



The House of Lords – Completing the Reform

Presented to Parliament by the
Prime Minister
by Command of Her Majesty

The information presented in this publication
is also available on the LCD website

CORRECTION

Please note the following correction to The House of Lords - Completing the Reform.

Page 22 - Term of Membership

Paragraph 54.

Lines 10-12 should be amended to read:

are tied to regional elections). **We note that no other democracy in the world has elected terms approaching fifteen years for first or second chambers, nine years (for members of the French Senate, who are indirectly elected) being the next longest term in a Western democracy.**

November 2000

LONDON: THE STATIONERY OFFICE

Foreword by the Prime Minister



A credible and effective second chamber is vital to the health of Britain's democracy. The Government began reform of the House of Lords two years ago with the removal of the rights of the hereditary peers to an automatic seat in Parliament. At the same time we appointed a Royal Commission to consider the wider changes required for the Upper House to play its proper part in our modern Parliament.

The Royal Commission rightly set the issue of *membership* in the context of *functions*. It argued that Parliament does not require, and would be ill served by, a new second chamber seeking to challenge the role of the House of Commons as the pre-eminent voice and representative of the people. On the other hand Parliament does require, and would greatly benefit from, a second chamber better able to perform the roles of scrutiny and deliberation, holding the Government to account and probing its legislation and policies. The imperative is for a reformed second chamber performing broadly the same functions as in the existing House of Lords but in a more effective manner.

To meet this objective the Royal Commission recommended a second chamber with a largely nominated membership, including a strong infusion of independent, non-party members able to bring expertise and experience from beyond the world of party politics. It proposed that membership should be for a fixed term, not for life, and should be properly representative of contemporary society. It also proposed a minority of directly elected members to ensure effective representation of the nations and regions, together with a continuing role for Bishops and Law Lords.

The Government strongly endorses the Royal Commission's vision of the role and importance of the second chamber. It also accepts the Commission's broad framework for composing its membership. This White Paper sets out the Government's detailed proposals and invites comments.

The Government is determined to proceed with this wider reform of the House of Lords. The Royal Commission offered an excellent way forward and the Government has a clear electoral mandate to undertake it. Our mission is to equip the British people with a Parliament and a constitution fit for the 21st century. A reformed second chamber has an indispensable role to play, and this White Paper prepares the way for its introduction.

Tony Blair

HOW TO RESPOND

Please send your response to this White Paper by 31 January 2002 to:

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Representative groups are asked to give a summary of the people and organisations that they represent when they respond.

The Department may wish to publish responses to this White Paper in due course. Please ensure that your response is marked clearly if you wish your response or name to remain confidential. Confidential responses will be included in any statistical summary of the number of comments received and views expressed.

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INTRODUCTION

1. The Government intends to complete reform of the House of Lords early in this Parliament, in fulfilment of its election mandate and the report of the independent Royal Commission chaired by Lord Wakeham. This White Paper sets out its proposals, on which it is seeking comments.
2. The most important changes proposed are:
 - The hereditary peers will finally cease to have any privileged rights of membership;
 - A majority of the members of the new House will be nominated by the political parties, in proportions intended to reflect the shares of the national vote in the previous General Election. There will also be about 120 appointed members with no political affiliation, 120 directly elected members to represent the nations and regions, and a continuing role for Law Lords and Bishops of the Church of England;
 - An independent statutory Appointments Commission will have substantial powers. It will appoint the independent members and decide – within certain bounds – how many seats each major political party is entitled to, thereby substantially reducing Government patronage;
 - The size of the House will be capped at 600 in statute, with an interim House as close as may be to 750 members to accommodate existing life peers;
 - There will be formal commitments to achieving balance and representativeness in the House;
 - The link with the peerage will be dissolved.
3. Modernisation of the constitution is a key priority for the Government. In its first term new settlements were concluded for the government of Scotland, Wales, London and Northern Ireland and a start was made to reform of the House of Lords by the removal of most of the hereditary peers. Any continuation of the hereditary principle as the basis for constituting one chamber of Parliament is an affront to modern representative Government. The Government is pledged in its Manifesto to complete reform of the Lords to remove the hereditary element entirely and to reconstitute the House on a modern representative basis.
4. The House of Lords Act 1999 (c 34) removed most hereditary peers from the House of Lords, stopped the inheritance of a title being an automatic entry ticket to Parliament, and ended the century-long dominance of the House by one political party. At the same time, the Government established an independent Royal Commission, under the chairmanship of Lord Wakeham, to recommend a composition for a fully reformed Lords appropriate to its constitutional functions as a second, revising chamber. The Royal Commission consulted extensively before reporting. The Commission Report, *A House for the Future*, Cm 4534, January 2000, and

issues relevant to reform have since been debated in both Houses of Parliament and beyond. The proposals in this White Paper build on that essential groundwork and complete the work of removing any hereditary basis for the House.

5. The Government's 2001 Manifesto said:

"We are committed to completing House of Lords reform, including removal of the remaining hereditary peers, to make it more representative and democratic, while maintaining the House of Commons' traditional primacy. We have given our support to the report and conclusions of the Wakeham Commission, and will seek to implement them in the most effective way possible. Labour supports modernisation of the House of Lords' procedures to improve its effectiveness. We will put the independent Appointments Commission on a statutory footing".

6. This White Paper sets out how the Government intends to deliver its manifesto pledge to implement the Royal Commission report 'in the most effective way possible'. Where the Commission sets out options, or where the arguments for or against a particular course are finely balanced, the Government has set out its proposals. But the proposals are largely based on the principles of the Commission's report. The White Paper will be followed by a series of background papers which provide more analysis of the issues.
7. Within the boundaries of its electoral mandate, the Government is keen to seek consensus. Accordingly, it welcomes views on what is proposed. In some important areas, including the length of term for elected members in the reformed Lords, it has not put forward a single proposal, but set out options for consultation.
8. The Government will welcome responses to this White Paper by 31 January 2002. It intends to introduce legislation thereafter, incorporating decisions on the issues raised in the consultation.

THE GOVERNMENT'S PRINCIPLES FOR REFORM

The House of Lords should be:

- A **revising and deliberative** assembly – not seeking to usurp the role of the House of Commons as the pre-eminent chamber;
- Composed of a membership **appropriate** to its revising and deliberative functions, and not duplicate or clone the Commons;
- **Political** in approach – but not dominated by any one political party;
- **Representative** of independent expertise and of the broader community in the UK – but not disrupt the relationship between elected members of the Commons and their constituents.

