



Chapter 11 – Principles of composition

11.1 In determining the method or methods to be adopted for constituting the second chamber, it is essential to bear in mind the characteristics (summarised in Chapter 10) which those methods will need to produce. In this chapter we set out and explain the broad conclusions we have reached on the composition of the second chamber. Chapters 12 and 13 discuss specific proposals and practical questions arising from those conclusions.

11.2 We begin by reviewing the likely performance of various proposed methods of composition in terms of their ability to deliver the characteristics we think the second chamber should possess.

Direct election

11.3 In a democracy there is a natural presumption in favour of election as the appropriate way of constituting the second chamber. There was considerable support for direct election among respondents to our consultation exercise. Election implies direct accountability to the electorate. It was also argued that, if the second chamber were to retain the power to veto, or at least delay, legislation passed by the House of Commons and to act as a check on the executive, it should have some electoral authority to justify the exercise of such power and to give it the confidence to use that power. A second chamber with at least a significant proportion of directly elected members would have the necessary political weight to carry out the responsibilities we propose it should have and its decisions would be more widely seen as politically legitimate. There is a danger that, without a directly elected element, the reformed second chamber might decline into an assemblage of respected but politically ineffective dignitaries. Directly elected members could provide an essential element in a body which would derive its authority from a number of sources.

11.4 These points led us to the view that the second chamber should contain at least some members who would be chosen on a basis which directly reflects the balance of political opinion within each nation and region of the United Kingdom; but, in reaching that view, we were conscious of the arguments against direct election. A review of those arguments, in the light of the characteristics summarised in Chapter 10, reveals the strength of the case against having a wholly – or even a largely – directly elected second chamber.

11.5 A second chamber which was wholly or largely directly elected would certainly be authoritative and confident, but the source of its authority could bring it into direct conflict with the House of Commons. There would be a risk that the second chamber would have a different political complexion from the House of Commons. Such a divergence would, whatever the formal distinctions between the chambers in terms of their powers and pre-eminence, be bound to give rise to constitutional conflicts. A different risk would arise if the second chamber had the same political complexion as the House of Commons because that could cause it to act as a compliant rubber stamp for whatever any future Government might want to do.

11.6 Regardless of its political complexion, the central objection to a directly elected second chamber is that it would, by its very nature, represent a challenge to the pre-eminence of the House of Commons and make it difficult to strike the balance between the powers of the two Houses that our terms of reference require and that we have recommended. There would, in particular, be no justification for a continuation of the Salisbury Convention (see Chapter 4). If a directly elected second chamber were to be opposed to a Bill, it would not be easy to argue that it should, save in exceptional circumstances, defer to the views of the other directly elected chamber. We would be strongly opposed to a situation in which the two Houses of Parliament had equivalent electoral legitimacy. It would represent a substantial change in the present constitutional settlement in the United Kingdom and would almost certainly be a recipe for damaging conflict.



11.7 Various ways of avoiding this problem of competing mandates were suggested to us, but none seems to us to be free of difficulty.

- Any attempt to solve the problem by **limiting the formal powers** of an elected second chamber would be likely to fail because members of such a chamber would not regard the limits as justified.
- The use of a **proportional electoral system** for the second chamber would distinguish it from the more decisive political contest for the House of Commons. This would reduce, if not eliminate, the risk of the second chamber being dominated by either the Government or the Opposition. But it could exacerbate the problem of competing mandates by enabling the second chamber to claim that it was *more* representative of public opinion than the House of Commons.
- The use of **staggered terms** would tend to smooth out fluctuations in political opinion. It would mean that the second chamber could never claim an electoral mandate which was as contemporary as that of the House of Commons. But this would not eliminate the risks mentioned above.
- Awarding an **equal number of seats in the second chamber to each national or regional unit** in the United Kingdom, rather than sharing them out on a population basis, might also tend to reduce the risk that the second chamber could claim a competing electoral mandate. However, the great disparity between the sizes of the different nations and regions of the United Kingdom means that an equal distribution of seats would be inappropriate (especially as, unlike the United States, which provides equal representation for each state in the Senate, the United Kingdom is not a federal entity). A more graduated distribution of seats broadly linked to population might still result in a second chamber with a mandate perceived to be capable of challenging that of the House of Commons.
- Incorporating a small proportion of **non-elected members** in a largely elected second chamber might reduce the overall 'democratic legitimacy' of the second chamber. However, this particular blend of membership would maximise the risk of tensions developing between the two different components. There would be a tendency for observers to attribute greater political weight to the views and votes of the elected members than to those of non-elected members.

