of Lords Since 1999](#), 26 March 2014, p 2.

<sup>63</sup> [HL Hansard, 9 April 1869, cols 452–73.](#)

<sup>64</sup> [HL Hansard, 8 July 1869, cols 1387–403.](#)

<sup>65</sup> EA Smith, *The House of Lords: In British Politics and Society 1815–1911*, 1992, p 170.

<sup>66</sup> *ibid.*; and House of Lords Library, [The Life Peerages Act 1958](#), 21 April 2008, p 6.

and the then Prime Minister, the Marquess of Salisbury, promised a government bill to take forward the proposals.<sup>67</sup> A government bill was subsequently introduced, which made provision for the creation of 50 life peerages.<sup>68</sup> However, this Bill was subsequently withdrawn, because, as Lord Salisbury informed Peers at second reading, “a leading Member in another place has intimated his intention of offering his utmost opposition to any measure for the Reform of this House which is not introduced into the House of Commons at the beginning of the Session”.<sup>69</sup>

## Other Developments

A number of procedural changes were also made during this time.<sup>70</sup> Members were fined for non-attendance at the House of Lords, but proxy votes could also be cast on behalf of absent Members.<sup>71</sup> However, this practice became increasingly controversial during the middle years of the 19th century, and was abolished in 1868.<sup>72</sup> Furthermore, it was during this period that the office of the Leader of the House of Lords was developed.<sup>73</sup> Traditionally, the Prime Minister had more commonly been drawn from the House of Lords,<sup>74</sup> at which time he would have been the recognised ‘leader’ of the Government in the House.<sup>75</sup> However, in 1846, when Lord John Russell became Prime Minister in the House of Commons, EA Smith states that the House of Lords looked for leadership from the Marquess of Lansdowne, who held the post of Lord President of the Council.<sup>76</sup> D Large suggests that between 1846 and 1850, Lansdowne was “really the first recognisable modern leader for the Government in the Lords”.<sup>77</sup> The last Prime Minister to serve wholly from the House of Lords was the Marquess of Salisbury (1895–1902).<sup>78</sup> At the start of his premiership, Salisbury led a cabinet of 20, nine of which were Peers.<sup>79</sup>

## 5. Reforms in 20th Century

### Powers

In 1906, the Liberal Party was elected into government. The Conservative Party was numerically more dominant in the House of Lords, and the new Government faced various difficulties in passing its legislative programme.<sup>80</sup> During the period between 1906 and 1910, the Government was defeated in 113 divisions out of 134 in the House of Lords.<sup>81</sup>

In 1909, the Government’s Finance Bill was defeated in the House of Lords at second reading by 350 votes to 75, despite the long-established convention of the House of Commons’

<sup>67</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 24.

<sup>68</sup> [HL Hansard, 18 June 1888, cols 387–414.](#)

<sup>69</sup> [HL Hansard, 10 July 1888, col 878.](#)

<sup>70</sup> EA Smith, *The House of Lords: In British Politics and Society 1815–1911*, 1992, p 44.

<sup>71</sup> *ibid.*

<sup>72</sup> *ibid.*

<sup>73</sup> *ibid.*, p 105.

<sup>74</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 25.

<sup>75</sup> EA Smith, *The House of Lords: In British Politics and Society 1815–1911*, 1992, p 105.

<sup>76</sup> *ibid.*

<sup>77</sup> D Large, ‘The Decline of the ‘Party of the Crown’ and the Rise of Parties in the House of Lords, 1783–1837’, *The English Historical Review*, October 1963, p 694.

<sup>78</sup> With the brief exception of the 14th Earl of Home who renounced his peerage within a few days of being appointed. GOV.UK, ‘[History: Past Prime Ministers—Robert Gascoyne-Cecil 3rd Marquess of Salisbury](#)’, accessed 9 February 2016.

<sup>79</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 25.

<sup>80</sup> *ibid.*, p 26.

<sup>81</sup> I Jennings, *Parliament*, 1957, p 394.

financial primacy.<sup>82</sup> Parliament was subsequently dissolved, after the House of Commons passed a resolution stating that the Lords' actions had been in breach of the constitution.<sup>83</sup> An election was held in January 1910, which the Liberal Party narrowly won.<sup>84</sup> After the election, the budget was passed by the Lords.<sup>85</sup>

The Liberal Party's January 1910 election manifesto stated that:

The possession of an unlimited veto by a partisan Second Chamber is an insuperable obstacle to democratic legislation [...] The limitation of the veto is the first and most urgent step to be taken.<sup>86</sup>

As a result, in April 1910, the Liberal Government introduced the Parliament Bill. Following a contentious passage through the House of Lords, including a Government threat to create enough Liberal Peers to pass it if rejected by the Lords, the Bill received royal assent in August 1911.<sup>87</sup> The Parliament Act 1911 removed from the House of Lords the power to veto a bill, except one which would extend the lifetime of a parliament. Henceforth, the Lords could only delay legislation for a maximum of three parliamentary sessions, when at least two years had passed between the first Commons second reading and the Commons third reading in the third session. The Act also defined 'money bills', and allowed these to be passed without the Lord's consent after a delay of only one month.

Following the election of the Labour Government in 1945, the Parliament Act 1949 amended the 1911 Act, reducing the time periods specified in the execution of the procedure from three sessions to two, and two years to one respectively.<sup>88</sup>

### **Reform to the Membership of the House of Lords: The Bryce Commission Proposals (1918)**

The preamble to the Parliament Act 1911 had made reference to the composition of the House, which suggested further reform proposals would be forthcoming:

[...] it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation.<sup>89</sup>

The First World War prevented any further reform to the House of Lords. Following the conclusion of the war, David Lloyd George established a commission chaired by Viscount Bryce to consider reform of the House of Lords.<sup>90</sup> The Commission failed to agree on composition. The majority favoured 246 Members chosen by the House of Commons from geographical regions and a number of Members (about one quarter of the whole House) chosen by a joint committee. Initially, these would have been holders of hereditary peerages. The reformed

---

<sup>82</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 27.

<sup>83</sup> EA Smith, *The House of Lords: In British Politics and Society 1815–1911*, 1992, p 175; and Chris Ballinger, *The House of Lords 1911–2011: A Century of Non Reform*, 2012, p 22.

<sup>84</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 27.

<sup>85</sup> *ibid.*

<sup>86</sup> Iain Dale (ed), *Liberal Party general election Manifestos, 1900–1997*, 2000, p 31.

<sup>87</sup> House of Lords Library, [House of Lords Reform: Chronology 1900–2010](#), 21 July 2011, p 1.

<sup>88</sup> House of Commons Library, [The Parliament Acts](#), 28 June 2012, p 26.

<sup>89</sup> Parliament Act 1911.

<sup>90</sup> *Report of the Conference on the Reform of the Second Chamber*, 1918, Cd 9038.