ROYAL COMMISSION RECOMMENDATIONS

9. In 1999 the Government set up an independent Royal Commission to recommend a complete reform of the House of Lords, building on the decision already taken to remove most of the hereditary peers. The Terms of Reference and membership are set out in Annex 1.
10. The Royal Commission recommended:
 - The **role, functions and powers** of the House of Lords should remain largely unchanged. The House of Commons should remain pre-eminent, but the House of Lords should have the power to criticise, question and delay but not to veto Government legislation approved by the House of Commons. The House of Lords should continue to be a forum for national debate, informed by but not dominated by party loyalties, able to command a body of independent and expert opinion not directly available to the House of Commons. It should be able to make a distinctive contribution to the consideration of legislation and to debate on the issues of the day;
 - A **statutory Appointments Commission** should be set up to take charge of the nominations process for appointed members;
 - To ensure that every part of the United Kingdom is properly represented, there should be a **minority elected element**.

The Royal Commission's key recommendations were:

"The new second chamber should have the capacity to offer counsel from a range of sources. It should be broadly representative of society in the United Kingdom at the beginning of the 21st century. It should work with the House of Commons to provide an effective check upon the Government. It should give the United Kingdom's constituent nations and regions, for the first time, a formally constituted voice in the Westminster Parliament." (Recommendation 1).

"The House of Commons, as the principal policy forum, should have the final say in respect of all major public policy issues, including those expressed in the form of proposed legislation. Equally, the second chamber should have sufficient power, and the associated authority, to require the Government and the House of Commons to reconsider proposed legislation and to take account of any cogent objections to it." (Recommendation 2).

"An independent appointments system should be supplemented by an arrangement which would give the regional electorate a voice in the selection of regional members and that the political balance of the reformed second chamber should match that of the country as expressed in votes cast at the most recent general election." (Recommendation 69).

THE MAIN GOVERNMENT PROPOSALS

11. The Government accepts the Royal Commission's recommendations for the role of the second chamber. It also endorses many of the Commission's recommendations on membership. Where the Commission sets out options, it has generally based its proposals within the parameters of those options. Its key proposals are as follows:
 - The House of Lords should remain subject to the pre-eminence of the House of Commons in discharging its functions;
 - No group in society should in future have privileged hereditary access to the House;
 - Its principal function should continue to be to consider and revise legislation; to scrutinise the executive; and to debate and report on public issues;
 - Membership should be separated from the peerage which would continue as a honour;
 - Its political membership should be broadly representative of the main parties' relative voting strengths as reflected in the previous General Election;
 - It should be largely nominated including a significant minority of independent members as well as members elected to represent the nations and regions within the UK;
 - There should be increased representation of women and those from ethnic minority backgrounds;
 - There should be a statutory Appointments Commission to manage the balance and size of the House, to appoint the independent members, and to assure the integrity of those nominated by political parties.
12. All these elements are consistent with the Government's electoral mandate. They are based closely on the principles and recommendations set out by the Royal Commission. There are however a number of areas where further consideration of the practical effects of certain recommendations has led the Government to consider some modification of the precise recommendations so as to ensure implementation of the Commission's principles in the most effective way possible, as the Manifesto says. Areas where the Government would welcome views are:
 - The overall balance between elected, nominated and ex officio members, and the balance between political and independent members;
 - Whether elections to the Lords should be linked to General Elections, those for the European Parliament, or over time linked to those from devolved and regional bodies within the UK;
 - The length of term for elected members;
 - The term of appointment;
 - What grounds should lead to statutory expulsion from the House;
 - Should there be a change from an expenses-based system of remuneration.

THE PRE-EMINENCE OF THE HOUSE OF COMMONS

13. The United Kingdom is a Parliamentary democracy. Sovereignty rests with the Crown in Parliament. Law making rests with the tripartite sovereignty of Crown in both Houses of Parliament.
14. In practice, the powers of the three parts are uneven. The history of the development of our democracy has been the history of the gradual growth of the power of the Commons compared to the other two elements. The Crown, or Executive, has over the centuries become increasingly accountable to Parliament for its exercise of its powers. Within Parliament, power has transferred from the Lords to the Commons. The Commons has from as far back as the 15th century asserted the sole right to grant or withhold Supply. The changes to the public finances since the 17th century, with the end of the practice of granting the yield of certain taxes for life, coupled with the increasing need of the Government for money as the demands on it rose, enabled the Commons to turn that right into a formidable weapon to demand accountability. Since 1678, when the Commons formally resolved that “all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons”, the Lords has rarely even attempted to challenge that position. On the most famous occasion when it did so, in 1909, this led directly to reductions in its powers.
15. The basis on which the Commons asserted its right was always its position as the representative body of the people, even in the days when the people who elected it comprised a small minority of even the adult male population. Beginning with the 1832 Reform Act, the gradual extension of the franchise increased the authority of the Commons. It is now elected on a universal franchise and enables the people to give a clear and unequivocal answer to the question “Whom do you choose to govern you?” The UK’s political system is built around that principle.
16. The House of Commons has thus long since been established as the pre-eminent constitutional authority within the UK. The Government is formed by the Party which can command the support of the House of Commons. A Government which loses the support of the people’s elected representatives in the Commons cannot remain in office. General Elections return individual MPs who are expected to look to the interests of their constituents irrespective of Party affiliation. They are also contests between political parties vying for supremacy in the House of Commons. The Party which secures a majority has the right to form a Government and, subject to sustaining its Parliamentary majority, to carry through the programme set out in its election Manifesto. Ministers are continuously accountable to the House of Commons through debates and votes, a process formalised and fortified by the role of the non-Government Parties in forming an Opposition, with the largest non-Government Party occupying the position of Official Opposition. Governed largely by convention, Britain’s constitutional practice is flexible enough to accommodate alternative arrangements, including coalition Governments formed by the major political parties; but these have occurred only in exceptional circumstances (including the

two World Wars), and even then the House of Commons has continued to perform its functions of legitimising the Government, enacting legislation and holding Ministers to account.

17. This constitutional framework, founded on the pre-eminence of the House of Commons, has provided Britain with effective democratic Government and accountability for more than a century, and few would wish to change it. As the Royal Commission emphasised, “The House of Commons, as the principal political forum, should have the final say in respect of all major public policy issues” and “it would be wrong to restore the fully bicameral nature of the pre-1911 parliament”(paragraph 4.7). It is vital that reform of the Lords does not upset this balance but rather, within this context, that it strengthens the capacity of Parliament to legislate, deliberate and hold the Government to account.
18. Reform of the House of Lords must therefore satisfy one key condition: it must not alter the respective roles and authority of the two chambers and their members in a way that would obscure the line of authority and accountability that flows between the people and those they elect directly to form the Government and act as their individual representatives. Decisions on functions, on authority, and membership of the House of Lords need to be consistent with these settled principles of our democracy.