11.8 A wholly directly elected second chamber could not be broadly representative of the complex strands of British society. The fact is that elections can only be fought effectively by organised political parties which can attract large blocks of voters and who have the resources to organise television broadcasts, publicity, canvassing, public meetings and the like. While most major political parties are broad churches whose members and supporters are generally representative of British society, it is inevitable that in choosing electoral candidates they will select people who will epitomise the party's distinct ethos and who have demonstrated both their long-term loyalty to the party and their effectiveness in advancing its interests. Successful candidates for any direct elections to the second chamber would almost certainly come from a narrow class of people who are politically aware and highly partisan and who have to a very considerable degree already committed their lives to political activity. Putting it bluntly but accurately, a wholly elected second chamber would in practice mean that British public life was dominated even more than it is already by professional politicians.

11.9 By the same token, total reliance on direct election would in practice be incompatible with securing membership for people with relevant experience of and expertise in other walks of life. Such people would generally be reluctant to commit themselves to a party platform or engage in electioneering and would therefore be unlikely to put themselves forward as candidates for election. They would also be unlikely to be successful if they did so. While they might be well known in their field, such people rarely achieve widespread popular recognition or support. They lack the skills necessary to fight an electoral battle. Direct election would therefore be unlikely to produce members with the ability to speak directly for the voluntary sector, the professions, cultural and sporting interests and a whole range of other important aspects of British society.

11.10 In addition, most systems of direct election deliver results which may be geographically representative but which are seldom gender-balanced or provide appropriate representation for ethnic, religious or other minorities.

11.11 Direct elections are also not well suited to securing membership of the second chamber for those with specific expertise and authority in constitutional matters and the protection of human rights. Indeed, it could be counter-productive to base the selection of people with such characteristics on a popular election. There would be some risk that successful candidates would find it difficult to maintain the necessary detached and quasi-judicial approach to their responsibilities. Nor is it easy to see how direct election could reliably produce members of the second chamber who could make a specialist contribution to the discussion of philosophical, moral or spiritual issues.

11.12 Another fundamental criticism of any proposal that the membership should be wholly or largely elected is that it would significantly reduce the prospects for securing a second chamber which was relatively independent of the influence of political parties. Very few independents, if any, would secure election, even using a highly proportional system such as Single Transferable Vote (STV). Successful candidates for election would nearly all be closely associated with political parties and essentially dependent on those parties. Under the current system for appointing life peers to the House of Lords, the parties have been good at nominating at least some people who are not professional politicians, who are personally distinguished in their own right and who sometimes take a relatively independent line. But if the parties were nominating candidates for election, their criteria would be likely to change. The emphasis would be on selecting people with

the political commitment and campaigning skills likely to bring out the vote and win the election. Moreover, such elections would be fought on manifestos or programmes which would bind those who were elected and reinforce the extent to which they would be creatures of party rather than relatively dispassionate individuals, albeit with party allegiances.

11.13 Another real obstacle to the use of direct election is the risk that the introduction of yet another round of elections, possibly involving yet another electoral system, would contribute to what has become known as ‘voter fatigue’. A very low turnout for any election to the second chamber could serve to undermine its authority. Voters are currently expected to vote in local government elections, Westminster elections, European Parliament elections and, where relevant, for the Scottish Parliament and the Welsh or Northern Ireland Assemblies. Shortly, some of them will be voting for the London Assembly and the Mayor for London. The only two pairs of elections in that list which use the same electoral system are local government (in Great Britain) and Westminster elections and those for the Scottish Parliament and the National Assembly for Wales.¹ There is also a growing practice of inviting the electorate to express its views in referendums. Any increase in the number or variety of elections would be a recipe for voter alienation as well as confusion. In the light of US experience, which has seen the extension of opportunities to vote accompanied by a steady decline in turnout, we would be reluctant to propose an additional electoral contest, especially one using yet another electoral system.

