



House of Lords Act 1999: Twenty Years On

Summary

This year is the 20th anniversary of the House of Lords Act 1999. This Act reformed the membership of the House of Lords, removing the majority of hereditary peers.

Before the 1999 Act, the House of Lords included over 600 hereditary peers. Of these, the largest group were Conservative. In 1997, a new Labour Government was elected. The then Prime Minister, Tony Blair, said he would remove all hereditary peers from the Lords. He said this would be the first stage in a process of making the second chamber more democratic. He described the presence of hereditary members as an anachronism which ensured there was an inbuilt majority for the Conservatives.

The Government's policy was criticised by the then Leader of the Conservative Party, William Hague (now Lord Hague of Richmond), who argued it would increase the Prime Minister's ability to shape the composition of the House by appointing new life peers. He also accused Labour of not setting out what further reforms it would make after the hereditary peers had been removed.

Before the House of Lords Bill was introduced, a group of crossbenchers proposed a compromise that some hereditary peers should be retained to ensure continuity. The group was led by the then Crossbench convenor and the former Speaker of the House of Commons, Lord Weatherill. The so-called 'Weatherill amendment' proposed that 92 hereditary members would remain in the House. Most would be elected by other hereditary members, 15 would be elected by the whole House with two continuing as royal office holders.

The proposal was agreed by the Government in principle, on the condition the bill was not delayed in the Lords. The House of Lords Bill was introduced in the House of Commons in January 1999 and passed to the Lords in March 1999. The Weatherill amendment was agreed and included in the bill. A separate government amendment was also agreed to establish a system of by-elections. These would enable new hereditary peers to be elected to the Lords when vacancies arose. The bill completed all its stages before the end of the year and received royal assent on 11 November 1999.

Proposals for further reform of the House of Lords were considered during Labour's period in office, with a series of white papers being published. However, no further Lords reform legislation was introduced during this period.

Edward Scott | 5 November 2019

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Attempts to Reform Before 1999

By the end of the nineteenth century, with the exception of a small number of Law Lords, the House of Lords was made up of hereditary peers. During the twentieth century, the Parliament Acts of 1911 and 1949 limited the ability of the House of Lords to delay government legislation. Attempts at wholesale reform of the composition of the House of Lords failed.

The membership of the House of Lords was broadened in the 1950s and 1960s. In 1957, the Conservative Government, then led by Harold Macmillan, introduced a bill to allow for the creation of peerages for life.¹ The Life Peerages Act received royal assent on 30 April 1958. The Act also made it explicit that women were eligible to receive a life peerage. Although under the provisions of the 1958 Act, a life peerage could be conferred on women, hereditary peeresses in their own right were still excluded from sitting in the House.² Five years later, the Peerage Act 1963 was passed allowing female hereditary peers to take their seats.

In 1968, the Labour Government, led by Harold Wilson, made an unsuccessful attempt to reform the composition of the House of Lords. The Parliament (No 2) Bill proposed limiting the number of peers able to vote in the Lords.³ Existing hereditary peers would have remained in the Lords. However, future hereditary peers would not be entitled to a seat. The bill was dropped in 1969 after opposition from a cross-party group of MPs. This group included MPs who opposed reform of the Lords as well as MPs who believed the reforms were not radical enough.

Labour in Opposition: Proposals for Two-Stage Reform

Prior to the 1997 general election, the Labour Party committed to undertake a two-stage process for reforming the House of Lords. Labour stated the first stage would be the removal of the hereditary peers.⁴ The second stage would be the introduction of democratic elections to the second chamber. The use of a two-stage process was also supported by the Liberal Democrats in its 1996 constitutional declaration.⁵ The two parties formed a joint consultative committee on constitutional reform in 1996 which produced a report supporting the removal of hereditary peers from the House of Lords.⁶

Labour in Office: Phase One of Lords Reform

The Labour Party returned to power after 18 years in opposition in 1997. It had made the following commitment in its manifesto regarding reform of the House of Lords:

As an initial self-contained reform, not dependent on further reform in the future, the right of

¹ Further information on the Life Peerages Act 1958 is provided in the House of Lords Library briefing [Life Peerages Act 1958: 60th Anniversary](#), 28 March 2018.

