



House of Lords – continuing debate

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This note relates some of the further developments in the debate on House of Lords reform that have taken place since the last Standard Note, *House of Lords reform – recent developments* (SN/PC/2973), was published in February 2005.

In order to provide some context, some earlier developments are referred to, and a chronology of some events since beginning of 2005 is included.

The starting point for this update is the Labour Party 2005 manifesto commitment to establish a joint committee to consider codifying the conventions of the House of Lords, its approach to scrutiny and its relationship with the public; to limit the length of time the Lords can spend considering bills; to remove the remaining hereditary peers; and to allow a free vote on the composition of the House.

The note also considers the steps that have been taken since to make progress on the question of Lords reform. It does not consider the issue of “loans for peerages” (see the Library Standard Note SN/PC/3960, *Loans to Political Parties*).

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A. Chronology – January 2004 onwards

In September 2003, the Department for Constitutional Affairs (DCA) published *Constitutional reform: next steps for the House of Lords*,¹ and a bill on House of Lords reform was announced in the Queen’s Speech 2003.² (Some more details of events before February 2005 are provided in an earlier standard note *House of Lords reform – recent developments*.³ Details of the consultation paper and immediate reaction to it are summarised in a Library Research Paper.⁴)

25 February 2004	Westminster Hall debate, ⁵ initiated by Graham Allen (see SN/PC/2973)
March 2004	The BBC reported that the proposed Bill on House of Lords reform had been dropped (see SN/PC/2973)
22 April 2004	The DCA published an analysis of responses to it’s to the September 2003 consultation paper on House of Lords reform ⁶ (see SN/PC/2973)
September 2004	Government ideas on House of Lords reform were outlined at the Labour Party Conference (see SN/PC/2973)
January 2005	<i>Reforming the House of Lords – Breaking the deadlock</i> was published by a cross-party group of MPs. It contained a proposed bill on House of Lords reform
25 January 2005	Tony Blair announced that although he continued to nominate directly “a limited number of distinguished public servants on retirement” to serve in the House of Lords, he would limit that number to ten per Parliament ⁷
10 February 2005	Paul Tyler presented, without debate, the <i>Second Chamber of Parliament Bill</i> , the bill included in <i>Reforming the House of Lords – Breaking the deadlock</i>
23 February 2005	Westminster Hall debate, ⁸ initiated by Robin Cook, one of the supporters of the <i>Second Chamber of Parliament Bill</i>
May 2005	The Queen’s Speech promised that “My Government will bring forward proposals to continue the reform of the House of Lords” ⁹
31 January 2006	Westminster Hall debate, ¹⁰ initiated by John Bercow

¹ Department for Constitutional Affairs, *Constitutional reform: next steps for the House of Lords*, September 2003, <http://www.dca.gov.uk/consult/holref/index.htm>

² HC Deb 26 November 2003 c5

³ House of Commons Library Standard Note SN/PC/2793, *House of Lords reform – recent developments*, 25 February 2005

⁴ This note updates developments since the publication of the House of Commons Library Research Paper, 03/85, *House of Lords – Developments since January 2002*, November 2003, see: <http://www.parliament.uk/commons/lib/research/rp2003/rp03-085.pdf>

⁵ HC Deb 25 February 2004 cc97WH-120WH

⁶ Department for Constitutional Affairs, *Constitutional Reform: next steps for the House of Lords – Summary of Responses to Consultation*, April 2004, see: <http://www.dca.gov.uk/consult/holref/holresp.htm>