11.14 There is, however, one point arising from our consideration of the option of direct election for at least some members of the second chamber that is worth noting at this stage. During the course of our work we commissioned two papers from the Public Policy Group at the London School of Economics² that discussed what principles might be applicable to elections to the second chamber and what options might be explored. They used general and European election data going back to 1974 to model the outcomes that might be expected from the use of different electoral systems to select members of the second chamber. One of the points to emerge most clearly was that if the overall political balance of the second chamber had been determined by reference to the parties’ shares of the vote at national or regional level in any general or European election since the mid-1970s, it would always have produced a chamber in which every party had a proportional share of the seats, the Government party was normally the largest but no single party ever had a majority. This observation holds true for every general election since 1901, except for the two in the 1930s in which governing coalitions won more than 50 per cent of the popular vote. As we want to achieve a second chamber with exactly those characteristics, this finding seemed highly relevant to our work.

Indirect election

11.15 We discussed the pros and cons of indirect election from the devolved institutions in Chapter 6 and from among United Kingdom MEPs in Chapter 8. For the reasons given in these chapters, we do not support any system of representation in, or indirect

¹ In Northern Ireland the STV electoral system is used for European Parliament, Assembly and local government elections.

² P. Dunleavy and H. Margetts. *Electing Members of the Lords (or Senate)*. LSE Public Policy Group (consolidated and revised November 1999). Full paper available on the enclosed CD-ROM.

election to, the second chamber from these sources.³ Similar objections apply to any proposal that members of the second chamber should be indirectly elected by local government electoral colleges.

11.16 Additionally, we see no reason to believe that indirectly elected members of the second chamber would be broadly representative of British society, be likely to have the requisite range of expertise and experience or possess the other specific characteristics which members of the second chamber should have. In any event, at least under present circumstances, indirect election would really only be relevant in respect of those regions which already have devolved institutions, i.e. Scotland, Wales, Northern Ireland and perhaps London. It could therefore only make a partial contribution to the composition of the second chamber and would be unfair to most of England. Further difficulties would probably arise from the fact that indirectly elected members would only be able to serve for the term of their sponsoring Parliament or Assembly.

Vocational/interest group representation

11.17 The consultation exercise showed that there was considerable interest in finding a way for various specified vocational or other interest groups to be represented in the second chamber. A number of ingenious schemes were presented to us.

11.18 We are sympathetic to the aims behind such proposals. In principle, any system which reliably identified leading figures from among the professions, the Chartered Institutes and a range of other vocational or interest groups should produce independent-minded people of some personal distinction. These people could be expected to have a range of expertise and experience from outside the world of politics and be broadly representative of British society in its various manifestations. Whether such people were appointed to the second chamber on an *ex officio* basis or elected through a variety of electoral colleges, they could reasonably claim a considerable degree of democratic legitimacy and authority.

11.19 However, further examination reveals serious practical obstacles to all such proposals.

11.20 Several proposals envisaged *ex officio* appointment to the second chamber of specified post holders in a range of organisations. One problem with this is illustrated by the fact that, of the dozens of lists of organisations put to us in evidence, no two were the same. It would probably be impossible to reach agreement on which sectors of society should be represented in the second chamber in this way, on the balance between the different sectors and on which organisations best represented them. Keeping abreast of changes in society and in the significance of particular organisations within the various sectors could also pose a problem. Any mechanism which required such assessments to be made would generate continued argument within and among professional, vocational and other interest groups as to which of them was most 'representative' of their sector of society. Several people suggested that a commission of some kind should be established to keep

³ In essence, we do not favour dual mandates; there would be a total mismatch between the responsibilities which the people concerned were elected to discharge and their role in the second chamber, which would open up a significant gap in accountability; it would exacerbate, rather than resolve, the West Lothian Question; and there would be a risk that members chosen in this way would act as delegates from those who appointed them to the second chamber rather than as representatives in the wider sense. These difficulties would arise in an even more acute form if members of the second chamber were elected or appointed by, rather than drawn from, the institutions concerned.

under review the representative mix and the allocation of seats to particular organisations; but if required to reach judgements about the balances to be struck between organisations (as distinct from individuals), its members would have a difficult and unenviable task.