House would not be able to amend or reject Money Bills, and the Parliament Act would not apply to further measures to reform the powers of the Lords.<sup>91</sup>

In 1922, Lloyd George's Coalition Government introduced resolutions based on the Bryce report. These were debated in the House of Lords to no conclusion.<sup>92</sup> The Government later fell following the withdrawal of Conservative support, so no further action could be taken. When the Conservatives returned to power at the end of 1924, the new Conservative Government, led by Stanley Baldwin, made similar proposals but these were neither debated nor voted on in the Commons. The Labour Party, by then the main opposition party, did not support these proposals and preferred abolition of the House of Lords to reform.<sup>93</sup> Proposals for reforming the composition of the House were put forward in 1927, 1928 and in 1933. Proposals for the introduction of life Peers also reemerged in 1929, 1935, and 1937.<sup>94</sup> None of these proposals were adopted.

Following the Second World War, reform of the membership of the House returned to the political agenda during the progress of the Parliament Act 1949.<sup>95</sup> Cross-party talks were held on both the composition and the powers of the House of Lords between the then Labour Government and the Conservative Party. The talks broke down however, and the Labour Government subsequently only introduced provisions in regards to reform of the Chamber's powers.<sup>96</sup>

### **Life Peerages Act and Peerage Act (1958 and 1963)**

In 1953, Viscount Simon introduced a private member's bill which would have provided for the creation of up to ten life Peers in any one year. At second reading, an amendment to the motion was agreed "that the debate on the Second Reading of this Bill be adjourned pending the discussions on the reform of this House which Her Majesty's Government have suggested should take place between the Parties".<sup>97</sup> Reform of the membership of the House of Lords subsequently took place in 1958. The Life Peerages Act 1958 permitted the creation of peerages for life. The Act also made it explicit that women were eligible to receive a life peerage.<sup>98</sup> Although further measures, such as restricting the number of hereditary Members, were discussed, these were eventually excluded from the final legislation.<sup>99</sup> Five years later, the Peerage Act 1963 allowed female hereditary Peers to take seats. It also enabled hereditary Peers to renounce their titles and thereby stand in the House of Commons, and entitled all Scottish Peers to sit in the House of Lords.

### **Parliament (No 2) Bill (1968–69)**

In 1966, the Labour Party election manifesto asserted the Party's intention to safeguard measures approved in the House of Commons from either delay or defeat in the House of

<sup>91</sup> House of Lords Library, [House of Lords Reform: Chronology 1900–2010](#), 21 July 2011, p 1.

<sup>92</sup> [HL Hansard, 18 July 1922, cols 524–72](#); [25 July 1922, cols 783–815](#); and [31 July 1922, cols 963–97](#).

<sup>93</sup> *ibid.*

<sup>94</sup> Sydney D Bailey, 'Life Peerages' in Sydney D Bailey (ed) *The Future of the House of Lords*, 1954.

<sup>95</sup> House of Lords Library, [House of Lords Reform: Chronology 1900–2010](#), 21 July 2011, p 1.

<sup>96</sup> *ibid.*

<sup>97</sup> [HL Hansard, 4 February 1953, cols 226–55](#).

<sup>98</sup> House of Lords Library, [The Life Peerages Act 1958](#), 21 April 2008, pp 18–21.

<sup>99</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 31.

Lords.<sup>100</sup> It also set out the Party's intention to introduce legislation to reform the Chamber's composition and powers.

Following Labour's victory in the 1966 general election, the new Government published a white paper on House of Lords reform in November 1968.<sup>101</sup> The paper proposed that a 'two-writ' system of voting and non-voting Peers with reduced powers should be created. It suggested that primary legislation would be subject to a shorter delay of six months, and the rejection in the Lords of statutory instruments could be overridden in the Commons. It also proposed that, while the hereditary peerage system would remain in place, future Peers by succession would not be entitled to a seat in the House of Lords.<sup>102</sup> The Parliament (No 2) Bill containing these proposals was introduced in the House of Commons in December 1968.<sup>103</sup> The House of Lords had previously approved the provisions in principle in a debate on the white paper. However, the Bill was opposed by MPs from all parties in the House of Commons.<sup>104</sup> In April 1969, the Prime Minister, Harold Wilson, informed the Commons that the Bill was to be dropped in order to ensure that the necessary parliamentary time was available for priority government legislation.<sup>105</sup> Over 80 hours had been spent on the Bill in Committee. Only the preamble and five out of 20 clauses in the Bill had been discussed.<sup>106</sup>

## House of Lords Act 1999

The Labour Party made the following commitment in its manifesto for the 1997 general election regarding reform of the House of Lords:

As an initial self-contained reform, not dependent on further reform in the future, the right of hereditary Peers to sit and vote in the House of Lords will be ended by statute.<sup>107</sup>

The Labour Party described this as "the first stage in a process of reform to make the House of Lords more democratic and representative".<sup>108</sup> Labour also stated that a committee of both Houses would be appointed to "undertake a wide-ranging review of possible further changes and then to bring forward proposals for reform".<sup>109</sup>

The Queen's Speech at the beginning of the 1998–99 parliamentary session announced the Labour Government's plans to legislate to remove hereditary Peers from the House of Lords during that session, and to establish a royal commission to bring forward proposals for further reform.<sup>110</sup> The Government introduced the House of Lords Bill in the House of Commons on 19 January 1999. A white paper published on the same day set out the Government's position on reforming the House of Lords.<sup>111</sup>

---

<sup>100</sup> House of Lords Library, [House of Lords Reform: Chronology 1900–2010](#), 21 July 2011, p 3. See Labour Party Manifesto, [Time For Decision](#), 1966, part 5, para 4.

<sup>101</sup> House of Lords Library, [House of Lords Reform: Chronology 1900–2010](#), 21 July 2011, p 3.

<sup>102</sup> House of Lords Library, [Proposals for the Reform of the Composition and Powers of the House of Lords, 1968–1998](#), 14 July 1998, p 2.

<sup>103</sup> House of Lords Library, [House of Lords Reform: Chronology 1900–2010](#), 21 July 2011, p 3.

<sup>104</sup> *ibid.*

<sup>105</sup> *ibid.*

<sup>106</sup> *ibid.*

<sup>107</sup> Labour Party, *New Labour: Because Britain Deserves Better*, 1997, pp 32–3.

<sup>108</sup> *ibid.*, p 33.

<sup>109</sup> *ibid.*

<sup>110</sup> [HL Hansard, 24 November 1998, col 4.](#)

<sup>111</sup> HM Government, [Modernising Parliament—Reforming the House of Lords](#), 19 January 1999, Cm 4183, paras 12–25.