⁷ HC Deb 25 January 2005 c10WS

⁸ HC Deb 23 February 2005 cc71WH-95WH

⁹ HC Deb 17 May 2005 c31

May 2006	Government responsibility for House of Lords reform was transferred from the DCA to Jack Straw, the newly appointed Leader of the House
May 2006	The Joint Committee on Conventions was established and asked to report by the Summer Recess (details of the establishment and work of the Joint Committee are given in a Standard Note on <i>House of Lords: conventions</i> ¹¹)
20 June 2006	Westminster Hall debate, ¹² initiated by Chris Bryant
July 2006	The Joint Committee on Conventions' deadline was extended to the end of the 2005-06 Session (see SN/PC/4016)
24 October 2006	Jack Straw gave the Constitution Unit's annual lecture (see below)
3 November 2006	The Joint Committee on Conventions reported ¹³ (see SN/PC/4016)
15 November 2006	The Queen's Speech promised that "My Government ... will work to build a consensus on reform of the House of Lords and will bring forward proposals" ¹⁴
December 2006	The Government published its response to the report from the Joint Committee on Conventions ¹⁵ (see SN/PC/4016)

B. Manifesto commitments

In the 2005 general election campaign, the Labour Party included the following observations and commitments on House of Lords reform in its manifesto:

In our first term, we ended the absurdity of a House of Lords dominated by hereditary peers. Labour believes that a reformed Upper Chamber must be effective, legitimate and more representative without challenging the primacy of the House of Commons.

Following a review conducted by a committee of both Houses, we will seek agreement on codifying the key conventions of the Lords, and developing alternative forms of scrutiny that complement rather than replicate those of the Commons; the review should also explore how the upper chamber might offer a better route for public engagement in scrutiny and policy-making. We will legislate to place reasonable limits on the time bills spend in the second chamber – no longer than sixty sitting days for most bills.

As part of the process of modernisation, we will remove the remaining hereditary peers and allow a free vote on the composition of the House.¹⁶

In contrast, the Conservatives pledged: "We will seek a cross-party consensus for a substantially elected House of Lords".¹⁷

¹⁰ HC Deb 31 January 2006 cc23WH-45WH

¹¹ House of Commons Library Standard Note SN/PC/4016, *House of Lords: conventions*

¹² HC Deb 20 June 2006 cc363WH-387WH

¹³ Joint Committee on Conventions, *Conventions of the UK Parliament*, 3 November 2006, HC 1212 2005-06

¹⁴ HC Deb 15 November 2006 c4

¹⁵ Leader of the House of Commons and Lord Privy Seal, *Government Response to the Joint Committee on Conventions' Report of Session 2005-06: Conventions of the UK Parliament*, December 2006, Cm 6997, <http://www.official-documents.gov.uk/document/cm69/6997/6997.pdf>

¹⁶ Labour Party, *Britain forward not back*, Manifesto 2005, p110

C. Background to the Labour pledges

In 2004, the Labour Peers' Group considered "what should be the functions of a reformed second chamber and what should be its powers, procedures and conventions, recognising the primacy of the House of Commons". Its conclusions were:

- A Second Chamber should complement the work of the elected House of Commons and concentrate on the scrutiny and revision of legislation.
- There should be major reform of the legislative process in the Lords to replace much of the current repetition and enable a better focus on the main issues within a bill.
- A new Parliament Act should be enacted.
- The House of Lords should continue to be able to exercise a delaying power on primary legislation.
- A reasonable time limit should be set for all bills to complete their passage in the Lords.
- Bills starting in the Lords should be subject to the new Parliament Act.
- Reconciliation machinery should be established to help resolve differences between the Commons and the Lords.
- Key conventions – principally the Salisbury Doctrine – should be codified.
- Secondary legislation should be subject to Lords delaying power as recommended by the Royal Commission on Lords Reform and the Government White Paper on the Lords (2001).
- Post-legislative review of the effects of Acts of Parliament should be undertaken.
- A Speaker should be elected by the House.
- Members of the House should become more disciplined and abide by its rules and procedures.
- Voting on legislation in the main chamber should take place in prime time.
- Select Committee system should be reviewed.
- Administrative and working practices should be streamlined.
- Enhanced support should be given to back-bench members of the House to fulfil their role more effectively.
- Opposition front-bench should be properly resourced to meet their obligations to the House.¹⁸

The House of Lords held a debate on the Labour Peers' Group report on 26 January 2005.¹⁹

During the Labour Party's conference in September 2004, Lord Falconer outlined the Government's plans for reform of the House of Lords. *The Times* reported:

... if re-elected the Government would bring forward a Bill to reshape the Lords in the first session of the new Parliament.