² House of Lords Library, [Life Peerages Act 1958: 60th Anniversary](#), 28 March 2018, p 17.

³ House of Lords Library, [Proposals for Reform of the Composition and Powers of the House of Lords, 1968–98](#), 14 July 1998, p 2.

⁴ Labour Party, *A New Agenda for Democracy: Labour's Proposals for Constitutional Reform*, 1993, p 35.

⁵ Liberal Democrats, *Constitutional Declaration*, August 1996, p 3.

⁶ Labour Party and Liberal Democrats, *Cook-Maclennan Agreement: The Report of the Joint Consultative Committee on Constitutional Reform*, March 1997.

hereditary peers to sit and vote in the House of Lords will be ended by statute.⁷

The manifesto confirmed this would be “the first stage in a process of reform to make the House of Lords more democratic and representative”.⁸ The Queen’s Speech at the beginning of the 1998–99 parliamentary session announced the Labour Government’s plans to legislate to remove hereditary peers from the House of Lords, and to establish a royal commission to bring forward proposals for further reform.⁹

The then Leader of the Conservative Party, William Hague, criticised the Government’s reform proposals. He argued the Government was planning to remove a substantial independent element from the second chamber.¹⁰ He also argued the Prime Minister should not be given more powers of patronage by increasing the proportion of politically appointed Members. Mr Hague established a commission led by the former Lord Chancellor, Lord Mackay of Clashfern (Conservative). The commission published an initial report in September 1998.¹¹ This recommended there should be a review of the purpose, functions, powers and composition of the second chamber.

Weatherill Amendment

Prior to a bill being introduced to Parliament, negotiations took place between the Government and Members in the House of Lords, including the leader of the Conservatives in the House of Lords, Viscount Cranborne. It was reported that, during these negotiations, the hereditary peers indicated they were unwilling to accept their complete removal before the Government had set out an acceptable long-term proposal for the future House of Lords.¹²

Following the negotiations, a compromise agreement was reached whereby some hereditary peers would remain in the House of Lords until the second stage of reform. In December 1998, three crossbenchers involved in the negotiations—Lord Weatherill, Lord Marsh and the Earl of Carnarvon—issued a joint press release announcing their intention to table an amendment to the forthcoming bill, under which one in ten hereditary peers would remain in the House of Lords until transition to stage two of reform was complete.¹³

⁷ Labour Party, [New Labour Because Britain Deserves Better](#), 1997, pp 32–3.

⁸ *ibid*, p 33.

⁹ [HL Hansard, 24 November 1998, col 4](#).

¹⁰ Centre for Policy Studies, ‘Change and Tradition: Thinking Creatively about the Constitution’, 24 February 1998. Quoted in House of Commons Library, [House of Lords Reform: Developments Since the General Election](#), 1 August 1998, pp 23–4.

¹¹ Constitutional Commission, *Initial Report of the Constitutional Commission to Consider Options for a New Second Chamber*, 17 September 1998. Further information is provided in House of Commons Library, [Lords Reform: Recent Developments](#), 7 December 1998.

¹² A summarised account based on quotations from individuals involved and on a range of secondary sources is provided in the House of Lords Library briefing, [The Weatherill Amendment: Elected Hereditary Peers](#), 23 October 2009, pp 2–8.

¹³ Lord Weatherill et al, ‘Crossbench Peers; Initiative on House of Lords Reform’, December 1998, quoted in House of Lords Library, [The Weatherill Amendment: Elected Hereditary Peers](#), 23 October 2009, pp 5–6.

