

Topic 2: Parliament

What are the three components of Parliament?

The UK Parliament is made up of three parts:

- The House of Commons
- The House of Lords
- The Monarch (known as the Crown-in-Parliament)

This means that the UK system is **bicameral**, as it has two chambers of Parliament. A parliament that only has one chamber is known as **unicameral**.

Unicameral Parliaments vs. Bicameral Parliaments

Unicameral

Israel
New Zealand

Bicameral

Germany
United States
Australia

Some countries have experimented with a **tricameral** legislature. An example was South Africa in the 1980s. However, tricameralism has been widely seen as a failure when attempted.

What are the advantages of a Bicameral System?

- Second chambers can act as a check upon first chamber, particularly if there is a dominant executive.
- The executive can be checked more effectively.
- There is a broader basis for representation. This is particular the case in Federal countries, like Germany and the United States, in which the right of states are accentuated.
- Allows more time for a close examination of legislation.
- They can act as a constitutional check, making sure that the constitution is followed.
- A more diverse range of people can be represented.
- They may become more specialist in making and scrutinising legislation.

What are the disadvantages of a Bicameral System?

- They can be unnecessarily costly.
- Second chambers can sometimes have no useful role.
- They can sometimes slow down the government.
- They sometimes do not represent the electorate and tend to be conservative in outlook.
- They can lead to constitutional gridlock, with conflict between the two houses.
- They can sometimes reduce accountability of elected officials, with someone else being offered for blame.

What is the role of Parliament?

Parliament, as a whole, has five key roles:

- **Representation** – MPs in the House of Commons serve a **constituency**. One of their duties is to represent the views of their constituents within the House of Commons.
- **Offering Government Ministers** – Parliament provides the recruitment pool from which Ministers must be drawn. Unlike the USA and other countries, Government Ministers in Britain must be either a Member of the House of Commons or the House of Lords.
- **Legislation** – One of Parliament’s primary functions is to make laws: to legislate. Although most of the bills proposed will be proposed by the government, they still must go through both Houses of Parliament to become laws.
- **Legitimation** – The Government of the UK is not directly elected. Therefore, its legitimacy rests on having the support of the House of Commons. If the House of Commons passes a ‘motion of no confidence’, the government will be dissolved and a new election may need to be called.
- **Scrutiny** – One of Parliament’s roles is also to scrutinise and question the work of the government. There are a number of ways that it does this, for instance through question ministers and having its members serve in committees.

To remember the roles of Parliaments, remember ‘ROLLS’

Representation
Offering Government Ministers
Legislation
Legitimation
Scrutiny

What different types of bills can be put forward in Parliament?

Before a law is passed it must be approved by both chambers of Parliament and then receive Royal Assent. Until this happens, each proposed law is known as a **bill**.

There are four main different types of bill. These are:

- Public
- Private Members (Public Bill)
- Private
- Hybrid Bills

Public Bills

Public Bills are those which will affect the population as a whole. They are almost always introduced by the government. They can be introduced in either the House of Lords or the House of Commons. However, any bill that is regarding finance and spending has to be introduced in the House of Commons.

Examples of Public Bills considered by Parliament in 2017/2018

European Union (Withdrawal) Bill (2017) – This is the bill that will formally see Britain withdraw from the European Union in 2019. As of April 2017, it was in **Report Stage** in the House of Lords.

Northern Ireland Budget Act (2017) – This was a bill to set a budget for Northern Ireland because the Executive is currently not functioning. It received Royal Assent in November 2017.

Space Industry Act (2018) – A bill to regulate the space industry in the United Kingdom.

Private Member

Private Members Bills are bills that are introduced by **backbenchers**. They are another type of Public Bill. As they are not introduced by the Government, Private Members Bills are extremely difficult to pass. Indeed, they are even very difficult to introduce in the first place.

Examples of Private Members Bills considered by Parliament in 2017/2018

Representation of the People (Young People's Enfranchisement and Education) Bill (2017) – This bill was introduced by Jim McMahon, a Labour backbencher. This bill called for the voting age to be lowered to 16. It did not receive a vote at **Second Reading** as it was filibustered by Conservative MPs. It is therefore still at the Second Reading stage.

Prime Minister (Accountability to House of Commons) Bill (2017) – This bill was introduced by Conservative backbencher Peter Bone. It calls for the Prime Minister to have to answer questions in Parliament at least twice a week, as it was before 1997. It is currently at the Second Reading Stage.

House of Lords (Exclusion of Hereditary Peer) Bill (2017) – This bill was introduced by David Hanson, a Labour backbench MP. It calls for the exclusion of hereditary peers by not replacing those that die in the future.

There are three ways that Private Members Bills can be introduced:

Private Members Ballot – In every parliamentary session a lottery is held in which members can apply for a slot to get the chance to introduce a Private Members Bill. Only 30 slots are available, and only the first seven are likely to get a full day's debate in the Commons.

The Last Private Members Bill passed from the Ballot

Homelessness Reduction Act (2017) – This bill was introduced by a Conservative Backbencher called Bob Blackburn. This bill sort to make provision to reduce homelessness across the country.

Ten Minute Rule Bill – On Tuesdays and Wednesdays there is a limited time available for members to introduce a Ten-Minute Rule Bill. This gives them the chance to introduce a bill to Parliament and to talk about it for ten minutes. Ten minutes is also allocated for debate. Often, Ten Minute Rule Bills are used as a chance to advertise an issue, rather than a serious attempt to pass the bill.

The Last Private Members Bill passed as a Ten-Minute Rule Bill

Driving Instructors (Registration) Act (2016) – This bill was introduced by David Amess, a Conservative Backbench MP. It requires all driving instructors to register with an Approved Driving Instructor.

