



House of Lords: Lords Spiritual

Summary

The membership of the House of Lords includes 26 Church of England Archbishops and Bishops who sit on an ex officio basis as 'Lords Spiritual'. Their right to sit and vote in the House having been established by ancient usage and by statute. They currently comprise around 3 percent of the total membership.

As Members of the House of Lords, the Lords Spiritual have the same rights as life and hereditary Peers, the 'Lords Temporal'. A Bishop reads prayers at the start of each sitting day and Bishops regularly participate in the business of the House. A Convenor of the Lords Spiritual is appointed by the Archbishop of Canterbury and coordinates the work of the Bishops in the Lords. Between the 2005–06 and 2016–17 sessions, the Bishops attendance averaged 18 percent, compared to the whole house average of 58.5 percent. A number of commentators have observed that the Bishops' relatively low attendance is the result of having a wide range of duties in their dioceses. Arguments made about reserved seats for the Bishops typically focus on their historical role in the UK constitution, their contribution to the work of the House of Lords, their role as representatives, the potential impact of their removal on the established church and the role of Bishops in passing church legislation.

Since 1847, the number of Bishops in the House of Lords has been fixed at 26. No cap on numbers exists for other category of Member. Five of the 26 (the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester) are automatically granted a seat. Previously, when a vacancy arose in one of the remaining 21 spaces not reserved, the next most senior Bishop replaced them. Until 2025, under the Lords Spiritual (Women) Act 2015, any such vacancy is now filled by a female English diocesan Bishop, ahead of any male. Bishops are required to retire at the age of 70.

When a vacancy arises in the 40 Church of England dioceses that are eligible to send Bishops to the House of Lords, the Church of England follows a procedure for choosing a Bishop. This involves consultation with the local community and discussions about the needs of the Church as a whole. A Crown Nominations Commission will hold interviews with the candidates and vote on a first and second choice. When a candidate has accepted, the Prime Minister then advises the Sovereign to formally nominate the candidate.

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1. Background

The Lords Spiritual are the Archbishops and Bishops of the Church of England who have seats in the House of Lords. Diocesan Bishops are appointed following the process undertaken by the Church of England, which is outlined in section 1.2. The Crown, under the advice of the Prime Minister, makes the final appointment to the vacant see.¹ Their right to sit and vote in the House of Lords is established by ancient usage and by statute. Those Bishops who become Lords Spiritual only remain so whilst they hold the office of Bishop (so are ex officio Members of the Lords and are therefore not Peers). The number of Bishops in the House of Lords is fixed at 26 and they are required to retire at 70.²

Of the two Archbishops and 24 Bishops in the House of Lords, five (the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester) are automatically granted a seat. Previously, the remaining 21 took their seats on the basis of seniority in the Church of England. When a vacancy arose in one of the 21 places not reserved (for example through death, retirement or resignation), the next most senior Bishop replaced them. However, this was changed by the Lords Spiritual (Women) Act 2015. When a vacancy now arises it is filled by a female English diocesan Bishop (where there is one), ahead of any male. In the event that there are two eligible women Bishops, it would go to the woman whose appointment as a Bishop was confirmed first.³ The provisions in this Act will last ten years from 2015 until 2025.⁴ There are currently two female Bishops in the House of Lords, the Bishop of Gloucester, Rachel Treweek, and the Bishop of Newcastle, Christine Hardman, who joined the House on 7 September 2015 and 18 November 2015 respectively.⁵

There are currently 42 dioceses in England and an additional diocese in Europe. Of these, 40 are eligible to send Bishops to the House of Lords. The Diocese of Europe and the Diocese of Sodor and Man do not send Bishops to the House of Lords. In the latter case, the Bishop of Sodor and Man sits in the Isle of Man's Parliament, the Tynwald.⁶

1.1 Historical Development

The participation of the Bishops in public business dates back to the early

¹ Church of England, '[Diocesan Bishops: Nomination and Appointment Process](#)', accessed 15 August 2017.

² Ecclesiastical Offices (Age Limit) Measure 1975 (1975 No 2).

³ House of Lords Library, '[Lords Spiritual \(Women\) Bill \(HL Bill 87 of 2014–15\)](#)', 3 February 2015, p 3.

⁴ *ibid.*

⁵ UK Parliament website, '[Bishop of Gloucester](#)', accessed 15 August 2017; and '[Bishop of Newcastle](#)', accessed 15 August 2017. For further information on the introduction of female Bishops see: House of Lords Library, '[Lords Spiritual \(Women\) Bill \(HL Bill 87 of 2014–15\)](#)', 3 February 2015.

⁶ Church of England, '[About the Lords Spiritual](#)', accessed 15 August 2017.

feudal period, when Bishops were summoned to Parliament by virtue of their feudal status as royal tenants by barony.⁷ It has been said that “at one time the Spiritual Peers were the most influential Members of the House. They filled the more important offices of state, and in actual number they had a majority over the Temporal Peers”.⁸ Following the Act of Supremacy 1534, which repudiated papal supremacy and declared Henry VIII supreme head of the Church of England, the numbers representing the Church in the Lords diminished.⁹

By the 18th Century the size of the House of Lords was around 220, and the votes of the Bishops increased in importance. It has been noted that in 1733 Sir Robert Walpole was “twice saved from defeat by the almost solid vote of the bench of Bishops”.¹⁰ From the 18th Century through to the early part of the 19th Century, the appointment of Bishops was “one of the important prizes of patronage exercised by the governments”, though by the 19th Century the Bishops bench “had broken away from its connection with the Whigs and usually voted with the Conservatives”.¹¹ The last Bishop to hold ministerial office was in 1711, when the Bishop of Bristol, John Robinson, was Lord Privy Seal.¹² In his 1958 book, Peter Bromhead stated that “well before 1900 bishoprics had ceased to be part of the system of political patronage by means of which government sought to maintain their parliamentary strength”. He added that in the 19th and early 20th centuries “Bishops often spoke in a highly partisan way, and thought there was nothing strange in doing so”.¹³

By 1953, however, the then Archbishop of York, Cyril Garbett, could note “two striking differences between the Spiritual Peers of today and their predecessors”. The first, he said, was that “fewer attend the debates” due to the Bishops’ rising pastoral duties in their dioceses. The second was that their importance in party politics was now “negligible”.¹⁴ As a consequence, the Bishops were “now entirely free from party allegiance, and their appointments are not made with any political considerations”.¹⁵

⁷ Gavin Drewry and Jenny Brock, ‘Prelates in Parliament’, *Parliamentary Affairs*, 1971, vol 24(3), p 248. For more information see: House of Lords Library, [History of the House of Lords: A Short Introduction](#), 27 April 2017.

⁸ Archbishop of York, ‘The Lords Spiritual’, *Parliamentary Affairs*, 1953, vol 7(1), p 96.

⁹ Janet Lewis-Jones, [Reforming the Lords: The Role of the Bishops](#), UCL Constitution Unit, June 1999, p 17.

¹⁰ Archbishop of York, ‘The Lords Spiritual’, *Parliamentary Affairs*, 1953, vol 7(1), p 97.

¹¹ Gavin Drewry and Jenny Brock, [Prelates in Parliament](#), *Parliamentary Affairs*, 1971, vol 24(3), p 249.

¹² Norman Wilding and Philip Laundy, *Encyclopaedia of Parliament*, 1972, p 449. Upon taking up office as Bishop of London in 1713, Robinson relinquished responsibilities as Dean of Windsor, Bishop of Bristol, Lord Privy Seal, and Registrar of the Knights of the Garter (John B Hattendorf, [Robinson, John \(1650–1723\)](#), *Oxford Dictionary of National Biography*, January 2008.

¹³ Peter Bromhead, *The House of Lords and Contemporary Politics, 1911–1957*, 1958, p 55. More information about this period is provided in EA Smith, *The House of Lords In British Politics & Society 1815–1911*, 1992, pp 82–9.

¹⁴ Archbishop of York, ‘The Lords Spiritual’, *Parliamentary Affairs*, 1953, vol 7(1), pp 98–9.

¹⁵ Norman Wilding and Philip Laundy, *Encyclopaedia of Parliament*, 1972, p 449.

Since the Bishopric of Manchester Act 1847,¹⁶ the number of Lords Spiritual in the House of Lords has been fixed at 26, though there are presently 42 dioceses in England. Whilst two Archbishops and 24 Bishops are entitled to sit in the House of Lords, the number of Lords Temporal has grown over the centuries.¹⁷ The formal representation of religion in the House of Lords has actually declined in number since the mid-18th Century with the disestablishment of the church in Ireland,¹⁸ which was granted four additional seats.¹⁹ In the case of Welsh disestablishment, Welsh diocesan Bishops became ineligible for a writ of summons seat as part of the 21.²⁰

In 1642, during the Civil War, the Bishops were removed from membership of the House as a result of the Bishops Exclusion Act, but were returned by the Clergy Act 1661.²¹ In the 1830s, successive Bills introduced in the House of Commons to exclude the Bishops were defeated.²² Since the Second World War, a number of legislative proposals relating to the place of the Bishops have been debated in Parliament.²³ Each sought to reduce the number of, rather than completely remove, the Lords Spiritual, although none of the bills were successful. These included the Labour Government's Parliament (No 2) Bill in 1968 that sought to reduce the number of Bishops to 16 as part of a proposed 'two-writ' system of voting and non-voting Peers.²⁴ On 19 February 1979, the House of Lords (Reform) Bill was introduced by Kenneth Lomas (Labour MP for Huddersfield West), which proposed, amongst other provisions, a reduction of the Bishops to ten.²⁵ In the 1985–86 session, Richard Holt (Conservative MP for Langbaugh) proposed reducing their representation to 14 in his Amendment of the Constitution of the House of Lords (Bishops) Bill, although it also provided for nine seats for the representation of other faiths.²⁶ The House of Lords

¹⁶ The Act was officially listed in statute law as the Ecclesiastical Commissioners Act 1847 (10 & 11 Vict chapter 108). It was repealed in whole by part two of the Statute Law (Repeals) Act 1973. Section 5 of the Bishops Act 1878 (41 & 42 Vict chapter 68) superseded the 1847 Act regarding "the number of bishops sitting in Parliament not to be increased".