Prior to the Bill being introduced to Parliament, however, negotiations had taken place between the Government and Conservative Peers in the House of Lords over a compromise agreement, under which some hereditary Peers would remain in the House of Lords until the second stage of reform, which was expected after the Royal Commission had reported. The House of Lords Library briefing, [The Weatherill Amendment: Elected Hereditary Peers](#),<sup>112</sup> summarises events as follows, based on quotations from individuals involved and on a range of secondary sources, while cautioning that “given the secrecy and controversy surrounding the negotiations, it is impossible to give a full account”:

[There were] discussions between Viscount Cranborne [the Conservative Leader in the Lords] and various Government ministers (including Lord Irvine of Lairg, Lord Chancellor, Lord Richard, Tony Blair’s first Leader of the House of Lords, and his replacement in that post, Baroness Jay of Paddington) without the full knowledge or authority of the Conservative Leader William Hague, or his shadow cabinet. The negotiations were apparently based along the following lines: the hereditary Peers would not fully resist the Government’s commitment to remove them, but were unwilling to accept wholesale abolition of hereditary Peers before the Government had set out an acceptable long-term proposal for the future House of Lords; for its part, the Government was prepared to compromise, removing the majority of, but not all, hereditary Peers in the first instance, if that meant that the House of Lords would not unreasonably obstruct the Government’s legislative programme in other areas. According to some accounts, there was some bargaining over the numbers of hereditary Peers who would be allowed to remain, before Lord Cranborne and Tony Blair finalised an agreement at 10 Downing Street on 26 November 1998. It appears that William Hague had initially authorised Lord Cranborne’s negotiations with the Government, but apparently had not authorised any final deal. Lord Cranborne was therefore dismissed for acting without authority. His fellow Conservative frontbenchers in the Lords supported his position (some offering their own resignation), before William Hague himself and the shadow cabinet endorsed the substance of the compromise, while remaining critical of the Government’s wider plans for reform of the House of Lords.<sup>113</sup>

Lord Weatherill—the then Convenor of the Crossbench Peers, and a former Speaker of the House of Commons—Lord Marsh and the Earl of Caernarvon had all been involved in the negotiations over retaining a proportion of hereditary Peers. In December 1998, they issued a joint press release announcing their intention to table an amendment to the forthcoming Bill, under which one in ten hereditary Peers would remain in the House of Lords until transition to stage two of reform was complete.<sup>114</sup> During this transitional stage, a further 14 Peers would be elected by the whole House to serve as Deputy Chairmen, and the Lord Great Chamberlain and the Earl Marshall would also retain their seats. In the white paper, [Modernising Parliament—Reforming the House of Lords](#), and upon the Bill’s introduction to the House of Commons, the Government indicated that it was “minded to accept” such a compromise.<sup>115</sup> This proved to be the case and following its passage through both Houses, the House of Lords Bill was passed. It received royal assent on 11 November 1999.

<sup>112</sup> House of Lords Library, [The Weatherill Amendment: Elected Hereditary Peers](#), 23 October 2009.

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

<sup>114</sup> Press release, ‘Crossbench Peers; Initiative on House of Lords Reform’, December 1998, quoted in House of Lords Library, [The Weatherill Amendment: Elected Hereditary Peers](#), 23 October 2009, pp 5–6.

<sup>115</sup> HM Government, [Modernising Parliament—Reforming the House of Lords](#), 19 January 1999, Cm 4183, p 23; and [HC Hansard, 1 February 1999, col 609](#).

The House of Lords Act 1999 provided for the removal from the House of all but 90 (plus the holders of the offices of Earl Marshall and Lord Great Chamberlain) of the hereditary Peers. Subsequently, under the Standing Orders of the House, any vacancy resulting from the death of one of the 90 hereditary Peers would be filled through a by-election.<sup>116</sup>

## 6. Proposals for Further Reform in 21st Century

### Wakeham Commission (2000)

To inform consideration of its two-stage reform of the House, in January 1999 the Government announced the establishment of a Royal Commission to consider and make recommendations on the role and functions of the House of Lords. The Royal Commission, chaired by Conservative Peer Lord Wakeham, published its report, [A House for the Future](#), at the beginning of 2000.<sup>117</sup> It proposed that a reformed House of Lords would have around 550 Members, including up to 195 elected Members, and also recommended the creation of a statutory appointments commission to be responsible for all appointments to the Second Chamber.<sup>118</sup>

### White Paper: The House of Lords—Completing the Reform (2001)

The Government set out a number of proposals based on the recommendations of the Wakeham Commission in a 2001 white paper, [The House of Lords: Completing the Reform](#).<sup>119</sup> The white paper proposed creating a statutory appointments commission to nominate independent Members; capping the size of the House at 600 after ten years; and introducing 120 elected Members to represent the nations and the regions. It also proposed that the 92 excepted hereditary Peers would “leave the House as part of this reform, thus completing the historic task the Government embarked on in the 1999 Act”.<sup>120</sup> Two days of debate were held in the House of Lords, and one day in the House of Commons. The white paper’s proposals did not attract substantial support.<sup>121</sup>

### Consultation Paper: Constitutional Reform—Next Steps for the House of Lords (2003)

In February 2003, both the House of Commons and the House of Lords voted on seven options for the composition of the House of Lords, as set out by the Joint Committee on House of Lords Reform, which had been appointed the previous year.<sup>122</sup> The options ranged from a fully appointed House to a fully elected one, with a number of other options for different proportions of elected and appointed Members. The House of Commons rejected all seven options, while the House of Lords voted by three to one for a fully appointed House.<sup>123</sup> Following these votes, the Government published a consultation paper, [Constitutional Reform: Next Steps for the House of Lords](#), in September 2003, proposing the removal of the remaining

---

<sup>116</sup> [Companion to the Standing Orders and guide to the Proceedings of the House of Lords](#), 2017, p 4, paras 1.05–1.06.

<sup>117</sup> Royal Commission on the Reform of the House of Lords, [A House for the Future](#), January 2000, Cm 4534.

<sup>118</sup> *ibid*, recommendation 30.

<sup>119</sup> HM Government, [The House of Lords: Completing the Reform](#), 7 November 2001, Cm 5291.

<sup>120</sup> *ibid*, para 89.

<sup>121</sup> [HL Hansard, 9 January 2002, cols 561–682](#); [HL Hansard, 10 January 2002, cols 692–824](#); and [HC Hansard, 10 January 2002, cols 707–78](#).

<sup>122</sup> Joint Committee on House of Lords Reform, [House of Lords Reform: First Report](#), 9 December 2002, HL Paper 17 of session 2002–03.

<sup>123</sup> [HC Hansard, 4 February 2003, cols 152–243](#); and [HL Hansard, 4 February 2003, cols 115–38](#).

hereditary Peers and establishing a non-statutory appointments commission.<sup>124</sup> These proposals did not progress.

### White Paper: The House of Lords: Reform (2007)

The Government published the white paper [The House of Lords: Reform](#) in February 2007, in which the Leader of the House of Commons, Jack Straw, described the reform of the House of Lords as “unfinished business”.<sup>125</sup> The white paper proposed a hybrid Second Chamber, with at least 20 percent of Members being non-party political appointments; direct elections through a partially open list system; an explicit recognition of the primacy of the House of Commons, with a reformed House of Lords complementing, not replicating or rivalling the Commons; and a reduction in the size of the House of Lords to 540 Members. MPs voted in favour of the principle of a bicameral legislature, and two options for a reformed membership of the Upper Chamber—an 80 percent or 100 percent elected House of Lords.<sup>126</sup> They also supported a motion stating that the remaining hereditary Peers should be removed. On 14 March 2007, the House of Lords voted on the options for composition, with Members voting in favour of a fully appointed House and rejecting all other options.<sup>127</sup>

### Brown Government Proposals (2007 to 2010)

The final years of the Labour Government saw continued debate on the reform of the House of Lords. The green paper, the *Governance of Britain*, was published shortly after Gordon Brown became Prime Minister in 2007, and contained a number of potential options for reform of the composition of the House.<sup>128</sup> A white paper, *An Elected Second Chamber: Further Reform of the House of Lords*, published the following year in July 2008, set out what it might mean in practice to implement the Commons votes in favour of a wholly or mainly elected Second Chamber.<sup>129</sup> A further document entitled [Building Britain’s Future](#), set out the Government’s intention to legislate on further reform of the House of Lords.<sup>130</sup>

The Government introduced the Constitutional Reform and Governance Bill in the House of Commons on 20 July 2009.<sup>131</sup> The Bill proposed the ending of by-elections to replace hereditary Peers who had died. It also provided for the suspension or expulsion of Members of the House of Lords under certain circumstances (such as conviction of a serious criminal offence) and for Members to resign from the House of Lords.