¹⁷ Conservative Party, *Conservative Election Manifesto 2005*, p21

¹⁸ Labour Peers' Group, *Reform of the powers, procedures and conventions of the House of Lords*, July 2004, pp2-3

¹⁹ HL Deb 26 January 2005 cc1330-1384

In addition to removing the remaining 92 hereditary peers, which ministers announced last year but withdrew, it will clarify the powers of the Lords and limit its ability to delay legislation. Most significantly Lord Falconer announced that it will include further changes to the composition of the Lords.²⁰

In an interview in the *Daily Telegraph*, Baroness Amos, the Leader of the House of Lords argued that “we can’t look at composition until we have sorted out the powers of the second chamber”.²¹ This contrasted with the Government’s view in its 2003 consultation paper on “Next steps for the House of Lords”, when it argued that: “The Government has no plans to change the role and powers of the Lords”.²²

D. Progress on House of Lords reform since May 2005

House of Lords reform was the responsibility of the Department for Constitutional Affairs from its inception until the Government reshuffle in May 2006, when it was transferred to the Leader of the House of Commons.

1. May 2005 – April 2006

Harriet Harman, the Minister of State in the Department for Constitutional Affairs, which had responsibility for House of Lords reform, responded to a number of questions on the progress made in implementing the manifesto commitments. In addition, the Lord Chancellor and Secretary of State for Constitutional Affairs, Lord Falconer, gave evidence to the Constitutional Affairs Committee on 18 October 2005. He spoke briefly about the establishment of the Joint Committee and the wider debate on Lords reform.

At the beginning of the new Parliament, in a written ministerial statement, Harriet Harman echoed the Government’s manifesto commitment on House of Lords reform when she set out the DCA’s legislative programme:

... The Government will bring forward measures to reform the House of Lords including: a Committee of both Houses to identify and set out the key conventions of the House of Lords; a reasonable time limit for Bills to proceed through the second chamber; removal of the remaining hereditary peers; and a free vote on the composition of the House.²³

However, in a press report on the Queen’s Speech, following the 2005 General Election, there were suggestions that House of Lords reform would not be a priority:

Tony Blair hinted that House of Lords reform will not be a priority by not including a Bill for it in the Queen’s Speech.

²⁰ Greg Hurst, “Falconer bows to pressure for a democratic Lords”, *The Times*, 1 October 2004

²¹ *Ibid*

²² Department for Constitutional Affairs, *Constitutional reform: next steps for the House of Lords*, CP 14/03, September 2003, para 7

²³ HC Deb 23 May 2005 c9WS

Although Lord Falconer, the Constitutional Affairs Secretary, told the 2004 Labour conference that the final stage of Lords reform would take place "early in a third term", the Government has not promised any legislation within the next 18 months.

According to one report, a Lords Bill was originally supposed to be in the Queen's Speech but was dropped at the last minute.

Instead the Government said it would "bring forward proposals to continue the reform of the Lords".²⁴

In the early part of 2006, DCA ministers confirmed the Government's intentions in responses to a number of Parliamentary questions, for example:

Ms Harman: The Government are continuing to seek the co-operation of other parties in setting up a Joint Committee of both Houses to consider and codify the powers of the House of Lords. The Government hope to be able to proceed with the establishment of the Joint Committee as soon as possible.