THE ROLE OF THE HOUSE OF LORDS

19. Within the constitutional settlement described above, the House of Lords exercises important functions. It is one of the checks and balances in our constitution. It has the duty, and the power, to press the Government hard to justify its actions, although, save in highly exceptional circumstances, not in the end to frustrate the decided will of the House of Commons.
20. The Lords has an important role in the legislative process, a key function of Parliament. It also has a role in holding Ministers to account and in debating public issues. The Royal Commission wished to strengthen the capacity of the Lords to perform these functions, and the Government shares this objective. However, as the Commission also recognised, to achieve this objective the Lords must make a distinctive contribution to the Parliamentary process, not simply imitate or replicate the Commons. Reform of the Lords must be framed accordingly.
21. The House of Lords' most important function will continue to be as a revising chamber for legislation. The House of Commons will retain the primary authority for the approval of legislation. The role of the Lords is to provide further scrutiny of legislation, obliging the Government to justify further its legislative proposals and examining them in a less partisan spirit than the Commons, with the perspective and expertise it is able to bring to bear from a different membership. The Lords also gives, and should continue to give, the Government an opportunity to consider issues raised during debate on its legislation in both Houses and to propose suitable amendments.
22. The House of Lords also has, and should continue to have, a role to play in scrutiny. The House of Lords is a powerful deliberative assembly, both in its debates and in the work of its committees, particularly its Select Committees on Delegated Powers and Regulatory Reform and the European Union (both of which are especially strengthened by the role of independent experts who sit on the cross-benches). Reform should be geared to strengthening this capacity, without duplicating the work of the House of Commons.
23. The House of Lords plays an important role in holding the Government to account. Its ability to do so is critically dependent upon the fact that many Ministers sit in the Lords. Ministers should continue to be appointed from the Lords in broadly the number that obtains at present. A measure of Parliamentary scrutiny would be lost if Ministers were directly accountable only to the House of Commons. It is important, however, to separate holding individual Ministers to account from holding the Government as a whole to account. The second chamber can question and criticise individual Ministers. But the power to hold the Government collectively to account must remain with the House of Commons.
24. There is no case for giving specific new functions to the House of Lords. The Government agrees with the Royal Commission that there is a role for the House of Lords in reviewing the impact of constitutional reform. But this is something which should develop within the existing constitutional framework.

THE POWERS OF THE HOUSE OF LORDS

25. The legal powers of the Lords have, in the past, been a poor guide to the real power exercised by the second chamber. Until 1911 the Upper House had legal powers on a par with those of the Commons, but it was well established in the 19th century that it would be improper for them to use those powers indiscriminately – and it virtually never did so when there was a Conservative Government. Since 1911 the Lords has been firmly subordinated to the Commons in its legal powers, but the formal delaying power of two years – reduced to one year in 1949 – has again been rarely exercised and (with one exception) never in the face of a Conservative Government. This is not to say that the Lords has been uninfluential on the course of legislation. On the contrary, it has brought much influence to bear, particularly on non-Conservative Governments, whose avowed supporters until 1999 were always in a small minority among the party members in the Lords. But power has come largely from the forces of persuasion and Parliamentary inconvenience, not from legal vetoes.
26. No one party should be able to dominate the Lords by voting power. The Government's proposals for balance between the politically affiliated members and the retention of a further independent element mean that future Governments, of whatever persuasion, will not be able to force through their programme by voting power in the Lords. Arrangements have always been needed to avoid potential deadlock. Our proposals on political balance, where the Government will not have a majority, will continue that situation.
27. A framework of constraints has evolved over time to enable effective government and give it the ability to honour its mandate. The key elements are: acceptance of the Commons financial privilege for the last 300 years; conventions on the pre-eminent authority of the Commons over legislation and other measures required to implement a Government's election Manifesto; and legislation (in the Parliament Acts) which has for almost 100 years restricted the Lords' ultimate power over legislation to one of delay. The Government would prefer to continue this broad structure for defining the relationship of the authority of the two Houses. Matters in this area are not readily susceptible to legislative provision, beyond what is already set out in the Parliament Acts.
28. Nothing in the proposed reform of the House of Lords does, or should, affect Commons financial privilege or the need for the Lords to continue to observe restraint in the way it exercises its still extensive powers. This is the inevitable corollary of maintaining the formal powers at their present level. As the Royal Commission noted,

“the second chamber should be cautious about challenging the clearly expressed views of the House of Commons on any public policy issue” (Recommendation 7).

Parliament Acts

29. The Parliament Acts provide for legislation to be passed by the Commons alone provided: it starts in the Commons; is passed by them in two successive Sessions with Second Reading in the second Session at least 12 months after that in the first; and is sent to the Lords in each Session at least a month before the end of the Session. The effect is to give the Lords a delaying power, exercised only in exceptional circumstances, but not an ultimate veto. The Government agrees with the Royal Commission that this should continue to be the case.
30. The Parliament Acts of 1911 and 1949 were responses to immediate imperatives. Accepting the principle of a reserve delaying power of about one year, the framing of the power might be rather different if it were done afresh. For example, the Royal Commission looked into the question of whether the time limits set out in the Acts were any longer appropriate. They also considered whether the Acts should be applied to Bills starting in the Lords. In both cases they concluded that the changes were far from simple to enact, and the practical effect insufficient to justify the Parliamentary time and effort required. The Government agrees. It therefore proposes no changes to the legislative or conventional framework governing the relationship between the two Houses.

Secondary legislation

31. The Government proposes only one change to the formal powers of the House of Lords. That is in the area of Secondary legislation. At present, the House of Lords, like the House of Commons, has the power only to approve or reject a Statutory Instrument. The Government agrees with the Royal Commission that such a crude power is inconsistent with the Lords' primary role as an advisory and revising chamber. As the Commission said, "our proposal seeks to govern the operation of the second chamber's powers in respect of secondary legislation in a way which fairly reflects the House of Commons' pre-eminence" (paragraph 7.38). It therefore proposes to accept the Royal Commission's recommendation that the House of Lords should be given a power to require the Commons to consider or reconsider Statutory Instruments, instead of their present power only to reject or pass them forthwith.
32. As proposed by the Royal Commission, the House of Lords will be able to delay a Statutory Instrument for up to 3 months. For an affirmative instrument, this will be a delay in its coming into force. For a negative instrument, the instrument will remain in force, but under 'notice' of annulment unless the Commons (re)confirms it. During the three month period, the Government and the House of Commons will have to consider the Lords' objections to the measure. If, before the end of the period, the Government decides it wishes to proceed with the instrument, and the Commons confirms its approval of that decision, the Statutory Instrument will become or remain law.

- 33.** The effect of this change will be to increase the influence of the Lords in relation to secondary legislation. While a reduction in the nominal power to reject Statutory Instruments absolutely, this change will in practice render the Lords more effective in assuring the quality of secondary legislation, since the House will be able to point out flaws and urge some recasting of the terms of a Statutory Instrument, without rejecting it outright. This provides a parallel power to that in main legislation enabling the Lords to ask, through delay, the Government to reflect again, but ultimately not to frustrate a legislative proposal endorsed by the Commons.