At the Bill’s second reading in the House of Commons, Jack Straw, the Lord Chancellor and Secretary of State for Justice, argued that the process of hereditary by-elections had reached “a risible position”, since “we are now electing people to the House of Lords who were not hereditary Peers at the time that the House of Lords Act was passed”.<sup>132</sup> Mr Straw maintained that the compromise ‘Weatherill amendment’ of 1999 had been a transitional arrangement, made at a time when “there was no agreement whatsoever even within parties, still less

<sup>124</sup> Department for Constitutional Affairs, [Constitutional Reform: Next Steps for the House of Lords](#), September 2003, pp 6–7.

<sup>125</sup> HM Government, [The House of Lords: Reform](#), February 2007, Cm 7027, p 5.

<sup>126</sup> [HC Hansard, 7 March 2007, cols 1606–35.](#)

<sup>127</sup> [HL Hansard, 14 March 2007, cols 741–59.](#)

<sup>128</sup> HM Government, [The Governance of Britain](#), July 2007, Cm 7170.

<sup>129</sup> Ministry of Justice, [An Elected Second Chamber: Further Reform of the House of Lords](#), July 2008, Cm 7438.

<sup>130</sup> HM Government, [Building Britain’s Future](#), June 2009, Cm 7654.

<sup>131</sup> [HC Hansard, 20 July 2009, col 602.](#)

<sup>132</sup> [HC Hansard, 20 October 2009, col 806.](#)

between parties, about the future of the House of Lords”.<sup>133</sup> Mr Straw also outlined the Bill’s measures to ensure that the House of Lords had “a robust disciplinary regime to deal with misconduct” allowing for Members to be suspended or expelled.<sup>134</sup>

Dominic Grieve, the Shadow Justice Secretary, objected to the Government’s proposals, viewing them as a “politically motivated attack”<sup>135</sup> on the Conservatives, since:

Reality says that, were we to be elected to government, we would have considerable problems in respect of our representation in the House of Lords, as would other parties, because of the age profile of our party’s membership and because of the paucity of appointments that have been made available to us over recent years. Those are factors we cannot ignore.<sup>136</sup>

Mr Grieve agreed that the remaining hereditary Peers were “an anomaly” and “undemocratic”, but argued that they were “no less democratic than the appointees who will replace them”.<sup>137</sup> Mr Grieve also questioned the measures to allow life Peers to resign, predicting that it “would lead to that House becoming a stepping stone to a career as an MP”.<sup>138</sup>

The Constitutional Reform and Governance Bill was awaiting consideration at committee stage in the House of Lords when the 2010 general election was called, meaning that it became subject to ‘wash-up’—the period at the end of a parliament when the Government and Opposition attempt to reach agreement on bills that would otherwise not complete their passage through both Houses.<sup>139</sup> On 7 April 2010, Baroness Royall, the Leader of the House of Lords, announced that, following discussions between the main parties, agreement had been reached that the clause of the Bill which would have amended hereditary by-elections would be withdrawn.<sup>140</sup> She said the Government was also withdrawing the clause that would have allowed Members of the House of Lords to resign. The only provision regarding the House of Lords that remained in the Bill provided for a temporary window (for three months after the Act came into force) for a Member to permanently resign, if they did not wish to be treated as resident in the UK for tax purposes. Royal assent to the Bill was granted on 8 April 2010.<sup>141</sup>

## General Election Party Manifestos and the Coalition Agreement (2010)

The Conservative, Labour and Liberal Democrat parties all committed to reform the House of Lords in their 2010 general election manifestos. The Liberal Democrat and the Labour Party manifestos included a commitment for the creation of a fully elected second Chamber.<sup>142</sup> The

---

<sup>133</sup> [ibid. col 806.](#)

<sup>134</sup> [ibid. cols 808–9.](#)

<sup>135</sup> [ibid. cols 809–22.](#)

<sup>136</sup> [ibid. col 820.](#)

<sup>137</sup> [ibid.](#)

<sup>138</sup> [ibid. col 821.](#)

<sup>139</sup> For more information on the ‘wash-up’ see House of Lords Library, [Wash-Up 2010](#), 11 February 2011.

<sup>140</sup> [HL Hansard, 7 April 2010, col 1477.](#)

<sup>141</sup> A detailed account of the negotiations behind the Weatherill amendment, the passage of the House of Lords Act 1999 and its impact is provided in three House of Lords Library briefings: [The Weatherill Amendment: Elected Hereditary Peers](#), 23 October 2009; [Hereditary Peers in the House of Lords Since 1999](#), 27 March 2014; and [House of Lords Reform 1997–2010: A Chronology](#), 28 June 2010.

<sup>142</sup> Liberal Democrats, [Liberal Democrat Manifesto 2010](#), 2010, p 88; and Labour Party, [A Future Fair for All](#), 2010, section 9:3, p 63.

Conservative Party stated in its manifesto that it would seek consensus for the creation of a mainly-elected second Chamber.<sup>143</sup>

With no party winning a clear majority in the House of Commons at the 2010 general election, a coalition was agreed between the Conservatives and the Liberal Democrats. The coalition agreement, [The Coalition: Our Programme for Government](#), published on 20 May 2010, stated that the Government would “establish a committee to bring forward proposals for a wholly or mainly elected Upper Chamber on the basis of proportional representation”.<sup>144</sup> On 2 June 2010, the then Prime Minister, David Cameron, told the House of Commons that a draft motion would be presented to the House by December of that year.<sup>145</sup> A cabinet committee, chaired by the then Deputy Prime Minister, Liberal Democrat Nick Clegg, was formed to discuss proposals for reform prior to the publication of a draft Bill.