11.21 A further difficulty is that it might not be appropriate to appoint particular office holders to the second chamber. Some offices rotate on an annual basis, which would give holders insufficient time to make any mark in the second chamber. Some offices might be honorary while others might be full-time executive posts, leaving the holders little time to devote to the work of the second chamber. In any case, the qualities which bring recognition within a profession or organisation might not necessarily be relevant to membership of the second chamber. A more fundamental concern is that such posts might often be in the gift of a small and unrepresentative clique within the organisation concerned. One way round that, which was put to us in evidence, would be to require the organisations in question to observe minimum standards of democracy in the appointment of their office holders. We felt this would be an unacceptable intrusion into the internal affairs of those organisations, quite apart from being impossible to police effectively. There would also be a risk of drawing the second chamber into disputes over the constitution of relevant organisations, for example in respect of how accessible they are to women or members of minority ethnic groups.

11.22 Other proposals in this general area envisaged the establishment of a series of electoral colleges where people from a particular profession would be able, on presenting some appropriate accreditation, to vote for someone to represent that profession in the second chamber. In some versions of this idea, a whole series of different sets of candidates might be available for electors to choose from: a person might choose to exercise her vote as a woman, selecting a candidate representing women's interests; as a member of an ethnic or religious minority; or as a member of a particular profession. These proposals suffer from two main problems. First, it would be virtually impossible to ensure that the initial selection of candidates to go on the various lists was carried out on a fair and open basis. It would be easy for small groups within particular professions or sectors of society to dominate and control the nomination process. Second, and more significantly, it would be difficult for individual voters to develop the ability to exercise a sensible choice. Apart from the members of a few small and tightly organised professions, most voters in any such system would be presented with choices between candidates they did not know anything about and with no way of assessing their positions on major public policy issues. Some of the proposals put to us would also be liable to confuse and overawe voters by giving them such a range of choice that there would be no realistic prospect of them being able to exercise a meaningful judgement.

11.23 A further serious objection to most of the proposals in this category is that they would risk disenfranchising those people, often the relatively disadvantaged, who do not belong to a recognised professional or vocational group.

11.24 An even more fundamental objection to all of the various proposals for vocational and interest group representation is that they assume that human beings are to be regarded as being merely the sum of their 'interests', usually defined in terms of their occupational, professional or other economic interests. But of course that is not so – and indeed might be regarded as embodying a demeaning view of human nature and the human condition. Lorry drivers are not merely lorry drivers. Nurses are not merely nurses. They are also mothers, fathers, sons, daughters, football fans, DIY enthusiasts,

gardeners, travellers and charity workers – and any one of these identities may well be more important to them than their identity as a lorry driver or nurse. No system of vocational or interest group representation is able to accommodate this fundamental fact.

11.25 All these points lead us to conclude that any formal system of vocational or interest group representation used to constitute the second chamber would run into insuperable practical obstacles as well as difficulties of principle. The objectives of those favouring this kind of approach could be more reliably delivered through the establishment of an appointments system which had a clear remit to secure the appointment of people broadly representative of British society in a variety of dimensions.