Working practices in the Lords

- 34.** To consider the working practices of the Lords, the Leader of the House of Lords has set up a Leader's Group on Working Practices, which has been asked to report by the end of 2001.

COMPOSITION

- 35.** The composition of the Lords must be appropriate to the role and functions of the House. The principles underpinning the Government's proposals on composition are:
- The House should complement the work of the Commons. It should provide additional checks and balances, but it should not seek to usurp the pre-eminent authority of the House of Commons;
 - The House's membership should be distinctive from that of the Commons. It should be attractive to those who are not full-time career politicians, but who have experience and expertise to contribute to the work of Parliament;
 - There should be an independent element, selected without any commitment to support any particular political affiliation;
 - The majority of members should continue to represent the political parties. As a chamber of Parliament, it would be unrealistic to try to keep party politics out of the second chamber;
 - The House should not be dominated by the Government of the day or by any other political party. Its party membership should aim to reflect party strengths in the country, as expressed in terms of share of votes at the previous General Election;
 - The House should be more representative of the nation as a whole than is the current chamber but not duplicate the representational role of the individual MP nor of the House of Commons as a whole. This representativeness should go beyond political affiliation to embrace faith, gender and ethnicity;
 - The House should include expertise and experience to add a distinctive approach to its consideration of legislation, and to help it fulfil its more general scrutiny functions;
 - The House should be sufficiently authoritative and confident to fulfil its constitutional role.

Nominations and elections

- 36.** The Government supports the recommendation of the Royal Commission for a House with a majority of nominated members together with a minority elected element. It agrees with the Commission that this approach is best suited to securing a properly representative membership, able to fulfil the functions of the second chamber, while complementing and enhancing, not usurping, the House of Commons.
- 37.** It is sometimes argued that only direct election can provide legitimacy for the second chamber. This was not an argument accepted by the Commission or by the Government. Only a minority of democracies worldwide have wholly directly elected second chambers. The idea that the directly elected US Senate is the norm against which others should be judged is wrong. It is a component of the interlocking federal arrangements within the USA.

38. Just as the limited role, powers and functions of the House of Lords do not require its members to be elected to confer legitimacy on it, so also a second chamber constituted on the same elected basis as the first chamber would be superfluous and dangerous. In the case of the UK, where the legitimacy of national Government depends wholly upon elections to, and the support of, the House of Commons, the second chamber does not legitimise Government itself. Its role, rather, is one of a subordinate revising and deliberative chamber, for which direct election has a role to play but is neither a necessary nor a sufficient basis for its membership. The Royal Commission Report, in paragraph 11.6, says: “regardless of its political complexion, the central objection to a directly elected second chamber is that it would, by its very nature, represent a challenge to the pre-eminence of the House of Commons... we would be strongly opposed to a situation in which the two Houses of Parliament had equivalent electoral legitimacy. It would represent a substantial change in the present constitutional settlement in the UK and would almost certainly be a recipe for damaging conflict.” In paragraphs 11.8-11.12, the Report also sets out a number of other reasons why a wholly directly elected second chamber would not produce the range of members or the level of representativeness required.
39. A separate basis for composition is necessitated by further considerations. Apart from taxation and the voting of Supply, there is no formal separation of functions between Commons and Lords. A parallel elective basis of authority for two chambers with parallel functions would inevitably create strongly competing authorities in the same spheres. This would apply with still greater force if, as is sometimes suggested, the second chamber were wholly elected but on a different electoral system from the House of Commons. Arguments would then arise on the issue of which chamber had the superior democratic legitimacy based on which electoral system was thought superior. Two wholly directly elected chambers within the Westminster system would be a recipe for gridlock and the Government therefore joins the Royal Commission in rejecting this option.
40. A mainly elected second chamber would have the following, further, practical disadvantages:
- The independent members would virtually disappear. Yet this is an element of the existing House of Lords to which people attach the highest importance;
 - Elected politics is becoming increasingly a full-time occupation. Even allowing for the lack of a constituency function for members of the second chamber, the result of moving to a wholly or mainly elected second chamber would be to risk losing the potential the Lords provides to bring to Parliament the expertise and experience of those who are leaders in a wide range of national endeavours, including commerce, the voluntary sector, education, health, the armed forces and the faith

communities. Such experience cannot replace or compete with a direct electoral mandate, but it makes a valuable addition to the expertise and competence of Parliament as a whole;

- The larger the elected component, the greater will be the number chosen to represent each geographical unit and the greater, inevitably, will be the competition they pose to MPs in their representational role.
41. To minimise these problems, one alternative suggested is to adopt, either instead of a directly elected element, or alongside a limited one, an indirect method of election, under which sub-national Governments and/or elected bodies form the electorate for members of the second chamber. The French and German second chambers are composed on this basis, as a means of fortifying the voice and influence of sub-national government – the Länder Governments in the German case – in the national Parliament. Devolution to Scotland, Wales, Northern Ireland together with the creation of the Greater London Assembly, and the Government’s intention to publish a White Paper taking forward its Manifesto commitment for directly elected regional government in England, gives some force to the argument for such an approach in the UK. However, the great majority of England is not at present covered by assemblies above the level of local government and the Royal Commission reported that they had found little desire for direct representation in the House of Lords to be drawn from the UK’s devolved institutions. The Royal Commission concluded that a directly elected minority component of the Lords, chosen on a regional basis, would be a better way of guaranteeing effective representation of the nations and regions, beyond that provided through the nominated membership. The Government agrees.

The Government’s proposals

42. The Government proposes, on the basis of the principles above, the following composition for the House of Lords:
- The membership should be largely nominated, but with a number of safeguards to ensure that it cannot be manipulated by the Government of the day. Those safeguards include:
 - A statutory Appointments Commission. As well as selecting independent members of the House, it would determine the numbers for the political parties and vet their choices for propriety;
 - A requirement that the representation of the political parties should reflect the votes cast in the preceding General Election so far as possible within the constraints of overall size and length of term;
 - A cap on the overall size of the House;
 - Guaranteed numbers or proportions for the independent membership;
 - An elected element, specifically to ensure that there is adequate regional representation.

