Life Peerages Act 1958: 65th anniversary

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This briefing has been produced to mark the 65th anniversary of the passing of the Life Peerages Act on 30 April 1958. Prior to the act, the House of Lords was exclusively male. It was dominated by hereditary peers, with a limited number of Lords of Appeal in Ordinary (judges who had been granted life peerages under the Appellate Jurisdiction Act of 1876).

The Life Peerages Bill received royal assent on 30 April 1958, with the first 14 life peers announced on 24 July 1958. The one-section act allowed for the creation of life peerages carrying the right to sit in the House of Lords. Although life peers had been created previously, historically they were not allowed to sit or vote in the House of Lords, as determined by the Wensleydale case.

Subsection 3 of section 1 of the act allowed that "A life peerage may be conferred under this section on a woman", the first time women had been allowed to sit in the Lords; female hereditary peers in their own right were not allowed to attend until 1963 following the passage of the Peerage Act 1963.

On its introduction in the House of Lords the bill was described as a "strictly and severely practical" bill, which sought to build upon the large measure of agreement surrounding the creation of life peers, rather than being a comprehensive scheme of reform. The impact of the bill, when passed, was arguably more significant: it has been described as a "turning point in the history of reform of the House of Lords".

As at 12 June 2023, 1,564 life peerages had been created: 1,222 men and 342 women.

This briefing provides an overview of the House of Lords prior to the 1958 act and summarises the passage of the act through Parliament. It concludes with consideration of the success of the act in addressing concerns which prompted its introduction.

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1. Background: Composition of the House of Lords before 1958

The Life Peerages Bill received royal assent on 30 April 1958, with the first 14 life peers announced on 24 July 1958.[1] The one-section act allowed for the creation of life peerages carrying the right to sit in the House of Lords; although life peers had previously been created, historically they were not allowed to sit or vote in the House of Lords.

Subsection 3 of section 1 of the act allowed that "A life peerage may be conferred under this section on a woman". The House of Lords before the act was exclusively male, and indeed until the Appellate Jurisdiction Act 1876, was made up exclusively from the hereditary peerage; female hereditary peers were not allowed to attend until the passing of the Peerage Act 1963. This section provides background information about the composition of the House of Lords before the 1958 act.

1.1 Hereditary peerage

The classic legal text on peerage law, Francis Beaufort Palmer's 'Peerage Law in England', defines a "peerage" as "an incorporeal hereditament, an inheritance", an estate in real property, the chief privilege of which is "the right to a summons to Parliament as a temporal lord".[2] In the earliest times, the writ of summons was seen merely as a command, which it has continued to be in form, but as presence at the meetings of Parliament became increasingly desirable so the reception of a writ of summons came to be highly prized and therefore claimed. As the claim was made, so it became more usual for the King to behave as though the claim had a firm foundation. P A Bromhead observed, "That which had been merely usual came to be expected, and it became rarer for the King to withhold a summons from a man once summoned or his heir, and finally so rare that a denial of a writ appeared to be 'illegal', or a denial of a right".[3]

However, the permanent and hereditary nature of the right to receive the writ of summons, and therefore membership of the Lords' House of Parliament, is generally held to have been confirmed and finally settled only in 1625. In that year, Charles I refused to issue a writ of summons to the Earl of Bristol, who was out of favour, and the Earl presented a petition to the House of Lords. His petition was referred to a committee, which reported that "no precedent could be found for withholding a writ from a peer capable of sitting in the House of Parliament" and considering how far it might impinge upon the rights of members of the House to have their

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[1] For more information about the first 14 life peers created under the 1958 act see: House of Lords Library, 'Life Peerages Act 1958: First life peers', 28 March 2018.
[2] Francis Beaufort Palmer, 'Peerage Law in England: A Practical Treatise for Lawyers and Laymen', 1907, pp 4, 5 and 7.
[3] P A Bromhead, 'The House of Lords and Contemporary Politics 1911–1957', 1958, p 7.

writs detained, asked the King to issue a writ to the Earl, and a writ was sent.[4]

1.2 Female hereditary peers

Most hereditary peerages descend down the male line, which means that the peerage can only be inherited by a male relative. However, it is possible for a peerage to pass to a woman in certain circumstances; women may inherit a title which is a barony by writ (rather than the more common letters patent); in Scotland most peerages may pass to a woman in families with daughters but no sons; a 'special remainder' may be granted by the Crown to allow a woman to inherit a title; and lastly a woman can be given a hereditary peerage by the Crown (there are several examples of such peerages being given to a widow to honour her husband's memory).[5]

Women who inherit or are given a title in this way are known as hereditary peers in their own right, distinguishing them from women who have a title by virtue of their relationship to a male peer. There is evidence to suggest that there have been female hereditary peers in their own right for centuries, but they were excluded from the House of Lords before 1963 because they did not have a writ of summons from the Crown.[6] An example of one such hereditary peer in her own right was the Countess of Rutland, whose case in the Court of the Star Chamber in 1606 is often cited as evidence that a woman was not qualified for a seat in the House of Lords.[7]

This position was confirmed by the decision of the House of Lords Committee for Privileges in the Viscountess Rhondda case in 1922.[8] Viscountess Rhondda, a hereditary peer in her own right, presented a petition to the Crown requesting a writ of summons to Parliament. She based her claim on the Sex Disqualification (Removal) Act 1919, section 1, the main purpose of which was to allow women to enter the professions by providing that "A person shall not be disqualified by sex or marriage from the exercise of any public function".[9] The petition was referred to the House of Lords Committee for Privileges, which initially reported in favour