¹⁷ Gerald Ellison, the Bishop of Chester, made this observation in a Lords debate in 1968 ([HL Hansard, 19 November 1968, col 671](#)). Figures illustrating the growth in membership over the course of the 20th Century can be found in the House of Lords Library briefing, [Work of the House of Lords: Statistics](#), 16 March 2012.

¹⁸ Gavin Drewry and Jenny Brock, '[Prelates in Parliament](#)', *Parliamentary Affairs*, 1971, vol 24(3), p 249.

¹⁹ Irish Church Act 1869 (32 & 33 Vict chapter 42).

²⁰ Welsh Church Act 1914 (4 & 5 Geo 5 chapter 91) and Welsh Church (Temporalities) Act 1919 (9 & 10 Geo 5 chapter 65).

²¹ House of Lords Library, [History of the House of Lords: A Short Introduction](#), 27 April 2017. A history of the 1642 Act is told in C H Firth, *The House of Lords During the Civil War*, 1910, pp 96–110.

²² Gavin Drewry and Jenny Brock, '[Prelates in Parliament](#)', *Parliamentary Affairs*, 1971, vol 24(3), p 249.

²³ A number of non-legislative proposals for reform between 1968 and the House of Lords Act 1999 are chronicled in the House of Lords Library briefing, [Proposals for the Reform of the Composition and Powers of the House of Lords, 1968–1998](#), 14 July 1998.

²⁴ HM Government, *House of Lords Reform*, 1 November 1968, Cmnd 3799.

²⁵ [HC Hansard, 19 February 1979, col 43](#).

²⁶ [HC Hansard, 19 February 1986, cols 324–6](#).

Reform Bill in 2012–13, proposed by the Coalition Government, sought to reduce the number of Bishops in the House of Lords from 26 to 12.²⁷

1.2 Appointment

When a vacancy arises in a diocese, the Church of England follows a procedure for choosing a new Bishop. The Church has published a brief overview of this:

The process for choosing a diocesan Bishop begins in the diocese. Because of the variety of roles which diocesan Bishops have, not only within the Church of England but also in the local community and the nation at large, the choice is not made by representatives of the diocese alone. Diocesan representatives work with representatives of the Church of England as a whole, under the presidency of the Archbishops, and the Sovereign (advised by the Prime Minister) also plays a part in the process.²⁸

As mentioned above, the choosing of a new Bishop begins with discussions in the diocese about the needs of the area and what kind of candidate is appropriate. A Vacancy in See Committee meets in this regard and has two functions:

- To prepare a brief description of the diocese and a statement setting out the desired profile of the new Bishop;
- To elect the diocesan representatives to the Crown Nominations Commission.²⁹

Following this, the two Appointments Secretaries, comprising the Diocesan Secretary and the Archbishops' Secretary for Appointments will “jointly undertake consultations, within the diocese in order to inform their memorandum outlining their views on the requirements of the diocese and on the desired profile of the new bishop”.³⁰ The Appointments Secretaries will then prepare a memorandum based on their consultations while the Strategy and Planning Unit at Church House, Westminster, produces statistics on the Diocese’s mission and ministry.³¹ In addition to this, the Archbishops “prepare a statement which will set out the needs of the Church of England as a whole with particular regard to the range of skills, perspectives and experience of existing members of the House of Bishops”.³²

²⁷ House of Lords Library, [House of Lords Reform Draft Bill](#), 20 May 2011.

²⁸ Church of England, [Briefing For Members of Vacancy In See Committees](#), May 2017, p 7.

²⁹ *ibid.*

³⁰ *ibid.*, p 8.

³¹ *ibid.*

³² *ibid.*

The public are then invited to submit comments and suggest possible individuals to the Appointments Secretaries. These names, along with the Description of the Diocese and Statement of Needs; the Secretaries' Memorandum; a note by the outgoing Bishop (if submitted); and a statement by the Archbishops on the needs of the Church of England as a whole, are submitted to the Crown Nominations Commission.³³

The membership of the Crown Nominations Commission comprises:

- Two Archbishops (as Chair and Vice-Chair)
- Six members of the General Synod (three clergy, three lay)
- Six members elected by the diocesan Vacancy in See Committee (at least three of them lay)
- Two Appointments Secretaries (as non-voting members)
- The Archbishop of the Province presides, although he or she may delegate presidency of all or part of a meeting to the other Archbishop. (When a vacancy in the See of Canterbury or the See of York is considered, the membership is slightly different and a lay person presides).³⁴

The meetings of the Commission and the documents circulated are kept confidential. The Church has set out the reason for this confidentiality:

This is to protect all candidates considered from undue pressure and also to protect the new bishop and his or her family from rumour, as well as individual members of the commission.³⁵

The Commission then holds interviews with the candidates (which usually number four). It will then submit its first choice to the Prime Minister, and a second choice in the event that the first cannot accept. Both candidates need to have received the support of two-thirds of the members of the Commission. A second ballot is held to determine the Commission's first choice, again by a two-thirds majority.³⁶ Both ballots are secret. When a candidate has accepted, the Prime Minister then advises the Sovereign to formally nominate the candidate.

After this, the College of Canons of the Cathedral will meet to formally elect the person nominated by the Crown and the election is then confirmed by the Archbishop of the Province, or by their Vicar-General on their behalf.³⁷

³³ Church of England, [Briefing For Members of Vacancy In See Committees](#), May 2017, p 9.

³⁴ *ibid.*

³⁵ *ibid.*

³⁶ *ibid.*, p 10.

³⁷ *ibid.*, p 11.

1.3 Role

As Members of the House of Lords, the Lords Spiritual have the same rights as the Lords Temporal. The Church of England's website explains:

There is always a Lord Spiritual in the House of Lords when it is sitting, to read prayers at the start of the day and to participate in the business of the House. Attendance in the House to read prayers is determined by the Lords Spiritual on a weekly rota basis, but Bishops also choose to attend the House on an ad-hoc basis when matters of interest and concern to them are before it.³⁸

Unlike the Lords Temporal, the Lords Spiritual sit by virtue of the office they hold. Though they are not Peers themselves, like the Lords Temporal “they do not represent a parliamentary constituency, although their work is often closely informed by their diocesan role. They sit as individual Lords Spiritual, and as such they have much in common with the independent Crossbenchers and those who are not party-affiliated”.³⁹

Convenor of the Lords Spiritual

Like the Crossbenchers, the Bishops have a recognised spokesman in the House.⁴⁰ The Convenor of the Lords Spiritual coordinates the work of the Bishops in the House of Lords. The Church of England website explains:

The Convenor ensures that the work of the Lords Spiritual is coordinated and supported and that the interests of the Bishops Bench are represented fully in and outside Parliament. The Convenor is the primary point of contact and liaison on behalf of the Bishops Bench for the party leaderships in the Lords, Convenor of the Cross Bench Peers, officials and business managers.⁴¹

The Archbishop of Canterbury appoints the Convenor of the Lords Spiritual and the position changes when the incumbent retires.⁴² The current Convenor is the Bishop of Birmingham, David Urquhart.⁴³

1.4 Participation

At present, the Bishops make up about 3 percent of the House of Lords. As at 15 August 2017, there were 802 Members in the House of Lords,

³⁸ Church of England, '[Bishops in the House of Lords](#)', accessed 15 August 2017.

³⁹ *ibid.*

⁴⁰ Donald Shell, *House of Lords*, 2007, p 55.

⁴¹ Church of England, '[New Convenor of the Lords Spiritual Announced](#)', 18 May 2015.

⁴² Information provided by the Church of England Parliamentary Unit.

⁴³ Church of England, '[New Convenor of the Lords Spiritual Announced](#)', 18 May 2015.

excluding the 14 Members who were on a leave of absence and eight disqualified as senior members of the judiciary.⁴⁴

Despite their small number, Donald Shell, a Senior Politics Lecturer at the University of Bristol, has observed that the Bishops remain “an important element in the House”.⁴⁵ The reading of prayers in the Lords “ensures the presence of a Bishop for at least part of each day’s proceedings”.⁴⁶ The full calendar year is covered in advance, with each of the 21 Lords Spiritual (the five with reserved seats are exempt) selecting two or three weeks to cover Lords business (including the possibility of the recall of Parliament). However, Donald Shell observed that “for many Bishops commitments elsewhere clearly take priority over their membership of the House”.⁴⁷ Writing in *Parliamentary Affairs*, Andrew Connell has observed that when Bishops enter the House of Lords their existing diocesan commitments are not reduced:

Parliamentary work becomes another duty that has to be fitted in alongside the rest. Although few members of the Lords can be described as full-time legislators, it is, therefore, especially difficult for any Bishop to be more than a very part-time Parliamentarian.⁴⁸

The challenges Bishops encounter in attending the House are reflected in the following comments made by the Bishop of Birmingham, during a debate on the House on the Lords’ working practices:

The most common difficulty for a Lord Spiritual in attending to the business of your Lordships’ House is wrestling with the competing demands of the diocesan diary. Business that goes on until late in the evening means that those of us who live outside London and the Home Counties have to knock out nearly two days of work in order to travel to and fro and participate in business in your Lordships’ House.⁴⁹

The average attendance of the Lords Spiritual between 2005–06 to 2016–17 was 18 percent. Over the same period, the average attendance of the whole House was 58.5 percent. In the 2016–17 session, the average attendance of the Bishops was 16.9 percent, compared to the 59.7 percent average attendance of the whole House. Between the 2005–06 and 2016–17

⁴⁴ UK Parliament, ‘[Lords by Party, Type of Peerage and Gender](#)’, accessed 4 September 2017. The Bishops currently number 24, with the Bishop of London yet to be appointed and the resignation of the Bishop of Truro on 31 August 2017.