Elected representation of the nations and regions

43. The Government accepts the Royal Commission recommendation that there should be a minority elected element of regional members to represent the nations and regions of the UK. The Royal Commission proposed three variants:
- **Option A:** 65 members, in effect, “additional members” chosen through applying the UK distribution of the vote at General Elections to regional party lists;
 - **Option B:** 87 members elected at the same time as for the European Parliament using the same proportional system. One third of constituencies would vote at each election after the first;
 - **Option C:** 195 members elected, broadly on the same basis as for Option B, the main difference being that the numbers would mean each regional constituency would elect one third of its members each election.
44. A majority of the Royal Commission was willing to support Option B. The Commission judged that 87 regional members, the same as the present number of UK members of the European Parliament, was large enough to produce a fair distribution of seats between the parties, while at the same time not being so large as to distort the working of the House by giving too large a proportion to the elected members. The Government accepts this rationale, although it proposes a somewhat larger number of elected members.
45. The Government agrees with the majority of the Royal Commission that neither Option A nor Option C is a suitable alternative. The former produces a fairly notional form of election; the latter is more than is required to ensure effective representation of the nations and regions.
46. There are two reasons why the Government proposes, on the rationale of Option B, an elected membership of 120 rather than 87. First, the overall size of our proposed House is somewhat larger than that envisaged by the Royal Commission (600 members rather than the Commission’s 550) and it is proposed to be significantly larger still (around 750 members) at the beginning of the transitional period. Secondly, the Government believes that the overall balance of the House is best served by giving an equality of number to the elected and independently appointed elements, each of which would have one-fifth of the membership (120) under our proposal. This is in keeping with the Royal Commission’s recommendation for the independent element, which it set at one-fifth.
47. There is the further question of whether elections should be staggered in some way. The Royal Commission proposed a system under their Option B whereby, after the first election, 29 members would be elected at each Euro-election day, with the elections rotating between the regions, i.e. one-third of the United Kingdom voting for Lords members at each election. The Government is not persuaded that this arrangement is desirable. It would involve an election day for the Lords at which two-thirds of the UK would have no vote at all, creating confusion and perhaps resentment on the part of much of the electorate.

Basis of the constituencies

48. The Government proposes that the regional members should be identified through elections in multi-member constituencies, identical to those for the European Parliament. The electoral method will be one of regional lists. Since the European Parliament constituencies are based on the nations and administrative regions of the UK, they are especially suitable for choosing regional representatives. The European Parliament electoral system is also now proportional, again making it suitable for use for elections to a second chamber.

Timing of elections

49. For Option B, the Royal Commission recommended that elections should be held alongside those for the European Parliament. They saw as advantages to this arrangement the fact that the terms are fixed; that the fate of the Government is not at stake in Euro-elections; and that the two elections for Lords and Europe would use the same constituencies and methods and be held at the same time. The Government appreciates these advantages, in particular the certainty of length of tenure it brings.
50. There are, however, disadvantages with this option. Turnout in the past for European elections has always been disappointingly low. Decisions on membership of the Lords might also be made on the basis of attitudes to European issues alone, rather than national or regional ones. And elections which largely fell in the mid-term between Westminster elections would create practical difficulties in terms of balancing the House against the proportion of votes cast at the previous General Election.
51. The Government is attracted to the alternative of holding elections to the Lords on the same day as General Elections. That would ensure a higher turn out. It would mean that the issues taken into account were national or local ones, since people would be voting at the same time for both Houses of Parliament, consistent with the role that both Houses play in considering and giving their consent to the Government's programme and calling it to account. It would also make it far easier to manage the political balance of the Lords as a whole, since the Appointments Commission would not be faced with a shifting balance within the elected membership during the course of each Parliament. Taken together, the Government believes that these are powerful arguments and it seeks views on this alternative to the Royal Commission's proposal.
52. Linking with the General Election would have one important effect. Terms for elected members would be variable, which would contrast to that for appointed members. Membership would be for a Parliament or a certain number of Parliaments, rather than for a fixed term of, say, 5, 10 or 15 years.
53. A third alternative would be to hold elections alongside regional or local elections. This would emphasise the link with the purpose of the elections and increase the chances of voters deciding on the basis of regional issues.

This alternative faces the problem that at present there is no uniform pattern of such elections. It would therefore mean the election day being different across the UK.

Term of membership

54. Under the Royal Commission's proposals, both elected members under Option B and appointed members (whether party nominations or independent appointments) would be members for 15 years. The Royal Commission attached importance to members having sufficient tenure to encourage a spirit of independence. However, extended terms, for elected members, must be reconciled with the concept of accountability, and the Government seeks views on whether the length of term appropriate to this purpose is 5, 10 or 15 years (or one, two or three Parliaments if elections are tied to General Elections; or one, two or three electoral cycles if elections are tied to regional elections). We note that no other democracy in the nine years (for members of the French Senate, who are indirectly elected) being the next longest term in a Western democracy. Almost all elected second chambers have terms for individual members of 4, 5 or 6 years.
55. For appointed members, not directly accountable to a constituency, the argument for a long term is stronger, especially if it makes membership of the Lords more attractive to individuals of the expertise and experience sought. The existing House of Lords largely comprises members appointed for life. However, the principle of life tenure in the Lords owes less to any explicit rationale than to the desire, so as to avoid a more fundamental reform in the late 1950s, to graft non-hereditary members onto the pre-existing peerage, a legal order whose members were not – save (since 1963) on succession in the case of hereditary peers – able to dissociate their status from their person. In any other context, a 15-year appointed term would be regarded as extremely long, particularly for those appointed at or beyond the normal retirement age, who might not wish or be able to serve the full term effectively. Although the Royal Commission proposed that members should be able to retire from the House, it is unfair that such a decision should be left entirely to the members. The only other Western second chamber with a large component of life members is the Canadian Senate, but it has a retirement age of 75 which in practice limits the term of most members to an inflexible degree we would not wish to impose on the reformed Lords.
56. The Government is also less convinced than the Royal Commission that 15-year appointed terms provide sufficient flexibility in membership, especially when it is necessary to rebalance the House after a change of Government.
57. For these reasons, the Government would welcome views on the length of the elected and appointed terms and whether, in each case, it should be less than 15 years. We do not believe that the two categories of members need necessarily serve terms of equivalent length. Indeed, if Lords elections are timed to coincide with General Elections, and Parliaments are the unit

of tenure for elected members of the Lords, it would not in any case be possible to have equivalent terms. The precise arrangement for those elected would depend on whether links with General or European or regional Elections were chosen, but the realistic choice is between 5, 10 and 15 years (if to coincide with Euro-elections); or between one, two or three Parliaments or electoral cycles (if to coincide with general Elections or regional elections), and the Government is inclined to think that on balance it lies between the shorter options in each case. The choice of terms for appointed members is also between 5, 10 and 15 years. As they will not necessarily be appointed at the beginning of a Parliament, there is no need to tie them to the Parliamentary cycle.