In the last full parliamentary session (2016-2017) there were 50 Ten Minute Rule Bills and only one became a law.

Ordinary Presentation – This allows MPs to introduce a bill to Parliament in writing. However, they do not have the chance to speak in favour of it and there is no guarantee of any debate on the issue. As such, these types of bill rarely become law.

The Last Private Members Bill passed by Ordinary Presentation

Leasehold Reform (Amendment) Act (2014) – This bill amended the Leasehold Reform Act of 1993 regarding to notice period people had to give to end a leasehold.

Members of the House of Lords can also introduce a Private Members' Bill. However, they need an MP in the House of Commons to support them in order for the bill to be taken forward.

Despite their limits, Private Members Bills can sometimes result in fundamental and important change. This has happened on a number of occasions:

Famous Successful Private Members Bills

The Murder (Abolition of Death Penalty) Act (1965) - in 1965 Backbench MP Sidney Silverman introduced a Private Members Bill to ban the Death Penalty. He suggested that all crimes that would potentially lead to the Death Penalty should be reduced to life imprisonment. This meant until 1998 only four crimes: Treason, Piracy, Arson of Royal Dockyards and Espionage could result in execution. In 1998, these last four were also removed as potential capital crimes.

The Abortion Act (1967) - This started as a Private Member Bill introduced by David Steel. It made Abortion legal in the UK under certain circumstances.

Private Bills

Private Bills can start in either house. Private Bills are those which affect only a small amount of people. For example, the discussion of where to build a new school that is funded by the government. They are very rare.

Examples of a Private Bills considered by Parliament in 2017/2018

New Southgate Cemetery Act (2017) – This Act gave permission for bodies to be moved at Southgate Cemetery in order to increase space. It was passed in November 2017.

Hybrid Bills

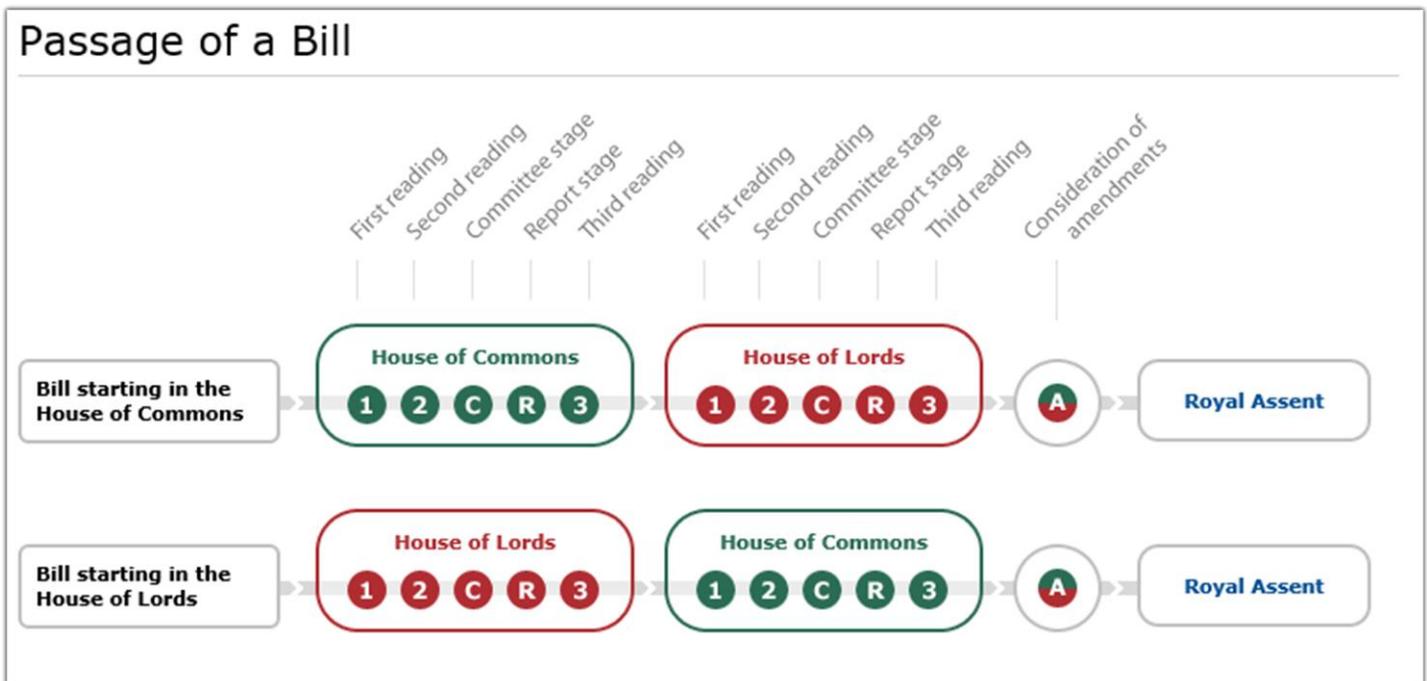
Hybrid Bills are bills that have aspects of both a private and public nature. This means they are about an issue that will affect the general population but also have a significant other impact on a certain group of people. Hybrid Bills face a larger parliamentary process than Public Bills, because a longer period is required to allow for adequate petitioning. Major national infrastructure projects, like High-Speed Rail, have been Hybrid Bills.

Example of the last Hybrid Bill passed by Parliament

High Speed Rail (London – West Midlands) Act (2017) – This bill made provision for building the High Speed Rail link between London and Birmingham.

What are the Legislative Stages a bill goes through?

Ultimately, whatever the type of bill, for it to become a law it must go through the same process:



Normally bills start in the House of Commons. However, they can start in the House of Lords. Wherever they start, they must go through both houses (unless the Parliament Act is used by the House of Commons).