The Government will also proceed on its other free-standing manifesto commitments on Lords reform—to limit to 60 days the time the House of Lords deal with a Bill, to abolish the remaining hereditary peers and to allow a free vote on the composition of the House of Lords.²⁵

She had previously told the House that the Government would "proceed on all those points; one is not conditional on the other".²⁶

The speed of progress on reform was criticised during Oral questions to the Department in December:

Mr. David Heath (Somerton and Frome) (LD): If the right hon. and learned Lady thinks that we are moving at an appropriate pace, I should hate to see us moving slowly. This is the most urgent issue within the urgent process of democratic renewal that the House needs to undertake. We have waited since last summer for the Joint Committee to be established, and there is still no sign of it. We cannot have the free vote to which the right hon. and learned Lady referred until the Joint Committee has done its work. Has she had any conversations with the Leader of the House as to whether, when we do come to take a decision on the matter, we can do so by a process of exhaustive amendment similar to the process by which you, Mr. Speaker, were elected, so that we have a genuine outcome and not the Whip-arranged score draw that we had last time?

Ms Harman: On the speed with which we are proceeding on constitutional and democratic reform, I remind the hon. Gentleman that we have devolved power to Scotland, Wales and London, we have new electoral systems for Scotland, Wales, London and the European elections, we have introduced the Human Rights Act 1998, the Freedom of Information Act 2000 and we have already undertaken substantial reform of the House of Lords. I would have liked us to go faster in establishing the Joint Committee of the Lords and the Commons, but it requires the agreement of all

²⁴ Andrew Sparrow, The Lords Committee to review role of peers, Daily Telegraph, 18 May 2005

²⁵ HC Deb 9 January 2006 c240W; see also HC Deb 24 January 2006 c1941W

²⁶ HC Deb 18 October 2005 c697

parties. We are seeking to reach that agreement and to set up that Joint Committee of all parties. We do not want to proceed without the help of a Joint Committee but, if it cannot be set up, we will move on. That will, however, be less satisfactory.

I will be having discussions with hon. Members about the process by which we decide the options on which to have the free vote. I do not think that any of us wants to go through the processes that we went through last time, which people felt were unsatisfactory. We must work out how to get the appropriate consensus of this House reflected in a vote.²⁷

On 18 October 2005, the Lord Chancellor, Lord Falconer, gave evidence to the Constitutional Affairs Committee on the Department's key policies and priorities. House of Lords reform was one of the subjects raised.

He was asked to tell the Committee "what plans you have for pushing forward on that reform and also what timetable you have in mind both for consultation and action".

He replied:

... it is plain that reform of the House of Lords depends upon building some degree of consensus on a constitutional change of that importance. The broad proposals that we make in relation to the process by which we seek consensus is that there should be a joint committee set up of both Houses of Parliament to look at the conventions as between the Commons and the Lords and by that I mean what are the circumstances - this is the main convention although not the only one - in which it is appropriate for the Lords to knock back legislation or bits of legislation that have come from the Commons. I think there is some uncertainty about what that is, particularly in relation to the Salisbury Convention, i.e. the idea that the House of Lords should not defeat manifesto legislation. Both the Leader of the Conservatives in the Lords and the Leader of the Liberal Democrats in the Lords, Lord McNally, have said they do not think the Salisbury Convention applies anymore. We need to have a joint committee to see what all the conventions are and to make any representations in relation to that. The usual channels are discussing the setting up of such a joint committee. I am not allowed to say how far they have got because that is one of the most secret bits of the State. That will take a few months to report, but it will provide the basis for a debate about the relationship between the Commons and the Lords. Separately from that there needs to be a debate about composition. It is well known that there were a series of votes which produced no majority for any particular compositional change. We will come back to the issue of composition and allow both the Lords and the Commons to vote in such a way that the Commons and the Lords are answering the questions they want to answer in relation to it. In the light of whatever comes out of that we will then move to legislation. It is plain that we will not be able to legislate during the first session, namely the session that ends some time in the course of the summer or the autumn of next year. In terms of powers, in the manifesto we said that there should be a time limit for the time that a Bill spends in the Upper House as opposed to the Lower House. The reason we did that was not to curtail debate. The proposed time limit we suggested, which was 60 days, was way beyond the time that even the longest Bill takes. We did it to deal with a situation where from time to time when there have been very controversial issues, e.g. hunting or constitutional reform, spokesmen for the Opposition in the Lords have said things

