

Chapter 19 – Implementing this report

19.1 We began this report by saying that we did not want it to gather dust in a pigeonhole. If our recommendations win support and are accepted by the Government, they could be implemented quickly. We see no reason why the various preparatory steps could not be taken in time for the first selection of regional members to take place at the time of the next general election, within 2¹/₂ years, or the next European Parliament election in 2004, depending on which model of composition is adopted. Meanwhile the independent Appointments Commission which the Government intends to establish during the interim stage of Lords reform could be equipped and prepare itself to take on the wider role envisaged in this report.

Follow-up action

19.2 The Government is committed “to [making] every effort to ensure that the second stage of reform has been approved by Parliament by the time of the General Election”.¹ It may wish to promote the establishment of a Joint Committee of both Houses of Parliament to review some aspects of our recommendations before it reaches final conclusions of its own. It will certainly be necessary for the appropriate authorities in the interim House of Lords to reach a view on the size, structure and inter-relationship of the various new Committees we have proposed. They should also consider the implications of our recommendations for the workload and the overall size of the reformed second chamber. The Church of England would also need to decide how the 16 members of the second chamber to be drawn from its own ranks should be selected.

Legislation

19.3 If our recommendations are agreed, legislation would be required to bring them into effect. A Bill would be needed to:

- make provision for the choice of regional members;
- put the independent Appointments Commission on a statutory basis;
- make the single, limited amendment to the Parliament Acts which we propose in Chapter 5;
- amend the Statutory Instruments Act 1946 on the lines suggested in Chapter 7;
- make provision for existing life peers to be deemed to have been appointed to the reformed second chamber;

- amend the Life Peerages Act 1958 to:
 - make provision for life peers to be created without entailing any right to sit and vote in the reformed second chamber; and
 - (if necessary) enable life peers to renounce their entitlement to sit and vote in the second chamber;
- amend the Appellate Jurisdiction Act 1876 to provide that Lords of Appeal in Ordinary should be formally appointed as members of the second chamber by the Appointments Commission; and
- amend the Bishops Act 1878 to:
 - limit the number of Church of England bishops with *ex officio* seats in the second chamber to 16; and/or
 - make any necessary provision for whatever system of selection the Church of England recommends should be put in place.

There is no need for primary legislation to secure the removal of the remaining hereditary peers from the second chamber, as the so-called ‘Weatherill 92’ are there by virtue of a Standing Order of the House of Lords. It might be convenient, however, to settle the point beyond doubt by incorporating it in the relevant Bill.

The first regional members

19.4 The timetable for implementing our recommendations and selecting the first regional members will depend on which of the models set out in Chapter 12 is adopted.

- Under *Model A*, if the necessary legislation can be enacted before the forthcoming general election, the first set of regional members could be appointed, using the system of ‘complementary’ election, in the immediate aftermath of that election. As there is no requirement under this model to introduce a separate election process, we believe that the necessary practical steps could easily be taken in the time available.
- Under *Models B and C*, legislation might be enacted during the first or second session of the next Parliament to enable the practical steps to be taken in time for the first round of elections of regional members to take place in association with the next European Parliament election (June 2004).

19.5 Under *Models A and B*, we recommend that regional members should be appointed or elected in respect of *every* region in the country at the *first* relevant election, so that the reformed chamber has a full complement of regional members from the outset. Under *Model C*, we envisage that the first tranche of 65 regional members would be elected at the first (European Parliament) election and the rest at the two subsequent European Parliament elections. The alternative of electing 195 regional members in one go by ‘partially open’ list PR would cause some of the ballot papers to become unwieldy. Also, the influx of such a large number of new regional members at an early stage in the life of the reformed second chamber would be too great to be easily accommodated and make the chamber over-large.





19.6 Whichever model is chosen, we envisage that the 92 remaining hereditary peers would leave the second chamber at the time the first regional members are selected, so that the overall size of the second chamber would not be significantly affected. Some of those hereditary peers, or indeed some of the other hereditary peers whose entitlement to sit and vote in the present House of Lords has already been removed, might well decide to stand for election (or put themselves forward for nomination) as regional members of the second chamber. A number of hereditary peers have strong regional links and considerable relevant experience of working in the second chamber and so might be strong contenders.

19.7 Under *Model C*, the full complement of regional members would build up over three European Parliament elections, reaching 195 by 2014. Regional members would then be replaced by new regional members as their terms came to an end. Under *Models A and B*, it would be necessary to be clear at the time of the first relevant election that those selected to serve as regional members for one third of the regions would serve for only one electoral cycle, and those chosen to serve as regional members for a further third of the regions would serve for only two electoral cycles. The regions concerned could be selected by lot or determined on a basis which produced a geographically

and numerically balanced outcome. On that basis, the regions might be grouped as follows:

Group 1

Greater London
West Midlands
Yorkshire and The Humber
Northern Ireland

Group 2

South East
Eastern
North East
Wales

Group 3

North West
East Midlands
Scotland
South West

19.8 As an exception to the recommendation we made in Chapter 12, any members elected under Model B at the first election of regional members to serve for less than the full term should be eligible to stand for *re-election* as regional members for a full 15-year term at the end of their first period of membership. Equivalent arrangements would be required for the regional members selected under Model A.

