



House of Commons  
Political and Constitutional  
Reform Committee

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**House of Lords reform:  
what next?  
Government Response  
to the Committee's  
Ninth Report of  
Session 2013–14**

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**Fourth Special Report of Session  
2013–14**

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## The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee is appointed by the House of Commons to consider political and constitutional reform.

### Current membership

Mr Graham Allen MP (*Labour, Nottingham North*) (*Chair*)  
Mr Jeremy Browne MP (*Liberal Democrat, Taunton Deane*)  
Mr Christopher Chope MP (*Conservative, Christchurch*)  
Tracey Crouch MP (*Conservative, Chatham and Aylesford*)  
Mark Durkan MP (*Social Democratic & Labour Party, Foyle*)  
Paul Flynn MP (*Labour, Newport West*)  
Fabian Hamilton MP (*Labour, Leeds North East*)  
David Morris MP (*Conservative, Morecombe and Lunesdale*)  
Robert Neill MP (*Conservative, Bromley and Chislehurst*)  
Chris Ruane MP (*Labour, Valley of Clwyd*)  
Mr Andrew Turner MP (*Conservative, Isle of Wight*)

The following Members was also members of the Committee during the Parliament:

Nick Boles MP (*Conservative, Grantham and Stamford*)  
Sheila Gilmore MP (*Labour, Edinburgh East*)  
Andrew Griffiths MP (*Conservative, Burton*)  
Simon Hart MP (*Conservative, Carmarthen West and South Pembrokeshire*)  
Tristram Hunt MP (*Labour, Stoke on Trent Central*)  
Mrs Eleanor Laing MP (*Conservative, Epping Forest*)  
Stephen Williams MP (*Liberal Democrat, Bristol West*)  
Yasmin Qureshi MP (*Labour, Bolton South East*)

### Powers

The Committee's powers are set out in House of Commons Standing Orders, principally in Temporary Standing Order (Political and Constitutional Reform Committee). These are available on the Internet via <http://www.publications.parliament.uk/pa/cm/cmstords.htm>.

### Publication

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 [www.parliament.uk/pcrc](http://www.parliament.uk/pcrc).

The Reports of the Committee and the formal minutes are available in a printed volume. Oral and written evidence is published on the internet only.

### Committee staff

The current staff of the Committee are Joanna Dodd (Clerk), Edward Faulkner (Committee Specialist), Ami Cochrane (Legal Assistant), Tony Catinella (Senior Committee Assistant), Jim Lawford, (Committee Assistant) and Jessica Bridges-Palmer (Media Officer).

### Contacts

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## Special Report

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The Political and Constitutional Reform Committee published its Ninth Report of Session 2013-14, *House of Lords reform: what next?* On 17 October 2014, as House of Commons Paper HC 251. The Government Response to this Report was received on 7 February 2014 and is published below.

## Appendix: Government Response

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### Introduction

1. The Government welcomes the Political and Constitutional Reform Committee's inquiry and recent report on House of Lords Reform, which focuses on the smaller scale changes to the membership and structure of the House of Lords that would be likely to command a consensus.

2. As you are aware, the Government introduced the House of Lords Reform Bill on 27 June 2012. It was given a Second Reading by 462 votes to 124 votes on 10 July but the Government was unable to win support for its timetable motion and the Bill was withdrawn. The Bill proposed a reformed House of 450 members of which 80% would have been elected and 20% appointed. The Government remains committed to the pursuit of wide scale, comprehensive reform of the House of Lords and it is in this context that any further incremental change must be viewed.

3. In the absence of wider reform, however, the Government is keen to support straightforward and common sense changes. As the Deputy Prime Minister made clear to the Committee, on 10 October 2013:

“If we can, without gumming up other legislation or investing huge amounts of time that should be devoted to other legislation, find a way of implementing entirely sensible, for want of a better word, housekeeping changes, I think particularly in three areas, there is no reason to delay. One you mentioned is retirement provisions in the House of Lords. Secondly, there is this rather odd anomalous situation at the moment about how those Members of the House of Lords who have committed crimes and been prosecuted for them are dealt with. Thirdly, there is the issue of attendance, or rather non-attendance. What do you do with Members of the House of Lords who basically do not turn up at all, or not in any meaningful way? If we can find a vehicle-and if it is a Private Member's Bill - I would be entirely open for us to support those three measures and do so quickly.”

