

HOUSE OF LORDS
HOUSE OF COMMONS

SESSION 2002–03
SPECIAL REPORT

JOINT COMMITTEE ON
HOUSE OF LORDS REFORM

HOUSE OF LORDS REFORM:
GOVERNMENT REPLY
TO THE COMMITTEE'S
SECOND REPORT

*Ordered by The House of Lords to be
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JOINT COMMITTEE ON HOUSE OF LORDS REFORM

The Joint Committee was first appointed in July 2002:

(1) to consider issues relating to House of Lords reform, including the composition and powers of the Second Chamber and its role and authority within the context of Parliament as a whole, having regard in particular to the impact which any proposed changes would have on the existing pre-eminence of the House of Commons, such consideration to include the implications of a House composed of more than one “category” of member and the experience and expertise which the House of Lords in its present form brings to its function as the revising Chamber; and

(2) having regard to paragraph (1) above, to report on options for the composition and powers of the House of Lords and to define and present to both Houses options for composition, including a fully nominated and fully elected House, and intermediate options;

and to consider and report on—

(a) any changes to the relationship between the two Houses which may be necessary to ensure the proper functioning of Parliament as a whole in the context of a reformed Second Chamber, and in particular, any new procedures for resolving conflict between the two Houses; and

(b) the most appropriate and effective legal and constitutional means to give effect to any new Parliamentary settlement;

and in all the foregoing considerations, to have regard to—

(i) the Report of the Royal Commission on House of Lords Reform (Cm 4534);

(ii) the White Paper *The House of Lords—Completing the Reform* (Cm 5291), and the responses received thereto;

(iii) debates and votes in both Houses of Parliament on House of Lords reform; and

(iv) the House of Commons Public Administration Select Committee report *The Second Chamber: Continuing the Reform*, including its consultation of the House of Commons, and any other relevant select committee reports.

The twelve Lords members, appointed on 4 July 2002, are:

Lord Archer of Sandwell	Lord Goodhart
Viscount Bledisloe	Lord Howe of Aberavon
Lord Brooke of Alverthorpe	Lord Oakeshott of Seagrove Bay
Lord Carter	Baroness O’Cathain
Lord Forsyth of Drumlean	The Earl of Selborne
Baroness Gibson of Market Rasen	Lord Weatherill

The twelve Commons members, appointed on 19 June 2002, are:

Janet Anderson	Mr Stephen McCabe
Mr James Arbuthnot	Joyce Quin
Mr Chris Bryant	Mr Terry Rooney
Mr Kenneth Clarke	Mr Clive Soley
Dr Jack Cunningham	Mr Paul Stinchcombe
Mr William Hague	Mr Paul Tyler

At its first meeting, on 9 July 2002, the Committee elected Dr Jack Cunningham as its Chairman.

On 16 July 2002 the Committee made a Special Report (HL Paper 151, HC 1109 of Session 2001–02, published 17 July 2002).

The Committee was reappointed with the same membership at the start of Session 2002–03. It made its First Report on 9 December 2002 (HL Paper 17, HC 171, published 11 December 2002) and its Second Report on 29 April 2003 (HL Paper 97, HC 668, published 9 May 2003).

SPECIAL REPORT

16 JULY 2003

The Joint Committee on House of Lords Reform has agreed to the following Report:

**HOUSE OF LORDS REFORM: GOVERNMENT REPLY TO THE
COMMITTEE'S SECOND REPORT**

The Government's reply to the Joint Committee's Second Report, and a covering letter from the Lord Chancellor to the Chairman, are printed as an Appendix to this Report.

The Committee will meet after the summer recess to consider the reply.

APPENDIX

Letter from the Secretary of State for Constitutional Affairs and Lord Chancellor, Lord Falconer of Thoroton, to the Chairman of the Joint Committee

I am pleased to enclose two copies of the Government's official response to your Committee's very helpful and constructive second report of 9 May.