²⁷ HC Deb 13 December 2005 cc1229-1230

like, "If you continue with your Hunting Bill or your Constitutional Reform Bill you will find the rest of your legislative programme disrupted." The victim of great issues on hunting could potentially be the Pensions Bill or the Health Bill or the Education Bill. That is why we propose a time limit, so that the one thing that cannot happen is that Bills get bogged down procedurally in the Lords. In a sense we have got no problem with Bills being debated on their merits and proposals being made for change, which means in essence disagreeing with the Government and making the Government think again, but what would be difficult and unacceptable would be a situation where the Bill did not even get considered for procedural reasons. That is the process; that is what we aim to try to get to. I cannot say what compositional change would come.²⁸

He outlined his expectations for the establishment of and report from the Joint Committee:

I cannot tell you precisely when the joint committee will be set up, but it will be sooner rather than later. I cannot tell you when it will report, but again that will be sooner rather than later, short of the spring or summer of next year.

He then said that his view was that the Bill would need to be proceeded with "earlier rather than later in a Parliament, which means not this session but maybe next". He expected a vote on the composition of the House of Lords sometime during the course of the current (2005-06) Session.²⁹

2. Since May 2006

a. Initial plans

During debates on the establishment of the Joint Committee on Conventions, Lord McNally mentioned that Lord Falconer had made proposals to consider reform and composition of the Lords whilst the Joint Committee was undertaking its inquiry. But as a result of the Government reshuffle, on 6 May 2006, Jack Straw assumed responsibility for Lords reform from Lord Falconer.³⁰

During the House of Lords debate on the membership of the Joint Committee, Lord McNally reported that the Committee on Lords reform that Lord Falconer had intended to establish would no longer be convened:

At four o'clock this afternoon, we would have been having the first meeting of the Lord Chancellor's committee—except that, last Thursday, I got a letter from a private secretary in the Lord Chancellor's Department telling me that the noble and learned Lord the Lord Chancellor had been removed from all matters concerning Lords reform. It said that the new Leader of the House of Commons, Mr Jack Straw, had decided to stand down the Lord Chancellor's committee, and would consult individuals on the wider issue of reform from time to time, as needed. When I

²⁸ Constitutional Affairs Committee, *Department for Constitutional Affairs: Key Policies and Priorities*, 18 October 2005, HC 566-i 2005-06, Q26

²⁹ *Ibid*, Qq27-28

³⁰ Number 10 Downing Street, *Leader of the House of Commons, Lords Reform and Party Funding*, <http://www.number10.gov.uk/output/Page1381.asp>

reported this to my colleagues, a number resisted saying "I told you so", but they certainly looked as though they were thinking it.³¹

Peter Riddell and Philip Webster, in *The Times*, reported that Jack Straw "has put on hold the talks with other parties started by Lord Falconer". Instead, he would talk to "key individuals".³²

However, at Business Questions on 8 June 2006, Jack Straw told the House that he would hold informal consultations on Lords reform:

I will hold informal consultations with the other parties, Cross Benchers and bishops about the formula that would be appropriate. In view of that, I am not sure whether I will be able to make a statement to the House before we rise, but I will think about it.³³

Speaking at the Lobby briefing, on the afternoon, 8 June 2006, he provided a little more detail of the process:

The Leader said he was also consulting the parties, plus the crossbench peers and bishops, formally and informally. He was quite clear that the Prime Minister would not have asked him to undertake the task if he did not believe there was a possibility of dealing with it once and for all. Mr Straw said that he thought most people considered the current position of the House of Lords to be unsustainable. They wanted a second chamber which continued the very important work of revising legislation and holding Ministers to account, but one which respected the primacy of the Commons. They wanted to see the issue sorted as well. He was aiming to achieve that and, with luck, there would be a consensus. If the issue was not settled in the next year or so, then the parties' patience with it would probably be exhausted for five or ten years.³⁴

Then at Questions to the Leader of the House, Jack Straw provided a little more information on the timing:

The hon. Gentleman is right to say that we all hope and pray to find a consensus on this matter, but we never know. It is the failure to find such a consensus in the past that has left us with a less than satisfactory status quo. As to the time scale, we will have lost some months by extending the deadline for the Joint Committee. My intention is to run the all-party discussions, including within the group, in parallel with the Joint Committee's sittings, but not in a way that pre-empts the conclusions. We should gain a fairly clear idea about the direction in which it is moving towards October and November, and I hope that we can try to bring all these issues together either this side of the turn of the year or just the other side of it.³⁵

³¹ HL Deb 22 May 2006 c585; see also HC Deb 3 May 2006 cc1665W-1666W

³² Peter Riddell and Philip Webster, "Straw sets out to broker all-party agreement on reform of Lords", *Times*, 16 May 2006

³³ HC Deb 8 June 2006 c408

³⁴ Number 10 Downing Street, *Afternoon press briefing from 8 June 2006*, <http://www.number10.gov.uk/output/Page9591.asp>

³⁵ HC Deb 12 June 2006 c529

b. Jack Straw's proposals for Lords reform

Jack Straw has commented on House of Lords reform in speeches to the Hansard Society and the annual lecture to the Constitution Unit.

In a speech to the Hansard Society, on *The Future for Parliament*, Jack Straw set out his views on the wider issue of reform of the House of Lords:

It may seem a bold step to go from that sentiment to the issue of reform of the House of Lords. But reform of the Second Chamber is inextricably linked to the debate about the reform of Parliament. Much has been achieved here in recent years – the election last week of Baroness Hayman as its first Speaker is evidence of that – but there is much to be done. I will be working with colleagues on all sides of both Houses over the coming months as part of an intensive effort to reach a consensus on how a future Upper Chamber may look. I think a consensus is achievable and I believe this: if we do not seize the opportunity before us now, I fear that reform will be placed on the backburner for decades to come. My sense is that we should be able to build consensus around the idea of a House which is split 50% elected and 50% appointed, phased in over a long period, perhaps as long as 12 or 15 years. Crucially the shift must be one which leads to a House which does not threaten the primacy of the Commons, but which is more representative of the society we live in today.

The Joint Committee on Conventions is now meeting. This is due to report by early November. I hope that the Government will then be able to make public its proposals for reform as a whole by the turn of the year.

Maintaining the primacy of the Commons is key. But subject to this, there is no reason why the Lords should not be able to increase its relevance and its effectiveness.³⁶

He also gave the University College of London Constitution Unit's Annual Lecture, on 24 October 2006, in which he discussed Lords reform. In that speech, he indicated that he hoped to publish a White Paper "within the next few weeks" that would be informed by the conclusions of the report from the Joint Committee on Conventions. However, in October 2006, he was prepared to say that "the White Paper will be guided by five key principles":

First, a reformed Lords must not be a rival to the Commons. The primacy of the Commons is one of the bedrocks of our democracy. It is often claimed that introducing any form of election into the composition of the Lords would inevitably threaten the primacy of the Commons. But the international experience suggests that whether a chamber is appointed or elected is not necessarily an indicator of how much power it wields.

Second, a reformed Lords must not be a replica of the Commons. The role of the Lords is to revise and to scrutinise - to act as a second opinion. It does this very effectively. If it were to replicate what the Commons does, it would not only threaten its position as holding primacy, but it would also remove an effective part of the Parliamentary process.

³⁶ Jack Straw, *The Future for Parliament*, Speech at the Hansard Society AGM, 11 July 2006, http://www.hansardsociety.org.uk/assets/Hansard_society_speech.pdf

Third, a reformed Lords must be more representative of the people it serves. This means finding ways of increasing the number of women in the House, and the number of people from minority ethnic groups. The idea of the House of Lords being led by a black woman would have been extremely unlikely 20 years ago, but there is much more to do to ensure it better reflects the make-up of today's United Kingdom. That also means a House which is more representative of the regions, and less focussed on the south-east.

Fourth, is the principle of balance. No single party in a reformed second chamber should be allowed to command an overall majority.