Other electoral issues

58. The Royal Commission proposed that there should be no provision for re-election, but elected members coming to the end of their term would be eligible for appointment as nominated members. They considered that needing to seek regular party and electorate endorsement was likely to undermine the independence of the member. Whether this is sustainable as a policy would depend in part on the length of term for which people are eventually elected but in any event the Government does not propose to bar relevant members from seeking re-election. That would fit better with the recommendation that the Government endorses; that appointed members could be re-appointed for a second term (or a third if length of appointment were 10 years or less).
59. As with the European Parliament, vacancies will normally be filled by the next person on the party's list.
60. The electorate will be the same as that for the House of Commons. The Government is taking this opportunity to extend the franchise to the members of the House of Lords. Members of the House of Commons are already entitled to vote, although in practice this right is relevant only if a by-election happens where the MP is registered to vote (for example at his or her London residence).
61. The Government proposes that elections should be supervised by the Electoral Commission.

Independent members

62. The Government fully supports the Royal Commission's belief in the value that non-politically aligned members of the Lords can bring to the Parliamentary process. They bring a different perspective and expertise from that of members with party political affiliations, which is particularly valuable to a second chamber with the revising, scrutinizing and deliberative role of the Lords. Accordingly, the Government accepts the recommendation of the Royal Commission that independent members should form about 20% of the reformed Lords. That would imply 120 in a House the size

of 600. There should be some small margin allowed to the Appointments Commission either side of this figure to enable effective management of the size and balance of the House. Appointed members, whether independent or nominated by the political parties, should serve a standard term.

63. At present the combined strengths of those normally described as cross-benchers, the representatives of the Church of England, the Law Lords (current and retired) and other members come to 230. For the purpose of calculating numbers, the Government believes that the 20% should embrace those directly appointed by the Appointments Commission. Given the functional basis on which they are appointed, it proposes that the Bishops and the Law Lords should be excluded from the 120. The effect of this will be to reduce the size of the nominated political element by some 24-30 within the total House.

Summary of numbers

64. The effect of these proposals is that, in a House of 600 and with a directly elected component in line with the Government's proposals, the House ultimately would consist of:-
- 120 independent members appointed by the Appointments Commission;
 - 120 directly elected members;
 - 16 Bishops;
 - at least 12 Law Lords, and, very probably, some other Law Lords between the ages of 70 and 75;
 - a balance of not more than 332 nominated political members, where the number available to each political party is determined by the Appointments Commission.

The Appointments Commission

65. In line with the recommendations of the Royal Commission, the Government proposes to establish a statutory independent Appointments Commission. It will be accountable to Parliament rather than to Ministers. Its members will be appointed by the Queen in response to an Address from the House of Lords, and will be removable only by the same procedure. As in the case of the present Commission, membership will be divided between representatives of the major political parties and independent members, selected in accordance with the rules of the Commissioner for Public Appointments.
66. The Appointments Commission will have three main functions:
- First, it will determine the overall size and political balance of the House, within parameters laid down by statute. The Government envisages that the maximum size of the House will gradually be reduced to 600 members over the 10 years from the coming into force of the Act.

Over that period the Commission will be expected to ensure that the political membership comes fairly closely to reflect their share of the votes at the preceding General Election. The Government envisages a threshold before a party can qualify for such a proportionate share. There will be over 400 political members of the House. The minimum vote required to qualify for one seat would therefore be 0.25% of the vote. In the Government's view, allowing parties with such a low level of support to claim a seat by right would lead to unacceptable fragmentation in the membership of the House. The Government is minded to set the threshold at 5% but would be interested in views on the appropriate level. Where a party contests seats in only one part of the United Kingdom, the threshold will be set in relation to its share of the vote in that part only.

- The Appointments Commission will also be required to maintain the independent element at around 20% of the total. The Commission, not the Prime Minister, will decide at each round of appointments how many nominations to invite from each party. The only exception is that the Government believes it right to retain the discretionary right for the Prime Minister to appoint a small number of people – 4 or 5 a Parliament – directly as Ministers in the Lords. The Royal Commission thought that the Appointments Commission should not have the power to enforce resignations as part of the re-balancing exercise, since it would cut completely across the desire to encourage members to be independent and authoritative, without concerns for the consequences for their continued membership of the House.
- As recommended by the Royal Commission, the Appointments Commission will be required to ensure that the appointed members are broadly representative of British society. In particular, the Appointments Commission will ensure that at least 30% of new appointees are women and 30% are men, working towards gender balance in the chamber as a whole over time. The Commission will also have regard to the importance of ensuring fair overall representation for both the nations and regions of the UK and from the ethnic minority communities.
- The Commission will itself select the independent members. It will do so using an open and transparent selection procedure. The Government believes that the interim Appointments Commission deserves praise for the way they have begun the process and endorses their conclusion that the two key criteria for appointment are: experience and capacity to make an effective contribution to the work of the Lords; and a commitment to active participation to do so. The independent members are intended to bring experience and expertise to the House beyond that normally secured by party appointees.
- The Commission will carry out the propriety checks on those nominated by the political parties. This will be its only involvement in the individual nominations made by the parties. The Government does not accept the

Royal Commission recommendation that the Appointments Commission should have the final say over the identity of party nominations. Parties of whatever persuasion must be able to decide who will serve on their behalf. The Commission will of course scrutinise nominations to ensure that those put forward are fit and proper candidates for membership of the Lords.

67. These roles for the Appointments Commission add up to a radical change in the way the composition of the House of Lords is determined. The present legal position is that the Prime Minister of the day can recommend to the Queen the creation of as many peers as he or she wishes, without regard to political balance or indeed any other considerations. In the future, there will be clear rules about the way in which the political balance of the House is to be determined. Moreover, the interpretation of those rules will be taken out of the hands of the Government. An independent, cross-party body will control the make-up of the House of Lords. The Appointments Commission will also assume responsibility for selecting independent members, thus removing a further source of Government patronage. As a party leader, the Prime Minister will be left with no more power than any other leader. The nominations of the non-Government parties will also no longer need to pass through the Government's hands.
68. These changes build on the Government's undertaking in the transitional House not to seek more than parity with the main Opposition Party and its establishment of an interim Appointments Commission. The difference is that in the future the rules will be statutory provisions; no other Government will be able to resile from them without the authority of statute.

Conditions for membership

69. The Government does not propose major changes in the rules governing eligibility for membership of the Lords. The present minimum age limit of 21 would apply but there would be no upper age limit for either appointment or membership. There will be no barrier on those with 'offices of profit' being members of the Lords. Where it is unsuitable for those in certain positions to become members of the Lords, their conditions of service can take account of this.
70. The Government would be interested in views on what should be the grounds for the suspension or termination of membership. This issue arises most frequently in those falling within three categories:
- Detention under the Mental Health Acts;
 - Bankrupts;
 - Those imprisoned for periods longer than a year.