House of Lords Bill Introduced

The Government introduced the House of Lords Bill in the House of Commons on 19 January 1999. A white paper, *Modernising Parliament—Reforming the House of Lords*, published on the same day, set out the Government’s position on reforming the House of Lords.¹⁴ In both the white paper and separately in the House of Commons, the Government indicated it was “minded to accept” the Weatherill compromise proposal.¹⁵ However, it said this would depend on the bill not being dragged out and the Government’s wider legislative agenda not being disrupted.¹⁶

The white paper repeated a commitment in Labour’s 1997 manifesto that the composition of the House of Lords after phase one would more accurately reflect the proportion of votes cast at the previous general election.¹⁷ It stated the Government would use the appointment of new life peers to change the overall composition of the House to this end. It also stated a non-statutory appointments commission would be created to make nominations for new crossbench Members and “oversee the propriety of all recommendations of political peers”.¹⁸

The proposals in the white paper were criticised by the Opposition Spokesperson for Constitutional Affairs, Liam Fox. He argued the Government did not intend to go through with the second phase of Lords reform, arguing the “Government’s clear intention [... was] to kick the whole subject into the long grass”.¹⁹ The Liberal Democrat Leader in the House of Lords, Lord Rodgers of Quarry Bank, welcomed the Government’s proposals. However, he did so on the condition that phase 2 should not be delayed by more than five years.²⁰

Dr Fox tabled an amendment that would have prevented the bill from receiving a second reading in the House of Commons on 1 February 1999.²¹ This amendment was defeated. The bill completed all its stages unamended in the House of Commons and passed to the Lords in March 1999. The Weatherill amendment was agreed to in the Lords following a division and included in the bill.²² A separate government amendment was also agreed to establish a system of by-elections. These would enable new hereditary peers to be elected to the Lords when vacancies arose. The Government stated these would continue until the second stage of reform rendered them unnecessary. The bill completed all its stages before the end of the year and received royal assent on 11 November 1999.²³

Implementation of the Act

Following the passing of the Act, ballots were held in October and November 1999 to choose the 90 hereditary peers who would retain their places, elected by their fellow party/group colleagues. When the Act came into force in November 1999, 667 hereditary peers ceased to be Members of the

¹⁴ HM Government, [Modernising Parliament—Reforming the House of Lords](#), 19 January 1999, Cm 4183.

¹⁵ *ibid*, p 23; and [HC Hansard, 1 February 1999, col 609](#).

¹⁶ HM Government, [Modernising Parliament—Reforming the House of Lords](#), 19 January 1999, Cm 4183.

¹⁷ *ibid*, pp 25 and 30.

¹⁸ *ibid* p 25. The Appointments Commission was created in 2000.

¹⁹ [HC Hansard, 20 January 1999, col 912](#).

²⁰ [HL Hansard, 20 January 1999, col 590](#).

²¹ [HC Hansard, 2 February 1999, cols 742–827](#).

²² [HL Hansard, 11 May 1999, col 1098](#).

²³ Further information on the bill and its passage through Parliament is provided in the House of Lords Library briefing, [Hereditary Peers in the House of Lords Since 1999](#), 27 March 2014.

House of Lords. In addition to the 90 elected Members, two—the Earl Marshal and the Lord Great Chamberlain—remained Members of the Lords by virtue of the royal offices they held. These 92 were referred to as ‘excepted hereditary peers’, as they were excepted from the provisions in the 1999 Act that removed the rest of the hereditary peers.

The following table and infographic illustrate the impact of the Act on the composition of the House of Lords. They provide figures for the composition of each party and group at the end of the 1998–99 session and the 1999–2000 session. The size of each circle reflects the overall size of each party or group before and after the 1999 Act. These figures exclude Members on leave of absence or otherwise disqualified from sitting.²⁴ Figures for November 2019 are included indicating the current composition of the House of Lords.