⁴⁵ Donald Shell, *House of Lords*, 2007, p 54.

⁴⁶ *ibid.*

⁴⁷ *ibid.*

⁴⁸ Andrew P Connell, ‘[Prelates as Part-Time Parliamentarians: The Attendance and Participation of the Lords Spiritual in the Contemporary House of Lords](#)’, *Parliamentary Affairs*, vol 70 no 2, April 2017, p 241.

⁴⁹ [HL Hansard, 27 June 2011, col 1561](#).

sessions, 2012–13 saw the Bishop’s highest average attendance, while the lowest average attendance was 2009–10.⁵⁰

Table 1: Average Attendance 2005–06 to 2016–17

Session	Bishops Average Attendance (%)	Whole House Average Attendance (%)
2016–17	16.9	59.7
2015–16	18.3	60.7
2014–15	17.9	60.6
2013–14	19.6	63.3
2012–13	19.6	61.5
2010–12	18.9	59.6
2009–10	16.4	55.5
2008–09	17.8	54.5
2007–08	18.8	55.7
2006–07	17.0	56.2
2005–06	16.7	55.9
Average Attendance 2016–17 to 2005–06	18.0	58.5

An analysis by the religion and society think tank Theos, in its 2007 report *Coming off the Bench: The Past, Present and Future of Religious Representation in the House of Lords*, broadly corresponds with these averages for attendances in the period between the 1997–98 and 2004–05 sessions.⁵¹ Francis Bown had found that between 1979 and 1987 the average attendance rate for the Lords Spiritual was 12.2 percent.⁵²

Although comparatively less regular in attending the House, a collective effort is said to be made to “ensure that contributions from their benches are made when these seem appropriate, especially on matters of obvious moral or ethical concern”.⁵³ An examination of the contributions made by each Bishop in *Hansard* confirms that a range of subjects is covered by the Lords Spiritual. In order to do so, as Gavin Drewry and Jenny Brock note, “[e]piscopal participation in debate is normally upon the basis of one Bishop

⁵⁰ Statistics provided by the House of Lords Journal Office.

⁵¹ Theos, *Coming Off the Bench: The Past, Present and Future of Religious Representation in the House of Lords*, 2007, p 27.

⁵² Francis Bown, ‘Influencing the House of Lords: the Role of the Lords Spiritual 1979–1987’, *Political Studies*, March 1994, vol 42(1), p 107.

⁵³ Donald Shell, *House of Lords*, 2007, p 54.

being always at hand to act as spokesman for the spiritual aspects of a case in all but the most doctrinally or socially significant debates when several Bishops may feel constrained to attend”.⁵⁴ In 2007, Donald Shell noted that: “a Bishop on a prayer rota week will probably be called upon to speak during that week”.⁵⁵ However, between 1979 and 1987 the record showed that contributions came from beyond those on the rota.⁵⁶

More recently, the Bishops have organised on a policy basis. Writing in the *Church Times*, the Bishop of Leicester (the then Convenor Tim Stevens) said that “we are allocating particular policy areas to each Bishop. Bishops will still retain a breadth of concerns, but will now focus on two or three particular areas of legislation. It is a response both to the increased workload, and the increasing professionalisation, of the House of Lords”.⁵⁷ In 2008 the Church of England’s Parliamentary Unit was set up. It “supports the work of the Bishops in the House of Lords and the Second Church Estates Commissioner in the House of Commons”.⁵⁸

In terms of activity, between the 2010–12 and 2016–17 sessions, the Bishops:

- Asked an average of 113 oral questions each session.
- Tabled an average of 102 written questions.
- Initiated an average four questions for short debate (QSDs) and two debates per session.

In the most recent session (2016–17), the Bishops tabled 73 written questions and 109 oral questions. Of the latter, the Bishops asked the lead oral question on 10 occasions. Bishops have regularly contributed to debates on a wide range of topics, from foreign affairs to families, as detailed in section 4.3.⁵⁹

Nicholas Baldwin, in a survey of membership in 1988, observed that Bishops “scrutinize matters under debate in the light of the Christian faith”.⁶⁰ Francis Bown, in his analysis of Bishops in the Lords between 1979 and 1987, raised the question as to whether Bishops propagate a “Lambeth Line” in their speeches. His research suggested: “the important thing is that the Church

⁵⁴ Gavin Drewry and Jenny Brock, ‘[Prelates in Parliament](#)’, *Parliamentary Affairs*, 1971, vol 24(3), p 246.

⁵⁵ Donald Shell, *House of Lords*, 2007, p 54.

⁵⁶ Francis Bown, ‘[Influencing the House of Lords: the Role of the Lords Spiritual 1979–1987](#)’, *Political Studies*, March 1994, vol 42(1), p 108.

⁵⁷ *Church Times*, ‘[Bishops are Lining up to Keep Coalition in Check](#)’, 28 October 2011.

⁵⁸ Church of England, ‘[The Church in Parliament](#)’, accessed 15 August 2017.

⁵⁹ Research by the House of Lords Library.

⁶⁰ Nicholas DJ Baldwin, ‘The Membership of the House’, in Donald Shell and David Beamish (eds), *The House of Lords at Work: A Study Based on the 1988–1989 Session*, 1993, p 58.

speaks, not what it says”.⁶¹ For legislative business, at least one Bishop will usually contribute to the second reading debate on a Bill, though if more than one speaks “they do not necessarily speak with one voice”.⁶² Beyond the second reading it is not unusual for a Bishop to contribute during the remaining stages, though as the then Bishop of Rochester, David Say, commented before moving an amendment to the British Nationalities Bill in 1981:

It is only very rarely that we on these Benches venture into the more detailed discussion of legislation, mainly because our duties do not allow us to be here sufficiently regularly to do so.⁶³

Tabling amendments is rarer, but does happen on occasion. For example, the Bishop of Peterborough, Ian Cundy, moved amendments to the Education and Inspections Bill in 2005–06 at committee stage.⁶⁴ He tabled a number of amendments related to faith schools which were not moved following debate. During the passage of the Coalition Government’s Welfare Reform Bill in the 2010–12 session, the Bishop of Ripon and Leeds, John Packer, tabled an amendment to exclude child benefit from the Government’s proposed household benefit cap.⁶⁵ The amendment passed by 252 votes to 237 in the House of Lords at report on 23 January 2012, but was later overturned in the House of Commons.⁶⁶

Away from the main chamber, Bishops also take part in the committee work of the House. For example, in the last session (2016–17), the Bishop of Carlisle, James Newcome, was a member of the NHS Sustainability Committee and the Bishop of Chelmsford, Stephen Cottrell, was a member of the Communications Committee.⁶⁷

The average turnout of the Bishops in all divisions since 1999–2000 is 3.91 percent. This figure includes both whipped and un-whipped divisions. Since 2010–12, the Bishops collectively cast, with the exception of the 2016–17 session, more votes against the Government of the day than for it. In 2016–17, the Bishops were divided equally, casting 53 votes for the Government and 53 against over the course of the session. The 2016–17 session also saw ten Bishops vote on an amendment to the Government’s European Union (Notification of Withdrawal) Bill at report stage. The amendment called for parliamentary approval for the outcome of negotiations with the European Union. In this vote, eight Bishops voted

⁶¹ Francis Bown, ‘[Influencing the House of Lords: the Role of the Lords Spiritual 1979–1987](#)’, *Political Studies*, March 1994, vol 42(1), p 108.

⁶² Donald Shell, *House of Lords*, 2007, p 54.

⁶³ [HL Hansard, 7 July 1981, col 633](#).

⁶⁴ [HL Hansard, 18 July 2006, cols 1183–7](#).

⁶⁵ BBC News, ‘[Government Suffers Lords Defeat Over Benefit Cap Plan](#)’, 23 January 2012.

⁶⁶ House of Commons Library, *The Benefit Cap*, 21 November 2016, p 25.

⁶⁷ House of Lords NHS Sustainability Committee, ‘[Membership](#)’, accessed 15 August 2017; and House of Lords Communications Committee, ‘[Membership](#)’, accessed 15 August 2017.

against the amendment, and two for it.⁶⁸ As Nicholas Baldwin has previously noted, in voting Bishops “certainly do not vote together as a block”.⁶⁹

Between 1979 and 1987 Francis Bown estimated that Bishops took part in 21.4 percent of divisions, and in 56 divisions more than two took part. The highest number voting in a division was 19 Bishops on the Shops Bill in 1986. Bown found that only one division could be cited as one where Bishops had arguably changed the outcome, which was on the Housing and Building Control Bill in 1984 where the Lords voted 101 to 100 to insist on its amendments. Two Bishops voted against the Government.⁷⁰

Professor Meg Russell, in her book *The Contemporary House of Lords*, has observed:

The votes of Bishops are occasionally decisive, but due to the small numbers attending and voting [...] this is rare. There were just ten government-whipped divisions during 1999–2012 when the Bishops’ votes made a difference between victory and defeat, in seven of which the Government had won or lost the division by only one vote. Nevertheless, the influence of the Bishops attracts far more criticism than that of the Crossbenchers. One notable example was on the Equality Bill in January 2010, when the votes of eight Bishops were decisive on an amendment to widen the exemption for religious groups from requirements for equal treatment in employment. This was an unusually high bishop turnout, and an even more unusual example of influence in the division lobbies, yet it quickly attracted negative attention. However, insofar as the Bishops have a measurable impact, this shows no clear ‘progressive’ or ‘conservative’ bias. On only one occasion over this period did the Bishops’ votes make a difference in a division on a bishop-led amendment (indeed there were only eight bishop-sponsored amendments in total). This was in 2002, on an amendment by the Bishop of Portsmouth (to the Nationality, Immigration and Asylum Bill) to require that asylum seekers’ children had access to school education rather than being taught in detention centres. Three Bishops voted for the amendment, and the Government was defeated by one vote.⁷¹

The tables in section 4.4 provide more detail about Bishops and voting. Further information on voting in the House of Lords can be found in the

⁶⁸ Church of England, ‘[Votes: EU \(Notification of Withdrawal\) Bill—Parliamentary Approval of Brexit Deal](#)’, accessed 15 August 2017.