Bills originating in the House of Lords

At the [dissolution of Parliament](#) on the 26th March 2015 there were 195 bills still outstanding in Parliament.

Of these, 23 began in the House of Lords.

First Reading – The bill is introduced, and a date is set for the Second Reading. There is no debate or vote on the bill at this stage.

The stages are called ‘readings’ because before printing became easier, the whole bill was read out in the House so members could understand its contents.

Second Reading – The Second Reading is the first time that the bill is debated. Normally a [Minister](#) will explain what the bill is about and what the aim of the bill is. However, if it is a Private Member’s Bill then the Member proposing it will outline the bill. The bill will then be debated. A vote is taken, but it is a rare for a [Government Bill](#) to be opposed as Second Reading. Only twice since 1945 has the Government lost a vote on a bill at the Second Reading.

Committee Stage – After the Second Reading bills are sent to a **Public Bill Committee**. This used to be known as a ‘Standing Committee’. These Committees are specially set up to consider a particular bill. They are usually made up of between 16 and 50 members and political parties are represented in proportion to the number of seats they hold. The Committee Stage usually results in lots of amendments being placed on the bill. By the end of the Committee Stage many problems with the bill will have been ironed out. Public Bill Committees can call in outside experts to give evidence, in order to help MPs judge the bill. All bills go to Committee Stage but some do not go to a Public Bill Committee. Bills of major constitutional significance (e.g the European Union (Withdrawal) Bill) or Finance Bills go to a **Committee of the Whole House**.

Report Stage – After the bill has been to Committee it goes to the report stage, where the report of the Committee’s changes is given back to the House. At this point, MPs who were not on the Committee can table amendments. It is unusual for a Government Bill to be defeated at Report Stage. Famously, John Major lost a vote over the Maastricht Treaty at the Report Stage.

The Report Stage is not used in the Commons if a Committee of the Whole House have considered the bill.

Third Reading – No major changes normally take place to a bill at the Third Reading. However, it is the most important vote as the bill is either confirmed or rejected.

How do MPs vote in the House of Commons and House of Lords?

When a vote is called the Speaker will call a ‘voice vote’. MPs or Lords shout ‘aye’ or ‘nay’.

If the result is unclear, the Speaker will call a Division.

Bells ring out across the parliamentary estate (and in some local pubs!) and Members have eight minutes to make their way into the ‘aye’ or ‘nay’ lobby.

Their presence is recorded by **tellers**. This process is open, meaning MPs and Lords can be influenced by the whips, who can see which lobby they go in to.

After eight minutes the Speaker will shout ‘lock the doors’ and no more members will be able to vote.

The result is then read out in the Chamber.

Other House – When the bill has completed its journey through one house, it goes to the other house and goes through the same process. As there is only one version of the bill, for it to become law, both houses have to agree.

This can result in what is nicknamed **parliamentary ping-pong** as the bill goes back and forth between the two houses.

Examples of Parliamentary Ping Pong

The Prevention of Terrorism Bill (2005)

Thirty Hours of Parliamentary Ping Pong took place over the introduction of the ‘sunset clause’ on the Prevention of Terrorism Bill in 2005. The timetable of these events was:

10 March 2005

1. *House of Lords* — 11:31am to 3:00pm
2. *House of Commons* — 6:00pm to 7:37pm
3. *House of Lords* — 10:15pm to 11:26pm

11 March 2005

1. *House of Commons* — 1:20am to 2:39am
2. *House of Lords* — 5:00am to 5:56am
3. *House of Commons* — 8:00am to 9:13am
4. *House of Lords* — 11:40am to 1:11pm
5. *House of Commons* — 3:30pm to 4:00pm
6. *House of Lords* — 6:30pm to 7:00pm

This means within 30 hours the bill went back and forth between the Lords and Commons ten times.

The Bill received Royal assent at 7:20pm on 11 March 2005.

The Health and Social Care Bill (2012)

The Lords made 374 amendments to the Health and Social Care Bill. These were all agreed by the Commons, and the bill received Royal Assent in 2012.

Royal Assent – When the bill has passed both the Houses of Parliament, the Queen will give the bill Royal Assent. It will then become an Act of Parliament and, therefore, law. This stage is now a technicality, the last bill not to gain Royal Assent was under Queen Anne in 1707.

How has the legislative process changed through time?

The Salisbury Convention – The Salisbury Convention was established between 1945 and 1951 and dictates that the House of Lords does not vote against an item that was part of the Government’s **Manifesto**. The aim of this convention is to ensure that the will of the people is carried out by enabling the party that won the election to carry out their key policies.

Money Bills – Since the 18th century by convention the Commons hold **financial privilege**. This means that any bill which has the sole purpose of authorising spending, taxation or loans (a money bill) is not voted against by the House of Lords.

Parliament Acts (1911 & 1949) - The Parliament Act of 1911 and the Parliament Act of 1949 mean that any bill (except one to postpone a General Election) that passes the Commons in two successive Sessions can be presented for Royal Assent without the consent of the Lords, as long as certain time restrictions apply. This means that the House of Lords can now only delay a bill, not prevent it from passing.

However, it is important to note that the Parliament Act has only been invoked on four occasions:

- War Crimes Act 1991
- European Parliamentary Elections Act 1999
- Sexual Offences (Amendment) Act 2000
- Hunting Act 2004

Grand Committees – In 2015 a Grand Committee stage was established to deal with the problem of English Votes for English Laws. Any bill which is defined by the speaker to be an ‘english-only’ issue has an extra committee stage in which all 533 English MPs are entitled to attend.

How does the Government carry out its legislative agenda?

Most bills put forward in the House of Commons are Government Bills. This is because the Government are granted most of the parliamentary time available.