### House of Lords Reform Draft Bill and White Paper (2011)

The [House of Lords Reform Draft Bill](#) was published in May 2011.<sup>146</sup> 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.<sup>147</sup> These 300 Members would sit for a single, non-renewable term which was to be the length of three normal election cycles.<sup>148</sup> Staggered elections were to take place for the 240 elected seats, with a third contested in each election. These elections would use a proportional system, with Members selected to represent particular regions of the UK.<sup>149</sup> At the same time, 20 Members would be appointed at each election, with appointments nominated by a statutory Appointments Commission.<sup>150</sup> In addition to these 300 Members, twelve Bishops were to continue to sit as ex-officio Members and the Prime Minister would have had the power appoint a limited number of individuals to serve as Ministers, sitting in the House of Lords for the duration of their time in the office.<sup>151</sup>

The draft Bill left open the option for the House of Lords to become fully elected, if support in Parliament for this option emerged. The Government stated that it would be open to considering the option of a wholly elected Chamber, “if that option [was] supported as the draft Bill [was] scrutinised”.<sup>152</sup>

### Joint Committee on the Draft Bill (2012)

A [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, chaired by the Labour Peer and former MP, Lord Richard. The Joint Committee’s [report](#) was published on 23 April 2012.<sup>153</sup>

<sup>143</sup> Conservative Party, [Invitation to Join the Government of Britain](#), 2010, p 67.

<sup>144</sup> HM Government, [The Coalition: Our Programme for Government](#), May 2010, p 27.

<sup>145</sup> [HC Hansard, 2 June 2010, col 426](#).

<sup>146</sup> HM Government, [House of Lords Reform Draft Bill](#), May 2011, Cm 8077.

<sup>147</sup> *ibid*, pp 11–12.

<sup>148</sup> *ibid*.

<sup>149</sup> *ibid*, p 8.

<sup>150</sup> *ibid*, p 18.

<sup>151</sup> *ibid*, p 7.

<sup>152</sup> *ibid*.

<sup>153</sup> Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284 of session 2010–12.

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>154</sup> However, the Joint Committee disagreed with the proposed size of the House, arguing instead that 450 elected and appointed Members would be the number necessary to meet the workload of a revising Chamber.<sup>155</sup>

There was disagreement within the Committee as to the desirability of Members of the reformed House of Lords receiving an electoral mandate. 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>156</sup> The Committee also concluded that the inclusion of elected Members in the reformed House of Lords would impact upon its relationship with the House of Commons. Although clause two of the draft Bill stated that nothing in the reforms would affect the status of the House of Lords as one of the two Houses of Parliament, the Committee argued that this reassurance would not be sufficient on its own to ensure the primacy of the House of Commons.<sup>157</sup> The Joint Committee also 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>158</sup>

On the same day that the Committee's report was issued, a cross-party group of three MPs and nine Peers who had sat on the Committee published [House of Lords Reform: An Alternative Way Forward](#).<sup>159</sup> The report argued that the proposals in the draft Bill were insufficient to prevent a challenge from a reformed second Chamber to the primacy of the House of Commons, and that the Government's proposals would lead to a rise in the cost of the second Chamber. The issue of costing was not addressed in the Joint Committee's report, on the grounds that the white paper contained no costings and that the Committee "had asked the Minister to provide financial information, but he twice declined to do so".<sup>160</sup> The following day, the Society of Conservative Lawyers published [An Elected Second Chamber—Building a Better House](#), written by Oliver Heald (Conservative MP for North East Hertfordshire), a member of the Joint Committee. Mr Heald's report criticised the Government's proposals on grounds of the added complexity to the voting system, cost, and that the draft Bill would weaken the system of government in Westminster if implemented.<sup>161</sup>

## House of Lords Reform Bill (2012)

The [House of Lords Reform Bill](#) was introduced by Nick Clegg in the House of Commons on 27 June 2012. Alongside the Bill, the Government published its projected costs of reform, [House of Lords Reform Bill—Cost Projections](#).<sup>162</sup> The Bill contained some significant changes from the draft Bill. These changes reflected the Government's [response](#) to the Joint Committee

---

<sup>154</sup> *ibid*, para 114.

<sup>155</sup> *ibid*.

<sup>156</sup> *ibid*, para 23.

<sup>157</sup> HM Government, [House of Lords Reform Draft Bill](#), May 2011, Cm 8077, p 36, clause 2(1); Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284 of session 2010–12, para 55.

<sup>158</sup> Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284 of session 2010–12, para 385.

<sup>159</sup> Baroness Andrews et al, [House of Lords Reform: An Alternative Way Forward](#), April 2012.

<sup>160</sup> Joint Committee on the Draft House of Lords Reform Bill, [First Report: Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284 of session 2010–12, p 6.

<sup>161</sup> Society of Conservative Lawyers, [An Elected Second Chamber—Building a Better House](#), 24 April 2012.

<sup>162</sup> HM Government, [House of Lords Reform Bill—Cost Projections](#), 27 June 2012.

report, which was published on the same day as the Bill.<sup>163</sup> A summary of the Bill's main provisions and the key changes from the draft Bill, are listed below:

- The Bill proposed that the reformed second Chamber would consist of 360 elected Members and 90 appointed Members who would be recommended by a statutory House of Lords Appointments Commission. In addition, there would be twelve Bishops and a maximum of eight appointed ministerial Members. The proposed size reduction would be achieved gradually over three parliaments.<sup>164</sup>
- Elected, appointed and ministerial Members would serve three electoral terms (usually 15 years), and would not be permitted to serve again. Members would be able to resign, and they could be expelled or suspended.<sup>165</sup>
- Members would be elected as follows. Electoral districts would be established, with each district returning a number of Members to the reformed second Chamber.<sup>166</sup> Elections would be held using an open list system in Great Britain and a single transferrable vote system in Northern Ireland.<sup>167</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 four years.<sup>168</sup>
- Members would be paid a monthly salary and receive allowances.<sup>169</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>170</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>171</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>172</sup>

The House of Commons debated the House of Lords Reform Bill at second reading on 9 and 10 July 2012.<sup>173</sup> In his speech to the House, the then Deputy Prime Minister, Nick Clegg, highlighted three key reasons for tabling the Bill: to uphold democratic principles; to strengthen Parliament's ability to hold Government to account by creating a more “legitimate” House of Lords; and to address the practicalities surrounding the increasing number of Members of the Lords.<sup>174</sup> During the debate, particular concerns were raised by Conservative backbench MPs on the primacy of the House of Commons.<sup>175</sup> In response, the Deputy Prime Minister stressed that the Bill related “to size and composition only” and said that it would give no new powers

<sup>163</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>164</sup> [House of Lords Reform Bill](#), clause 1(3) and clause 24.

<sup>165</sup> [House of Lords Reform Bill](#), clauses 3 and 4.

<sup>166</sup> *ibid*, schedule 1 and schedule 2.

<sup>167</sup> *ibid*, clause 5.

<sup>168</sup> *ibid*, clause 41. This restriction would not have applied to former Bishops in the House of Lords.

<sup>169</sup> [House of Lords Reform Bill](#), clause 46.

<sup>170</sup> *ibid*, clause 47.

<sup>171</sup> *ibid*, clause 2(2).

<sup>172</sup> [Explanatory Notes](#), p 1.

<sup>173</sup> [HC Hansard, 9 July 2012, cols 24–133](#); and [HC Hansard, 10 July 2012, cols 188–278](#).

<sup>174</sup> [HC Hansard, 9 July 2012, cols 24–37](#).