⁶⁹ Nicholas DJ Baldwin, ‘The Membership of the House’, in Donald Shell and David Beamish (eds), *The House of Lords at Work: A Study Based on the 1988–1989 Session*, 1993, p 58.

⁷⁰ Francis Bown, ‘[Influencing the House of Lords: the Role of the Lords Spiritual 1979–1987](#)’, *Political Studies*, March 1994, vol 42(1), p 109.

⁷¹ Meg Russell, *The Contemporary House of Lords*, 2013, p 122.

House of Lords Library briefing, *House of Lords: Party and Group Strengths and Voting*.⁷²

1.5 Church Legislation

As mentioned previously, Parliament has a role scrutinising legislation which relates to the administration and organisation of the Church of England.⁷³ The Church of England Assembly (Powers) Act 1919 gave the then Church Assembly the power to legislate by ‘Measures’.⁷⁴ These powers were transferred to the General Synod in 1969 following the passing of the Synodical Government Measure 1969.⁷⁵ Measures are a form of primary legislation passed by the General Synod. They must be approved by both Houses of Parliament and receive royal assent. Measures have the same status as acts of parliament under the Church of England Assembly (Powers) Act 1919.⁷⁶

According to the Church of England, the UK Parliament can still pass legislation concerning the Church of England. However:

In practice this has happened only very rarely since the enactment of the Church of England Assembly (Powers) Act 1919, and there is a constitutional convention that Parliament does not legislate for the internal affairs of the Church of England without its consent.⁷⁷

When the General Synod proposes legislation, draft measures are presented to the Ecclesiastical Committee in Parliament which considers the measures and makes a report on whether they should be made.⁷⁸ The Ecclesiastical Committee has 30 members, with 15 MPs appointed by the Speaker of the House of Commons, and 15 members of the House of Lords appointed by the Lord Speaker.⁷⁹ In the House of Lords, the Bishops introduce the ecclesiastical measures.

2. Recent Developments: Size of the House

In January 2017, the Lord Speaker’s Committee on the Size of the House was established following the House agreeing a motion in December 2016

⁷² House of Lords Library, [House of Lords: Party and Group Strengths and Voting](#), 15 March 2017.

⁷³ UK Parliament, [‘Parliamentary Scrutiny of Church Measures’](#), accessed 15 August 2017.

⁷⁴ Church of England Assembly (Powers) Act 1919 (9 & 10 Geo 5 chapter 76).

⁷⁵ Synodical Government Measure 1969 (1969 No 2).

⁷⁶ Church of England, [‘Church of England Legislation’](#), accessed 15 August 2017.

⁷⁷ *ibid.*

⁷⁸ UK Parliament, [‘Parliamentary Scrutiny of Church Measures’](#), accessed 15 August 2017.

⁷⁹ UK Parliament, [‘Ecclesiastical Committee—Role’](#), accessed 15 August 2017.

that its size should be reduced.⁸⁰ The Committee is due to report in October 2017.⁸¹

The Committee invited suggestions about how to achieve the following aims:

- To reduce the House from its current size to a target number or range.
- To keep the House at that target size or range afterwards.⁸²

In its written submission, the Electoral Reform Society (ERS) expressed disappointment that the Committee would not consider submissions about whether Members should be elected or appointed. However, it did suggest some “size-limiting reforms” that could serve as “stepping stones” to further reform. One suggestion was removing the Lords Spiritual:

The place of the Lords Spiritual is anachronistic. Iran is the only other legislature in the world which gives unelected clerics automatic representation in its legislature. The automatic inclusion of representatives of other faiths is an unacceptable solution due to the difficulty of deciding which faiths and denominations within faiths to include, how to include non-religious organisations, and the constantly changing demographics of the UK. The ERS would support an end to the automatic provision of legislative seats to Bishops.⁸³

The removal of the Bishops was also recommended by the National Secular Society in its submission to the Committee.⁸⁴

While the December 2016 debate focused on the size of the House of Lords more broadly, a few members considered how this might affect the Bishops. The Bishop of Birmingham, David Urquhart, reminded the House that the number of Lords Spiritual was limited in statute to 26 places and Bishops retired at 70.⁸⁵ He added:

Clearly, while we remain in the House we do so with enthusiasm, participating on the basis of our full-time jobs in the regions. In the context of this debate, we fully participate in a sense of proportionality, in that the size of this Bench should be in proportion to the size of your Lordships’ House in future.⁸⁶

⁸⁰ UK Parliament, [‘Inquiry Launched into the Size of the House of Lords’](#), 25 January 2017.

⁸¹ UK Parliament, [‘Lord Speaker’s Committee to Report in October’](#), 4 July 2017.

⁸² Lord Speaker’s Committee on the Size of the House, [Consultation Document](#), 25 January 2017, p 1.

⁸³ Electoral Reform Society, [‘The Inquiry on Cutting the Lords Risks Looking Like a Stitch Up’](#), 14 February 2017.

⁸⁴ National Secular Society, [‘Abolish Bishops’ Bench to Reduce the Size of the House of Lords’](#), 21 February 2017.

⁸⁵ [HL Hansard, 5 December 2016, cols 509–10.](#)

⁸⁶ *ibid*, col 510.

Baroness Taylor of Bolton (Labour) suggested that she, along with other Members of the House, would seek to reduce the size of the House by ending places for hereditary Peers and Bishops, but added that this “would require legislation and is just a personal view”.⁸⁷ In contrast, Lord Tebbit (Conservative) insisted that in any reform scheme “there should be provision for the Bishops and the Crossbenchers”.⁸⁸

On 9 November 2016, the House of Commons Public Administration and Constitutional Affairs Committee launched an inquiry into the size and composition of the House of Lords.⁸⁹ An evidence session was held on 31 January 2017, in which two former Lord Speakers, Baroness D’Souza and Baroness Hayman (both Crossbench) were witnesses. Committee member Kelvin Hopkins (Labour MP for Luton North) suggested that removing the Bishops and the hereditary Peers would be a way to start reducing the size of the House:

As an outsider in a sense, as a Member of the Commons, as a citizen, just getting rid of the Bishops, getting rid of the hereditaries, that would be a start. Most ordinary people would say, “Why are the Bishops there when we have a multi-faith society and a very high proportion, millions, of our citizens are not religious at all anymore?” yet we still have bishops in the House of Lords. It is a complete anachronism. Having hereditary Peers, again is an anachronism, which most people cannot grasp. Would it not be simple to get rid of those two categories for a start?⁹⁰

In response, Baroness D’Souza, suggested that removing the Bishops would not be simple:

[...] Because it goes right back into history. It may be that it would be a very sensible thing to limit the number and if indeed there were a limit to the number of people in the House of Lords, by whatever mechanism we arrive at, then I think that the Bishops obviously would be affected by that and that would need negotiation, but to get rid of them wholesale, again that is not an incremental change; that is pretty radical.⁹¹

Baroness Hayman added that removing the Bishops would not make a huge difference to the size of the House and argued that that you “could reduce the number of Bishops in the House of Lords quite straightforwardly in line

⁸⁷ [HL Hansard, 5 December 2016, col 507.](#)

⁸⁸ *ibid.*, col 516.

⁸⁹ House of Commons Public Administration and Constitutional Affairs Committee, ‘[Is the House of Lords an Effective Second Chamber?](#)’, 9 November 2016.

⁹⁰ House of Commons Public Administration and Constitutional Affairs Committee, [Oral Evidence: An Effective Second Chamber? The Size and Composition of the House of Lords](#), 31 January 2017, HC 811 of session 2016–17, Q13.

⁹¹ *ibid.*

with the overall reduction”.⁹² As the number of Bishops is set by the Bishops Act 1878, any reduction with statutory effect would require primary legislation.

3. Discussion

In her book, *The Contemporary House of Lords*, Professor Meg Russell noted that “any reform [to the House of Lords] that seeks to modernise the chamber’s composition, and even simply to reduce its size, raises questions about reform of the Bishops’ benches”.⁹³ Arguments made about the role of the Bishops typically focus on their historical role in the UK constitution, their contribution to the work of the House of Lords, their role as representatives, the potential impact of their removal on the established church and the role of Bishops in passing church legislation. These are explored below.

3.1 History and Constitution

Some commentators have argued the presence of the Bishops preserves a connection with the past. For example, the Church of England website argues that “the continuing place of Anglican Bishops in the Lords reflects our enduring constitutional arrangement, with an established Church of England and its Supreme Governor as Monarch and Head of State”.⁹⁴ In January 1999, the Wakeham Commission was established by the then Labour Government to consider and make recommendations on the role and function of the House of Lords.⁹⁵ Its report argued that “the Church of England Bishops’ position as Lords of Parliament reflects the British history and culture of seeking to heal religious conflict and promoting ever greater religious tolerance and inclusiveness”.⁹⁶ The historical and constitutional argument was also acknowledged by the then Labour Government in its 2008 white paper, *An Elected Second Chamber: Further Reform of the House of Lords*:

The relationship between the Church and State is a core part of our constitutional framework that has evolved over centuries. The presence of Bishops in the House of Lords signals successive Governments’ commitment to this fundamental constitutional principle

⁹² House of Commons Public Administration and Constitutional Affairs Committee, [Oral Evidence: An Effective Second Chamber? The Size and Composition of the House of Lords](#), 31 January 2017, HC 811 of session 2016–17, Q13.

⁹³ Meg Russell, *The Contemporary House of Lords*, 2013, p 272.