Table 1: Composition of the Party and Groups By Peerage Type Before and After the 1999 Act²⁵

Session	Con		Lab		Lib Dem	
	LP	HP	LP	HP	LP	HP
1998–99	174	310	174	19	49	23
	36%	64%	90.2%	9.8%	68.1%	31.9%
1999–2000	180	52	197	4	57	5
	77.6%	22.4%	98%	2%	91.9%	8.1%
2019 ²⁶	196	46	177	4	91	3
	81%	19%	97.8%	2.2%	96.8%	3.2%

Session	Crossbench		Other/ Non-Affiliated	
	LP	HP	LP	HP
1998–99	129	226	11	69
	36.5%	63.7%	13.8%	86.3%
1999–2000	132	31	6	0
	81%	19%	100%	-
2019	155	31	15	0
	83.3%	16.7%	100%	-

²⁴ Figures for the Bishops and Peers listed as ‘other’ or non-affiliated are not included in the infographic. The figures for life peers includes the Law Lords, who sat as life peers under the Appellate Jurisdiction Act 1876.

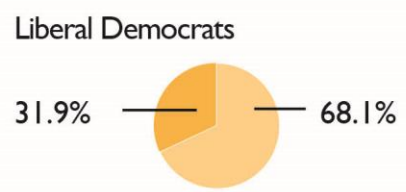
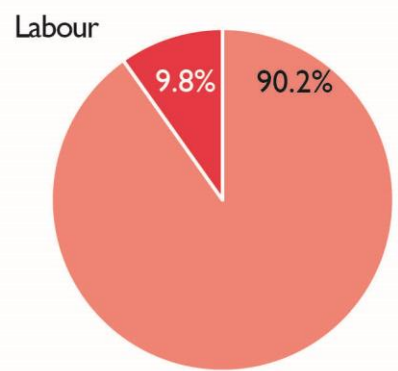
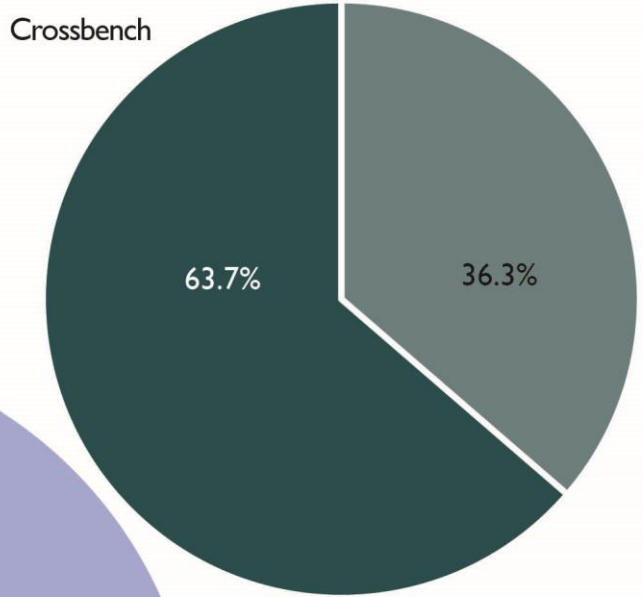
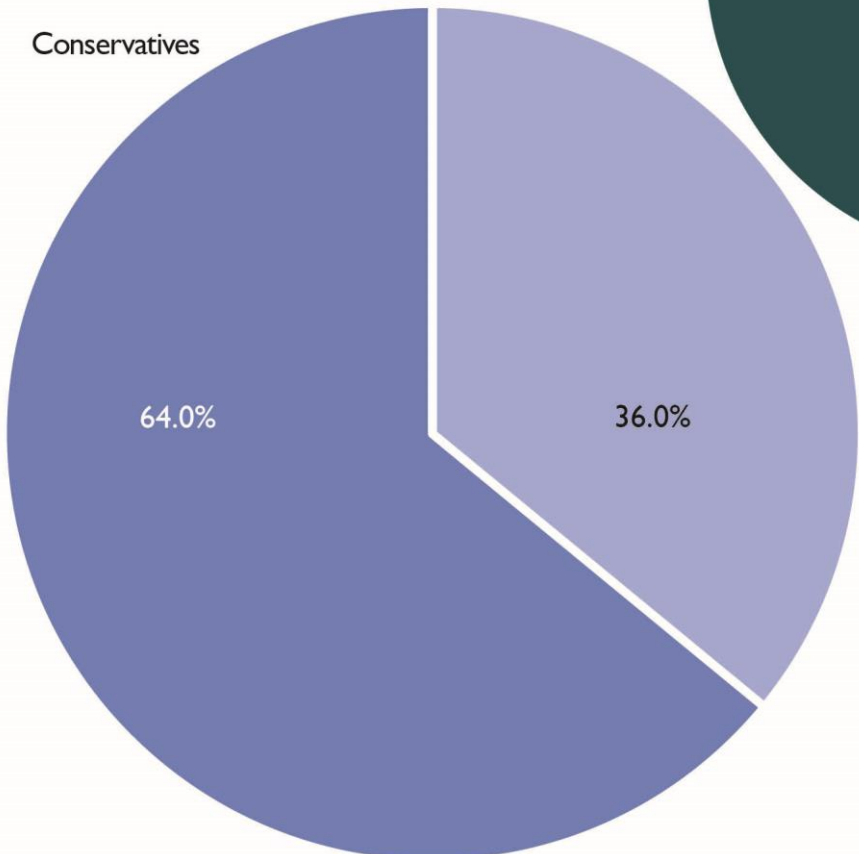
²⁵ The percentile figures indicate the proportion of each party or group that were life peers (LP) and hereditary peers (HP).

