

**The House of Lords –
from a constitutional perspective,
a political one -
and a look at the Humanists’
stance on reform**

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So what's the problem then?

- The past decade has seen **prolonged battles involving Parliament, government and the courts over Brexit**, and repeated **questions over integrity and ethics** in government – leading to the UK having had 5 prime ministers in seven years.
- This period also included the pandemic, the government response to which placed **restrictions on personal freedoms not seen for generations**, if ever.
- Politicians have shown an increased willingness to **test constitutional boundaries** – seen most brazenly in proposals to break international law and by the executive repeatedly passing legislation on devolved matters without consent from their respective legislatures – **with political checks providing little impediment to this**.
- MPs, the media and the public have lacked sufficient understanding of the constitution to hold decision makers to account – **or maybe no sense of agency over this topic?**
- Most people agree that the state has some sort of a role **as the country's moral and cultural compass**. Any society needs to make decisions about the acceptability of various behaviours. Society's judgements about what is deemed acceptable or unacceptable will potentially reflect both people's sense of 'right' or 'wrong', and their view as to what constitutes 'normal' behaviour.
- However, people can disagree about whether particular behaviours are unacceptable and take a different view about how much a society should be attempting to police the behaviour of its members in the first place. **So our government and its legitimacy, do matter....and it's at an all time low.**

What's the point of a second chamber anyway?³

- The business of Parliament takes place in two Houses: the House of Commons and the House of Lords. They both make laws (legislation), check the work of the government (scrutiny), and debate current issues.
- Generally, the decisions made in one House have to be approved by the other.
- The two-chamber system acts as a check and balance for both Houses.

The Commons

- The Commons is publicly elected. The party with the largest number of members in the Commons forms the government.
- Members of the Commons (MPs) debate the big political issues of the day and proposals for new laws.
- The Commons alone is responsible for making decisions on financial Bills, such as proposed new taxes. The Lords can consider these Bills but cannot block or amend them.

The Lords

- The House of Lords is the second chamber of the UK Parliament. It is independent from, and complements the work of, the elected House of Commons.
- The Lords shares the task of making and shaping laws and checking and challenging the work of the government.

What goes on elsewhere?

- There are about 185 Legislatures in the world, and **about half of them have an upper chamber.**
- **Iran** – not counted as a democracy, has the Islamic Consultative Assembly has 290 representatives, with 5 seats reserved for religious minorities (1.7% of the total members), with two for the Armenians and one each for the Assyrians, Jews and Zoroastrians. MPs are popularly elected for four-year terms. About 8% of the Parliament are women.
- The Islamic Consultative Assembly holds the authority to legislate laws on all matters within the boundaries defined by the Constitution. Nevertheless, it is restricted from enacting laws that contradict the fundamental principles of the official religion of the nation (Islam) or the Constitution itself. They have a second chamber called the Guardian Council.
- **It must review the legislation to ensure its compatibility with Islamic criteria and the Constitution. If any incompatibility is identified, the legislation is returned to the Assembly for further review. That Council is an unelected body,**
- **Wikipedia says that it disqualifies all candidates it deems insufficiently loyal to the clerical establishment**
- **Isle of Man** - recent calls to remove the Bishop of Man and Sodor from the House of Keys have been heard: the Manx parliament is the only *democratic* assembly on earth, besides the UK Parliament, where Anglican bishops sit or vote as of right.
- **Scotland** – unicameral **Israel** – unicameral but multi-party – using the Party List system
- **India** – Council of States: (233 members are elected by the [legislative assemblies](#) of the States/Union territories, 12 members are nominated by the President)
- **Australia** – Senate – single transferable vote by state/territory
- **America** – Senate - Depends on the state, mainly [First-past-the-post voting](#). One-third of the Senate goes up for election every two years.

How do the Lords and Commons work together?

- The relationship between the two Houses here, is governed **by convention**.
- Peers have exercised considerable self-restraint in choosing to defer to the primary chamber, particularly on issues to which the *Salisbury Convention* applies (the convention that the House of Lords will not block a bill that was set out in the governing party's manifesto). Some argued that they overstepped the Salisbury Convention with their amendments to the European Union (Withdrawal) Act 2018.
- In 1900, the House of Lords still retained a complete veto over legislation. This was ended by the 1911 Parliament Act, which the Liberal government passed after a showdown with the Conservative-dominated chamber over a budget.
- But Peers can still significantly delay the government's agenda. The House of Lords rarely exercises its existing power to delay to the full extent. The last time the Parliament Acts were used was in 2004, on the Hunting Act.
- Even so, its activities, such as amendments to bills, are often characterised as undemocratic and illegitimate, and are met with calls for reform. What's been happening in Parliament last week over the Safety of Rwanda Bill is an example of 'ping pong' and Rishi Sunak has said patience will run out **tomorrow** – but it's not clear what he's planning...