⁹⁴ Church of England, [‘Bishops in the House of Lords’](#), accessed 22 May 2017.

⁹⁵ House of Lords Library, [History of the House of Lords: A Short Introduction](#), 27 April 2017.

⁹⁶ Royal Commission on the Reform of the House of Lords, [A House for the Future](#), 2000, Cm 4534, p 152.

and to an expression of the relationship between the Crown, Parliament and the Church that underpins the fabric of our nation.⁹⁷

This argument was reiterated during debates on the Coalition Government’s House of Lords Reform Bill in the 2012–13 session. In a written answer in 2011, the then Leader of the House of Lords, Lord Strathclyde, argued:

The Church of England is the established Church in England and the relationship between Church and state is an important part of the constitutional framework that has evolved over centuries.⁹⁸

However, these arguments have been questioned. In 2002, the House of Commons Public Administration Committee argued, as consensus had emerged around the desirability of a largely elected second chamber, the retention of the Bishops on the current basis would become an “anachronism”. The Committee’s report, *Second Chamber: Continuing the Reform*, said:

We entirely accept the case that a healthy variety of opinions, which could include a range of religious, moral and ethical viewpoints, should be represented in the second chamber [...] The continuing process of reform, with a largely elected second chamber and the active statutory appointments commission we propose, would rapidly make the tradition of ex officio religious membership an anachronism.⁹⁹

In the context of the Coalition Government’s House of Lords Reform Bill, which proposed keeping 12 Bishops as part of a reformed House, Andrew Copson, Chief Executive of the British Humanist Association, Humanists UK, argued that there was no constitutional justification for having reserved seats for the Church of England in Parliament.¹⁰⁰ More recently, the National Secular Society (NSS) argued that “of all the outward manifestations of religious privilege embedded in the United Kingdom’s civic life” the continued presence of Bishops in the House of Lords was “one of the most archaic, unfair and undemocratic”.¹⁰¹

Other commentators have looked to experience overseas. Writing for the University College London’s Constitution Unit in 1999, Janet Lewis-Jones

⁹⁷ HM Government, [An Elected Second Chamber: Further Reform of the House of Lords](#), July 2008, Cm 7438, para 6.45.

⁹⁸ [HL Hansard, 21 October 2011, col WA109](#).

⁹⁹ House of Commons Public Administration Select Committee, [Second Chamber: Continuing the Reform, 2007](#), HC 494-I of session 2001–02, para 157.

¹⁰⁰ Humanists UK, [‘The Bishops See Their Role as Speaking for Those of All Faiths’](#), 24 October 2011.

¹⁰¹ National Secular Society, [Lord’s Reform—the Lords Spiritual](#), January 2016.

observed that countries with similar long histories of formal religious representation have long since ended it. She noted that this was:

[...] in large part due to the modernisation and redrafting of constitutions in many countries during [the 20th Century], following major upheaval which has provided a clear break with the past. These include the new constitution of Ireland in 1937, the post-war constitutions in France, Germany and Italy, and the new constitution drafted in Spain after the death of Franco in 1975.¹⁰²

Dr Alan Renwick, the Deputy Director of the Constitution Unit, has noted that “the UK is unique among democracies in granting a guaranteed place to a faith group in its legislature”.¹⁰³ He found that the “only other chamber in a democratic country that comes anywhere close is the Belize Senate, one of whose twelve members is appointed by the President with the advice of the Belize Council of Churches and Evangelical Association of Churches”.¹⁰⁴

3.2 Contribution and Impact

The Bishops speak on a wide variety of issues in the House of Lords through their contributions to oral questions, debates and legislation. The Church of England website states that:

Like other members of the Lords, they do not represent a parliamentary constituency, although their work is often closely informed by their diocesan role.

[...]

Their presence in the Lords is an extension of their general vocation as Bishops to preach God’s word and to lead people in prayer. Bishops provide an important independent voice and spiritual insight to the work of the Upper House and, while they make no claims to direct representation, they seek to be a voice for all people of faith, not just Christians.¹⁰⁵

In its analysis of the contribution of the Lords Spiritual, Theos observed that the Bishops made “considerable use of arguments based on facts, statistics, and academic and professional advice” which indicated “a strong emphasis

¹⁰² Janet Lewis-Jones, [Reforming the Lords: The Role of the Bishops](#), UCL Constitution Unit, June 1999, para 55.

¹⁰³ Alan Renwick, [Political Studies Association Briefings: House of Lords Reform](#), Political Studies Association, 2011, p 44.

¹⁰⁴ *ibid.*

¹⁰⁵ Church of England, [‘The Lords Spiritual’](#), accessed 15 August 2017.

on influencing debates through the presentation of a well-informed and credible assessment of the issues under discussion”.¹⁰⁶

The Church of England has also argued that the Bishops’ responsibilities beyond Parliament strengthens the contribution that they can make to the House:

Bishops are very much members of the House with a workload and range of duties that preclude the level of attendance expected of career politicians or members whose work is primarily within parliament. This is a strength to the House, both in terms of the House’s diversity and of the lively experience on the basis of which Bishops are able to contribute to debates. Indeed it is precisely because Bishops have responsibilities outside the House that they are fitted to serve its core tasks so well.¹⁰⁷

The Wakeham Commission noted that “the way in which the Church of England’s representation in the House of Lords has been manifested over at least the past 100 years has served to acknowledge the importance of philosophical, moral and spiritual considerations—not just religious ones—in the conduct of public affairs”.¹⁰⁸ In answer to a parliamentary question in 2011, the Coalition Government argued that the Bishops provided an important dimension to the legislative process and should be retained in a reformed House.¹⁰⁹

In addition, it has been argued that the work of the Bishops in the House needs to be understood in the context of their numbers and the other work they undertake outside the House. Theos has argued that “in view of the real obstacles that the Bishops face in playing a full part in the House of Lords, their record is admirable”.¹¹⁰ However, it suggests the Bishops could contribute more. Responding to the obstacles that limit Bishops’ participation in the Lords, Theos suggested that “if the Bishops are to serve both Church and Parliament effectively, and if the House of Lords represents a genuine opportunity for the Church of England to bring authoritative, non-coercive counsel, more needs to be done to remove these obstacles so that there is no longer a ceiling on the extent to which the Bishops can contribute”.¹¹¹

¹⁰⁶ Theos, [Coming off the Bench: The Past, Present and Future of Religious Representation in the House of Lords](#), 2007, p 41.

¹⁰⁷ Church of England, ‘[Church Calls on Government to Revise House of Lords Proposals](#)’, 31 January 2002.

¹⁰⁸ Royal Commission on the Reform of the House of Lords, [A House for the Future](#), 2000, Cm 4534, p 152.

¹⁰⁹ [HL Hansard, 21 October 2011, col WA109](#).

¹¹⁰ Theos, [Coming off the Bench: The Past, Present and Future of Religious Representation in the House of Lords](#), 2007, p 45.

¹¹¹ *ibid*, p 46.

Those opposed to reserved seats for the Bishops challenge the contribution of the Lords Spiritual. Humanists UK has said that the “claim that Bishops are uniquely qualified to provide ethical and spiritual insights is factually incorrect and offensive”.¹¹² It asserts that “people from many walks of life and from many religions and none are at least equally qualified if not more so—for example, moral philosophers and experts in medical ethics”.¹¹³

Janet Lewis-Jones has observed that any such wisdom need not necessarily be limited to official representatives of a faith, arguing that “lay members of both chambers of Parliament, some of whom have strong religious affiliations, are well able to—and do—articulate ethical, moral, religious and spiritual concerns in debate”.¹¹⁴

3.3 Representativeness

Speaking in 2010, the then Bishop of Leicester, Tim Stevens, argued that religion had proven to be durable in the modern world and that that fact should be acknowledged with regards to reform of the House of Lords:

Contrary to expectations, increasing material prosperity, scientific advance and global mobility have not led to the death of religion or even to its relative eclipse. That may be a matter of celebration or dismay to some of your Lordships, but it remains true that the persistence of religion has to be accounted for and, since it will not go away, its ongoing place in society must be taken into account. It would be at the very least a shame if major constitutional reform, potentially the most significant for nearly 200 years and designed to last for perhaps several hundreds more, were grounded on a 20th-Century theory of secularisation that has been fairly comprehensively discredited and no longer describes the world as it has turned out to be.¹¹⁵

Supporters of the Lords Spiritual therefore point to their representativeness. Most directly, the Lords Spiritual can claim to represent the Church of England and therefore members of the Church. Statistics on the Church of England website state that in October 2015, “approximately 960,000 people participated in a Church of England service each week”.¹¹⁶ It adds that “usual Sunday attendance at Church of England churches in 2015 was 752,000 people”.¹¹⁷ The Church of England has acknowledged that attendance at Church of England church services has “gradually fallen”, observing that “attendance has fallen between 10 percent and 15 percent

¹¹² Humanists UK, [Religious Representatives in the House of Lords](#), June 2011, para 4a.

¹¹³ *ibid.*

¹¹⁴ Janet Lewis-Jones, ‘[Reforming the Lords: The Role of the Bishops](#)’, UCL Constitution Unit, June 1999, p 7.

¹¹⁵ [HL Hansard, 29 June 2010, col 1690](#).

¹¹⁶ Church of England, ‘[Facts and Stats](#)’, accessed 15 August 2017.