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[4] Journals of the House of Lords 1625–1626, vol VIII, p 537.
[5] For more information on this subject, see: Duncan Sutherland, 'Peeresses, parliament and prejudice: The admission of women to the House of Lords 1918–63', Parliament, Estates and Representations, 2000, vol 20 no 1, pp 215–31.
[6] For a comprehensive review of women in the House of Lords, see: House of Lords Library, 'Women in the House of Lords', 30 June 2015.
[7] Countess of Rutland's Case (1606) 6 Co. Rep. 52b. Cited in the Viscountess Rhondda Peerage Claim [1922] 2AC 339.
[8] Reported in Viscountess Rhondda's Peerage Claim [1922] 2 AC 339 and discussed in further detail by: R P Gadd, 'Peerage Law', 1985, pp 73–5; Gavin Drewry and Jenny Brock, 'The Impact of Women on the House of Lords', 1983, pp 5–7; and F Pollock, 'Note on the Rhondda Peerage Case', 1923, 153 LQR 3.
[9] Women were already eligible to sit in the House of Commons by virtue of the Parliament (Qualification of Women) Act 1918.

of the claim, but later the report was referred back to the committee for reconsideration, the committee concluding that women could only be admitted to the House of Lords when legislation was passed that expressly allowed it.[10]

1.3 Early life peerages

Prior to the Life Peerages Act 1958, the Crown had granted peerages for life, which did not necessarily enable the peer to sit in the House of Lords.[11] Life peerages were often created for reasons of romance or family affection,[12] with 29 such peerages granted between 1377 and 1758.[13] Examples include Robert de Vere, who was made Marquess of Dublin for life in 1385 by Richard II. A later group of life peerages, 18 from the Restoration onwards, were granted by various monarchs to their mistresses or their natural offspring. Although, as legal academic Professor Owen Hood Phillips observed, those granted life peerages were "not so frivolous as to seek admittance to the House of Lords".[14]

In view of these precedents, Francis Beaufort Palmer contends, in 'Peerage Law in England', "it is not to be wondered at that generations of lawyers should have recognised the power of the Crown to grant life peerages".[15] He cites several authorities, such as Sir Edward Coke and Sir William Blackstone, in support of this view, although noting "doubts as to the validity of such peerages [had also] been expressed in other quarters".[16] However, it was not until 1856 that the question of the validity of life peerages, and entitlement of life peers to sit and vote in the House of Lords, arose in "acute form".[17]

1.4 Wensleydale peerage case (1856)

In January 1856, on the advice of the prime minister, Lord Palmerston, the Crown conferred a barony for life on Sir James Parke, a distinguished judge of the Court of Exchequer, creating him Lord Wensleydale. There had been growing concern about the ability of the House of Lords to carry out its

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[10] Duncan Sutherland, 'Peeresses, parliament and prejudice: The admission of women to the House of Lords 1918–63', in Parliaments, Estates and Representation, 2000, vol 20 no 1, p 221. For more details about attempts to include the House of Lords in the original Sex Disqualification Act, see: House of Lords Library, 'Women in the House of Lords', 30 June 2015, p 1.
[11] For more information see: House of Lords Library, 'Life peerage creations: Powers of the Crown', 15 December 2017.
[12] Owen Hood Phillips, 'Lords and ladies for life', 1958, Oxford Lawyer, vol 1 no 1, p 28.
[13] George Edward Cokayne, 'The Complete Peerage', 1932, vol VIII, appendix C, pp 751–3.
[14] Owen Hood Phillips, 'Lords and ladies for life', 1958, Oxford Lawyer, vol 1 no 1, p 28.
[15] Francis Beaufort Palmer, 'Peerage Law in England: A Practical Treatise for Lawyers and Laymen', 1907, p 86.
[16] As above.
[17] As above, pp 86–7.

judicial function, something exacerbated by the small number of legally qualified members.[18] The government's aim was to broaden the membership of the House by the conferral of life peerages on members of the judiciary. In addition, the creation of judicial life peerages might pave the way for the establishment of non-judicial life peerages, something previously mooted in the mid-19th century by Lord John Russell.[19]

The validity of the grant to Sir James Parke was immediately challenged and the matter was referred to the House of Lords Committee for Privileges. Arguments were put forward on both sides, and the various instances in which life peerages were created were noted by the committee. Lord Lyndhurst, a former lord chancellor, argued that the creation of a peerage for life was contrary to the settled usage of the last 400 years, to the principles of the constitution and to the privileges of Parliament. He also expressed concern that the creation of life peerages would allow the House to be remodelled "to the extent and according to the discretion and interest of the minister for the time being".[20]

In reply to Lord Lyndhurst, Earl Granville, the lord president of the council and the leader of the House, maintained that the power of the Crown to create peers for life had always existed, had been frequently exercised and was not lost. He added that the creation of life peers was desirable due to the difficulty in "conferring an hereditary peerage on a lawyer [to assist the House in hearing appeals] who may be unable to sustain the dignity, either from want of fortune or some other cause".[21] In contrast, Lord St Leonard stated that such a creation, in his opinion, was illegal.[22] The committee debated over several days, and on 22 February 1856, Lord Lyndhurst moved the following motion:

> The committee have, as directed by the House, examined and considered the copy of the letters patent purporting to create the Right Honourable Sir James Parke, Knight, a baron of the United Kingdom for life; and they report it as their opinion, that neither the said letters patent, nor the said letters patent with the usual writ of summons issued in pursuance thereof, can entitle the grantee therein named to sit and vote in Parliament.[23]

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[18] Chris Ballinger, 'The House of Lords 1911–2011: A Century of Reform', 2012, p 9.
[19] As above. See also: Olive Anderson, 'The Wensleydale peerage case and the position of the House of Lords in the mid-nineteenth century', English Historical Review, 1967, vol 82 no 324, pp 486–502.
[20] HL Hansard, 7 February 1856, col 264.
[21] HL Hansard, 7 February 1856, col 264.
[22] HL Hansard, 7 February 1856, col 297.
[23] HL Hansard, 22 February 1856, col 1170.

