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Executive Summary

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Introduction

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 and developing relations with the European Union:

- *to consider and make recommendations on the role and functions of a 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.*

permanent committee, comprising senior members, with each chamber represented by a group reflecting its political balance (4.9-11, 4.26-29).

Delegated Legislation

- *The second chamber should play a stronger role in scrutiny of secondary legislation (7.17).*
- *A sifting mechanism should be established to look at*

The Peerage and the Upper House

- *Possession of a peerage should no longer be necessary for membership of the second chamber (18.2-6).*

Reform of the House of Lords,

Size

- *The reformed upper house should have around 550 members (13.27).*
- *This size would not be fixed, and the Appointments Commission (responsible for choosing most of the members of the chamber) would have freedom to decide the total according to need (13.24-28).*

Territorial Representation

- *Under all three of the proposed composition options, the elected members would represent the*

from the main parties, one representing the crossbenchers, and four independents. It would be required to report annually to parliament (13.2, 13.8-23).

- *The Appointments Commission will be charged with creating a chamber which is representative. It must keep the membership of the chamber under review and publish a regular statement saying what characteristics are sought in new members. It should advertise vacancies and actively solicit nominations (13.32-39).*
- *The Commission should seek to maintain a balance between the parties in the chamber which reflects the votes cast in the last general election. It must ensure that at least 20% of upper house members were not affiliated to any of the major parties. It would have complete control over all appointees, including political appointees. Although the political parties could nominate, it would not be required to accept their nominations and could select other individuals aligned to parties for membership of the chamber (Recommendation 70, 13.40-43).*
- *The Appointments Commission would have a statutory duty to ensure that at least 30% of members of the chamber were women and 30% were men, with an aim of working towards gender balance. It would be required to establish a fair representation for different ethnic groups, and for the nations and regions (Recommendation 70, 13.29-30).*

Electoral Systems

- *The three options put forward by the Commission for composition of the chamber include not only different numbers of elected members in each case, but also different electoral systems.*
- *In option A, there would be 65 members of the chamber, chosen by what is described as 'complementary voting'. Under this system members of the upper house would be elected on general election day. Members would represent the nations and regions, with seats allocated to the parties on the basis of total votes received for House of Commons candidates in that nation or region. There would thus be no direct election for the chamber. Instead House of Commons votes would be aggregated, and seats in the upper house allocated accordingly, from published party lists. All elected members of the chamber would be elected in one year and serve for three House of Commons terms (12.26-32)*
- *Under option B there would be 87 members elected directly, on the same day as European elections. They too would serve three terms, which in this case would be fixed at 15 years. One third of nations and regions would elect their members every five years. Votes would be cast on a separate ballot paper to that for the Euro election, but members would be elected by the same system used for that election. The Royal Commission favoured the use of 'open' party lists for this purpose (12.33-38).*

- *Option C was similar to option B, but with 195 elected members. In this case an election would be held in each nation and region every five years, with one third of members elected (12.39-42).*

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Independence and Terms of Office

- *Elected members would serve for three parliamentary terms - either a fixed term of 15 years under options B and C or a variable term of three House of Commons terms (generally 10-12 years) under option A (12.14-16).*
- *These terms would be non-renewable, although members could be considered for appointment by the Appointments Commission for one additional term. Appointed members would serve 15 year terms, with the possibility of one renewal (12.7-14, 12.18-19).*
- *No member of the upper house, whether elected or appointed, would be eligible for election to the House of Commons until 10 years after their last term of office had expired. This would apply even if they did not serve their full term (12.21).*

The Law Lords

- *The law lords should continue to be ex officio members of the second chamber and carry out its judicial functions (9.6-7).*
- *They should publish a statement to clarify the line between their judicial functions and their role when participating in political debates and votes in the second chamber (9.9-10).*

- *Five places should be representative of other faith communities (15.15-17).*

Allowances and Other Resources

- *In order to enable the broad representation in the chamber which is sought by the Commission, 'the financial arrangements which apply to members of the second chamber should make regular attendance economically viable for people who live outside the South East of England and who do not have a separate source of income' (Recommendation 119).*
- *However, payment should continue to be through allowances based on daily attendance, rather than through a salary, in order that members may continue to attend on a part time basis if they wish. The precise level of payment would be referred to the Senior Salaries Review Board, with a presumption that a full time member of the upper house would earn less than an MP's salary (currently £47,008 per year) (17.3-11).*
- *More office space and secretarial support should be made available to upper house members, with most of this secretarial support organised on a pooled basis, rather than to individual members. This is intended to prevent upper house members taking on constituency caseloads (17.14-16).*

Recommendations which could be Implemented without Legislation

The Appointments Commission

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New Committees

- **Constitutional Committee**
- **Human Rights Committee**
- **Devolution Committee**
- **Treaties Committee**

Joint Committee to Resolve Disputes

Access for Commons Ministers to the Upper House

Law Lords

Religious Representation

Delegated legislation

European Matters. The Procedure

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The Constitution Unit and the House of Lords

- *Reforming the House of Lords: Lessons from Overseas*
- *Representing the Nations and Regions in a New Upper House*
- *Second Chambers Overseas: A Summary*
- *Second Chambers: Resolving Deadlock*
- *Second Chambers as Constitutional Guardians and Protectors of Human Rights*
- *Reform of the House of Lords: The Role of the Law Lords*
- *Reform of the House of Lords: The Role of the Bishops*
- *A Transitional House of Lords: Rebalancing the Numbers*
- *A Directly Elected Upper House: Lessons from Italy and Australia*
- *'Democracy Day': Planning for Referendums on PR and Lords Reform*
- *A Vocational Upper House?: Lessons from Ireland*
- *An Appointed Upper House: Lessons from Canada*
- *Reforming the Lords: A Step by Step Guide*
- *Reform of the House of Lords*