<sup>175</sup> [ibid, cols 24–133](#); and [HC Hansard, 10 July 2012, cols 188–278](#).

to the House of Lords.<sup>176</sup> He also sought to address concerns surrounding costs, and responded to criticisms that a reformed Lords would consist of career politicians and consequently lose its expertise.<sup>177</sup> On 10 July 2012, MPs voted by 462 votes to 124 to agree the second reading of the Bill.<sup>178</sup> 91 Conservatives voted against the Bill—according to one analysis, the largest rebellion on the issue of House of Lords reform in the post-war era, and at the time the largest rebellion by government MPs on the second reading of any bill since the Second World War.<sup>179</sup>

### Withdrawal of the House of Lords Reform Bill

Although Labour supported the Bill at second reading, the Shadow Lord Chancellor and Secretary of State for Justice, Sadiq Khan, said during the debate that Labour would oppose the Government's programme motion.<sup>180</sup> The programme motion would have set the length of committee stage to ten days.<sup>181</sup> Mr Khan argued that the Government was seeking to curtail scrutiny of the Bill and argued that the proposals should be allowed to be fully debated.<sup>182</sup>

At the start of the second day of the second reading debate, Sir George Young, Leader of the House of Commons, announced that the Government would not move the programme motion.<sup>183</sup> Some commentators suggested that this was due to the likelihood of Labour voting against the motion, combined with the number of Conservatives who had rebelled at second reading.<sup>184</sup> On 6 August 2012, Nick Clegg announced that the Government no longer intended to proceed with the Bill.<sup>185</sup> Mr Clegg confirmed the Government's decision to withdraw the Bill in the House of Commons on 3 September 2012.<sup>186</sup>

## 7. Other Changes to Rules on Membership

### Constitutional Reform Act 2005

Under the provisions of the Constitutional Reform Act 2005, the appellate jurisdiction of the House of Lords and the devolution jurisdiction of the Judicial Committee of the Privy Council were transferred to a separate Supreme Court of the United Kingdom.<sup>187</sup> The last sittings of the Appellate Committee took place in the Chamber from 27 to 30 July 2009, with the final judgment being delivered on 30 July 2009 in *R (Purdy) v Director of Public Prosecutions* [2009] UKHL 45 (terminally ill patient seeking clarification of DPP's policy in prosecuting complicity in another's suicide). The final sitting of the Appeal Committee took place in the Chamber on 31 July 2009 to grant leave to appeal in *R (E) v Governing Body of JFS and Others* [2009] UKSC 15.

The Supreme Court opened in 2009. Under section 137 of the Constitutional Reform Act, a member of the House who is a Justice of the Supreme Court is disqualified from sitting and

---

<sup>176</sup> [HC Hansard, 9 July 2012, col 34.](#)

<sup>177</sup> House of Commons Library, [House of Lords Reform Bill 2012–13: Decision Not to Proceed](#), September 2012, p 3.

<sup>178</sup> [HC Hansard, 10 July 2012, cols 274–79.](#)

<sup>179</sup> Philip Cowley and Mark Stuart, [Four Records Down, a Fifth Avoided](#), University of Nottingham's 'Ballots and Bullets' blog, 11 July 2012.

<sup>180</sup> [HC Hansard, 9 July 2012, col 38.](#)

<sup>181</sup> [House of Commons Order of Business](#), 10 July 2012.

<sup>182</sup> [HL Hansard, 9 July 2012, cols 46–50.](#)

<sup>183</sup> [HC Hansard, 10 July 2012, col 188.](#)

<sup>184</sup> *Guardian*, [Lords Reform in Disarray as Timetable Motion Withdrawn](#), 10 July 2012.

<sup>185</sup> House of Lords Library, [Hereditary Peers in the House of Lords Since 1999](#), 27 March 2014, pp 31–2.

<sup>186</sup> *ibid*, p 32.

<sup>187</sup> House of Lords Library, [The Appellate Jurisdiction of the House of Lords](#), 20 November 2009, p 11.

voting in the House of Lords or in any committee of the House or joint committee whilst holding that judicial office.<sup>188</sup>

### House of Lords Reform Act 2014

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 who leave the House when they retire from their sees, Members could not retire or resign. Although the House adopted a voluntary retirement system in 2011, this had no statutory basis. Members who announced their retirement under that scheme would continue to receive a writ of summons.

On five occasions between 2006 and 2014, Lord Steel of Aikwood (Liberal Democrat) introduced or sponsored private member's bills to reform the rules on membership.<sup>189</sup> Each bill included provision for a permanent leave of absence for Members who did not attend the House for an entire session, and for the expulsion of Members in specified circumstances, such as upon their conviction of a serious criminal offence.

In the 2013–14 session the [House of Lords Reform \(No 2\) Bill](#) was introduced in the House of Commons by Dan Byles (Conservative MP for North Warwickshire) and sponsored by Lord Steel of Aikwood in the House of Lords. The Bill completed its final stages in the House of Lords on 13 May 2014, and received royal assent on 14 May 2014. The [House of Lords Reform Act 2014](#) made provision for the following:

- Under the Act, Members of the Lords are able to permanently retire or resign on a statutory basis.<sup>190</sup>
- From the beginning of the 2015–17 parliament, Members who do not attend the House for a whole session of more than six months, and are not on leave of absence, cease to be Members.<sup>191</sup>
- Members of the House of Lords convicted of a serious offence, and sentenced or ordered to be imprisoned indefinitely, or for more than one year, cease to be Members.<sup>192</sup>

### House of Lords (Expulsion and Suspension) Act 2015

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. The House also did not have the power to suspend Members for a period longer than one parliament. In May 2011, following the investigation by 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

<sup>188</sup> [Companion to the Standing Orders and guide to the Proceedings of the House of Lords](#), 2017, p 3, para 1.02.

<sup>189</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 briefing [Lord Steel of Aikwood's Private Member's Bills on House of Lords Reform](#), 11 May 2012.

<sup>190</sup> [House of Lords Reform Act 2014](#), section 1. A list of Members who have retired from the Lords is available on the [Parliament website](#).

<sup>191</sup> *ibid*, section 2.

<sup>192</sup> *ibid*, section 3.

retained the right to suspend Members.<sup>193</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>194</sup> Depending on when during a parliament the decision to suspend the Member was made, a Member could be suspended for a period ranging from five years to, potentially, less than a month.

The [House of Lords \(Expulsion and Suspension\) Bill](#) was introduced in the House of Lords as a private member's bill by Baroness Hayman, a Crossbencher and former Lord Speaker. Following its passage through the House of Commons, the Bill received royal assent on 26 March 2015. The [House of Lords \(Expulsion and Suspension\) Act 2015](#) enables the House of Lords to expel Members. It also enables the House to suspend a Member for a period a time specified in the suspension resolution.<sup>195</sup>

## 8. Future Reform? Proposals Debated During the 2015–17 Parliament

### 2015 General Election

Following the 2015 general election, the new Conservative Government indicated that an elected House would not be on its agenda. The Conservative Party manifesto had stated that, although the Party believed that there was “a strong case for introducing an elected element into our second Chamber”, the creation of elected Members would not be a priority during that Parliament.<sup>196</sup> However, the then Prime Minister, David Cameron, did state that the Government would “work to ensure the House of Lords continues to function well by looking, with others, at issues such as the size of the Chamber and the retirement of Peers”.<sup>197</sup>

### Powers of House of Lords in Relation to Secondary Legislation: Strathclyde Review

On 26 October 2015, the Government was defeated in the House of Lords after Members voted to support two amendments to the approval motion of the Tax Credits (Income Thresholds and Determination of Rates) (Amendment) Regulations 2015. These amendments would have delayed consideration of the Regulations until specific conditions had been met. The Regulations were subsequently withdrawn by the Government. Following these defeats, the Government announced a rapid review to examine “how to protect the ability of elected governments to secure their business”.<sup>198</sup>

The then Leader of the House of Lords, Baroness Stowell of Beeston, outlined the full terms of the review in a written statement on 4 November 2015:

The Government has commissioned Lord Strathclyde to lead a review into how to secure the decisive role of the elected House of Commons in the passage of legislation. By long-standing convention the House of Lords does not seek to challenge the primacy of the elected House on spending and taxation. It also does not reject statutory

---

<sup>193</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>194</sup> *ibid*, p 5.