Each year the government sets out the legislation it hopes to pass in the Queen’s Speech. When the government is considering legislation, it will go through a number of stages, before even introducing a bill in Parliament the Government will:

1. It will publish a **Green Paper** – The Green Paper is a consulting document in which the government will outline the broad idea of what it wishes to do. It will then take opinions and consultation from a wide variety of groups and individuals.
2. It will publish the **White Paper** – The White Papers are documents setting out details of future policy on a particular subject. A White Paper will often be the basis for a Bill to be put before Parliament.

There are a number of ways in which the Government can try to short-cut the legislative process:

- They can use their whips to make sure the Public Bills Committee quickly process the bill.
- They can limit the time available for a debate in the House of Commons.
- They can make concessions to win over backbenchers or members of the Lords.
- They can threaten the use of the Parliament Acts to pass the legislation.

What is the Composition of the House of Lords?

Until the Life Peerages Act (1958) all members of the House of Lords were hereditary peers. This means they were members of the British Aristocracy who had inherited their titles from their ancestors. The Life Peerages Act allowed the monarch to appoint members to the House of Lords for their life, but their title would not pass on.

The House of Lords Act (1999) radically changed the nature of the House of Lords. All but 92 of the Hereditary Peers were removed and now Peers are appointed for life.

The House of Lords traditionally had a conservative leaning. Prior to the House of Lords Act (1999) the Conservatives had 471 peers to Labours 179. The House of Lords Act changed that make-up, which is now fundamentally different:

<u>Affiliation</u>	<u>Life Peers</u>	<u>Hereditary Peers</u>	<u>Total</u>
Bishops	25	0	25
Conservative	196	49	245
Labour	187	4	191
Liberal Democrat	94	4	98
Crossbenchers	149	32	181
Lord Speaker	1	0	1
No Affiliation	28	1	29
Minor Parties	14	1	15
Totals	694	91	785

Crossbenchers – Crossbenchers are members of the House of Lords who do not claim any particular party allegiance.

Crossbencher Examples

Lord Lisvane (Robert Rogers) is a Crossbench Peer. Before entering the House of Lords he was Chief Clerk of the House of Commons. He has one of the country's foremost experts in constitutional affairs and parliamentary procedure and contributes enormously to the work of the House of Lords on this issue.

Baroness Boothroyd is a Crossbench Peer. Before entering the House of Lords she was a Member of the House of Commons. Between 1992 and 2000 she was the Speaker of the House of Commons. She was the first female speaker in History. As a Member of the House of Lords she has been a prominent contributor to debates on parliamentary reform and has enormous experience with which to inform these debates.

Lords Spiritual – The Lords Spiritual are senior members of the Church of England who continue to sit in the House of Lords. They include the Archbishop of Canterbury, currently Justin Welby. All Lords who are not Bishops are **Lords Temporal**.

Although the House of Lords is split into government and opposition benches, party unity is far less strong in the House of Lords. There are a number of reasons for this:

- **Security of Tenure** – Members of the House of Lords are appointed for life. Therefore, they are far less reliant on their political party for advancement.
- **Less Whips** – The whipping system is far less strong in the House of Lords. Although Whips are appointed in the House of Lords, they are far less influential.
- **Different Role** – The House of Lords sees it as its role to scrutinise and check the House of Commons, as much as the government. Therefore, they work better collectively to make sure that the House of Commons is being kept in check.

How well does the House of Lords represent the make-up of the nation?

One of the benefits of the way members are chosen for the House of Lords is that the **descriptive representation** of the House can be taken into account.

Until very recently, the House of Lords led the Commons in terms of representation of minorities. For example:

After the 2010 General Election:

- The Commons and Lords had an equal percentage of women with 22%.
- 2% of MPs came from an ethnic minority background compared to 5% in the House of Lords.

Currently:

- Men make up 74.3% of members of the House of Lords and women make up 25.7% (In the Commons women make up 29%)
- The average age is 69 (In the Commons the average age is 51)
- 11% of appointees to the House of Lords since 2000 have declared a disability (In the Commons the percentage declaring a disability is 0.76%)

As can be seen from these figures despite criticisms of the House of Lords as illegitimate because it has not been elected, arguably, it does a very good job of making sure that the nation is represented.

What are the roles of the House of Lords?

The House of Lords has four key roles:

- To make laws.
- To scrutinise the executive and hold it to account.
- To offer Government Ministers where required.
- To provide a source of specialist knowledge and expertise.

What is the role of the House of Lords in making laws?

Legislation can be initiated in either the House of Lords or the House of Commons. Normally, however, a bill will be introduced in the House of Commons. If it passes its Third Reading in the House of Commons, it then goes to the House of Lords where:

- It is discussed by the whole house.
- It is examined by a committee which writes a report suggesting amendments.
- Amendments are voted on by the whole house.
- The amended bill is discussed by the whole house (Third Reading).

It would then be sent back to the House of Commons. If the Commons disagree with the amendments, it would be sent back to the Lords. Sometimes bills can go back and forth between the two chambers numerous times. This is known as parliamentary ping pong.

There are a number of advantages that the Lords can offer when it comes to legislation:

Time – Traditionally the House of Lords can spend far more time considering legislation. They are able to do this line-by-line. For example, the Committee Stage in the House of Lords is conducted by the whole house.

Expertise – There are a number of well-respected professionals in the House of Lords. They are able to use this expertise to make a bill better.

Power of Amendment – The Lords is considered to be an **amending chamber**. It is expected that members of the Lords will try to amend legislation to make it better.

Impartiality – Although there are only 181 crossbenchers in the Lords, as a whole the House is more independent. Firstly, this is because the whips are less powerful and secondly because they do not have to rely on public support to be re-elected in the future.

Although it is rare, the House of Lords does sometimes block Government legislation.