¹¹⁷ Church of England, [Statistics for Mission 2015](#), October 2016, p 3.

over the past 10 years”.¹¹⁸ According to NatCen’s British Social Attitudes survey, 43.8 percent of people in England and Wales identified themselves as Christian (Anglicans, Catholics and other denominations) in 2014.¹¹⁹ It also found that 48.5 percent of people identified themselves as having no religion.¹²⁰

In broader terms, Janet Lewis-Jones has suggested that “it is arguable that, with their diocesan bases, the Bishops are the nearest the House of Lords has to members with a constituency”.¹²¹ This view was echoed by the then Archbishop of Canterbury, Rowan Williams, who argued that Bishops are “in effect the only Members of the upper House who have something like constituencies”.¹²² He added that the appointments procedure for diocese Bishops:

[D]raws opinions from a large number of people in, for example, civil administration, education and a number of other community locations. The appointments procedure takes for granted that a Bishop has a very visible role in civil society.¹²³

Lord Williams also suggested that the community-based work of the Bishops gave them a broad spectrum of experience to draw upon:

The rooted presence of the Church of England in every community of England and the committed membership of nearly 1 million regular weekly attendees gives Bishops personal access to a very wide spread of civil organisation and experience—perhaps wider than is enjoyed by many comparable public figures. Their personal contribution to the work of the House of Lords therefore draws not on partisan policy but on that direct experience, as well as engagement generally with questions of ethics, morality and faith.¹²⁴

The Church of England has argued that the Bishops seek to be a voice for all people of faith in the upper House.¹²⁵ Writing in the *King’s College Law*

¹¹⁸ Church of England, [Statistics for Mission 2015](#), October 2016, p 3.

¹¹⁹ *Guardian*, [‘People of No Religion Outnumber Christians in England and Wales—Study’](#), 23 May 2016.

¹²⁰ *ibid.*

¹²¹ Janet Lewis-Jones, [‘Reforming the Lords: The Role of the Bishops’](#), UCL Constitution Unit, June 1999, p 6.

¹²² Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill: Volume II Oral and Associated Written Evidence](#), 23 April 2012, HL Paper 284–II of session 2010–12, p 254.

¹²³ *ibid.*

¹²⁴ *ibid.*

¹²⁵ Church of England, [‘Bishops in the House of Lords’](#), accessed 15 August 2017.

Journal, Charlotte Smith also spoke of the wider representation offered by the presence of the Lords Spiritual, stating that:

While other organisations have reacted to change by tightening their membership requirements and emphasising their distinctiveness, the Church of England has largely maintained its efforts to serve all those who wish for its offices, whether or not they claim membership. As such it has remained, even if only loosely, a national church and part of the fabric of this nation.¹²⁶

This interpretation of its role as a ‘representer of faiths’ was noted by the Wakeham Commission, which said that the Church “has been acknowledged by leaders of other Christian denominations and faith communities as providing a voice in Parliament for religion in general, not simply for the Church of England. A majority of us accept the force and the continuing validity of these points”.¹²⁷ Lord Strathclyde speaking for the Coalition Government in 2011, stated that the:

Bishops see their role as speaking for those of all faiths. Religious belief has an important role in many people’s lives and it is desirable that this should be reflected in the House of Lords’ considerations.¹²⁸

However, while broadly supporting the position of the Bishops in the Lords, other commentators have called for other faiths to be included. In 2012, the then Chief Rabbi, Lord Sacks argued that the “Archbishops and Bishops of the Church of England should continue to be the majority presence as representatives of the established church”.¹²⁹ However, he suggested that they should be augmented with members of other faiths:

Such a group would add greatly to the moral authority, imaginative reach and inclusive character of the House of Lords. It would constitute a forum in which the several faith traditions—so central to the identity of many Britons and to the collective memory of mankind—join their voices to the deliberative process of dialogue and debate through which a society renews itself and frames its collective future.¹³⁰

The Muslim Council of Britain (MCB) has argued that any proposals that would reduce the number of Bishops would be “disastrous because there will be practically a further reduced voice for the spiritual and moral

¹²⁶ Charlotte Smith, ‘[Episcopal Seats and Proposals for Reform of the House of Lords](#)’, *King’s College Law Journal*, 2002, vol 1, p 116.

¹²⁷ Royal Commission on the Reform of the House of Lords, [A House for the Future](#), 2000, Cm 4534, p 152.

¹²⁸ [HL Hansard, 21 October 2011, col WA109](#).

¹²⁹ Draft House of Lords Reform Bill Joint Committee, [Draft House of Lords Reform Bill: Chief Rabbi, Lord Sacks Written Evidence](#), 23 April 2012.

¹³⁰ *ibid.*

dimension in formulating new law or influencing public policy”.¹³¹ The MCB also called for representatives of the UK’s minority religious communities to be added to the complement of Lords spiritual.¹³²

However, Richy Thompson, Director of Public Affairs and Policy at the British Humanist Association, Humanists UK, questioned how representative the Bishops are. In evidence submitted to the Lord Speaker’s Committee on the Size of the House of Lords, Mr Thompson argued that the presence of the Bishops was “unfair” as it privileged “one denomination of one religious group over those of other religions and beliefs”.¹³³ Moreover, he noted that an ICM poll in 2010 found that 70 percent of British Christians opposed Bishops sitting in the House of Lords.¹³⁴ Mr Thompson rejected suggestions that members of other faiths could be appointed because it was “impossible to work out a fair way to make such appointments that reflects the demographics of the population, and keep up with changing demographics”.¹³⁵ He also stated that as some religions do not have hierarchical structure, this would make it difficult to determine who should sit in the Lords.¹³⁶

With regard to representation of other faiths, the Wakeham Commission found that the Bishops “are not representative of the broad spectrum of religious opinion in the United Kingdom”.¹³⁷

The British Humanist Association, Humanists UK, has stated that it does not oppose religious leaders being Members of the House of Lords so long as they are appointed or elected in the same way as any other Member.¹³⁸ It has also argued that the Anglican community was overrepresented in the House of Lords:

[...] average weekly Church of England attendance now stands at under one million people, out of a population of over 65 million, or 1.5 percent. So, even if there were no other weekly-worshiping Anglicans in the House of Lords, the fact that the Bishops constitute 3.2 percent of all Peers still means this demographic is greatly overrepresented.¹³⁹

¹³¹ Draft House of Lords Reform Bill Joint Committee, [Draft House of Lords Reform Bill: Muslim Council of Britain Written Evidence](#), 10 October 2011.

¹³² *ibid.*

¹³³ Humanists UK, [Lord Speaker’s Committee on the Size of the House Inquiry Response from the British Humanist Association](#), 5 March 2017.

¹³⁴ *ibid.*

¹³⁵ Humanists UK, [Lord Speaker’s Committee on the Size of the House Inquiry Response from the British Humanist Association](#), 5 March 2017.

¹³⁶ *ibid.*

¹³⁷ Royal Commission on the Reform of the House of Lords, [A House for the Future](#), 2000, Cm 4534, p 153.

¹³⁸ British Humanist Association, [Lord Speaker’s Committee on the Size of the House Inquiry Response from the British Humanist Association](#), 5 March 2017.

¹³⁹ *ibid.*

In terms of geographical representation, Janet Lewis-Jones argued that if it was accepted that the Bishops were geographically represented, then it was only limited because the Bishops “represent England only; and only 26 of the diocesan areas”.¹⁴⁰ This, she said, left Scotland, Wales and Northern Ireland permanently unrepresented, and at any given time, by the coincidence of the seniority rule, could mean whole areas of England are unrepresented.

Ekklesia has raised concerns that the Bishops’ continued formal representation in the House of Lords could become damaging to people of faith more generally:

In a plural society there are plenty of opportunities for people of faith to speak out and participate in public life on equal terms with others. Reserved places and special privileges for the religious, and in this case the male leaders of one denomination from one part of the nation, are not just unnecessary—they also directly undermine the integrity of those who cling to them. It is worth recalling that the founder of Christianity explicitly told his followers to live by good example, to show special concern for those on the margins, and to reject ideas of claiming places at ‘the top table’ or ‘lording it’ over others. So the choice that now faces the Lords Spiritual is a basic Christian one; it does not simply mean being swayed by public opinion.¹⁴¹

3.4 Status as an Established Church

Some commentators have suggested that as the established Church, there would be uncertainty about the wider constitutional consequences of any complete removal of the Bishops. The Church of Ireland was disestablished in 1871 and the Church of Wales was disestablished in 1920.¹⁴² While both the Church of England and Church of Scotland are established churches, only the Church of England sends Bishops to sit in the House of Lords. Janet Lewis-Jones explained that the establishment of the Church of Scotland is “separate from, and different from, the establishment of the Church of England and it does not by virtue of establishment have a presence in the United Kingdom’s legislature”.¹⁴³

In a debate on Lords reform in 2010, the then Bishop of Leicester, Tim Stevens, noted: “the established place of the Church of England is deeply woven into the constitution and unpicking it at any one point will have

¹⁴⁰ Janet Lewis-Jones, ‘[Reforming the Lords: The Role of the Bishops](#)’, UCL Constitution Unit, June 1999, p 7.

¹⁴¹ Ekklesia, ‘[A Christian Case for Bishops to Back Lords Reform](#)’, 14 March 2010.

¹⁴² Commission on Religion and Belief in British Public Life, *Living With Difference: Community Diversity and the Common Good*, 7 December 2015, p 27.

¹⁴³ Janet Lewis-Jones, ‘[Reforming the Lords: The Role of the Bishops](#)’, UCL Constitution Unit, June 1999, p 20.

numerous consequences in other areas of our national life”.¹⁴⁴ In its report, the Wakeham Commission expressed a similar concern:

While there is no direct or logical connection between the establishment of the Church of England and the presence of Church of England Bishops in the second chamber, their removal would be likely to raise the whole question of the relationship between Church, State and Monarchy, with unpredictable consequences.¹⁴⁵

Janet Lewis-Jones has said “the presence of the Bishops in the House of Lords was neither a necessary nor a sufficient condition for its status as an established church” but acknowledged “Church and State are entwined in complex ways in the fabric of the nation and can be said to bestow some legitimacy on each other”.¹⁴⁶

The Joint Committee on the Draft House of Lords Reform Bill, in its examination of the Coalition’s draft Bill, received representations on the connection between the presence of the Bishops in the Lords and the establishment of the Anglican Church in England.¹⁴⁷ It quoted Donald Shell who suggested the argument that removing Bishops from the House was “tantamount to disestablishing the Church of England” was a “mistaken view”. The Committee considered alternative opinions:

[...] a number of witnesses thought that while the removal of the Lords Spiritual would not spell the immediate end of the establishment of the Church of England, it would seriously undermine it, call into question the future of the established relationship and send a strong negative signal about the place of Christianity—and religion more generally—in British public life. Thus the Archbishop of Canterbury wrote, “The established status of the Church would not be at an end if the Lords Spiritual no longer had a place in Parliament but its character would be significantly changed and weakened”.