An attempted amendment to the motion was defeated by 92 votes to 57,[24] and Lord Lyndhurst's motion was agreed to.[25]

Of the decision of the committee, R P Gadd states that:

> This resolution meant in effect that, although the Crown could create a life peer, the House of Lords could decide whether or not such a creation allowed a seat and vote in the House of Lords.[26]

On 23 July 1856, Sir James Parke was granted a hereditary peerage, as Lord Wensleydale. The title became extinct on his death on 25 February 1868.[27]

1.5 Appellate Jurisdiction Act 1876

The limited purpose of strengthening the judicial capacity of the House of Lords was eventually achieved by the enactment of the Appellate Jurisdiction Act 1876. The act enabled life peerages to be granted to a maximum number of four judges, to be known by the special title of Lords of Appeal in Ordinary, and for the judges to receive salaries. The act was passed by Benjamin Disraeli's Conservative government and preserved the appellate jurisdiction of the House of Lords, which William Gladstone's Liberal government had proposed to abolish in the Judicature Act 1873.[28]

The 1876 act originally provided that the Lords of Appeal in Ordinary should sit and vote only so long as they held office (although retaining their title of baron for life), but this provision was later amended by the Appellate Jurisdiction Act 1887, so that they could sit and vote for life.

1.6 Life peerage bills subsequent to Wensleydale

Following the Wensleydale case, there were several more attempts to introduce legislation to allow life peerages to be created which included the right to sit in the House of Lords. Private member's bills seeking to introduce a limited number of life peerages were brought forward in 1869, 1888, 1907, 1929 and 1935.[29]

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[24] HL Hansard, 22 February 1856, col 1150.
[25] HL Hansard, 22 February 1856, col 1218.
[26] R P Gadd, 'Peerage Law', 1985, p 51.
[27] Olive Anderson, 'The Wensleydale peerage case and the position of the House of Lords in the mid-nineteenth century', in English Historical Review, 1967, vol 82 no 324, pp 486–502.
[28] For further background to these reforms see: House of Lords Library, 'The Appellate Jurisdiction of the House of Lords', 2009, pp 7–9.
[29] For further discussion of these bills see: Sydney D Bailey, 'Life peerages', in The Future of the House of Lords, 1954, pp 109–20.

The principle of life peerages had been accepted by all parties during the 1948 conference of party leaders. The conference had been called to try to reach agreement following the Labour government's introduction of a bill to reform the powers of the Lords. Introduced in November 1947, the bill sought to reduce the delaying power of the House of Lords from two years to one year. Although the conference was to end in failure, with the Conservatives refusing to assent to a further limit on the delaying power of the Lords,[30] there was agreement in principle to the following points:

- that life peerages should be introduced
- that women should sit in the House
- that hereditary peers should be free not to take up their seats (and in particular should therefore be free to sit as MPs if elected)
- that expenses should be payable for attendance; and
- that peers should have the opportunity to withdraw from the House if old age, infirmity or disinclination rendered them unable to take part in its business.[31]

Following the conference, the government reintroduced its bill, to further limit the power of the House of Lords, in June 1948. The bill was then rejected at second reading twice in the Lords, having gone through the Commons, and finally received royal assent on 16 December 1949, after the Parliament Act 1911 was invoked to ensure its passage.[32] While the bill limited the House's power of delay, it did nothing to address the issues of composition which had been raised during the conference.

The 1950 Conservative manifesto included a pledge to call an all party conference to reach "a reform and settlement of the constitution and powers of the House of Lords".[33] The manifesto proposed examining the hereditary nature of the peerage and the powers of delay that the House of Lords should have.[34]

Dr Chris Ballinger, in his book 'The House of Lords 1911–2011: A Century of Non-Reform', stated "three problems faced the House of Lords in the mid-1950s".[35] Firstly, the need to address the number of hereditary peers, and the consequent threat of backwoodsmen, either to block legislation

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[30] Peter Raina, 'House of Lords Reform: A History 1943–1958: Hopes Rekindled', 2013, p x.
[31] Donald Shell, 'The House of Lords', 2007, pp 30–1.
[32] For more information see: House of Commons Library, 'The Parliament Acts', 28 June 2012.
[33] Peter Dorey, 'Change in order to conserve: Explaining the decision to introduce the 1958 Life Peerages Act', Parliamentary History, 2009, vol 28 no 2, pp 247–8.
[34] As above, p 249.
[35] Chris Ballinger, 'The House of Lords 1911–2011: A Century of Non-Reform', 2012, p 97.

and/or to undermine the House's credibility.[36] Secondly, the difficulty in sustaining a Labour opposition when the number of Labour peers was low, an increasingly pressing concern. Finally, the issue of the problem of heirs who were also MPs and wished to renounce their peerage.[37] In addition, concerns about the lack of women in the House, and the situation of female hereditary peers in their own right, had also attracted attention.[38]

While different motivations will have existed for wanting reform of the House, a particular concern may well have been the recent reforms to the power of the Lords, seen in both the 1911 and 1949 Parliament Acts. Dr Ballinger notes "a fear of what a future Labour government might do to the House of Lords" was an important incentive to Conservative reformers.[39] In addition, there was a concern that the authority of the House needed to be bolstered "lest it die of atrophy".[40]

Professor Peter Dorey concurs, stating:

> [In 1958] the Conservative leadership in both Houses decided to seize the initiative on House of Lords reform, partly to enable to enable the House of Lords to discharge its political responsibilities more effectively, thereby preventing it from atrophying, and partly to pre-empt more extreme reform by a future Labour government.[41]

Examining the views of the opposition, Professor Dorey points to concern amongst the Labour leadership, that House of Lords reform might strengthen its power. This, he argues, led to a reluctance to reform the House, as a consequent strengthening of power in the Lords might be used against any future Labour government. Dorey argues "Labour was willing, if not to abolish the Lords, then to let it die of atrophy".[42]

In 1953, former Liberal MP and lord chancellor, Viscount Simon, introduced his Life Peers Bill. Introducing his bill at second reading on 3 February 1953,

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[36] Backwoodsmen was the term commonly ascribed to those hereditary peers who did not play an active part in the routine business of the House of Lords, but who occasionally would arrive en masse, in order to vote on controversial legislation. See: Peter Dorey and Alexandra Kelso, 'House of Lords Reform since 1911', 2011, p 92.
[37] Chris Ballinger, 'The House of Lords 1911–2011: A Century of Non-Reform', 2012, p 97.
[38] Following the Viscountess Rhondda case, Viscount Astor attempted to promote bills allowing for hereditary peeresses in their own right to sit and vote in the House of Lords on five separate occasions, see: Pamela Brookes, 'Women at Westminster', 1967, pp 206–8.
[39] Chris Ballinger, 'The House of Lords 1911–2011: A Century of Non-Reform', 2012, p 97.
[40] As above, p 76.
[41] Peter Dorey, 'Change in order to conserve: Explaining the decision to introduce the 1958 Life Peerages Act', Parliamentary History, 2009, vol 28 no 2, p 246.
[42] As above, p 80.