Recommendation 129: Depending on which of the models (set out in Chapter 12) for selecting regional members is adopted, we recommend the following:

Model A

At the first general election after the passage of the necessary legislation, 65 regional members should be selected using a system of ‘complementary’ election, so that every region has its full complement of regional members from the outset. Those selected for one-third of the regions should serve for one Parliamentary term, and those selected for a further third of the regions should serve for two Parliamentary terms: exceptionally (as a transitional measure) all of these regional members should be eligible for reselection at the point at which their membership would otherwise lapse. At the second and all subsequent general elections, regional members would be selected by ‘complementary’ election in respect of the relevant one-third of the regions.

Model B

At the first European Parliament election after the passage of the necessary legislation, 87 regional members should be elected by whatever method of election is in use to elect MEPs so that every region has its full complement of regional members from the outset. Those elected for one-third of the regions should serve for one European Parliament term, and those elected for a further third of the regions should serve for two European Parliament terms: exceptionally (as a transitional measure) all these members should be eligible for re-election at the point at which their membership would otherwise lapse. At the time of the second and all subsequent European Parliament elections, regional members should be elected by the relevant one-third of the regions.

Model C

At the first European Parliament election after the passage of the necessary legislation, 65 regional members should be elected by ‘partially open’ list PR, so that each region has one-third of its eventual complement of regional members. A further 65 regional members should be elected in the same way at the time of each of the next two European Parliament elections.

Recommendation 130: The remaining hereditary peers should cease to be entitled to sit and vote in the second chamber at the point at which the first regional members join the second chamber. They, and other hereditary peers, would be eligible to seek nomination as regional members, or offer themselves for appointment by the Appointments Commission.

The interim Appointments Commission

19.9 The independent Appointments Commission, even prior to its formal establishment in legislation, should prepare to carry out the wider role we envisage. It should develop and publish a clear and comprehensive statement of the characteristics which the reformed second chamber should possess and the balances which it should strike. It should conduct an audit of the expertise and experience of the members of the interim House of Lords



and identify the areas which need reinforcing. This work would of course be informed by the outcome of its private dialogue with individual life peers about the length of the contribution they would expect to make. It should result in the preparation of a report identifying those characteristics which the Appointments Commission wished to strengthen immediately, in order to provide a firm foundation for the early rounds of appointments.

19.10 Meanwhile, we would expect the Appointments Commission to establish the necessary contacts with and knowledge of the organisations and individuals active in all the appropriate sectors of society. It would then be in a position to identify

potential appointees who would enable the second chamber as a whole to display the full range of desired characteristics. It might bear in mind the fact that some hereditary peers with extensive experience in the House of Lords could well have characteristics which would make them well-suited for appointment to the second chamber, on merit.

Recommendation 131: Pending its formal establishment as a statutory body, the independent Appointments Commission which will be responsible for nominating Cross Bench members of the interim House of Lords and vetting political nominations for propriety, should prepare to take on the wider role we envisage it discharging as part of the ‘second stage’ of Lords reform.

19.11 It will be for the Government to decide whether the Appointments Commission should be given responsibility for achieving and maintaining the appropriate party balance within the second chamber as from the date of the next general election. The Government could also give the Commission power to nominate party-affiliated as well as Cross Bench members of the interim House of Lords from the outset. It might conclude, however, that these developments should be deferred until the Commission has been formally established in primary legislation. In the latter case, we recommend that the Prime Minister of the day should be guided by the principles of composition we have recommended in settling the number of nominations to be made in respect of each political party and by the Appointments Commission. We also recommend that the Prime Minister and the other party leaders should accept, even during the remainder of the interim stage of Lords reform, that all party nominations should be consistent with the gender and ethnic minority requirements we have proposed and be endorsed by the Appointments Commission, rather than being made directly by the Prime Minister or the other leaders of political parties.

Recommendation 132: Even prior to the formal establishment of the Appointments Commission as a statutory body, the Prime Minister of the day should be guided by the principles of composition we have recommended in settling the number of nominations (for life peerages) which each party and the Appointments Commission should make; and all party nominations should be consistent with the gender and ethnic minority requirements we have proposed and be endorsed by the Appointments Commission, rather than made directly by the party leaders.



Envoi

20.1 We were not set a simple question and this report does not provide a simple answer. Our recommendations are a coherent response to the challenge of devising a second chamber which has a vital role to play at the heart of the United Kingdom's system of Parliamentary democracy but must avoid a number of dangers – some obvious, some less so. We have explained our thinking. We have not rejected other approaches lightly. We believe our recommendations provide a solid basis for the successful long-term reform of the House of Lords. They would produce a reinvigorated second chamber which would work with the House of Commons to hold the Government more effectively to account and thus produce better government.

20.2 Of course, the many submissions we received and the public hearings in which we engaged revealed a wide variety of views on how a reformed second chamber should be constituted, some of them totally incompatible. Our recommendations are not in line with any individual set of proposals that were put to us. Our method was to go back to first principles and ask about the kind of second chamber we need and the qualities required amongst its members before going on to consider how these could best be achieved through particular methods of composition.

20.3 The Queen's Speech at the opening of the present session of Parliament included these words: "My Government are committed to further long-term reform of the House of Lords". We very much hope that it will prove possible to move rapidly to the second stage of reforming the House of Lords. But if interested parties choose to hold out for what they would ideally like, the opportunity may pass for another generation, maybe another century. If they are prepared, however, like us, to go back to first principles and ask the same questions, we believe they will recognise the force of our recommendations and that these will provide a firm foundation on which to build a House for the Future – authoritative, confident and broadly representative of the modern United Kingdom.