71. At present, in practice none can sit or vote while the condition persists, although this is a statutory bar only in the case of those disqualified for bankruptcy. As soon as the condition ceases, the disqualification lapses and they may resume their seat. They are never disqualified for membership. In the House of Commons, on the other hand, the member loses his or her seat automatically in the last case, and after 6 months if the condition persists in the first two.
72. Separately, the Government is proposing to change the rules generally on bankruptcy, so as to remove much of the social stigma. It proposes to introduce a new regime, a bankruptcy restriction order (BRO) for the worst cases, but to remove many of the existing civil disabilities on those not subject to a BRO.
73. There is no reason why the rules should be identical in all three cases in relation to the Lords. Nor is it necessary for the rules to be the same in the Lords and the Commons. Although the question of the integrity of members is the same for both Houses, for example whether it is right that those who have broken the law should be entitled to a place in Parliament, there are a number of differences. First, most members of the Lords will not be directly representative of the interests of people in parts of the country in the same way MPs are, so their suspension will not deprive a constituency of representation. Second, they will not be receiving remuneration from public funds when they cannot sit, since payment will be tied to attendance. One question that has to be addressed for the Lords but not for the Commons is whether elected and appointed members should be treated in the same way.
74. If a statutory solution to this question is preferred, the Government would propose the following solutions:
- For those detained under the Mental Health Acts, **appointed** members would lose their right to sit and vote (as now). **Elected** members would also lose their right to sit and vote, but if the condition persisted for more than 6 months, they would be obliged to vacate their seat (i.e. the rules would be brought into line with those for the House of Commons);
 - Members subject to a **BRO** would lose their seats. **Elected** members declared bankrupt would be treated in the same way as MPs. **Appointed** members who were declared bankrupt would have their membership suspended for the duration of the bankruptcy;
 - **Any** member subject to a term of imprisonment exceeding 12 months would lose his or her seat.
75. In all cases, there would be no bar on a person who lost his seat being able to seek re-election or re-appointment once the condition giving rise to the expulsion had lapsed. Such persons would not, however, be free to resume their membership for the unexpired portion of the original term.

76. The alternative approach would be to leave it to the House to draw up the rules under which it would discipline those who had brought it into disrepute. With the ending of the link with the peerage, this could include expulsion (a peer's right to membership is currently absolute unless terminated by statute) as well as suspension.
77. The Government proposes that rules on the replacement of members who have been expelled should be the same as they would be if the member had died: that is, only elected members would be automatically replaced. Seats vacated by expelled appointed members would be available to be distributed as appropriate by the Appointments Commission.

The Peerage

78. The Government proposes that membership of the House of Lords should cease to be connected to the peerage. As the Royal Commission emphasised, membership of the Lords should constitute a commitment to active engagement in the life of Parliament rather than the acceptance of an honour. At present the two purposes of a life peerage are muddled, with some members regarding the title as a necessary (but not always welcome) route to a seat in Parliament, while others accept peerages essentially as an honour (with any Parliamentary contribution being ancillary to the title).
79. The Government proposes that in future members of the House of Lords will not become peers. Equally, new peers will not become members of the House of Lords unless appointed or elected to it. This will free the award of a peerage to become wholly a mark of honour. Individuals may become, through separate routes, both peers and Members of the House of Lords, but the two would cease to be intertwined. Members of the second chamber would be designated "Member of the Lords" (ML).
80. The peerage will remain, and those attributes of it which are not dependent on membership of Parliament will also remain. Claims for succession to a hereditary peerage will cease to be dealt with by the House of Lords. They will be determined by the Lord Chancellor taking advice as necessary from the Law Officers and the Privy Council. This is the system that has been used for the baronetage since early in the last century.

Judicial members of the House

81. At present appointment as a Lord of Appeal in Ordinary (colloquially known as a Law Lord) confers membership of the House of Lords. Currently this continues for life following the individual's ceasing to carry out a formal judicial function. There are currently 28 Law Lords, 12 of whom are full-time in their judicial capacity.
82. The Government is committed to maintaining judicial membership within the House of Lords. In practice, it has been recognised that the formal judicial function constrains the capacity of active Law Lords to comment on legislation and issues of the day. However, Law Lords represent a

significant body of expertise and experience, which can benefit the House beyond the period when they can sit judicially. As a result of recent changes Law Lords are now appointed formally to the age of 70. Between the ages of 70 and 75 they continue to be eligible to sit judicially as circumstances require. The Government proposes that once the reform is implemented, all those appointed as judicial members should continue to be members of the Lords until age 75, whether or not they sit judicially. This retirement provision will replace the term appointments of the other appointed members.

Religious representation

- 83.** The Government acknowledges the force of the Royal Commission's proposition that religious representation helps in the recognition of the part that moral, philosophical and theological considerations have to play in debating political and social issues. It agrees that the Church of England should continue to be represented formally in the House. The Government proposes that the Church of England's representation should be reduced to 16, in line with the Royal Commission's recommendations.
- 84.** The Government does not feel able to accept the Royal Commission's recommendations for formal representation for other denominations and religions. The practical obstacles are simply too great. Most other denominations and faiths do not have a hierarchical structure which will deliver readily identifiable representatives. There are many more denominations and faiths than could be accommodated by the numbers proposed.
- 85.** The Government believes, however, that leaders of other denominations and faiths have a significant contribution to make to the second chamber, and it would expect the Appointments Commission to give proper recognition to the non-Church of England faith communities as they seek greater representativeness in the independent membership of the House. The Appointments Commission ought to take particular account of any views expressed by religious communities about actual or potential members of the second chamber. A more diverse lay membership will also help to provide a broader representation of faiths.

Payment

- 86.** At present, members of the Lords are entitled to: a daily subsistence expenses payment of £60; travel costs; a £51 secretarial allowance per day of attendance; and accommodation expenses (depending on whether members are London-based). The Government would prefer to maintain an expenses-based system for membership of the Lords. That is in keeping with a contribution which need not be full-time and can be associated with other careers which give the member further current experience to draw on in contributing. The Government is not convinced that a move to formal payments by way of salaries is desirable. Formal salaries would also tend to imply full-time commitment which, in turn, would argue for a rather smaller House of Lords than currently exists or is proposed.

- 87.** However, the Government recognises that absence of payment may be a barrier to broadening the representativeness of the Lords, particularly for those based beyond the London area and/or with modest incomes. Accordingly, it is open to views on whether a more formal or daily payment, as envisaged by the Royal Commission, should be introduced. It would also be interested in views on whether there might be commutation of such daily amounts to an annual sum for those who commit to a specific level of participation. The Government is also open to views whether different considerations need to apply for those elected to represent the nations and regions of the United Kingdom. However, the Government believes that the onus of proof rests with those who wish to move from the current system, and that advocates of change need to consider what impact any different arrangements would have on the nature of membership and the size and functioning of the House.