Significant Recent Government Defeats in the House of Lords

EU (Notification of Withdrawal) Bill – The House of Lords inflicted two major defeats on the Government over Brexit.

1. It voted that Parliament should have a ‘meaningful vote’ on the final deal with the EU.
2. It voted to guarantee the rights of EU citizens currently in the EU.

EU (Withdrawal) Bill – The House of Lords voted to force the Government to explore the option of staying in the EU Customs Union.

Nuclear Safeguards Bill – The House of Lords voted to require the Government to outline the Government’s intended future relationship with EURATOM after Brexit.

Government Defeats in the House of Lords since 2010

2016-2017 (Conservative) - 38
 2015-2016 (Conservative) - 60
 2014-2015 (Coalition) - 11
 2013-2014 (Coalition) - 14
 2012-2013 (Coalition) - 27
 2011-2012 (Coalition) - 48
 2010-2011 (Coalition) - 14

What is the role of the House of Lords in providing Government Ministers?

Government Ministers must come from either House of Parliament. However, most come from the House of Commons. In addition, by convention, all the **Great Offices of State** must be filled from the House of Commons.

The last Member of the House of Lord to fulfil one of the Great Officers of State was Lord Carrington. Between 1979 and 1982 Lord Carrington was Foreign Secretary. He resigned after failing to recognise the threat to the Falklands Islands that was posed by Argentina before their invasion in 1982.

This is so that they can be adequately held to account by the people’s elected representatives. However, there are normally a number of Members of the Lords in the Government. Currently, Members of the House of Lords who are serving in the Government are:

Secretaries of State

Baroness Evans of Bowes – Leader of the House of Lords & Lord Privy Seal

Ministers of State

Baroness Williams– Home Office
 Lord Ahmed– Foreign Office
 Lord Callanan – Department for Exiting the European Union
 Lord Keen of Elie – Advocate-General for Scotland
 Baroness Fairhead – Department for International Trade
 Lord Bates – Department for International Development

Under Secretaries of State

Lord O’Shaughnessy – Department of Health and Social Care
 Lord Henley – Departments for Business, Energy and Industrial Strategy
 Lord Bourne – Ministry of Housing, Communities and Local Government & Welsh Office
 Lord Agnew – Department for Education
 Lord Gardiner – Department for Environment, Food and Rural Affairs
 Baroness Sugg – Department of Transport
 Baroness Buscombe – Department for Work and Pensions
 Lord Duncan – Scottish Office & Northern Irish Office
 Lord Ashton – Department for Digital, Culture, Media & Sport

Sometimes, a Prime Minister or Leader of the Opposition may use the House of Lords to bring someone from outside of Parliament into the **Cabinet** or **Shadow Cabinet**.

Members of the House of Lords appointed in order to join the Government

Lord Adonis – Andrew Adonis was a Senior Advisor to Tony Blair. In 2005 he was appointed as a Life Peer so that he could become Minister of Education. Later, he was promoted to the Cabinet to be Secretary of State for Transport.

Digby Jones – Digby Jones was a British Businessman who was director of the CBI between 2000 and 2006. In 2007, he was appointed to the House of Lords so that he could become a Minister for Trade and Investment.

Members of the House of Lords appointed in order to join the Shadow Cabinet

Shami Chakrabati – Shami Chakrabati was a barrister and the director of Liberty, a Human Rights Pressure Group. In October 2016 she was appointed to the House of Lords so that she could become Shadow Attorney-General.

How does the House of Lords scrutinise the Executive?

- **Questions** - Peers put questions to a government spokesperson at the start of the day, in a 30-minute question-time session.
- **Debates** - Peers debate specific issues and at the end of each debate a Government Minister responds to the matters raised. Example: In 2011 the Lords debated the Libya crisis.
- **Select committees** - These are set up to consider areas of public policy. Some are fairly quick enquiries with a narrow focus, others are broader so take longer. A report of their findings is debated in the House of Lords and responded to by the Government.

Examples of the impact of Lords Select Committees

- In 2011 the Science and Technology Committee published a report on behaviour change and ‘nudging’. This criticised the government’s strategy of ‘nudging’ people to change their behaviour, finding that ‘nudging’ alone was unlikely to be effective, and that some regulatory measures were required.
- In 2013 the Public Service and Demographic Change Committee published ‘Ready for ageing?’ This report argues that Britain faces a demographic time bomb due to a rapidly ageing society, and that no government had adequately prepared for this.

- **Legislative Scrutiny** – The Lords carefully scrutinise legislation coming from the House of Commons.

How does the House of Lords supply Specialist Knowledge?

Ever since the Life Peerages Act (1958) it has been possible for Members to be appointed to the House of Lords so that they can offer specialist knowledge and expertise to the House.

Examples of Members of the House of Lords with specialist knowledge**Baroness Brady**

Karen Brady, also famous for her role on the apprentice, was appointed a Conservative Lord by David Cameron's Government in 2014. She became a prominent business figure after being managing director of West Ham and Birmingham Football Clubs before the age of 35. She is renowned for doing well in what is traditionally seen as a 'man's world' and is a strong advocate for women in business.

Lord Adonis

Andrew Adonis was appointed a Labour Lord by Tony Blair's Government in 2005. He was previously an advisor to Tony Blair on Education policy and is a published academic on this area. Upon being appointed to the House of Lords he was immediately appointed to the Cabinet as Minister of State for Education.

Lord Winston

Robert Winston was appointed a Labour Lord in 2005. He is one of the world's foremost authorities on IVF, embryology and fertility. He has a wide background in medicine and is able to contribute an enormous amount of scientific issues within the House of Lords.