²⁶ These figures are for the composition of the House of Lords on 1 November 2019. Further figures for the change to the composition of the House of Lords over time is provided in the House of Lords Library briefing, [House of Lords: Party and Group Strengths and Voting](#), 15 March 2017.

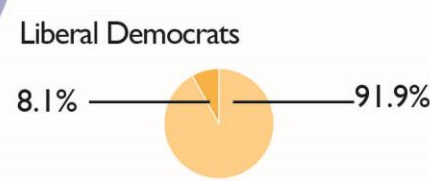
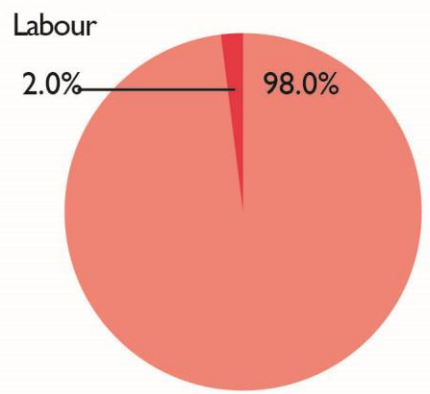
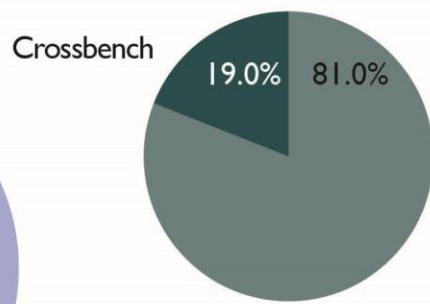
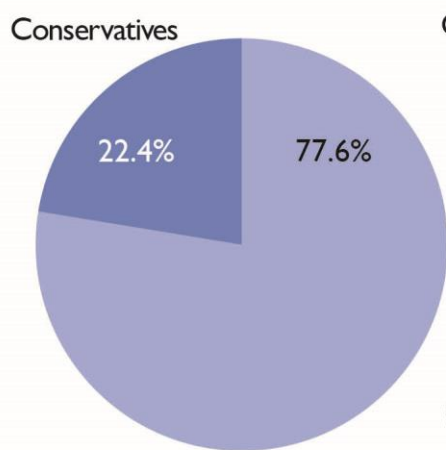
Key