4. The Government has considered the Committee's recommendations carefully and it now supports those recommendations that are in line with the provisions contained within the House of Lords Reform (No 2) Bill. We note that some of the Committee's recommendations focus on the regulation of the House of Lords and are therefore issues for the House itself to decide upon. The Government is committed to a mainly elected upper chamber and it is in that context that wider and substantive reform should be pursued.

5. This response provides our analysis and views on each of the Committee's recommendations.

## Response to conclusions and recommendations

### No longer replacing hereditary peers in the House of Lords when they die

6. The evidence we received on no longer replacing hereditary peers in the House of Lords when they die showed that there is broad-based and significant support for this idea and that this could be realised by ending the by-election system which perpetuates the current system. We accept that doing this would not have a large or swift impact on the size of the House but, as a means of gradually reducing numbers we conclude it would be worthwhile. It would also serve to reduce the reputational risk to the House which results from the existence and use of the current by-election system. We do not believe that taking action on this issue would preclude further, wholesale reform taking place in the future, if that is what political parties favour. Therefore, *we recommend that hereditary peers should not be replaced in the House of Lords when they die and we welcome the provisions contained within Baroness Hayman's Private Member's Bill which seek to achieve this goal.* (Paragraph 19).

7. The Government notes the Committee's views on the non-replacement of hereditary peers. Whilst the Government remains committed to removing hereditary peers from the House through the introduction of a mainly elected chamber, this represents significant constitutional change that should be achieved only as part of a more comprehensive package of reforms. The Government believes that it would not be appropriate to legislate on this issue other than in the context of wider reform.

### Removing persistent non-attendees

8. It is clear that there is broad support for tackling the issue of persistent non-attendance. Members of the House of Lords should be, and should be seen to be, actively engaging in the work of the House. Where this does not occur, action must be taken. In crafting an appropriate scheme on non-attendance, care must be taken to ensure that it does not penalise those who face ill health or a temporary change in circumstances or those whose ongoing work outside the House enables them to enhance the Lords' scrutiny function. There are a variety of ways in which nonattendance can be defined but the formulation contained in Baroness Hayman's Bill on House of Lords Reform, which states that peers who do not attend during a session would cease to be Members of the House at the end of the session, with the exception of those with an authorised leave of absence, appears to us to be broadly along the right lines. (Paragraph 27).

9. The Government believes that it is important that peers contribute to the work of the House and agrees that persistent non-attendance should be addressed. It therefore supports the provision in Dan Byles MP's House of Lords Reform (No 2) Bill that would exclude permanently any peer not on leave of absence who has not attended the House during the preceding session.

## A moratorium on new peers

10. We conclude that the positive short-term impact of a moratorium in helping to avoid further increases in the size of the House would be outweighed by the loss to the House of Lords of new perspectives and fresh thinking. There was little support for a moratorium in the evidence we received and we conclude that there is little, if any, prospect for securing a broad-based consensus in favour of this proposal. (Paragraph 33).

11. The Government believes that it is important that the House's expertise is kept up to date given its role in national life and debate and in scrutinising legislation. The Government therefore supports the Committee's view that a moratorium on new appointments would lead to a loss to the House of new perspectives and thinking, which would have an unhelpful effect on the ability of the House to discharge its responsibilities effectively. The Government notes that there was little support for a moratorium in the evidence that was given to the Committee.

## Fixed-term appointments for new peers

12. We support proposals for a non-statutory scheme under which nominees would be invited to give an assurance that they would retire after a certain number of years. While we accept that it lacks the strength that a statutory regime could provide, we conclude that it has the potential to have an impact on the size of the House of Lords over time and could help to give momentum to other smaller-scale reforms. Accordingly, we invite the party and cross-bench associations in the Lords to make their views on this matter known to us in writing. (Paragraph 40).

13. The Government is of the view that the Committee's proposal would represent a far reaching – albeit non-statutory – reform of the terms of membership of the House and does not support it. The House already has a voluntary retirement scheme that peers can make use of at any time and the Government supports putting this principle on a statutory basis.

## The introduction of a retirement age

14. We accept the view that the introduction of a retirement age in the House of Lords would be both arbitrary and discriminatory and could result in the loss of much valued expertise. It could also have an undesirable impact on party balance. (Paragraph 46).

15. The Government supports the Committee's rejection of a statutory retirement age. A mandatory, fixed retirement age would go against the approach that organisations should seek to abolish similar provisions where appropriate.