Fifth is the need for a range of voices to be heard in the Lords. And that means a proportion of members who are not drawn from political parties, but who are independently appointed by virtue of their expertise and experience. Many of those crossbenchers currently in the Lords make a valuable contribution and add to the chamber's reputation for high quality debate and scrutiny of legislation. We should not lose that element in a reformed Lords.³⁷

On the publication of the Government's response to the report from the Joint Committee on Conventions, Jack Straw made the following comments on future reform of the House of Lords:

Further reform should not alter the current role of the House of Lords as a revising and scrutinising chamber, or its relationship with the Commons.

The relationship and conventions identified by the Joint Committee are therefore ones that should apply to any differently composed chamber.³⁸

Following his speech at the Constitution Unit, he was asked whether "the timetable for reform set out in his speech of 24 October represents Government policy". He responded:

As I made clear in my speech, having been asked by the Prime Minister to take responsibility for this important policy, the timings I mentioned were those I hoped to see achieved. But whether these hopes are met depends on many factors.³⁹

c. A tentative timetable

Just before the Government published its response to the Joint Committee's report, Jack Straw set out, to the Lobby, a timetable for progress on Lords reform:

Asked to indicate the envisaged timetable, Mr Straw said that the Government's response to the Joint Committee on Conventions, chaired by Lord Cunningham, was due before Christmas. It would be followed by a debate on it in the House of Lords where part of the outcome would be a Message to the House of Commons on the conclusion of the Upper House. MPs would then debate it, provisionally, during the first few weeks after the recess.

³⁷ Jack Straw, *Constitution Unit Annual Lecture*, 24 October 2006, <http://www.commonleader.gov.uk/output/page1714.asp>

³⁸ "No change in Lords powers' – Straw", *House Magazine*, 18 December 2006, p10

³⁹ HC Deb 6 November 2006 c670W

The Leader mentioned that cross-party group was meeting on the issue of the future composition. He hoped that there could be a White Paper by the end of January or early February, followed by a free vote on composition two or three weeks later, to enable time for it to be digested.

The Government, at that stage, would have to make a judgement whether there was a sufficient consensus to proceed, quite quickly, with a Bill or whether it drew breath. The Leader said that the Joint Committee had managed to achieve a consensus and its report had described the conventions of the relationship between the Houses in greater detail. The issue had been discussed within the cross-party talks.⁴⁰

Jack Straw has also given a commitment that any vote on the composition of the House of Lords will be preceded by the question of whether there should a second chamber:

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): My right hon. Friend is currently contemplating legislation on the reform of the upper Chamber. Will he reassure Labour Members and Members from other parties who are unicameralists that we will have an opportunity, under any legislation that he introduces, to vote for the abolition of the House of Lords?

Mr. Straw: Yes, I can certainly tell my right hon. Friend that it is my plan that, in any debate on the future composition of the Lords, the first vote would be on the question of whether there ought to be a second Chamber; only if that was defeated would we come to issues about its composition.⁴¹

In the House of Lords, the debate on the report from the Joint Committee on Conventions has been scheduled for 16 January 2007.

However, on 31 December 2006, the *Sunday Telegraph* reported that it had learnt that action on reform of the House of Lords was “likely to be put off until after the next election, with plans forming key parts of Labour’s manifesto”.⁴²

d. Press reports

Other recent press coverage on the Government’s plans for Lords reform indicate that the proposals are still fluid. In mid-November, the *Sunday Telegraph* reported that the Conservatives were not prepared to support Government plans for a 50 per cent elected second chamber.⁴³

The following day there were reports of Hilary Benn calling for 80 per cent of peers to be elected.⁴⁴

⁴⁰ Leader of Commons, Rt Hon Jack Straw MP, Press Briefing, 7 December, 3.45pm, <http://www.commonleader.gov.uk/output/page1814.asp>

⁴¹ HC Deb 19 October 2006 c1024

⁴² Patrick Hennessy, “The year of our Gord 2007”, *Sunday Telegraph*, 31 December 2006