- Hereditary (dark tone)
- Life Peer (light tone)

House of Lords Before the 1999 Act



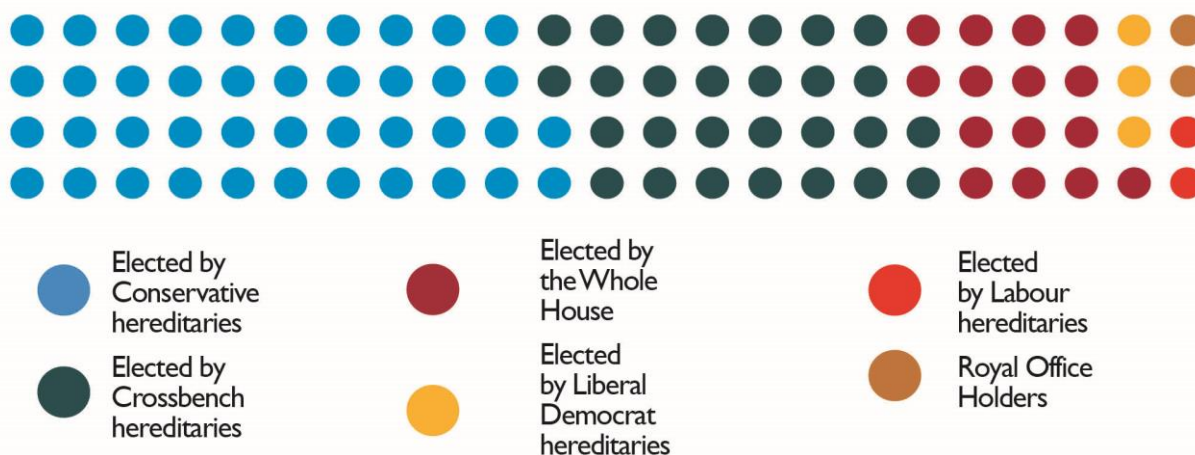
House of Lords After the 1999 Act



Excepted Hereditary Peers and By-elections

Prior to the 2002–03 session, any vacancy that arose amongst the 90 hereditary peers was filled by the nearest runner-up in the October and November 1999 ballots. Since the start of the 2002–03 session, replacements among the 90 hereditary peers have been chosen in a by-election.²⁷

Infographic: Composition of the Excepted Hereditary Peers



There are two different types of by-election. Of the 90 hereditary peers, 15 are elected by the whole House.²⁸ The remaining 75 are allocated in the following way under the 1999 Act: 42 are Conservatives; two are Labour; three are Liberal Democrats; and 28 are Crossbenchers. When a vacancy arises, all the remaining hereditary peers who are of the same political party or cross-party affiliation vote in the resulting by-election. The system has been controversial, with critics noting that in some by-elections, the candidates outnumber the electors.²⁹ During the 2016–17 and 2017–19 sessions, Lord Grocott (Labour) tabled a private member's bill to end the system of by-elections.³⁰ These bills did not complete all their stages and fell at the end of those sessions.

Subsequent Attempts at Lords Reform

Since the passing of the 1999 Act, there have been various attempts at further large-scale Lords reform. However, none of these attempts have been successful.

A royal commission chaired by Lord Wakeham (Conservative) published its report, *A House for the Future*, at the beginning of 2000.³¹ It proposed that a reformed House of Lords would have around 550 Members, including up to 195 elected Members. It also recommended the Appointments Commission become a statutory body and be responsible for all appointments to the second

²⁷ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2017, p 4, paras 1.05–1.06. This does not apply to the Lord Great Chamberlain and the Earl Marshall. A list of the by-elections that have taken place is provided in the House of Lords Library briefing, [Hereditary By-elections: Results](#), 27 February 2019.

²⁸ To date, the successful candidates in by-elections among the 15 have been Members of the same party or group as the hereditary peer being replaced.