Size of the House and transition

- 88.** The Government agrees with the Royal Commission that there should be a target size for the House. It goes further in believing that this should be a statutory cap. The Royal Commission suggested a long-term target size of 550. That compares with a current membership of over 700.
- 89.** That current membership includes the 92 hereditary peers. They will leave the House as part of this reform, thus completing the historic task the Government embarked on in the 1999 Act.
- 90.** However that would be balanced by the addition of the regional elected members; since the Government favours a figure of 120 for this, the size of the House would as a result grow. The optimum size of the House is influenced by another factor. Active participation in the House will continue to be explicitly part-time for many members. This increases the number that is needed to ensure that an adequate core, representing the full range of interests, is available at all times.
- 91.** The Government does not, accordingly, believe that a maximum House of 550 members is adequate. It proposes an eventual cap of 600, which would come into force 10 years from the coming into force of the Act. The maximum target size for the Appointments Commission during the transition would be as close as may be to 750. The Government would expect the size of the House gradually to decline to 600 during the period.
- 92.** The question of size is linked to the issue of achieving a balance between the main parties, reflecting the votes cast at the election. The Government attaches importance to this. However, there is a need to avoid ratcheting up numbers whereby an incoming Government adds to its membership to give the proportionate lead over the Opposition that its share of the votes justifies. If unchecked, that would simply lead to inflation in number of the Lords.

93. There is a further problem caused by the current imbalance. At the time of writing, the Conservative Opposition has 223 affiliated members, compared with the Government's strength of 200. That contrasts with a relative share of the popular vote in the 2001 General Election of under 32% for the Conservatives and 41% for the Labour Party. If that relativity were reflected in a properly balanced House of the same size, it would imply a lead of around 50 Government affiliated members against those supporting the main Opposition. Under the current system, the only way that could be achieved would be by the addition of further Labour Party members, which would further inflate the size of the House. The Government prefers to avoid that since it would make the eventual transition to a smaller House more difficult. As a result, it is inclined to add a rider to the general requirement to achieve balance so that the first duty on the Appointments Commission would be to achieve a lead for the governing Party over its main Opposition.
94. The Royal Commission recommended that current life peers should retain their membership of the House for life. The Government accepts that recommendation. This will apply to the present Law Lords as well as lay life peers. On 15 October, there were 587 such members, including the Law Lords, of whom 422 were affiliated to the main parties. The current annual rate of turnover in this total averages 18. In the longer term, the fact of term appointment will mean greater turnover of members. If a House of 600 is assumed, of whom around 330 (55%) are politically appointed members, then the rate of turnover would be approximately 33 with a ten-year term and 22 with a 15-year term. Particularly if the shorter term were chosen, that gives a fair amount of flexibility in re-balancing following an election, bar all but the most seismic shifts which any system would struggle to accommodate.
95. This will not affect the short term, however, when there will be a real challenge both to work towards a reduction in numbers and rectify the clear imbalance in strengths of the two main political parties in the Lords. Accordingly, the Government proposes one further change as recommended by the Royal Commission. As well as limited term rather than life appointment, there will be provision for members formally to retire before the end of their term. Those who feel, for whatever reason, they can no longer make a full contribution can leave so as to vacate a seat for those who will be able to contribute more. This facility will be offered to life peers as well as other members. In such cases, they would of course retain their peerage. Members of the House of Commons receive a combination of winding-up allowance and resettlement grant when they retire or are not re-elected. The Government would welcome views on the possibility of a similar grant for peers who choose to resign or retire. A decision to resign or retire would be irrevocable. A person who decided to resign, and then in later life decides he or she wishes to return to the House, would have to seek a new nomination.

SUMMARY OF ISSUES FOR CONSIDERATION

96. The Government would welcome responses to all its proposals. It is, however, particularly interested in views on the following questions:
- Is the overall balance between elected, nominated and *ex-officio* (Law Lords and Bishops) right, and the balance between political and independent members? (paragraphs 42-47)
 - Should elections for regional members be linked to elections to the European Parliament, as recommended by the Royal Commission, or should they be held at the same time as elections to the House of Commons? Is a link with regional elections a realistic option? (paragraphs 49-53)
 - For how long should regional members be elected? The Royal Commission recommended 15 years or three electoral cycles. The Government inclines to the view that this is too long. Would 5 year/one election or 10 years/two electoral cycles be a better option? (paragraphs 54 and 57)
 - For how long should the appointed members serve? The Royal Commission suggested 15 years. No other UK public appointments, and no term of membership of other second chambers are so long (except that some members of the Canadian Senate may serve for longer if they are appointed at a young age). Would 5 or 10 years give a better balance between accountability and independence? Would it matter if the length of term of elected and appointed members was different? (paragraphs 55-57)
 - What should be the rules for disqualifying members, whether they are temporarily unfit for membership, e.g. because they have been detained under the Mental Health Acts, or have brought the House into disrepute? Should these be statutory provisions, or should they be left to the House? Do the rules for elected and appointed members need to be the same? (paragraphs 70-77)
 - Is it necessary to change the system of remuneration so that members receive daily payments as well as daily expenses, as now? Will this alter the character of membership too much by making it too like a full-time job? Do the rules for elected and nominated members need to be the same? (paragraph 87)

CONCLUSION

97. The Government believes the package of proposals set out in this brief White Paper will deliver the House of Lords which the country needs in the 21st century. It will create a House that respects the fundamentals of the constitution by safeguarding the pivotal role of the House of Commons in both representing the people and holding the Government to account. At the same time, it will create a House well-equipped to carry out the critical functions of examination and revision of the Government's legislative proposals, and investigation and scrutiny of the Government's policies. Any Government's ability to manipulate the membership of the House will be eliminated. The House will be representative of the country as a whole, as the new appointments system will reach out to those from a wider range of backgrounds and will control the political make-up of the House fairly. The regions will all have a guaranteed place, while there will be a duty on the Appointments Commission to see that women and ethnic minorities and faith communities are also properly represented. And the hereditary element will finally be eliminated.

ANNEX 1

THE ROYAL COMMISSION ON THE REFORM OF THE HOUSE OF LORDS

Members of the Royal Commission

The Rt. Hon. Lord Wakeham (Chairman)

The Rt. Hon. Gerald Kaufman MP

The Rt. Hon. Baroness Dean of Thornton-le-Fylde

The Rt. Hon. Lord Hurd of Westwell

Lord Butler of Brockwell

The Rt. Rev. Richard Harries, Lord Bishop of Oxford

Sir Michael Wheeler-Booth

Kenneth Munro

Professor Anthony King

Ann Beynon

William Morris

Professor Dawn Oliver

Terms of reference

“Having regard to the need to maintain the position of the House of Commons as the pre-eminent chamber of Parliament and taking particular account of the present nature of the constitutional settlement, including the newly devolved institutions, the impact of the Human Rights Act 1998 and developing relations with the European Union:

- *To consider and make recommendations on the role and functions of the second chamber;*
- *To make recommendations on the method or combination of methods of composition required to constitute a second chamber fit for that role and those functions;*
- *To report by 31 December 1999.”*