<sup>195</sup> [House of Lords \(Expulsion and Suspension\) Act 2015](#), sections 1–3.

<sup>196</sup> Conservative Party, [Conservative Party Manifesto 2015](#), 14 April 2015, p 49. For background on the issue of the size of the House, see House of Lords Library, [Size of the House of Lords](#), 19 December 2014.

<sup>197</sup> House of Commons, [Written Question: House of Lords—Reform](#), 7 September 2015, 9202.

<sup>198</sup> Nigel Morris and Charlie Cooper, [Tax Credits: David Cameron Announces Urgent Review of House of Lords' Powers](#), *Independent*, 27 October 2015.

instruments, save in exceptional circumstances. Until last month, only five statutory instruments had been rejected by the House of Lords since World War Two, none of which related only to a matter of public spending and taxation.

The purpose of the review was to examine how to protect the ability of elected governments to secure their business in Parliament in light of the operation of these conventions. The review was to consider in particular how to secure the decisive role of the elected House of Commons in relation to its primacy on financial matters, and secondary legislation.<sup>199</sup>

*The Strathclyde Review: Secondary Legislation and the Primacy of the House of Commons*, was published on 17 December 2015.<sup>200</sup> It suggested three options which might “provide the House of Commons with a decisive role on statutory instruments”:

- **Option one** proposed the removal of the House of Lords from the statutory instrument procedure altogether. This had the benefit of providing simplicity and clarity, it was argued. However, the review concluded that the proposal would “be controversial and would weaken parliamentary scrutiny of delegated legislation and could make the passage of some primary legislation more difficult”.<sup>201</sup>
- **Option two** proposed maintaining the role of the House of Lords in relation to statutory instruments but sought to “codify the convention” on House of Lords powers. In this option the House, either in a resolution or in standing orders, would make clear “the restrictions on how its power to withhold approval or to annul should be exercised in practice and to revert to a position where the veto is left unused”.<sup>202</sup>

The review stated that “agreement would have to be reached on what the resolution should say, and that would not be straightforward in the light of an apparent absence of consensus on what the convention currently requires”. It concluded that a resolution of the House could be superseded, or standing orders could be suspended, by further decisions of the House, and argued that past experience had demonstrated “that no agreement on vague principles contained in a resolution of the House could safely be relied on in future”.<sup>203</sup> The review therefore concluded that option two “would not provide certainty of application”.<sup>204</sup>

- **Option three** would create a procedure whereby the Lords could “invite the Commons to think again when a disagreement exists and insist on its primacy”. The procedure would be set out in statute.<sup>205</sup>

<sup>199</sup> House of Lords, ‘[Written Statement: Strathclyde Review](#)’, 17 December 2015, HLWS285.

<sup>200</sup> Cabinet Office, [The Strathclyde Review: Secondary Legislation and the Primacy of the House of Commons](#), December 2015, Cm 9177.

<sup>201</sup> *ibid*, p 5.

<sup>202</sup> *ibid*, p 17.

<sup>203</sup> *ibid*, p 18.

<sup>204</sup> *ibid*, p 5.

<sup>205</sup> *ibid*.

The report recommended that the third option be adopted, arguing that this would allow the Government certainty and:

[...] preserve and enhance the role of the House of Lords to scrutinise secondary legislation by providing for such legislation to be returned to the Commons. In the event of a further Commons vote to approve a statutory instrument, it would enable the Commons to play a decisive role.<sup>206</sup>

The report also recommended that “in order to mitigate against excessive use of the new process” the Government should take steps to ensure that primary legislation contains “the appropriate level of detail and that too much is not left for implementation by statutory instrument”. In addition, the report proposed a further review, with the involvement of the House of Commons Procedure Committee, to consider the circumstances where statutory instruments should be subject to Commons-only procedures, “especially on financial matters, with a view to establishing principles that can be applied in future”.

### Responses to the Strathclyde Review

In her statement to the House of Lords following publication of the Strathclyde Review, the then Leader of the House, Baroness Stowell of Beeston, welcomed the report, describing it as “thoughtful and measured”.<sup>207</sup> She told the House that the Government would consider the review’s recommendations and would listen to the views of Members of the Lords and the Commons before deciding its preferred approach.

The Leader of the Opposition in the Lords, Baroness Smith of Basildon, disputed the view that the House of Lords had deviated from its proper role by voting against the Government on its tax credit regulations, arguing instead that the Lords had merely fulfilled its duty to scrutinise secondary legislation.<sup>208</sup> Baroness Smith said that the preferred option put forward by Lord Strathclyde—option three—would be “a very significant change” to the role of the House of Lords and that using legislation to address this issue would be “a major departure”.

The recommendations of the Strathclyde Review were subsequently considered by four parliamentary committees: the House of Lords Constitution Committee; the House of Lords Delegated Powers and Regulatory Reform Committee; the House of Lords Secondary Legislation Scrutiny Committee; and the House of Commons Public Administration and Constitutional Affairs Committee.<sup>209</sup> All four committees took issue with the premise on which the Strathclyde review had been established, that the relationship between the two Houses in regards to secondary legislation should be re-examined. They argued that the more important constitutional issue related to the relationship between Parliament and the executive rather than between the House of Commons and the House of Lords. In addition, the House of Lords Constitution Committee argued that the Government should not proceed with the

---

<sup>206</sup> Cabinet Office, [Strathclyde Review: Secondary Legislation and the Primacy of the House of Commons](#), 17 December 2015, Cm 9177, p 5.

<sup>207</sup> [HL Hansard, 17 December 2015, cols 2189–91.](#)

<sup>208</sup> [ibid, cols 2191–3.](#)

<sup>209</sup> House of Lords Constitution Committee, [Delegated Legislation and Parliament: A Response to the Strathclyde Review](#), 23 March 2016, HL Paper 116 of session 2015–16; House of Commons Public Administration and Constitutional Affairs Committee, [The Strathclyde Review: Statutory Instruments and the Power of the House of Lords](#), 12 May 2016, HC 752 of session 2015–16. House of Lords Delegated Powers and Regulatory Reform Committee, [Special Report: Response to the Strathclyde Review](#), 23 March 2016, HL Paper 119 of session 2015–16; House of Lords Secondary Legislation Scrutiny Committee, [Response to the Strathclyde Review: Effective Parliamentary Scrutiny of Secondary Legislation](#), 14 April 2016, HL Paper 128 of session 2015–16.

recommendations of the Strathclyde Review without examining first the use of delegated legislation, rather than of primary legislation, to implement its policies.<sup>210</sup> This practice, the Committee argued, was being used as a means of avoiding parliamentary scrutiny.