Lord Lisvane

Lord Lisvane is a Crossbench peer. He joined the House of Lords in December 2014. Before entering the House of Lords he was Chief Clerk of the House of Commons. He has one of the country's foremost expert in constitutional affairs and parliamentary procedure and contributes enormously to the work of the House of Lords in this issue.

Baroness Grey-Thomson

Tanni Grey-Thompson is a former paralympian who was born with spina bifida. She has used a wheelchair for her entire life. In March 2010 she was created a Life Peer. She sits a crossbencher. Thompson has used her peerage to challenge the government on disability rights. For instance, she was an outspoken critic of the government's 'bedroom tax', which would have removed benefits from families using a spare bedroom to support a disabled person.

Be Careful!

You must know a variety of examples of Members of the House of Lords. It is no good just being able to name Lord Sugar! Don't just learn their names, learn what they offer to the House of Lords and try and find some **specific** examples of how they have contributed.

There are many benefits of having this range of expertise in the House of Lords:

- Specialist knowledge means that some Lords will be able to offer excellent insights in debate.

In the 2011 Lords debate on Libya, many of the speakers had extensive international experience, including three former defence chiefs and a former NATO secretary general. For example, Lord West, former First Lord of the Admiralty.

In the 2017 Article 50 debate, the House of Lords had a number of former MEPs and EU Commissioners. For example, Lord Mandelson, former EU Commissioner for Trade.

- Lords' committees have many members with relevant knowledge and expertise.

The Lords Economic Affairs Committee includes Lord Lamont who was Chief Secretary to the Treasury and Chancellor of the Exchequer in the 1990s. It also includes Alistair Darling who was Chancellor of the Exchequer during the Financial Crisis in 2008

The committee which examined the Health and Social Care Bill included many current practising doctors, who used their working knowledge of the NHS to draft amendments.

- The appointments system allows a House of Lords which is arguably more diverse than the elected House of Commons.

- Men make up 74.3% of members of the House of Lords and women make up 25.7% (In the Commons women make up 29%)
- The average age is 69 (In the Commons the average age is 51)
- 11% of appointees to the House of Lords since 2000 have declared a disability (In the Commons the percentage declaring a disability is 0.76%)

However, despite these benefits, there are also a great many limitations to this experience and specialist knowledge that the House of Lords has. These limitations include:

- Some groups remain relatively underrepresented, e.g. science and engineering. However, this is a problem for Parliament in general, as the House of Commons has even fewer members with a background in science.
- Peers do not use their professional expertise all the time: often they will debate issues in which they have no specialist knowledge
- Acquiring professional expertise takes time, so peers have a much higher average age than the general population.
- Having busy careers means that some peers do not have time to attend many sessions in the House of Lords.
- Regardless of their expertise, peers are unelected. Reform campaigners argue that this is undemocratic and means that the House of Lords is unaccountable to the electorate.

- It is generally accepted that professional expertise only stays up to date for three years. Therefore, the specialist knowledge of almost all Lords is outdated.

How are Lords Appointed?

People appointed to sit in the House of Lords are done so through the Life Peerages Act (1958). Officially, the monarch makes appointments to the House of Lords. However, in 2000 the [House of Lords Appointments Commission](#) was established. The Appointments Commission recommends individuals for the appointment as non-party-political life peers. It also vets the nominations of political parties, to ensure the suitability of members.

There are a number of mechanisms through which members of the House of Lords can be appointed:

- [Life Peerages](#) are given to some MPs when they leave the House of Commons at the end of a Parliament. This is informally known as being ‘elevated to the Lords’.

After the 2016 General Election David Cameron gave peerages to a number of MPs who had left. These included:

Andrew Lansley – Former Leader of the House of Commons

William Hague – Former Foreign Secretary

- When a Prime Minister resigns they name a [resignation honours list](#). This is to reward those who have supported them.

After the 2016 General Election David Cameron controversially recommended that the following be given peerages in his resignation honors list:

Lizz Sugg – A long term special advisor to David Cameron

Olivia Bloomfield – The Conservative Party’s Chief Fundraiser

- Members are appointed to ‘top up’ the strengths of the political parties in the House of Lords. These should by convention be the similar to that in the House of Commons.
- Twenty-Six Church of England Archbishops and Bishops sit in the House of Lords as Lords Spiritual. By convention, a retiring Archbishop of Canterbury is also given a Life Peerage.
- Former Speakers of the House of Commons have traditionally been given a Life Peerage.

Ex-Speakers of the House of Commons currently in the House of Lords are:

The Lord Martin of Springburn (Michael Martin) - Speaker from 2000 to 2009

The Baroness Boothroyd (Betty Boothroyd) – Speaker from 1992-2000

There have been a number of scandals associated with how Members of the House of Lords are chosen. These scandals have included:

Cash for Honours (2007) – In 2007 police were investigating reports that Labour Party donors had been asked for large sums of money before quickly afterwards being suggested as members of the House of Lords. One particular Labour donor who was made a Member of the House of Lords was Chai Patel, who eventually withdrew his name for consideration as a Lord. The police investigation was so serious that even the Prime Minister, Tony Blair, was interviewed.

Cameron's Cronies (2016) – After resigning as Prime Minister David Cameron named a number of his closest advisors and staff as nominees for the House of Lords. These include Lizz Sugg and Ed Llewellyn, his former Chief of Staff. This was criticised as it appeared that Cameron was attempting to use the Resignation Honours List to favour political allies, not to further the operation of the House of Lords.

Why might Peers be appointed?

There are a number of reasons why Peers may be appointed:

- As a means to bring people into the Government

In 2005 Andrew Adonis was made a Labour Lord by Tony Blair. He immediately took a place in the government as a Minister of State for Education. In this role he was a key figure in advancing the Academy programme whereby failing schools were given more autonomy from local government. In 2007 Digby Jones was made a Lord by Gordon Brown. He was immediately made a Minister for Trade and Investment as part of Gordon Brown's 'government of all the talents'. He had a wide-ranging business background and had extensive experience in international trade.