Random selection

11.26 A system of random selection might produce a microcosm of British society and thus achieve the target of a broadly representative second chamber which was gender-balanced and gave fair representation to all kinds of vocational, cultural, ethnic and other interests. However, even if the practical difficulties of enabling and persuading randomly selected individuals to take on the task of membership of the second chamber could be overcome, it would not deliver sufficient people with the specific personal qualities and expertise which would be desirable. Giving people the opportunity to put themselves forward for selection (as if entering a lottery) would undermine the whole concept of random selection without providing any significant additional reassurance that the people concerned would have the necessary qualities. Random selection would also be unlikely to secure members with sufficient individual or collective authority to challenge the Government and persuade the House of Commons to take the second chamber's concerns seriously.

Co-option

11.27 It was suggested by some, including the Democratic Audit, that the benefits of breadth of experience could be secured within a primarily elected second chamber by giving elected members authority to co-opt relevant experts to contribute to the work of the second chamber, either generally or in respect of particular Bills. This seems to us to represent the worst of both worlds. The directly elected element would bring all the disadvantages noted above; and, if the elected members and the political parties they represented were to control the co-option process, the nominated element could not claim to have been chosen on an independent and impartial basis. With two distinct categories of member, the chamber would be far from cohesive, with the views of the elected members likely to be overwhelmingly dominant. The proposal does not seem to us to offer any advantage over the current practice of appointing expert advisers to support the committee work of the present House of Lords.

An independent appointments system

11.28 We discuss the practical issues relating to the establishment and operation of an independent Appointments Commission in Chapter 13. At this stage we focus on the principle of an independent appointments system for the second chamber.

11.29 A genuinely independent appointments system, with appropriate terms of reference, ought to be able to ensure that the members of a reformed second chamber were broadly representative of British society. It would be an effective way to secure gender balance and an appropriate representation for ethnic, religious and other minorities. It could also ensure that different facets of life – cultural, sporting, the voluntary sector and so on – had a voice in the second chamber. Mechanisms could be established to ensure that any such system developed a good understanding of the whole range of professional and vocational organisations and interest groups and was in a position to identify people with appropriate experience and expertise who were likely to be able to make an effective contribution to the second chamber's work. An appointments system would be able, for example, to identify people who could support the functions of the second chamber in relation to constitutional matters and human rights. A continuation of the practice of appointing Law Lords to the second chamber would sit more easily alongside an appointments system, as would our proposals regarding the representation of religious faiths (see Chapter 15).

11.30 Above all, an appointments system independent of any political control would limit the influence of the political parties on the second chamber and provide the only sure way of securing a reasonable proportion of independent members to sit on the Cross Benches.

11.31 There are three possible disadvantages of an independent appointments system. First, it would have very substantial power which would need to be subject to appropriate safeguards and scrutiny. Second, there would be no voice for the electorate in the choice of members of the second chamber. Third, a centralised appointments system would not necessarily be good at identifying people to provide a regional voice in the second chamber. As we were told at our public hearing in Newcastle, people in the regions would not regard someone selected *for* their region by a London-based Appointments Commission as being an adequate substitute for someone selected *by* their region. (A possible way round this would be for an appointments system to establish regional panels, but that could give rise to concern that the circle of people in any one region who might be appointed to the panel or selected for appointment to the second chamber would become incestuous.) In any event, it would be necessary to find a way of determining the political balance in the second chamber. Without guidance, an independent appointments system would not be equipped to make the important political judgements which would be required.

Current arrangements for making appointments

11.32 Up to now the arrangements for appointing life peers have been somewhat haphazard. There is no system of inviting widespread nominations and assessing candidates through a hierarchy of expert assessment groups as there is for the honours system. In respect of 'working peers' the Government reaches an understanding with the other main parties in the House of Commons as to the number of nominations each is to make. The parties do not appear to have any systematic machinery for identifying appropriate candidates. Ministers, the Cabinet Secretary and other senior public servants may draw the Prime Minister's attention to deserving candidates. All nominations for life peerages are passed to the Political Honours Scrutiny Committee⁴ which receives information from the parties' Chief Whips about the individuals' political donations and may also have access to checks run by the Inland Revenue, the Security Service, the police and relevant

⁴ A Committee of Privy Counsellors set up in the 1920s following concern about the sale of honours.