Others took this view. Sir Stuart Bell MP believed that the “removal of Bishops by the creation of a wholly-elected second chamber will be detrimental to the Church-State relationship, shall weaken the established Church, and shall lead to further calls for an ending to establishment”. Penny Mordaunt MP felt that removing the Lords Spiritual from the House of Lords “would be an attack on the very heart of the constitution”. The Bishop of Worcester (not a member of the House of Lords) wrote that the complete removal of bishops

¹⁴⁴ [HL Hansard, 29 June 2010, col 1690](#).

¹⁴⁵ Royal Commission on the Reform of the House of Lords, [A House for the Future](#), 2000, Cm 4534, p 152.

¹⁴⁶ Janet Lewis-Jones, ‘[Reforming the Lords: The Role of the Bishops](#)’, UCL Constitution Unit, June 1999, p 6.

¹⁴⁷ Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284-I of session 2010–12, p 71, paras 280–2.

“would also be likely to trigger a wider debate about the future of Establishment and send unhelpful signs about the place of religious voices in the public square”.¹⁴⁸

The House of Commons Public Administration Committee’s 2002 report, *The Second Chamber: Continuing the Reform*, concluded:

This need not lead to disestablishment: there is, as the Royal Commission acknowledges, no necessary connection between the establishment of the Church of England and places for its Bishops in the second chamber.¹⁴⁹

The last Labour Government also stated that the position that there was no inevitability of disestablishment.¹⁵⁰

3.5 Church Legislation

Finally, there is the issue of the relationship between the representation of Bishops in the House of Lords and the necessity of parliamentary approval for a number of measures that affects the Church. Janet Lewis-Jones has pointed out, the Bishops’ role in this process might be affected by their removal:

The Church of England is a law-making body. It submits Measures to Parliament which can be rejected, but not amended, and which if accepted have the force of an Act of Parliament. No government Minister has direct responsibility to Parliament for the substance of Church legislation. The Bishops in the House of Lords are (apart from the Second Church Estates Commissioner in the House of Commons) the only ex officio voices which the Church, as a law-maker, has in Parliament.¹⁵¹

It has been observed that the Bishops “possess the knowledge” which enables them to commend Church Measures to the House and “to reply to opposition and criticism”.¹⁵² Janet Lewis-Jones has suggested that, were the Bishops removed, “it might be necessary to revisit the Enabling Act, the

¹⁴⁸ Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284-I of session 2010–12, p 71, paras 280–2.

¹⁴⁹ House of Commons Public Administration Select Committee, [Second Chamber: Continuing the Reform](#), 2002, HC 494-I of session 2001–02, para 158.

¹⁵⁰ HM Government, [The House of Lords: Reform](#), February 2007, Cm 7027, para 6.22.

¹⁵¹ Janet Lewis-Jones, [Reforming the Lords: The Role of the Bishops](#), UCL Constitution Unit, June 1999, p 6.

¹⁵² Archbishop of York, ‘The Lords Spiritual’, *Parliamentary Affairs*, 1953, vol 7(1), page 100

statutory settlement under which Church legislation is currently handled”.¹⁵³ However, she went on to note:

Parliament used to deal with Church legislation on the same basis as all other Bills until its role was substantially reduced by the Church of England Assembly (Powers) Act 1919. In theory Parliament could by means of primary legislation—whether or not the Bishops continued to sit—either increase the extent to which it can now intervene in Church legislation; or cease to be involved altogether. Either course would, however, be controversial and the latter might be regarded as disestablishing the Church.¹⁵⁴

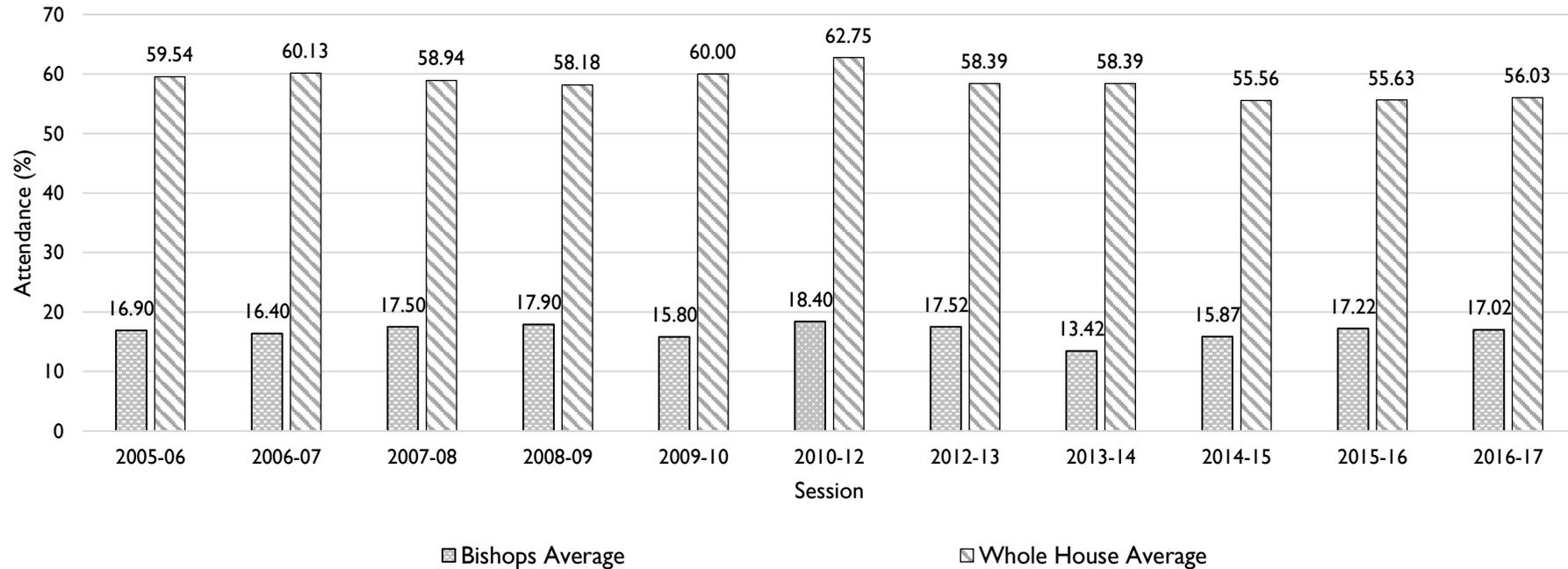
¹⁵³ Janet Lewis-Jones, [Reforming the Lords: The Role of the Bishops](#), UCL Constitution Unit, June 1999, p 6.

¹⁵⁴ *ibid*, p 7.

4. Statistics

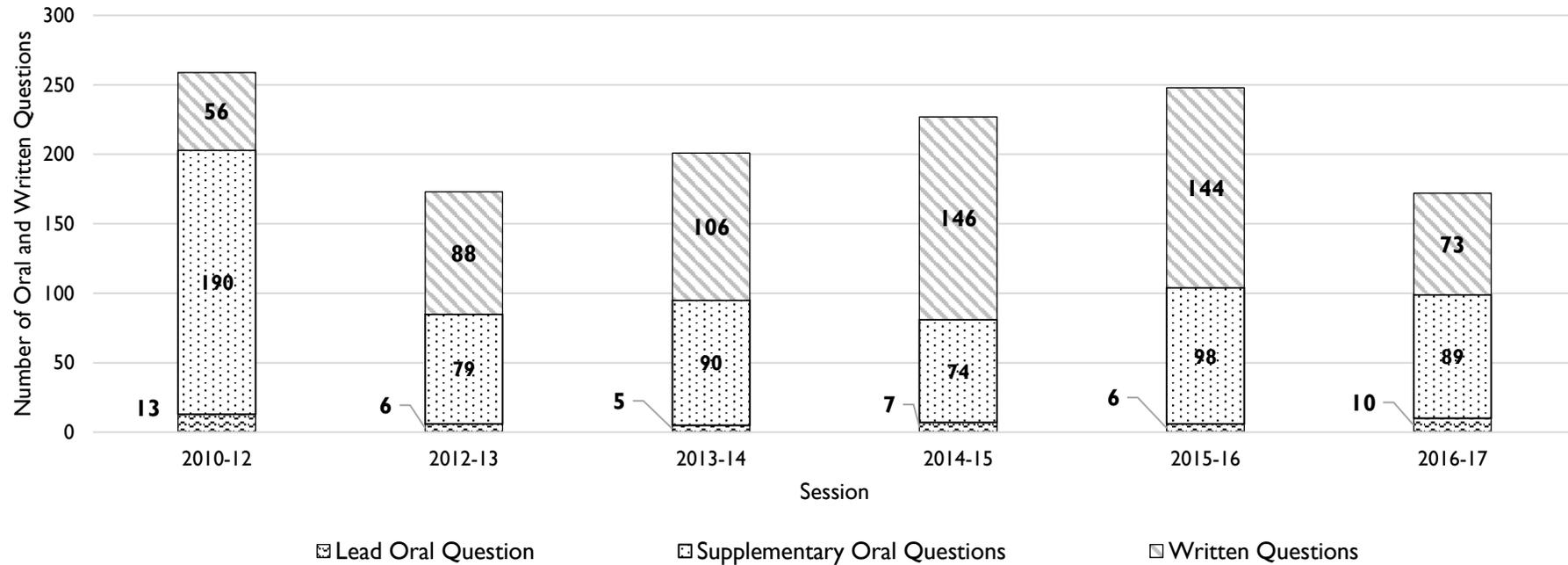
4.1 Attendance

This chart shows the average attendance of the Lords Spiritual, expressed as a percentage for each session. As a means of comparison, the average attendance of the whole House (including the Bishops) is also included. The chart should be read in conjunction with section 1.4, which addresses the challenges the Bishops encounter in combining their diocesan responsibilities with parliamentary work.