- Getting rid of potential troublesome backbenchers

John Major took over as leader of the Conservative Party from Margaret Thatcher in 1990. Margaret Thatcher remained in the House of Commons and was still widely respected and revered by the Conservative Party, many of whom were still loyal to her. In 1992 she was offered a place in the House of Lords and she stepped down from Parliament. This enabled John Major to place more distance between himself and Thatcher, who still held so much authority in the party.

- As a reward for political service

John Prescott was Labour's Deputy Prime Minister between 1997 and 2007. He stepped down from this role when Tony Blair resigned as Prime Minister. In 2010 he was awarded a Life Peerage, sitting as a Labour Lord. This was due to his long service with the party. He was heavily criticised for accepting this. John Prescott had always been a strong advocate of the working class and had said that the House of Lords should be abolished.

- To bring particular expertise into the House of Lords. These peers are often crossbenchers.

Between 2011 and 2014 Robert Rogers was the Clerk of the House of Commons. As such, he was the senior constitutional expert in the UK. As such, upon his retirement in 2014 he was appointed to the House of Lords, becoming Lord Lisvane.

Examples of prominent Crossbench Peers

Baroness Boothroyd – Former Speaker of the House of Commons: An expert on constitutional and parliamentary affairs.

Lord Dannat – Former Chief of the General Staff: An expert on military matters.

Baroness Grey-Thompson – Former Olympic Paralympian: An expert on sporting and disability matters.

Lord Hennessey – Prominent political author: An expert on constitutional issues.

Lord Lisvane – A former Clerk of the House of Commons: An expert on constitutional and parliamentary issues.

Lord O'Donnell – A former Cabinet Secretary: An expert on government relations and administration.

How did the House of Lords change and develop in the twentieth century?

The House of Lords changed and developed significantly in the twentieth century:

The Parliament Acts (1911 and 1949)

The Parliament Acts of 1911 and 1949 took away the power of the House of Lords to block legislation. Instead they only had the power to delay it by two years (1911) and then one year (1949).

Salisbury Convention

The Salisbury Convention is a doctrine that was agreed between 1945-1951 whereby the House of Lords will not vote against government bills that had been part of their General Election manifesto. This doctrine aimed to ensure that the elected house was guaranteed supremacy over the House of Lords, especially when they were fulfilling the elector's wishes.

Life Peerages Act 1958

The Life Peerages Act allowed Peers to be appointed to the House of Lords for life. This allowed for a much more diverse House of Lords and enabled governments to place individuals with specialist expertise in the House of Lords.

The House of Lords Act (1999)

The House of Lords removed most of the hereditary peers that had previously sat in the House of Lords. After the House of Lords Act only 92 Hereditary Peers remain. When a hereditary peer dies a by-election is held to see who, from the peerage of Great Britain, will take their place.

Ironically, the way the remaining Hereditary Peers were chosen after the House of Lords Act (1999) was by an election. This means that the only people ever elected to sit in the House of Lords are hereditary peers!

What further reform did Labour and the Coalition make to the House of Lords?

Since the 1999 House of Lords Act, no further radical change has ensued. In 2001, following a report called the [Wakeham Commission \(2000\)](#), a Labour White Paper called for a House of Lords that was 20% elected. In 2003 this, among other Labour Proposals were rejected. In 2005, Labour pledged a fully elected House of Lords, with staggered elections. A vote in the House of Commons for a fully elected House of Lords passed by 113 votes. However, predictably, it was rejected by the House of Lords.

As part of the Coalition Agreement House of Lords reform was to be pushed forward in the 2010-2015 parliament. A bill for Lords reform was introduced by Nick Clegg in June 2012. It called for:

- A chamber limited in size.
- A mixed chamber, with 120 members elected and some appointed.
- A cap on the number of government ministers that could come from the House of Lords.

However, due to the opposition of Conservative Backbenchers in the House of Commons, the Government did not have the votes to pass the legislation. In September 2012, the legislation was withdrawn and never revisited.

How effective is the House of Lords?

Even though the Parliament Acts and the Salisbury Doctrine limit the power of the House of Lords, it is still an effective check on the Government. There are three key reasons why this is:

Experience - There is a wealth of experience in the House of Lords, including previous members of the Government. This allows them a special expertise in holding the government to account.

Security of Tenure - It is very difficult to remove a member of the House of Lords. The fact that Lords do not have to fear for the position enables them to speak freely and openly and to take potentially unpopular stances in holding the government to account.

Weakness of Party – The hold of political parties and the power of the whips is far less strong in the House of Lords. This enables the chamber to become particularly independent.

However, there are also a number of things that hold the House of Lords back:

Inactivity of some peers – There is a big difference between the amount of time that peers are or willing to put into their role in the House of Lords. There are generally considered to be three different classes of peers:

- **Non-Working Peers** – These are individuals who have been given a peerage as an honour but take very little part in the activities of the house. There are a number of peers with extremely poor attendance and voting records.

Examples of ‘Non-Working’ Peers

Lord Sugar – Has spoken in 8 debates in the last year and has voted in 1.3% of divisions.

Lord Lloyd-Webber – Before his recent resignation, Andrew-Lloyd Webber had spoken in zero debates in the last year and voted in 1.9% of divisions.

Lord Paul – Has spoken in 2 debates in the last years and has voted in 2% of divisions.

Between 2010 and 2015 62 peers claimed £360,000 in expenses despite not voting in a single division!

Between 2016 and 2017 115 peers did not speak even once in the House of Lords.

- **Part-Time Politicians** – These are peers that are not attached to any particular party but do take part in votes that are of particular interest to them. Their attendance is usually better than ‘non-working’ peers but is still irregular.