16 July 2003

JOINT COMMITTEE ON HOUSE OF LORDS REFORM : SECOND REPORT GOVERNMENT RESPONSE

Introduction

1. The Government is grateful for the work which the Joint Committee has undertaken in considering the issues raised by further reform of the House of Lords, and which is reflected in both this Report and their First Report on December 2002 (*HL Paper 17; HC 171*). This is the Government's response to the specific issues raised by the Joint Committee.
2. The two Reports are the product of a careful analysis of the many and fundamental issues which are raised by the question of the reform of the UK's second chamber. They provide a useful synthesis of the arguments to date, and identify a number of areas where there is wide agreement on the objectives of reform, for example over the role and functions of the House of Lords. They provide a fitting summary of the debate which has taken place since the establishment in January 1999 of the Royal Commission chaired by Lord Wakeham.
3. Consistently with the Joint Committee's original remit, its First Report proposed a number of different possible compositions for the House of Lords, with varying numbers of elected members. The Government had hoped, in seeking the establishment of the Joint Committee, that consideration of these options by both Houses of Parliament would give an indication of a way forward that would be acceptable to both Houses. The options were debated in the House of Commons on 21 January 2003 and in the House of Lords on 21 and 22 January. These debates were followed on 4 February by votes in each House.
4. Those votes resulted in a clear decision in the House of Lords in favour of a wholly appointed House. There was, however, no such clear decision from the House of Commons, which voted against every one of the Joint Committee's proposed configurations. These votes, as the Joint Committee has recognised in this Second Report, have made it difficult for it to continue with the second part of its original remit, to work up a detailed proposed blue-print for reform. That failure is no reflection on the quality of the work the Joint Committee has done up to now.
5. The Government agrees with the Joint Committee's view that the Parliamentary votes have shown that there is no consensus about introducing any elected element in the House of Lords.
6. The Joint Committee states in paragraph 3 of its Report that 'simply to maintain the status quo' is undesirable. The Government agrees with that view. If the present configuration of the House is to become a medium-term rather than a short-term settlement, then some changes will be needed. The Joint Committee has itself noted a number of areas where there might usefully be further work around the re-configuration of a wholly appointed House.

Government proposals

7. The Government strongly welcomes the Committee's views on the role and powers of the House of Lords. In particular, the Government agrees with the Joint Committee that there should be no significant change in the powers and functions of the House. The House of Commons must remain pre-eminent. The Government shares the Joint Committee's concern to ensure proper co-ordination of the legislative loads between the two Houses. It supports the Joint Committee's view that a consensus has now been established around the proper role, functions and powers of the House of Lords, and that all proposals for further reform must respect that consensus.

8. The Government also endorses the Joint Committee's analysis, in paragraph 23 of its Report, of the five qualities which need to be applied to the composition of a House which can perform the functions assigned to it. Those five qualities of legitimacy; representativeness; no domination by one party; independence; and expertise must remain the touchstone against which all reforms, whether major or minor, are measured.

9. The Government has already announced a further major reform of the House of Lords, with its decision to establish a separate Supreme Court. That will lead to the removal of the Law Lords. The Joint Committee report calls (paragraph 20) for full public discussion of this issue. The Government published on 14 July a consultation paper designed to facilitate precisely this debate with a request for comments by 7 November.

10. In addition, the Government has invited the House to consider establishing a Speakership independent of the executive. The House has appointed a Select Committee to consider this matter.

11. The key issue in establishing the present House of Lords in a stable state for the medium term is the appointments process for new members. The Joint Committee discusses this issue in paragraphs 29–30 of its report. The Government agrees that the appointments process must display 'independence and integrity' and must be 'respected and viable' and that the Government should examine the present arrangements with a view to seeing where they might be strengthened. The Government therefore proposes to consider this issue further over the course of the summer, and will consult in the autumn on proposals for a revised Appointments Commission.

12. This consultation on the role of the Appointments Commission will give the opportunity for looking at a number of the other issues highlighted by the Joint Committee. Foremost among these are the optimum and maximum size of the House (paragraph 27 of the Committee's Report); how to ensure that the House is as representative as possible on a broad range of measures, including ethnicity, gender, and making sure the nations and the regions are properly represented (paragraph 17 of the Report); and how to widen the basis for religious representation (paragraph 31).

13. The Joint Committee highlights the position of the remaining hereditary peers. It remains the Government's policy, as set out in its White Paper in November 2001, that the remaining hereditary peers should be removed from the House.

Conclusion

14. The Government is grateful to the Joint Committee for the work that they have done, and their efforts to take forward the question of House of Lords reform. It agrees with the Joint Committee that its work, and that of the Royal Commission and the Government itself before it, have produced a considerable degree of consensus on the roles, functions and powers of the House of Lords. They have demonstrated, in contrast, that there is no consensus about the best composition for the second chamber. For the time being, the Government will concentrate on making the House of Lords work as effectively as possible in fulfilment of its important role.