## Voluntary retirement

16. There was broad consensus in the evidence we received that the voluntary retirement scheme introduced in 2011 has not been a success and it has clearly had no notable impact on the size of the House. We believe it is incumbent upon the party leaders in the House of Lords and the Convener of the Cross-bench peers actively to encourage peers to consider retirement. Although this will undoubtedly be a delicate task, it is very much in the interests of parties and Cross-benchers to see the size of the

**House reduced in an equitable manner. We support the idea that some form of ceremony in recognition of service provided to the House should take place for peers who decide to take voluntary retirement. (Paragraph 53).**

17. The Government supports allowing peers to retire or otherwise resign their writ of summons and welcomes the provision to this effect in Dan Byles MP's Private Member's Bill. How to mark any retiring member's contribution is a matter for the House of Lords itself to determine.

**18. Since the House of Lords strengthened its leave of absence scheme, take-up has increased. We welcome suggestions to bolster this scheme further by setting a minimum level of attendance, with appropriate exceptions. As with the issue of voluntary retirement, we believe that the political parties in the Lords ought to do more to encourage take up of the leave of absence scheme and should offer their support for a strengthened scheme, with a view to implementing it within this Parliament. (Paragraph 56).**

19. Strengthening the leave of absence scheme is a matter for the House itself. However, the Government supports statutory provisions, as set out in Dan Byles MP's House of Lords Reform (No 2) Bill, to exclude permanently any peer not on leave of absence who has not attended the House during the preceding session.

### **Expelling peers convicted of a serious offence**

**20. We conclude that there is a consensus in support of the introduction of provisions to enable the expulsion of peers convicted of a serious offence. We strongly support the proposal contained within Baroness Hayman's House of Lords Reform Bill which addresses this matter. (Paragraph 60).**

21. The Government supports the recommendation that those who are convicted of a serious criminal offence should lose their right to sit in the House of Lords and it notes the unanimous support that this proposal received in both the oral and written evidence that the Committee took. Allowing those who are convicted of serious criminal offences to remain as members of the legislature damages the reputation of the House. The Government notes that the Committee's recommendation is included within the House of Lords Reform (No 2) Bill, which the Government supports.

### **The desirability, composition and remit of a Statutory Appointments Commission**

**22. In the evidence we received, the case for placing the Appointments Commission on a statutory basis was strong. So, too, were the arguments that the Appointments Commission could play a role in monitoring and overseeing the size and party balance in the Chamber and in extending its locus in terms of political appointments. While we support the idea of placing the current House of Lords Appointments Commission on a statutory footing, we believe that changes to its remit would be best discussed in the context of wider reform of the House of Lords. (Paragraph 66).**

23. The Government remains committed to more far reaching reform of the House. In the absence of more comprehensive reforms, HOLAC should continue to do its job of putting forward non-party political nominations and vetting other nominations.

### **Determining the relative numerical strengths of party groups in the House of Lords**

**24. Agreement on how to determine the relative numerical strengths of the different party groups in the Lords would not only be a valuable end in itself, it would also pave the way for the implementation of the majority of the other small-scale reforms we have discussed in this Report. Of all the issues we have discussed it has the most potential to have a positive impact on the size of the House. Inevitably, it is also the most contentious. We have referred in this Report to various suggestions as to how this could be approached. However, the reality is that it is up to the party groups to engage in dialogue with a view to reaching an agreement on the next step forward. We recommend that in its response to this Report, the Government sets out its position on this issue. We also encourage the individual party groups and crossbenchers to provide their views in writing to us with a view to making progress on this issue before the next General Election. (Paragraph 81).**

25. The Government has a well established position, as set out in the Coalition's Programme for Government, which says "Lords Appointments will be made with the objective of creating a second chamber that is reflective of the share of the vote secured by the political parties at the last General Election". The Government remains committed to comprehensive reform of the House of Lords. However, in the absence of wider reforms which would reduce the size of the House, the Government remains of the view that the correct approach to party-political nominations is that set out in the Programme for Government.

### **Conclusion**

26. The Government is grateful to the Committee for its detailed consideration of, and recommendations on the smaller reforms that can be made to the membership and structure of the House of Lords.

27. Whilst the Government remains committed to wider reform of the House, we recognise that some of these smaller changes are more likely to command immediate consensus. As the Deputy Prime Minister told the Committee when he gave evidence to it on 10 October 2013:

"I have always, as you know, been keen to avoid the impression that those changes are somehow a surrogate for the real reform the House of Lords needs, which is a good, healthy dose of democracy, and I do not think that these kind of changes, which are limited, incremental and practical in nature, should be somehow put in the deep freeze just because we have not made progress on the major reform of the House of Lords."

It is in this context that we support a number of the recommendations that the Committee has proposed.