Examples of a ‘Part-Time Politicians’ in the House of Lords

Lord Winston – Has spoken in 13 debates in the last year and voted in 22.8% of divisions. He has asked four written questions to Ministers, all are about his specialist area of expertise which is IVF treatment.

- **Working Peers** – These are peers that are members of a political party and consider themselves to be professional politicians. Sometimes they are members of the Government or opposition.

Examples of ‘Working Peers’ in the House of Commons

Lord Bates - Has spoken in 63 debates in the last year and has voted in 69% of divisions.

Lord Adonis – Has spoken in 42 debates in the last year and has voted in 58.9% of divisions.

Lord Campbell – Has spoken in 352 debates in the last year and voted in 65% of divisions.

Lack of Legitimacy – The fact that the House of Lords is unelected reduces its legitimacy. This lack of legitimacy is furthered by mistrust over the appointments process. The fact that the Lords is not seen as fully legitimate can lead members not to risk upsetting the public. This was a point made during the debate over Brexit.

Constrained by Convention and Statute – A number of conventions such as the Salisbury Convention and those regarding Money Bills stop the Lords from fully scrutinising all aspects of Government policy. In addition, the Parliament Acts mean the House of Lords often give into the House of Commons when there is a conflict.

Should the Lords be reformed and what are the options?

The position of the House of Lords in British politics is still a matter of wide debate and disagreement. Little change has been made to the House of Lords by the current government. However, there are many who believe the House of Lords still needs fundamental reform.

The potential options for Lords Reform:

Abolition – Some argue that the House of Lords should be abolished entirely and Britain should become a unicameral system.

Pros:

- New Zealand, Denmark and other countries function without a second chamber, so why can't we?
- We would save money by having only one chamber.
- Scrutiny could be carried out in different ways such as through a strengthened committee system.

Cons:

- The standard of scrutiny of legislation would drop in a unicameral system.
- The House of Commons would have too much power without a revising second chamber.
- The bicameral system is ingrained in British political culture and has, historically, worked well.

Fully Appointed – Some people argue that Life Peers have worked well. Therefore, why not make the House of Lords Fully Appointed?

Pros:

- It will help maintain the current broad range of membership of the House of Lords rather than creating more professional politicians. Would Lord Sugar (Alan Sugar) or Baroness Grey-Thompson (Tanni Grey-Thompson) stand for election?
- It doesn't threaten the democratic supremacy of the House of Commons.
- Appointment is more cost effective than election.

Cons:

- It is undemocratic to have unelected Members of the Lords involved in drafting and passing legislation.
- The UK is one of only two countries, the other being Canada, that has an unelected second chamber.
- A more democratic system is worth investing in.

Fully Elected – Some argue that the House of Lords could be made more accountable simply by making it a fully elected chamber, like the House of Commons

Pros:

- It fully addresses the current democratic deficit, giving the House of Lords a full mandate to initiate and amend legislation.
- More people will be given the opportunity to stand for Parliament giving a greater range of representation.
- More young people will sit in the House of Lords.

Cons:

- It causes more problems than it solves: with two elected chambers, the House of Commons would no longer be supreme.
- The chamber would be full of career politicians rather than attracting individuals with a wealth of knowledge and experience in a vast range of fields.
- It isn't clear how often elections should be and additional elections would cause additional costs.

Hybrid Lords (70% Elected and 30% Appointed) – Some people argue that the Lords should be neither Fully Elected or Appointed, but should strike a balance in the middle

Pros:

- It combines the best of both fully appointed and fully elected systems: addressing the democratic deficit while retaining individuals with expertise and experience in valuable fields.
- The House of Commons would retain its democratic supremacy.
- It would be a more straightforward system to introduce.

Cons:

- It is undemocratic to retain any unelected Members of the Lords.
- It will create a two-tier House of Lords of elected and non-elected Members causing friction.
- The system would cause additional confusion both within and without Parliament as to where power does, and should, lie.

What are the differences between the House of Commons and House of Lords and which House is dominant?

Traditionally, the House of Lords was the dominant house of the UK legislature. However, the dominant house is now the House of Commons, the elected chamber of Parliament. For example, by convention the winner of the most seats in the House of Commons has the option to form a government and the Prime Minister is expected to come from the House of Commons. Despite this, the House of Lords is still called the ‘Upper Chamber’ of Parliament.

The last Prime Minister from the House of Lords was the Marquess of Salisbury in 1902. In 1963, Alec- Douglas-Home was appointed Prime Minister from the Lords, but resigned and ran in a by-election for the House of Commons due to the convention that the Prime Minister come from the Commons.

The role of the House of Commons is similar to that of Parliament as a whole, notably ‘ROLLS’.

However, there are some clear differences between the House of Commons and the House of Lords:

- **Mandate for Government** – The Government must come from the party that receives the most seats in the House of Commons after a General Election (or one that can form a stable coalition). This preserves the democratic mandate of the government in the UK.
- **Dominant Chamber** – The House of Commons is the dominant chamber. This is clear from the fact that most legislation comes from the House of Commons. Equally, money bills cannot come from the House of Lords and must originate from the House of Commons.
- **Powers of Scrutiny** – The Commons has more powers of scrutiny than the House of Lords. Since most members of the Government are MPs, they have to be questioned in the chamber of the House of Commons. In particular, by convention the Prime Minister also comes from the House of Commons.
- **Support of Government** – Only a vote of no-confidence in the House of Commons can bring down a government. This last happened to the Callaghan government in 1979.

The superiority of the House of Commons has been further enhanced by the Constitutional Reform Act of 2005, which has taken away the Judicial Powers of the House of Lords, powers which it possessed that the Commons did not.