Viscount Simon stated:

> The object of the bill is to authorise the creation by Her Majesty, on the recommendation of the prime minister, of a limited number of persons to be members of this House during their lives, without transmitting their right to be lords of parliament to their heirs. The bill suggests that ten should be the maximum number of life peers to be created in any year. If that maximum is thought to be too great, then the figure can be reduced in committee. The bill also provides that persons to be nominated for this purpose may be either men or women.[43]

Lord Salisbury, the leader of the House of Lords, had previously warned Viscount Simon that the government could not give its support to his proposals because of a proposed inter-party conference on Lords reform.[44] During second reading debate on 3 and 4 February 1958, Earl Fortescue, for the government, proposed an adjournment, in order that discussions might be held between party leaders, with a view to trying to arrive at a general agreement between them on wholesale reforms. The projected talks never took place, however, and the adjourned debate on Viscount Simon's bill was never resumed.

Although Viscount Simon's bill made no further progress, it arguably provided further impetus to those, including Lord Salisbury, who were interested in more far-reaching reform of the House. Writing to Lord Swinton on 26 February 1953, Lord Salisbury noted that otherwise the Government might find itself in "a fearful pie" regarding Lord Simon's bill.[45]

Lord Salisbury continued to examine the prospects for a more comprehensive reform of the Lords, and proposed a series of measures including the creation of life peers and a system of elected hereditary members of the Lords. In 1953, the Cabinet agreed, at his request, to set up a House of Lords Reform Committee to examine both his own reform proposals and those of others.[46] Although the committee continued to consult and formulate reform proposals, it had difficulty in devising plans which had the support of the Cabinet and which it was envisaged would be able to pass through Parliament.[47]

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[43] HL Hansard, 3 February 1958, col 133.
[44] Peter Raina, 'House of Lords Reform: A History 1943–1958: Hopes Rekindled', 2013, p 317.
[45] NA PREM 11/2029, Lord Salisbury to Lord Swinton, 26 February 1953 in Peter Dorey and Alexandra Kelso, 'House of Lords Reform Since 1911', 2011, p 90.
[46] Peter Raina, 'House of Lords Reform: A History 1943–1958: Hopes Rekindled', 2013, p xiii.
[47] As above, pp xiii–xv.

2. Life Peerages Act 1958

2.1 Formulating the bill

Following the resignation of Anthony Eden in January 1957, Harold Macmillan formed a new Conservative government. In a letter to Lord Salisbury, Harold Macmillan declared himself:

> […] not a great supporter of House of Lords reform in the sense of a full blooded plan. I would much prefer the mere reversal of the Wensleydale judgment.[48]

Although Lord Salisbury continued to examine support for more wide-ranging reform measures, the Cabinet increasingly favoured a more limited proposal, which would be easier to get through both Houses. On 5 April 1957, the Earl of Home, who had become leader of the House of Lords at the end of March 1957, wrote to Mr Macmillan stating:

> As you know Lord Salisbury, the lord chancellor and I have argued in Cabinet for what has become known as the 'Comprehensive' Scheme of Reform. I have, however, never been quite sure that Lord Salisbury, with all his prestige in the House, could have got the peers to accept it […] clearly a number of our colleagues do not much care for so sweeping a reform. I would therefore suggest we might be less ambitious.[49]

The Earl of Home suggested the creation of life peerages, pay of £4 or £5 a day and an obligation at the beginning of each parliament for a peer to opt in.[50] A draft of what was to become the Life Peerages Bill was drawn up, with one clause, allowing for the creation of life peerages. A note to the Earl of Home discussing possible timings for the bill emphasised "the scope of the bill will be very limited and so, therefore, will the scope of amendments in committee".[51]

Dr Alexandra Kelso has argued that another of the Conservative government's goals in limiting the bill to the creation of life peerages "was to enhance the legitimacy of the second Chamber without actually removing

[48] CAB 124/1127 in Peter Raina, 'House of Lords Reform: A History 1943–1958—Hopes Rekindled', 2013, p 765.
[49] Parliamentary Archives, HL/PO/1/477/46 in Peter Raina, 'House of Lords Reform: A History 1943–1958—Hopes Rekindled', 2013, p 789.
[50] As above.
[51] FO 1109/350 in Peter Raina, 'House of Lords Reform: A History 1943–1958—Hopes Rekindled', 2013, p 797.

the hereditary peers which were so important to their dominance of the upper House".[52]

The Earl of Home recognised that the government might get "pressed hard" during the bill's passage regarding the admission of hereditary peeresses in their own right and the case of allowing a peer to decline his writ of summons for his own lifetime. In the case of female hereditary peers, the Earl of Home stated it would be "difficult to see how we can avoid including the limited number of peeresses […] the ground for a stand is very poor and shaky". However he argued that the government should "resist pressure in debate" on the issue of renouncing a peerage.[53]

A House of Lords debate was arranged on the principle of life peerages for men and women on 30 and 31 October 1957,[54] in which Lord Home, answering for the government, outlined the "strong and almost unanswerable case under present conditions for the appointment of life peers".[55]

2.2 Passage through the House of Lords

The Life Peerages Bill was introduced into the House of Lords on 21 November 1957, and its second reading took place on 3 and 5 December 1957.[56] The one-clause bill allowed "without prejudice to Her Majesty's powers as to appointments in Lords of Appeal in Ordinary, Her Majesty shall have powers by letters patent to confer on any person a life peerage (that is to say a peerage expiring on his death)". The holder of a life peerage would rank, during his life, as a baron and be entitled (unless disqualified by law) to receive a writ of summons and sit and vote in the House of Lords. Subsection 3, clause 1 of the bill, would allow a life peerage to be conferred upon a woman.