²⁹ A summary of the debate over the continuation of by-elections is provided in the House of Lords Library briefing, [House of Lords \(Hereditary Peers\) \(Abolition of By-Elections\) Bill \[HL\]](#), 16 August 2017.

³⁰ House of Lords Library, [House of Lords \(Hereditary Peers\) \(Abolition of By-Elections\) Bill \[HL\]](#), 16 August 2017.

³¹ Royal Commission on the Reform of the House of Lords, [A House for the Future](#), January 2000, Cm 4534.

chamber.³² The Government set out proposals in a 2001 white paper, *The House of Lords: Completing the Reform*.³³ The white paper proposed creating a statutory appointments commission to nominate independent Members; capping the size of the House at 600 after ten years; and introducing 120 elected Members to represent the nations and the regions. It also proposed the 92 excepted hereditary peers would “leave the House as part of this reform, thus completing the historic task the Government embarked on in the 1999 Act”.³⁴ Two days of debate were held in the House of Lords, and one day in the House of Commons. However, the white paper’s proposals did not attract substantial support.³⁵

In May 2002, the Government proposed a joint committee be appointed to achieve consensus on reform. The Joint Committee on House of Lords Reform went on to recommend seven options, including a wholly elected membership, a wholly appointed membership and five different combinations of elected and appointed Members.³⁶ In February 2003, both the House of Commons and the House of Lords voted on these seven options for the composition of the House of Lords. The House of Commons rejected all seven options, while the House of Lords voted by three to one for a fully appointed House.³⁷

Further proposals were published during Labour’s period in office up to 2010, however, none of these were passed. In 2012, the Coalition Government introduced the House of Lords Reform Bill, which would have created a House made up of a majority of elected Members with some appointed.³⁸ However, this bill was withdrawn following the defeat of the programme motion in the House of Commons.³⁹ During the 2017 general election, the Conservatives, Liberal Democrats and Labour all stated their support for reform of the House of Lords.⁴⁰ However, no legislation was introduced during the 2017–19 parliament, with the Conservatives stating this was not a priority for the Government.⁴¹

Several reforms have been achieved since 1999. For example, the House of Lords Reform Act 2014 was passed, enabling members to retire on a statutory basis. The House of Lords (Expulsion and Suspension) Act 2015 was also passed, providing statutory powers for Members to be expelled or suspended by the House. It has been argued the 1999 Act has also had other, longer-term effects. Professor Meg Russell has said the removal of the majority of hereditary peers and changes to the party balance has led the House of Lords to become more assertive.⁴²

³² Royal Commission on the Reform of the House of Lords, [A House for the Future](#), January 2000, Cm 4534, recommendation 30.

³³ HM Government, [The House of Lords: Completing the Reform](#), 7 November 2001, Cm 5291.

³⁴ *ibid*, para 89.

³⁵ [HL Hansard, 9 January 2002, cols 561–682](#); [HL Hansard, 10 January 2002, cols 692–824](#); and [HC Hansard, 10 January 2002, cols 707–78](#).

³⁶ Joint Committee on House of Lords Reform, [House of Lords Reform: First Report](#), 9 December 2002, HL Paper 17 of session 2002–03.

³⁷ [HC Hansard, 4 February 2003, cols 152–243](#); and [cols 115–38](#).

³⁸ HM Government, [House of Lords Reform Draft Bill](#), May 2011, Cm 8077.

³⁹ [HC Hansard, 10 July 2012, cols 274–79](#).

⁴⁰ Conservative Party, [Conservative Party Manifesto 2017](#), May 2017, p 43; Labour Party, [Labour Party Manifesto 2017](#), May 2017, p 102; Liberal Democrats, [Liberal Democrat Manifesto 2017](#), May 2017, p 90.

⁴¹ Conservative Party, [Conservative Party Manifesto 2017](#), May 2017, p 43.

⁴² Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 254.