In November 2016, the Government stated that it would not introduce new primary legislation to implement proposals outlined in the Strathclyde Review.<sup>211</sup> The Leader of the House of Lords, Baroness Evans of Bowes Park, told Members of the Lords that, while the Government agreed with the conclusion of the review that the will of the House of Commons should prevail on secondary legislation, it did not believe that primary legislation would be necessary at that time.<sup>212</sup> In the absence of a formal mechanism by which the House of Commons might assert its primacy on secondary legislation, Baroness Evans said that the Government was reliant on the House of Lords to self-regulate in this matter. She added that the Government might reconsider its position on introducing new legislation if it believed in the future that this self-regulation had broken down.

### Size of the House

Prior to the start of the 2015–17 parliament, the total membership of the House of Lords was 843.<sup>213</sup> Of this total, 789 Members were eligible to attend. On 25 April 2017, prior to the dissolution of the 2015–17 parliament, the size of the House had increased to 836, of whom 802 Members were eligible to attend. The average daily attendance during the 2015–16 session was 497, the same figure as in the 2013–14 session and the joint highest figure since 1992–93.<sup>214</sup> The 2015–17 parliament also saw the largest recorded number of Members taking part in a vote: a total 634 Members voted during report stage of the European Union (Notification of Withdrawal) Bill, almost 4 in 5 of those eligible to do so at the time of the vote.<sup>215</sup>

During the 2015–17 parliament, the then Conservative Government stated that its approach to reforming the size of the House of Lords would be to seek a consensus. In September 2015, the then Leader of the House of Lords, Baroness Stowell of Beeston, stated that it was her intention to “build cross-party support in finding the right solution to addressing the size of the House” and that cross-party talks, including the Crossbenchers, would begin later that month.<sup>216</sup> Discussion continued during the following year.<sup>217</sup>

In addition, the following reforms to the size of the House of Lords had been proposed by two different groups of Members:

- In 2014, a working group of Labour peers published proposals for reform of the House of Lords which included the following regarding its size: that the Lords should be smaller than the House of Commons with 450 Members; that

<sup>210</sup> House of Lords Constitution Committee, [Delegated Legislation and Parliament: A Response to the Strathclyde Review](#), 23 March 2016, HL Paper 116 of session 2015–16.

<sup>211</sup> [HL Hansard, 17 November 2016, cols 1538–48](#) and [cols 395–6](#). The Government’s [response to the Strathclyde Review](#) was published in December 2016, Cm 9363.

<sup>212</sup> [HL Hansard, 17 November 2016, col 1539](#).

<sup>213</sup> House of Lords, [Statistics on Business and Membership: Session 2014–15](#), 2015, p 8. Further information on the size of the House of Lords is provided in House of Lords Library, [Size of the House of Lords](#), 29 January 2016 and [Statistics on the Size and Composition of the House of Lords](#), 28 November 2016.

<sup>214</sup> House of Lords, [Statistics on Business and Membership: Session 2015–16](#), 2016, p 1.

<sup>215</sup> House of Lords Library, [House of Lords: Largest Votes Recorded](#), 16 March 2017.

<sup>216</sup> [HL Hansard, 7 September 2015, col 1211](#); [HL Hansard, 15 September 2015, col 1750](#).

<sup>217</sup> House of Lords, [‘Written Question: House of Lords: Reform’](#), 9 May 2016, 35972.

Members should retire at the age of 80; and that Members should attend at least three-fifths of sitting days in each session.<sup>218</sup>

- The Campaign for an Effective Second Chamber, founded by Conservative Peers Lord Cormack and Lord Norton of Louth, published proposals in November 2015.<sup>219</sup> These proposals included the removal of Members that attended less than 25 percent of sitting days in a session and the capping of the size of the House so that it was no larger than the House of Commons. The Campaign proposed 80 percent of the seats be allocated to political parties and that 20 percent the seats be for Crossbench Members. In addition, the 26 Bishops would be retained. Seats for party political Members would be allocated in a way that reflected the performance on the parties in the previous general election but without any individual party having an overall majority.

A number of Lords private member's bills were debated during the 2015–17 parliament that proposed reforms to the House of Lords that would have affected its size. These sought to limit the size of the House of Lords so that it would be smaller than the House of Commons; to remove the by-election system for the election of new hereditary peers; and to introduce elected Members.<sup>220</sup> None of these Bills cleared the House of Lords.

### Lord Speaker's Committee on the Size of the House of Lords

Subsequent to his election as Speaker of the House of Lords in June 2016, Lord Fowler stated in an interview with the press that the current size of the House of Lords could not be justified.<sup>221</sup> He argued that, for this issue to be resolved, there ought to be a set maximum number of Members.

On 5 December 2016, the House of Lords debated a motion tabled by Lord Cormack to resolve that the size of the House of Lords should be reduced, and that the methods by which this might be achieved should be explored.<sup>222</sup> Following the debate, in which 61 Members took part, Lord Cormack's motion was agreed unanimously without a vote.

Following the debate, Lord Fowler announced the creation of the Lord Speaker's committee on the size of the House.<sup>223</sup> The remit of the committee was to "examine the possible methods by which the House could be reduced in size".<sup>224</sup> The cross-party committee, chaired by Lord Burns (Crossbench), is expected to publish its report in 2017.

---

<sup>218</sup> Labour Lords, '[A Programme for Progress](#)', 27 March 2014.

<sup>219</sup> Campaign for a Second Chamber, '[Proposals for Reducing the Size of the House of Lords](#)', 10 November 2015.

<sup>220</sup> These Bills were respectively: the [House of Lords Bill \[HL\]](#), HL Bill 15; the [House of Lords Act 1999 \(Amendment\) Bill \[HL\]](#), HL Bill 11; and the [House of Lords Reform Bill \[HL\]](#), HL Bill 22. All of these were tabled during the 2016–17 parliament.

<sup>221</sup> Politics Home, '[Lord Fowler: The Lords Cannot Justify its Current Size](#)', 16 September 2016.

<sup>222</sup> [HL Hansard, 5 December 2016, cols 500–21 and 525–92.](#)

<sup>223</sup> [HL Hansard, 20 December 2016, col 1541.](#) Further information is provided in House of Lords, '[Written Statement: Lord Speaker's Committee on the Size of the House](#)', 20 December 2016, HLWS386.

<sup>224</sup> [HL Hansard, 20 December 2016, col 1541.](#)

House of Lords Library Notes are compiled for the benefit of Members of the House of Lords and their personal staff, to provide impartial, politically balanced briefing on subjects likely to be of interest to Members of the Lords. Authors are available to discuss the contents of the Notes with the Members and their staff but cannot advise members of the general public.

Any comments on Library Notes should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to [purvism@parliament.uk](mailto:purvism@parliament.uk).