The debate was opened by the Earl of Home, secretary of state for Commonwealth relations and leader of the House. He referred to the recently held Lords debate and suggested that it had revealed a large measure of agreement, if not unanimity, on the introduction to the House of life peers.[57]

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[52] Alexandra Kelso, 'Parliamentary Reform at Westminster', 2013, p 147.
[53] FO 1109/350 in Peter Raina, 'House of Lords Reform: A History 1943–1958—Hopes Rekindled', 2013, pp 805–6.
[54] HL Hansard, 30 October 1957, cols 581–678; and HL Hansard, 31 October 1957, cols 683–774.
[55] HL Hansard, 30 October 1957, col 590.
[56] HL Hansard 3 December 1957, cols 609–725; and HL Hansard, 5 December 1957, cols 870–951.
[57] HL Hansard, 3 December 1957, col 610.

Arguments for the introduction of life peers were he argued, "strictly and severely practical".[58] Through the admission of life peers the House would be able to maintain its high level of debate and to ease the strain on the "small number of noble Lords opposite" which "they cannot and should not be asked to carry much longer […] this House is perilously near a breakdown in its machinery".[59] Noting the "substantial agreement on the introduction of women to your Lordships' House" he stated "I cannot see any argument in logic or in reason, why, if women are in another place, they should not be here".[60]

He argued that attempts to work with the opposition in order to arrive at "comprehensive reform" had been turned down, stating "If this is 'tinkering' whose fault is it?"[61] The Earl of Home concluded that while he hoped, in the long term, agreement on House of Lords reform would be reached, he urged the House to be content with the bill for its "immediate merits".[62]

In reply, Viscount Alexander of Hillsborough, the leader of the opposition, queried the introduction of a bill of such constitutional importance in the Lords. The bill, he noted, did not allow for the abolition of hereditary peers "advanced for many years by large numbers of the population".[63] He stated his belief that the bill was "introduced to enhance the prestige of the House while retaining the hereditary principle".[64] In addition, the bill did not allow heirs of peers to renounce their peerage if, for example, "they are chosen by electors in the other place" and did not wish to receive a writ of summons.[65] Viscount Alexander welcomed the government's proposal to grant women the same privilege as men in the appointment of life peers. He also stated that he welcomed the continuing omission of women who were hereditary peers in their own right as "I think it would add very much to the prestige of the hereditary principle in the House".[66]

Viscount Alexander rejected the suggestion the Labour Party had turned down discussions on House of Lords reform.[67] However, he confirmed that Labour would not vote against the second reading of the bill because it had become a convention in the Lords not to vote against the second reading of a government bill.[68]

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[58] HL Hansard, 3 December 1957, col 610.
[59] HL Hansard, 3 December 1957, col 610.
[60] HL Hansard, 3 December 1957, col 611.
[61] HL Hansard, 3 December 1957, col 615.
[62] HL Hansard, 3 December 1957, col 616.
[63] HL Hansard, 3 December 1957, col 618.
[64] HL Hansard, 3 December 1957, col 620.
[65] HL Hansard, 3 December 1957, col 618.
[66] HL Hansard, 3 December 1957, col 625.
[67] HL Hansard, 3 December 1957, col 626.
[68] HL Hansard, 3 December 1957, col 617.

Lord Rea, the Liberal leader in the Lords, supported the bill. He noted that although "unfortunately" the bill did not deal with all the points of House of Lords reform which were agreed at the 1948 leaders' conference, "it does bring before us two of those agreed conclusions: that there should be life peerages, and that women should be eligible equally with men".[69]

Committee stage was taken on 17 and 18 December 1957.[70] As committee stage commenced the Earl of Home emphasised "that an amendment which goes outside the subject of life peerages is not relevant and the moving of such an amendment would not be in accordance with the practice of this House".[71] Amendments of this nature would, he said, be outside the scope of the bill and "ought not to be moved".[72]

Three amendments were divided upon. These related to the renunciation of a peerage, the admission of women into the House of Lords and the possibility of changing a hereditary peerage to a life peerage:

- On 17 December 1957 the Earl of Airlie (Crossbench) moved an amendment to exclude women from the bill. On a division, the amendment was defeated by 134 votes to 30.[73]
- An amendment by Lord Silkin (Labour) allowing a hereditary peer to amend his letters patent to a life peerage was also voted on. Lord Silkin explained that this amendment was linked up with another one, which would enable a life peer to renounce his peerage.[74] The amendment was defeated by 75 votes to 25.[75]
- On 18 December 1957, an amendment moved by Viscount Alexander of Hillsborough, to allow a life peer to renounce his peerage, was defeated by 105 votes to 22.[76]

Other amendments debated but withdrawn were: an amendment to enable a person offered a peerage to choose between a life peerage and a hereditary peerage; an amendment to enable life peers to be paid a salary; and an amendment to enable a member of the House of Commons who succeeded to a peerage to continue as a MP until the following dissolution of Parliament.

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[69] HL Hansard, 3 December 1957, col 627.
[70] HL Hansard, 17 December 1957, cols 1205–80; and HL Hansard, 18 December 1957, cols 1284–306.
[71] HL Hansard, 17 December 1957, col 1205.
[72] HL Hansard, 17 December 1957, col 1206.
[73] HL Hansard, 17 December 1957, cols 1235–6.
[74] HL Hansard, 17 December 1957, cols 1261–2.
[75] HL Hansard, 17 December 1957, cols 1261–80.
[76] HL Hansard, 18 December 1957, cols 1284–306.