Departments. The Committee may withhold its approval to a particular nomination on the grounds of propriety, but in practice only about 1 per cent of nominations are challenged (although the very existence of the Committee does presumably serve to inhibit potential abuse). The Prime Minister forwards the resulting list of nominations to the Queen.

11.33 In the White Paper *Modernising Parliament. Reforming the House of Lords*, the Government has set out its proposals for the handling of appointments to the interim House of Lords. These involve the establishment of an independent but non-statutory Appointments Commission which will be responsible for identifying suitable Cross Bench nominees and for vetting all party nominations (taking over the role of the Political Honours Scrutiny Committee). The Prime Minister will continue to be responsible for determining the numbers of nominations which each political party can make but he has committed himself to aiming for no more than parity of numbers as between Labour and the main Opposition party. He has also made clear that, save in wholly exceptional circumstances, he will not seek to exercise any influence over any nominations other than those from his own party. As to Cross Bench nominations, the White Paper says that the Appointments Commission “will operate an open and transparent nomination system for Cross Bench peers, both actively inviting public nominations and encouraging suitable bodies to make nominations. The general qualities being sought and the type of information required to support a nomination will be made public. It will seek to cast its net wider than the present system to achieve successful nominations”. These interim arrangements will clearly be an improvement over the previous arrangements for appointing life peers, but in our view they would be unsatisfactory as a long-term basis for securing appointments to the second chamber.

Cross Benchers

11.34 As we have noted before, there is widespread support for the preservation of a strong cadre of independent members in the second chamber. Chapter 10 explains why we agree that this is essential. In the present House of Lords the proportion of Cross Benchers (excluding the Lords of Appeal in Ordinary) is just under 20 per cent of the total membership.⁵ While in the past the attendance rate of Cross Benchers has been lower than that of party-affiliated members, Cross Benchers have regularly provided at least 10 per cent of the members present on a typical day. It is too early to say what pattern will develop in the interim House of Lords, but in our view at least 20 per cent of the members of the reformed second chamber⁶ should not be affiliated to any of the main political parties. This would be a large enough proportion to ensure that no single party could achieve a working majority in the second chamber. It would also be sufficient to encourage the political parties to present their cases in a relatively dispassionate way, designed to attract the Cross Benchers’ support.

Overall conclusions on principles of composition

11.35 Our recommendations on composition take account not only of all the points mentioned in this chapter and Chapter 10 but also of a number of the practical considerations which are dealt with in Chapter 12. We set out below our broad overall conclusions.

⁵ In addition the 26 Church of England bishops do not take a party whip.

⁶ Excluding the Lords of Appeal in Ordinary and any representatives of Christian denominations, but including members of smaller (e.g. regional) parties.

11.36 Our primary judgements are that we could *not* recommend:

- a wholly or largely directly elected second chamber;
- indirect election from the devolved institutions (or local government electoral colleges) or from among British MEPs;
- random selection; or
- co-option.

We were attracted by the principle of vocational or interest group representation but concluded that its objectives could more reliably be delivered through an independent appointments system. Overall, a genuinely independent appointments system seemed most likely to create a second chamber with most of the characteristics we were looking for; but by itself it would suffer from the disadvantages mentioned in paragraph 11.31. Our proposal for resolving these dilemmas is that an independent appointments system should be supplemented by an arrangement which would give the regional electorates a voice in the selection of members of the second chamber; these members would for the first time provide a voice in Parliament for the nations and regions of the United Kingdom. We also propose that the overall political balance in the second chamber should be determined by a simple formula. This would require the independent appointments system to ensure that the political balance within the reformed second chamber matches the overall balance of political opinion in the country as expressed in votes cast at the most recent general election.

Conclusion: We cannot recommend:

- a wholly or largely directly elected second chamber;
- indirect election from the devolved institutions (or local government electoral colleges) or from among British MEPs;
- random selection; or
- co-option.

Recommendation 69: Our broad overall recommendations on composition are that an independent appointments system should be supplemented by an arrangement which would give the regional electorate a voice in the selection of regional members and that the political balance in the reformed second chamber should match that of the country as expressed in votes cast at the most recent general election.

