



In brief: sources on House of Lords reform

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This Note gives a guide to the official documents, parliamentary reports and research briefings on reform of the House of Lords since the publication of the Government's *House of Lords Reform Draft Bill* in May 2011.

A bibliography of academic and other opinion is available in House of Lords Library Note LLN 2012/014, *Bibliography on Lords Reform*, 26 April 2012.

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Contents

1	House of Lords Reform Draft Bill	3
2	Joint Committee report	3
3	Lords and Commons Library briefings	5

1 House of Lords Reform Draft Bill

The Government published a White Paper, the [House of Lords Reform Draft Bill](#), on 17 May 2011.¹ This set out proposed reforms to the upper chamber, which was still called the House of Lords for the purposes of the consultation, and it included the text of a draft bill to implement them.

The core of the proposals was as follows:

- 300 members in the reformed House of Lords, plus 12 bishops sitting ex officio and government ministers during their period in office
- 240 elected members, 60 appointed members (an 80/20 split)
- 15 year terms, which would be non-renewable
- Elections for one third of seats at the same time as each general election
- Single transferable vote system for elections
- One third of appointed members to be nominated by a statutory Appointments Commission at each election time
- Link with peerage to be ended; peerages would simply be honours
- Three phase transition to the new arrangements
- Members would receive a salary and allowances set by IPSA, and be covered by a pension administered by IPSA
- For tax purposes Members would be regarded as resident, ordinarily resident and domiciled in the UK
- The electoral franchise for the House of Lords would mirror that for general elections; but Members of the reformed House of Lords would be able to vote in elections to the Commons
- A disqualification regime would be introduced, modelled on that for the Commons; Members could resign and they could be suspended or expelled for misconduct

The Foreword, signed by Prime Minister David Cameron and Deputy Prime Minister Nick Clegg, stated:

The Government believes that the discussion on the future of the upper House should now be taken forward to a debate on the detail. We are, therefore, publishing a draft Bill for pre-legislative scrutiny for an 80% elected House of Lords but, in line with the Coalition Agreement, a wholly elected House of Lords has not been ruled out. The draft Bill sets out elections using the Single Transferable Vote system (STV), but we recognise that a case can be made for other proportional systems too, such as the list system. We believe that our proposals will strengthen Parliament.²

The Prime Minister and Deputy Prime Minister described themselves as “fully committed” to holding the first elections to a reformed House of Lords in 2015.

There was a debate in the House of Commons on reform of the House of Lords on 27 June 2011.³

2 Joint Committee report

A [Joint Committee on the Draft House of Lords Reform Bill](#) was set up to look at the draft bill, which began its work in July 2011.⁴ Its [report](#) was published on 23 April 2012.⁵

¹ Cm 8077

² CM 8077, pp5-6

³ HC Deb, cc646-726

The Joint Committee's recommendations included the following in response to the provisions of the draft bill:

- There should be 450 members, plus government ministers. A majority agreed that 12 bishops should also sit
- A majority agreed that the reformed House of Lords should have an electoral mandate, provided it had commensurate powers
- A majority agreed that 80% of members should be elected and 20% appointed
- A majority agreed on single, non-renewable terms of 15 years
- A version of the single transferable vote system should be used for elections to a reformed House of Lords
- The House of Lords Appointments Commission should become a statutory body

The Committee reached two other important recommendations. It agreed that clause 2 of the draft bill, which is designed to maintain the primacy of the House of Commons, would not be sufficient on its own to achieve this aim. It also drew attention to the possibility of judicial involvement in the relationship between the two Houses, and recommended that nothing should be included in the final legislation that would allow interference in contravention of Article 9 of the *Bill of Rights 1689*.

Secondly, the Committee recommended, by a majority of 13 to 8 on division, that there should be a referendum on House of Lords reform.

A minority of members of the Committee produced an "alternative report." It is not possible for a committee to publish a "minority report" as such. As the Committee's report mentions, according to Erskine May,

A report from a committee embodies the conclusions agreed to by the majority of its members, and members who dissent from the report may not make minority reports to be appended to it.⁶

Usually, dissenting members would make their views known by proposing the text of an alternative report as an amendment, and dividing the committee on it. This ensures that the text is reproduced in the formal minutes appended to the report. On this occasion, the minority of members chose to release their [Alternative Report](#) on the internet instead.⁷ Broadly speaking, the dissenters were concerned that the primacy of the Commons would be challenged not just by what they saw as the inadequacy of clause 2, but by the wider framework of an elected upper chamber, and that the implications of a popular mandate had not been explored fully. They supported the Committee's report in general (subject to divisions on particular paragraphs), but they wished to look at issues beyond the draft bill and accompanying White Paper, to which the Committee was restricted. The minority's points of disagreement are discussed on pages 33 to 56 of its report, under the headings primacy,

⁴ The Political and Constitutional Reform Committee reported on Lords reform shortly before the draft Bill was published, following a seminar it had organised. See *Seminar on the House of Lords: outcomes*, 7th report 2010-12, 10 May 2011.

⁵ Joint Committee on the Draft House of Lords Reform Bill, *Draft House of Lords Reform Bill: Report*, HL 284, HC 1313, 2010-12

⁶ *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 24th edition, 2011, p901

⁷ *House of Lords Reform: an Alternative Way Forward*, a report by members of the Joint Committee of both Houses of Parliament on the Government's Draft House of Lords Reform Bill, April 2012, accessed 1 May 2012

electoral mandate, powers, electoral democracy, constituency issues, funding limits, ministerial voting and transition.

The report of the Joint Committee was debated in the House of Lords on [30 April](#) and [1 May 2012](#).⁸

3 Lords and Commons Library briefings

The House of Lords Library has produced a number of briefings on the broader question of reform. These are available on its internet site [here](#), where new briefs will appear from time to time. At time of writing they include:

- [Joint Committee Report on the Draft House of Lords Reform Bill: Reaction](#), LLN 2012/015, 27 April 2012
- [Bibliography on Lords Reform](#), LLN 2012/014, 26 April 2012
- [Public Attitudes towards the House of Lords and House of Lords Reform](#), LLN 2011/034, November 2011
- [House of Lords Reform: Chronology 1900 – 2010](#), LLN 2011/025, July 2011
- [House of Lords Reform Draft Bill](#), LLN 2011/021, June 2011

The following notes by the House of Commons Library are also relevant:

- [Conventions on the relationship between the House of Commons and the House of Lords](#), Standard Note 5996, June 2011
- [Reform of the House of Lords: the Coalition Agreement and further developments](#), Standard Note 5623, June 2011

The House of Commons Library will produce its usual Research Papers and Standard Notes on any government bill that is published to reform the House of Lords.

⁸ HL Deb 30 April 2012, cc1937-2001 and 2013-80, 1 May 2012, 2081-2113