The bill was reported without amendment and given a third reading on 30 January 1958.[77]

2.3 Passage through the House of Commons

In the Commons, the second reading took place on 12 and 13 February 1958.[78] The second reading debate was lengthy; the first day of second reading saw 21 speeches and 29 interruptions, while the second day contained 18 speeches, with 46 interruptions.[79]

Opening the debate, Rab Butler, secretary of state for the Home Department and Lord Privy Seal, highlighted the limited nature of the "simple bill", which focused on the composition of the Lords, rather than on its powers.[80]

The aim of the bill, he stated, was to strengthen the House of Lords by creating life peers to attend regularly and contribute.[81] Creating life peerages would allow those who were unwilling to take on hereditary peerages to play a role in the House. In addition, it would "make it possible to offer life peerages to people of distinction in the public service, people who could represent some aspect of the nation's life with particular authority".[82] Reiterating the lack of agreement on "more radical and comprehensive" reform,[83] he argued in past reform proposals "there has been one common element of agreement, that there should be an increase in the non-hereditary element in the House of Lords". This led him to believe "that our proposals command a wide measure of agreement".[84]

Mr Butler outlined how "men and women of distinction from all the main sectors of our national life", to be appointed on both political grounds and non-political grounds, would be selected. On party political life peers he noted, "Before making such recommendations of members of an opposition party, I would expect any prime minister informally to consult the leader of that party" although he stressed "the responsibility constitutionally will and must be the prime minister's".[85]

He added, for "men and women who, though not actively associated with any political party, are qualified by their eminence in other spheres to make

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[77] HL Hansard, 30 January 1958, cols 305–28.
[78] HC Hansard, 12 February 1958, cols 402–522; and 13 February 1958, cols 581–708.
[79] Peter Raina, 'House of Lords Reform: A History 1943–1958: Hopes Rekindled', 2013, p 834.
[80] HC Hansard, 12 February 1958, col 402.
[81] HC Hansard, 12 February 1958, col 407.
[82] HC Hansard, 12 February 1958, col 407.
[83] HC Hansard, 12 February 1958, col 405.
[84] HC Hansard, 12 February 1958, col 407.
[85] HC Hansard, 12 February 1958, col 408.

a constructive contribution to the work of Parliament", the prime minister "will doubtless take soundings in many quarters" to ensure that the best qualified were selected.[86]

In conclusion, Mr Butler argued that issues such as the admittance of female hereditary peers in their own right, or the right to renounce a peerage were not included in the bill as they could be entertained "only if it were a comprehensive bill for the reform of the hereditary element. That is not the purpose of the bill", which he argued proposed "a step in the evolution of Parliament".[87]

The leader of the opposition, Hugh Gaitskell, opposed the bill because it left the House of Lords "overwhelmingly hereditary in character and with unimpaired powers to frustrate and obstruct the will of the elected representatives of the people".[88] At the same time, the bill sought to give "a slightly more respectable appearance to the House of Lords" and enhance its prestige, something which he could not support.[89]

One of the arguments for the bill which, he claimed, was not referred to by Mr Butler but repeatedly mentioned in the House of Lords, was that the bill would assist the Labour Party, the opposition, in the Lords. However, he noted, the hereditary composition of the upper House was totally wrong, "we should regard it as still hopelessly wrong even though, in this generous fashion, they offered us a few life peerages so we might strengthen our ranks".[90]

In addition, he argued the major problem that Labour faced in "manning our benches" in the House of Lords was to find people who could spare the time: "the major problem is, in fact, the problem of pay in the House of Lords, about which this bill proposes to do nothing".[91] The problem of "distinguished people" having time to do the work would not, he argued, be solved by offering individuals a life peerage rather than a hereditary one.[92] While welcoming the equality between men and women in life peerages, Mr Gaitskell noted "that the government's sudden enthusiasm for non-discrimination between men and women does not extend to hereditary peeresses".[93]

Clement Davies, a former leader of the Liberal Party, reiterated concerns that the bill failed to tackle the hereditary nature of the Chamber, which was

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[86] HC Hansard, 12 February 1958, cols 408–9.
[87] HC Hansard, 12 February 1958, col 411.
[88] HC Hansard, 12 February 1958, col 411.
[89] HC Hansard, 12 February 1958, col 425.
[90] HC Hansard, 12 February 1958, col 415.
[91] HC Hansard, 12 February 1958, cols 415–16.
[92] HC Hansard, 12 February 1958, col 416.
[93] HC Hansard, 12 February 1958, col 412.

likely to continue even with the introduction of some life peers. In addition, he agreed that "bare expenses" were little inducement for individuals to devote the time required to work in the House of Lords.[94] He noted that some in the House of Lords had favoured the bill because for the first time it proposed to admit women and life peers. That was, he argued, turning necessity into a virtue.[95] Mr Davies concluded more comprehensive reform of the House of Lords was needed, and suggested a range of measures which were discussed at the 1948 conference of party leaders.[96]

At the end of the debate, an opposition amendment declining a second reading to the bill was defeated by 305 votes to 251.[97]

The bill was considered by a committee of the whole house on 25 March 1958.[98] A number of amendments were debated. Emrys Hughes (Labour MP for South Ayrshire) proposed to exclude those born in or domiciled in Scotland from being eligible for a life peerage. He argued that Scotland already had both hereditary and elected peers and the addition of life peer "is confusing the issue far too much".[99] In addition, he did not support the House of Lords and did not feel that it had a mandate to legislation for Scotland. He noted:

> I suggest that there is no demand for the bill from Scotland, that it is an irrelevancy concerning Scotland and that by contracting Scotland out of the bill we would be representing democratic sentiment in Scotland.[100]

The amendment was defeated at division by 277 votes to 128.[101]

Jennie Lee (Labour MP for Cannock) moved an amendment to leave out clause 1(3) entirely, saying that the purpose of the amendment was to reject the proposition that a female life peer should be sent to the Lords. She noted that "I do not believe in the other place",[102] and expressed concern that including women the House of Lords would lead to an improved House which had more credibility, "let us not try to drag in a number of women to camouflage it".[103] In addition, she noted that female hereditary peers in their own right would not be included in the bill and would therefore still be

