



House of Commons
Public Administration Select
Committee

**Response to White
Paper: “An Elected
Second Chamber”:
Government Response
to the Committee's
Fifth Report of Session
2008–09**

**First Special Report of Session 2009–
10**

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The Public Administration Select Committee

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith, and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service.

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The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 146. These are available on the Internet via www.parliament.uk

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pasc>

Committee staff

The current staff of the Committee are Steven Mark (Clerk), David Slater (Second Clerk), Pauline Ngan (Committee Specialist), Louise Glen (Senior Committee Assistant), Lori Verwaerde (Committee Assistant)

Contacts

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First Special Report

The Public Administration Select Committee's Report *Response to White Paper: "An Elected Second Chamber"* was its Fifth Report of Session 2008-09, and was published on 21 January 2009 as HC 137. The Government Response was received on 19 November 2009 and is published below as an appendix to this report.

Government response

Letter from Rt Hon Jack Straw MP, Lord Chancellor and Secretary of State for Justice to the Chairman of the Committee, 14 November 2009

I am conscious that the Government has not responded formally to your Committee's Report of 19 January 2009 in response to our July 2008 White Paper on 'An Elected Second Chamber'. I apologise for this.

As usual, your Committee's report was a thorough and measured examination of the issues and a useful contribution to the debate. Your main recommendation was that changes should be made to the way in which the present House of Lords Appointments Commission operates so that the parties presented it with long lists of potential nominees from which the Commission would then make its choice. You also suggested that the Commission could be empowered to determine the party balance in the House of Lords. Your other main conclusion was to criticise the proposal in the 2008 White Paper that any statutory appointments commission which might be required for a reformed second chamber should be answerable to the Prime Minister rather than to Parliament.

As you know, we are continuing to consider the responses to the 2008 White Paper and to develop our proposals for further reform of the second chamber. As I announced in my Written Statement of 20 July,

“The Government are fully committed to comprehensive reform of the Lords, based on four principles, all of which were endorsed by the cross-party group (see White Paper, *An Elected Second Chamber*, July 2008, Cm 7438):

The primacy of the House of Commons, enshrined in the Parliament Acts, and in rules and convention;

Independence of Members, supported by their serving a single, non-renewable term of three normal-length Parliaments, and, as set out originally in the 2007 White Paper (*The House of Lords: Reform*, Cm 7027), by a system of election which prevents a single party gaining an overall majority;

Direct election, such that the second chamber has a democratic mandate underpinning its revising role, but one that is never as a whole more up to date than that of the Commons; and

Sensible transitional arrangements in respect of existing peers.

There remain outstanding questions, which the Government will seek to answer in final proposals after the summer, with draft legislation for pre-legislative scrutiny as soon as possible. The two key issues are the electoral system and the size of the elected element (80 per cent or 100 per cent.). The Government are giving careful and active consideration to resolving these questions in such a way as to make best use of a transitional period."

The comments in your Committee's report will of course feed into that consideration.

You will be aware that the Government has also included a number of measures on House of Lords reform in its present Constitutional Reform and Governance Bill. These were introduced in response to the need to ensure that the House of Lords had a robust and effective system for disciplining its members. The Bill also provides for members of the House of Lords to resign.

We are also taking the opportunity to end the system of by-elections for hereditary peers, which I was not afraid to describe to the House of Commons on 20 October as 'risible'. As I pointed out then, it is now ten years since the mechanism was put into place. The system is now electing people to the House of Lords who were not hereditary peers at the time that the House of Lords Act was passed. The time has come to put an end to the mechanism, although no hereditary peer presently sitting in the House will be removed by the ending of the by-elections.

Yours,

Jack Straw