⁴³ Melissa Kite, “Tories reject ‘agreement’ on Straw’s leaner Lords”, *Sunday Telegraph*, 19 November 2006

⁴⁴ James Blitz, “Benn calls for Lords reform to clean up politics”, *Financial Times*, 20 November 2006; Tania Branigan, “Strip peer powers from leaders, urges Benn”, *Guardian*, 20 November 2006

By the end of November, *The Independent* was reporting that “Eighty per cent of the members of a new-style House of Lords could be elected under a plan backed by the Cabinet to break the logjam over reform of the second chamber”.⁴⁵ The article also suggested that Members would be given the opportunity to indicate their preferences for different options when they vote on the alternative proposals for the composition of a reformed House of Lords:

In an unprecedented move, when MPs vote on the Lords shake-up in the new year, they will rate the different options in order of preference so that one proposal eventually enjoys majority support after second preferences have been redistributed.⁴⁶

The article also anticipated hereditary peers losing their right to sit and vote (although some may receive life peerages) and a gradual reduction in the number of life peers. The *Daily Telegraph* suggested the means would be “voluntary retirement and natural wastage through death”.⁴⁷

E. Other developments

1. A cross-party bill

In January 2005, a cross-party group of MPs published *Reforming the House of Lords – Breaking the Deadlock*. The report included not only a review of reform to date but also included the text of a Bill that was presented in the House of Commons on 10 February 2005, by Paul Tyler, who was supported by Kenneth Clarke, Robin Cook, Tony Wright and Sir George Young.⁴⁸ The Bill made no further progress because of the General Election.

A separate debate, in Westminster Hall, initiated by Robin Cook took place on 23 February 2005. He hoped that the cross-party report demonstrated that there was some form of consensus building. The features were that the second chamber should be predominantly elected and the primacy of the House of Commons should be preserved.⁴⁹

2. Debate in the House of Lords

During the debate on the Queen’s Speech 2006, in the House of Lords, Lord Falconer stressed the “vital importance of consensus” in relation to agreeing any House of Lords reform.⁵⁰ He echoed Jack Straw’s views on the order of progress. But he also highlighted the need for transitional arrangements if changes were to affect the nature of the existing lifelong appointment to the House of Lords.⁵¹

⁴⁵ Andrew Grice, “Four in five peers would be elected in reform plan”, *Independent*, 30 November 2006

⁴⁶ *Ibid*

⁴⁷ “Hereditary peers ‘will fade away’”, *Daily Telegraph*, 1 December 2006

⁴⁸ HC Deb 10 February 2005 c1676

⁴⁹ HC Deb 23 February 2005 c72WH

⁵⁰ HL Deb 23 November 2006 c439

⁵¹ HL Deb 23 November 2006 c440

For the Conservative Party, Baroness Anelay of St Johns welcomed the Government's desire to achieve consensus.⁵² However, for the Liberal Democrats, Lord McNally was concerned that the references to the Lords reform in the Queen's Speech were "couched in such craven terms as almost to encourage the wreckers". He argued that it would be possible for a reformed chamber to meet the concerns of those who were concerned that it would challenge the supremacy of the Commons, and those who argued that it would have to have its powers constrained in order not to.⁵³

F. Composition of the House of Lords

As a result of the number of peers created in the dissolution honours list, published in June 2005, Labour peers outnumbered Conservative peers for the first time. This and the current composition of the House of Lords is shown in the table below.

House of Lords – by Party Strength

	Cons	Lab	Lib Dem	Cross-bench	Bishops	Other	Total
6/6/05	203	198	69	187	24	17	695
1/7/05	208	215	74	187	25	14	723
9/1/06	205	208	74	193	26	11	717
1/12/06	207	212	78	201	26	13	737

Note: excludes peers on leave of absence

Source: House of Lords Information Office

⁵² HL Deb 23 November 2006 c441

⁵³ HL Deb 23 November 2006 cc445-447