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[94] HC Hansard, 12 February 1958, cols 430–1.
[95] HC Hansard, 12 February 1958, col 432.
[96] HC Hansard, 12 February 1958, col 433. Full details of proposals discussed at the conference of party leaders can be found at: 'Parliament Bill 1947: Agreed statement on conclusion of conference of party leaders, February–April', 1948, Cmd 7380, para 5.
[97] HC Hansard, 13 February 1958, cols 703–8.
[98] HC Hansard, 25 March 1958, cols 303–90.
[99] HC Hansard, 25 March 1958, col 300.
[100] HC Hansard, 25 March 1958, col 303.
[101] HC Hansard, 25 March 1958, col 310.
[102] HC Hansard, 25 March 1958, col 351.
[103] HC Hansard, 25 March 1958, col 354.

unable to attend the House. The amendment was defeated by 302 votes to 59.[104]

Donald Chapman (Labour MP for Birmingham Northfield) moved an amendment to limit the number of life peers to 100; the amendment was rejected.[105] A subsequent amendment which sought to limit the Crown's ability to create life peerages to 'baron' rather than a higher rank was also turned down.[106] Mr Chapman's final amendment proposed that a life peer could submit an address to Her Majesty asking her to revoke the letters patent relating to their peerage and, if Her Majesty agreed, he or she would thereupon cease to be a life peer. Mr Chapman explained "This is the simple proposition of the right of resignation".[107] After a brief discussion the amendment was withdrawn.

The bill was given a third reading on 2 April 1958 by 292 votes to 241 and received royal assent on 30 April 1958. The first batch of 14 life peers was announced on 24 July 1958.[108]

2.4 Other contemporary changes

Two other significant changes took place at about the same time as the Life Peerages Act 1958. The first was the introduction of daily allowances in 1957; the second was the introduction in 1958 of leave of absence for peers who did not wish to attend the House, following the recommendation of a House of Lords committee.[109] The former sought to address some of the concerns which had been raised by Hugh Gaitskell, by opening the peerage up to those who might otherwise lack the resources to attend the House. The leave of absence arrangements represented a limited attempt to address the concerns about attendance of hereditary peers, and in particular the issue of backwoodsmen.[110]

3. Impact of the Life Peerages Act 1958

Although viewed by its proponents as a simple reform, liable to gain more favour than a more 'comprehensive' scheme, the longer term impact of the 1958 act is widely viewed as more substantial, with historian Peter Raina

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[104] HC Hansard, 25 March 1958, cols 375–8.
[105] HC Hansard, 25 March 1958, cols 311–35.
[106] HC Hansard, 25 March 1958, col 350.
[107] HC Hansard, 25 March 1958, col 380.
[108] For more information, see: House of Lords Library, 'Life Peerages Act 1958: First life peers', 28 March 2018.
[109] House of Lords Select Committee, HL Paper 60 of session 1957–58. Discussed in: Donald Shell, 'The House of Lords', 1988, pp 14–15.
[110] Chris Ballinger, 'The House of Lords 1911–2011: A Century of Non-Reform', 2012, p 96.

describing it as "a turning point in the history of reform of the House of Lords".[111]

During the passage of the Life Peerages Act its proponents identified both tackling party balance, in particular the sparsity of Labour peers, and allowing the introduction of women as potential outcomes of introducing life peers. This section examines the impact that the act has had on these areas.

3.1 Membership

Since the act passed, 1,419 life peerages have been created, drawn from a broad range of backgrounds. Dr Mari Takayanagi, historian and senior archivist at the Parliamentary Archives, argues:

> Life peerages have enabled a wide range of professions to be represented in the House of Lords, from fields such as medicine, science, the armed services, academia, the arts, business and industry. The Lords also reflects the diversity of the country at large, with peers from different minority ethnic and religious backgrounds—and with various disabilities—playing active and informed roles. This variety of membership brings a greater breadth and depth of experience and independent expertise to the work of the House, which has a positive impact on the quality of debate and the work of committees.[112]

As outlined in 'Exploring Parliament', the new category of peer created by the 1958 act can be seen, over time, to have made the House more socially representative. In addition, the authors argue, the creation of life peers has allowed for greater expertise, for example in membership of select committees.[113]

This view is shared by Dr Robert Saunders, co-director of the Mile End Institute, who described the act as "perhaps the most radical reform of the Lords in its history".[114] He argues that it led to members from a much wider spectrum of society, drove up the quality of the front benches and improved the scrutiny of legislation.

A significant change brought about by the act was the introduction of women into what was an exclusively male Chamber. Shortly after the bill

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[111] Peter Raina, 'House of Lords Reform: A History 1943–1958-Hopes Rekindled', 2013, p xvi.
[112] Mari Takayanagi, 'A Changing House: The Life Peerages Act 1958', Parliamentary History, 2008, vol 27 no 3, pp 380–92.
[113] Peter Dorey and Matthew Purvis, 'Representation in the Lords', in Cristina Leston-Bandeira and Louise Thompson (eds), Exploring Parliament, 2018.
[114] Mile End Institute, 'Should the House of Lords be reformed or abolished?', 27 August 2020.

received royal assent, the first batch of life peers was announced on 24 July 1958. The list included four women: Dame Katharine Elliot (Baroness Elliot of Harwood); Mary Irene Curzon (Baroness Ravensdale of Kedleston) (a baroness in her own right and elder daughter of Lord Curzon); Dame Stella Issacs, Dowager Marchioness of Reading (Baroness Swanborough); and Barbara Wootton (Baroness Wootton of Abinger).[115]

Baroness Wootton was the first women to be created a life peer, when her letters patent were sealed on 8 August 1958. The first to take her seat in the Lords was Baroness Swanborough, on 21 October 1958. Since the 1958 act there have been 293 life peerages conferred on women.

The impact of women on the work of the House of Lords is discussed in more detail in the House of Lords Library Briefing, Women in the House of Lords (30 June 2015), which provides a list of 'firsts' for women in the House of Lords, and a list of women who have held significant offices in the House.

Female hereditary peers in their own right were not affected by the Life Peerages Act and they continued to be excluded. It was not until the Peerage Act 1963 that they were finally admitted.