11.37 We acknowledge the importance of ensuring that all members of the new second chamber have equal status, whatever the basis of their membership of the chamber. We discuss the point further in Chapter 12.

11.38 In favouring an independent appointments system, we are building on the direction set by the Government in establishing an independent Appointments Commission to be responsible for appointments to the interim House of Lords. However, we consider that leaving the Prime Minister with the power to determine the political balance in the second chamber by deciding the number of nominations each party should make would

be inconsistent with the need to establish the reformed second chamber's independence and its freedom from undue political influence. We also see no reason why an Appointments Commission should be limited to the task of identifying suitable Cross Bench members of the second chamber. In our view, an Appointments Commission should have a far wider remit. It should be geared towards constructing a second chamber which would be broadly representative of British society as a whole and should be empowered to appoint members who happen to be affiliated to a political party but who have characteristics which justify their appointment on wider grounds.

11.39 Arising from that brief summary of the broad factors which influenced our conclusions, it may be helpful if we summarise our overall recommendations at this point.

Recommendation 70:

- An Appointments Commission, independent of the Prime Minister, Government and the political parties, should be responsible for all appointments to the second chamber.
- A significant minority of the members of the second chamber should be 'regional members'⁷ selected on a basis which directly reflects the balance of political opinion within the regional electorates, to provide a voice for the nations and regions of the United Kingdom.
- The Appointments Commission should ensure that at least 20 per cent of the members of the second chamber⁸ are not affiliated to one of the major parties.
- The Appointments Commission should exercise its own judgement in selecting appointees who are affiliated to political parties. It should of course have regard to nominations made by the political parties, which it would also vet for propriety.
- In making appointments, the Appointments Commission should be required to ensure that members of the second chamber are broadly representative of British society on a range of stated dimensions. They should possess a variety of expertise and experience and various specific qualities appropriate to the role and functions of the reformed second chamber.
- It should be under a statutory duty to ensure that a minimum of 30 per cent of new members of the second chamber should be women, and a minimum of 30 per cent men, with the aim of making steady progress towards gender balance in the chamber as a whole over time. It should also be required to use its best endeavours to ensure a level of representation for members of minority ethnic groups which is at least proportionate to their presence in the population as a whole. It should also play a role in ensuring appropriate representation for religious faiths (see Chapter 15).
- One of the tasks of the Appointments Commission in making appointments to the second chamber should be to achieve or maintain an overall balance among all those members affiliated to political parties (both regional members and directly appointed members) which matches the distribution of votes between the parties at the most recent general election.

⁷ From here on we use the term 'regional member' to include members drawn from Scotland, Wales and Northern Ireland as well as those drawn from the English regions.

⁸ Excluding the Lords of Appeal in Ordinary and any representatives of Christian denominations, but including members of smaller (e.g. regional) parties.

11.40 The last recommendation should be subject to a quota. It should only apply to parties which secure more than, say, 2 per cent of the total votes cast in a general election. The quota should be high enough to prevent a proliferation of minor parties staking a claim to membership of the second chamber on the basis that about 0.2 per cent of the vote should give them one seat in the second chamber. On the other hand, it should be low enough to ensure representation for political parties whose support is thinly spread. Parties which are strong in particular regions could well secure a ‘regional’ seat in the second chamber, but the quota should otherwise operate to secure fair representation for them.

11.41 The overall result should be a second chamber that is more democratic and more representative than the present House of Lords. It will be *more democratic* because the membership as a whole (excluding the Cross Benchers) will reflect the balance of political opinion within the country as expressed at the most recent general election and because the ‘regional’ members will be proportionally representative of political opinion within their respective regions. It will be *more representative*, because it will contain members from all parts of the country and from all walks of life, broadly equal numbers of men and women and representatives of all the country’s main ethnic and religious communities.

11.42 Chapter 12 makes further proposals and discusses a number of practical issues arising from these broad conclusions and Chapter 13 sets out our recommendations regarding the establishment and operation of an independent Appointments Commission.