4.2 Parliamentary Questions

The chart below shows the activity of the Lords Spiritual in asking oral or written questions of the Government of the day. The table that follows presents the topics of oral questions asked by Lords Spiritual over the last three sessions.



(Source: House of Lords Library)

Topics of Lead Oral Questions (2014–15 session to 2016–17)

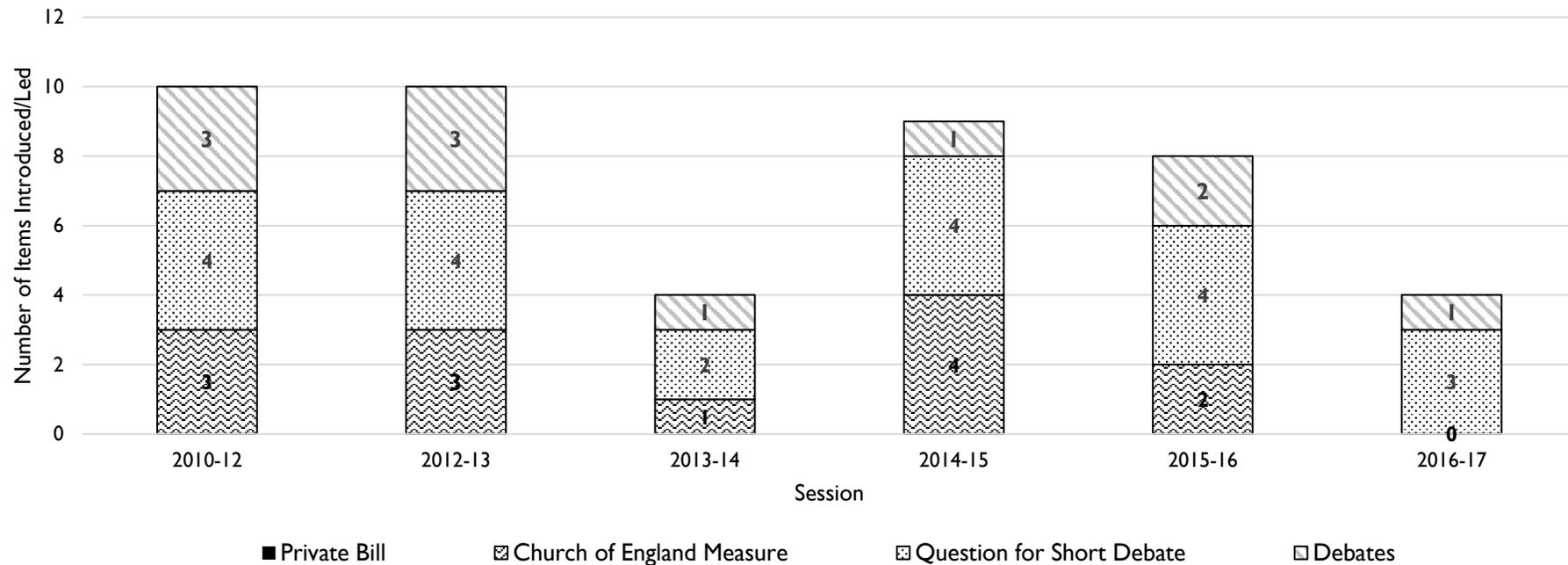
Date	Topic	Archbishop/Bishop
9 March 2017	Iraq: Displaced Minority Communities	Bishop of Coventry
8 March 2017	Fly-tipping	Bishop of St Albans
21 February 2017	Air Pollution	Bishop of St Albans
26 January 2017	Electricity Supply: International Interconnectors	Bishop of Chester
25 January 2017	Child Migrants: Italy	Bishop of Durham
12 January 2017	Gambling: Young People	Bishop of St Albans
21 December 2016	Prisons: Safety and Security	Bishop of Rochester
6 December 2016	Young People: Self Harm	Bishop of St Albans
20 October 2016	Gambling	Bishop of St Albans
8 September 2016	Employment: Remuneration	Bishop of St Albans
10 May 2016	Refugees: Unaccompanied Children	Bishop of St Albans
28 April 2016	Rural Schools	Bishop of St Albans
15 March 2016	Gambling: B2 Gaming Machines	Bishop of St Albans
1 December 2015	Paris Attacks: Violence Against Muslims	Bishop of St Albans
25 November 2015	Religion: Advertisements	Bishop of Chelmsford
14 September 2015	Food Supply: Sustainability	Bishop of St Albans
18 March 2015	Access to Justice	Bishop of Rochester
10 March 2015	Humanitarian Aid: Tikrit	Bishop of St Albans
15 January 2015	Milk Production	Bishop of St Albans
8 January 2015	Electricity Generation	Bishop of Chester
7 January 2015	Climate Change: UN Conference	Bishop of St Albans

Date	Topic	Archbishop/Bishop
11 December 2014	Food Poverty	Bishop of St Albans
27 October 2014	Green Climate Fund	Bishop of St Albans

(Source: HL *Hansard*)

4.3 Other Contributions

The following graph shows the numbers of debates by type initiated by Bishops.



Subjects of Debates/QSDs initiated by Lords Spiritual since 2010–12

Date	Type	Topic	Archbishop/Bishop
9 January 2017	QSD	Armed Forces Covenant	Bishop of Portsmouth
2 December 2016	Debate	National Life: Shared Values and Public Policy Priorities	Archbishop of Canterbury
24 November 2016	QSD	Rural Bus Services	Bishop of St Albans
8 September 2016	QSD	Parliamentary Commission on Banking Standards	Bishop of St Albans
8 March 2016	QSD	Syria	Bishop of Coventry
14 January 2016	QSD	Flood Management	Bishop of Leeds
5 November 2015	Debates	Pornography	Bishop of Chester
15 October 2015	QSD	Affordable Housing in Rural Communities	Bishop of St Albans
16 July 2015	QSD	Rural Communities	Bishop of St Albans
11 June 2015	Debates	Civil Society	Bishop of St Albans
12 March 2015	QSD	Dresden Bombing: 70 th Anniversary	Bishop of Coventry
10 February 2015	QSD	Welfare Assistance Schemes	Bishop of Truro
15 January 2015	QSD	NHS: Accident and Emergency Services	Bishop of St Albans
5 December 2014	Debate	Soft Power and Conflict Prevention	Archbishop of Canterbury
26 June 2014	QSD	Egypt: Human Rights	Bishop of Coventry
5 December 2013	Debate	Banking: Parliamentary Commission on Banking Standards	Archbishop of Canterbury
30 October 2013	QSD	Syria	Bishop of Coventry
29 October 2013	QSD	Arab Spring	Bishop of Wakefield
6 March 2013	QSD	Crime: Sexual Violence	Bishop of Wakefield

Date	Type	Topic	Archbishop/Bishop
27 February 2013	QSD	Forestry: Independent Panel Report	Bishop of Liverpool
22 January 2013	QSD	Freedom of Religion and Conscience	Bishop of Guildford
14 December 2012	Debate	Older People: Their Place and Contribution in Society	Archbishop of Canterbury
13 December 2012	Debates	Israel: Arab Citizens	Bishop of Exeter
11 December 2012	QSD	Developing Countries: Impact of Multinational Companies' Financial Practices and UK Tax Policies	Bishop of Derby
11 October 2012	Debates	Child Development	Bishop of Chester
19 March 2012	QSD	International Development: Sanitation and Water	Bishop of Bath and Wells
9 December 2011	Debates	Christians in the Middle East	Archbishop of Canterbury
24 November 2011	QSD	Voluntary Sector Funding	Bishop of Ripon and Leeds
10 February 2011	Debates	Marriage	Bishop of Chester
1 February 2011	QSD	Children: Sexual Exploitation	Bishop of Leicester
27 January 2011	QSD	Defence: Military Covenant	Bishop of Wakefield
16 June 2010	Debate	Social Policy	Bishop of Leicester

4.4 Voting Activity

The table below sets out the voting averages of the Lords Spiritual collectively. This should be read in conjunction with section 2.2. Further information on voting in the House of Lords can be found in the House of Lords Library briefing, *House of Lords: Party and Group Strengths and Voting*.

Session	Average Vote Turnout (%) #	Votes Against the Government (%) ##	Votes for the Government (%)	0 Votes (%)
2016–17	5.3	50.0	50.0	23.1
2015–16	3.3	62.5	37.5	32.1
2014–15	4.9	78.6	21.4	44.8
2013–14	4.3	83.5	16.5	27.3
2012–13	5.7	81.8	18.2	22.2
2010–12	4.8	74.6	25.4	16.7
2009–10	5.1	64.7	35.2	30.7
2008–09	2.4	60.0	40.0	56.6
2007–08	4.4	63.1	36.9	31.0
2006–07	3.1	89.5	10.5	34.6
2005–06	2.5	55.4	44.6	11.1
2004–05	4.3	71.4	28.6	38.5
2003–04	3.0	57.7	42.3	18.5
2002–03	4.0	66.0	34.0	21.4
2001–02	3.3	67.3	32.7	25.0

Session	Average Vote Turnout (%) #	Votes Against the Government (%) ##	Votes for the Government (%)	0 Votes (%)
2000–01	3.7	13.3	86.7	48.0
1999–00	2.7	30.0	70.0	20.0

All Divisions

Whipped Divisions

(Source: House of Lords Library)