3.2 Party balance

One of the stated aims of the Life Peerages Act was to enable the Labour opposition to play a more active role in the parliamentary business of the House, something which was referred to in House of Lords debates and in ministerial discussion.[116]

During the passage of the bill, there were relatively few details regarding the way in which individuals would be selected in practice and how the opposition party might feed into this process. As Professor Peter Dorey notes:

> Labour opposition might be inclined to offer the bill more support (or, at least, oppose it less vigorously), if they could be given some assurance that their leaders would have a considerable say in nominating Labour life peers, particularly as one of the key reasons for introducing the bill had been to bolster Labour's representation in the House of Lords.[117]

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[115] For more information about the first 14 life peers announced in July 1958, see: House of Lords Library, 'Life Peerages Act 1958: First life peers', 28 March 2018.
[116] Peter Dorey, 'Change in order to conserve: Explaining the decision to introduce the 1958 Life Peerages Act', in Parliamentary History, 2009, vol 28 no 2, p 260.
[117] Peter Dorey, 'Change in order to conserve: Explaining the decision to introduce the 1958 Life Peerages Act', Parliamentary History, 2009, vol 28 no 2, p 260.

However, the Conservative government was reluctant to commit to a detailed process for including the opposition in peerage nominations which it felt might bind the hands of future governments.[118] Professor Dorey notes, "Thus did Conservative leaders in the debates (in both Houses) simultaneously seek to assuage the anxieties of the Labour counterparts while not offering definite guarantees".[119]

The tacit understanding was that the prime minister would consult with the opposition. The home secretary, Rab Butler noted that "I would expect the prime minister to informally consult with the leader of that party [the opposition]".[120]

Initially however, the act had little impact. The Labour leader, Hugh Gaitskell, found it difficult to produce a list of ten nominees for life peerages, and the first batch of 14 life peers was to include only six Labour nominations.[121]

Dr Alexandra Kelso has argued that, in the longer term, the Labour Party, once back in office, was able to reinforce its ranks in the House of Lords through the use of life peerages. While the Conservative Party remained the largest party until the 2005–06 session,[122] the act did increase the usefulness of the House of Lords to the Labour Party.[123]

3.3 Work of the House of Lords

The introduction of life peers, over time, had a marked impact on the work of the House of Lords. Average daily attendances rose; by the mid-1980s the number of sitting days which life peers had attended in a year exceeded the number undertaken by hereditary peers.[124] Dr Chris Ballinger argues that:

> The life peers were but a drop in this ocean of hereditary peers, although they quickly became significant in terms of their contribution to the work of the House.[125]

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[118] Peter Dorey, 'Change in order to conserve: Explaining the decision to introduce the 1958 Life Peerages Act', Parliamentary History, 2009, vol 28 no 2, p 261.
[119] As above.
[120] HC Hansard, 12 February 1958, col 410.
[121] Peter Dorey, 'Change in order to conserve: Explaining the decision to introduce the 1958 Life Peerages Act', Parliamentary History, 2009, vol 28 no 2, p 264.
[122] House of Lords Library, 'House of Lords: Party and group strengths and voting', 15 March 2017.
[123] Alexandra Kelso, 'Parliamentary Reform at Westminster', 2013, p 147.
[124] Chris Ballinger, 'The House of Lords 1911–2011: A Century of Non-Reform', 2012, p 97.
[125] As above, p 94.

Dr Alexandra Kelso has argued that the House became "a far more professional place", with an increase in both workload and expertise.[126]

Professor Peter Dorey has argued that the 1958 act also made future reform less likely. This, he argues, had been one of the driving motivations for some Conservative reformers, who feared that without reform the House was in danger of further, more radical reform, from a future Labour government, or of atrophying.[127] Professor Dorey states:

> By legislating to permit the appointment of life peers, the Conservatives skilfully neutralised some of the criticism which the House of Lords attracted by virtue of the hereditary peers. […] senior Conservatives also recognised that if more Labour peers could be appointed to serve in the House of Lords through the creation of life peerages, then Labour Party antipathy towards the second Chamber might be diluted somewhat, thereby enhancing the House of Lords' prospects for long term survival.[128]

Although noting that the initial impact of act appeared "timid" in the light of discussions about more comprehensive reform, Dr Ballinger argues that "The Life Peerages Act would, over time, ensure the full revival of the Lords".[129]

Alexandra Kelso concurs, arguing "the Life Peerages Act served to enhance the overall effectiveness of the second Chamber, to improve the effectiveness of its participation in parliamentary work, and, over time, it served to improve the ability of Parliament to scrutinise the executive". In addition, the effects of the act also "made it increasingly difficult to argue for a comprehensive reassessment of the powers and composition of the Chamber".[130]

4. Read more

- Chris Ballinger, 'The House of Lords 1911–2011: A Century of Non-Reform', 2012
- Peter Dorey, 'Change in order to conserve: Explaining the decision to introduce the 1958 Life Peerages Act', Parliamentary History, 2009, vol 28 no 2, pp 246–65
- Peter Dorey and Alexandra Kelso, 'House of Lords reform since 1911: Must the Lords Go?', 2011

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[126] Alexandra Kelso, 'Parliamentary Reform at Westminster', 2013, p 147.
[127] Peter Dorey, 'Change in order to conserve: Explaining the decision to introduce the 1958 Life Peerages Act', Parliamentary History, 2009, vol 28 no 2, p 264.
[128] As above, p 265.
[129] Chris Ballinger, 'The House of Lords 1911–2011: A Century of Non-Reform', 2012, p 97.
[130] Alexandra Kelso, 'Parliamentary Reform at Westminster', 2013, p 147.

- House of Lords Library, 'Women in the House of Lords', 30 June 2015
- Alexandra Kelso, 'Parliamentary Reform at Westminster', 2013
- Cristina Leston-Bandeira and Louise Thompson (eds), 'Exploring Parliament, 2018
- Peter Raina, House of Lords Reform: A History 1943–1958: Hopes Rekindled', 2013
- Donald Shell, 'The House of Lords', 2007
- Mari Takayanagi, 'A Changing House: The Life Peerages Act 1958', Parliamentary History, 2008, vol 27, no 3, pp 380–92

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