Ping Pong....

- Each House considers the other's amendments. When a Bill has passed through third reading in both Houses it is returned to the first House (where it started) **for the second House's amendments (proposals for change) to be considered.**
- Both Houses must agree on the exact wording of the Bill.
- **There is no set time period between the third reading of a Bill and consideration of any Commons or Lords amendments.**
- 'Ping Pong' - If the Commons makes amendments to the Bill, the Lords must consider them and either agree or disagree to the amendments or make alternative proposals.
- If the Lords disagrees with any Commons amendments, or makes alternative proposals, then the Bill is sent back to the Commons.
- A Bill may go back and forth between each House ('Ping Pong') until both Houses reach agreement.
- Once the Commons and Lords agree on the final version of the Bill, it can receive Royal Assent and become an Act of Parliament (the proposals of the Bill now become law).
- In exceptional cases, when the two Houses do not reach agreement, the Bill falls.
- If certain conditions are met, the Commons can use the **Parliament Acts** to pass the Bill, without the consent of the Lords, in the following session.
- Though rarely used, they are a key source of the elected House of Commons' legislative primacy over the Lords.

Regarding the Rwanda Bill – depending on one's stance, one might say that the Lords are doing what they do, *well!*

- The Safety of Rwanda (Asylum and Immigration) Bill returned to the House of Lords for consideration of Commons amendments on Wednesday 17 April.
- Members of the Lords then considered changes made to the Bill by the Commons for a third time.
- Lords members voted to reinstate clauses *removed* by MPs on:
 - Exemptions for UK allies overseas.
 - Ratification of Rwanda as a safe country.
- The bill now returns to the House of Commons for further consideration of Lords changes on Monday 22 April.
- If MPs return the bill to the House of Lords once more, it is expected that Lords members will discuss the bill again later that same day.
- The aim of the Bill is to confirm Rwanda as a safe third country, regardless of the facts, for the removal of people entering the UK under new immigration laws, and to deter migration by unsafe and illegal routes.

Does the fact that it's election time scupper use of the Parliament Acts?

- The Lords' power to veto any bill was reduced to a power only to delay it by up to two parliamentary sessions. Several decades later, the 1949 Parliament Act reduced the Lords' power of delay **to one year over most bills.**
- The conditions that must be met to use the mechanism cannot be fulfilled at this point in the electoral cycle for the Rwanda Bill.
- **The circumstances in which the Parliament Acts can be used apply regardless of whether there is a general election held in between the two successive parliamentary sessions in which a bill is passed by the Commons.**
- It is set out in law that the current parliament must dissolve no later than the beginning of 17th December 2024, ahead of the next general election. This timing means the government will not be able to use the Parliament Act(s) to force through this legislation
- **The government could choose to end this session at any point and hold another session before the next election, but this would have knock-on effects for the rest of its legislative agenda and could make it unable to pass its other bills.**
- The second timing requirement for using the Parliament Act(s) is that at least one year must have elapsed between second reading in the Commons in the first of the two sessions and the date it passes the Commons in the second session, and the bill must be sent to the Lords at least one month before the end of the second session.
- But politically, unless the Conservatives win, any changes in the Commons or in the government that are caused by an election could lead to a decision being taken to change or not continue with a particular bill.

The big issues with those Lords!

- **Age:** (the average age among current Lords members is 71).
 - This makes for a **narrow kind of expertise**: many members arrive with substantial experience in various professions, but the largest professional grouping comprises members with a former background in politics (many are former MPs), while a detailed study in 2009 found that the legal professions, business and finance, and academia were also fairly well represented.
- **Size:** over 800!
 - In the House of Commons there is seating for only 427 of around 650 MPs. In the House of Lords there is a similar number of seats but over 800 members now. Once those on leave of absence are included, the current House of Lords exceeds 820 members. It is the second-largest legislative chamber in the world behind China's rubber-stamp National People's Congress.
- **Political thank yous by way of Honours Lists and life peerages:** these have led to 175 Labour peers, 265 on the Conservative benches, 84 Lib Dems, a few Greens and Northern Ireland parties and 183 crossbenchers.
 - Only two non-party independent peers can be added each year but roughly a quarter of the members of the chamber are independent 'Crossbenchers' who deliberately take no party whip, and organise as a non-party group. Various others are unaffiliated.
 - Both the majority of life peers, and the majority of hereditary peers **sit for political parties**. But because of the cross benchers, there is no an automatic majority there.
- **Hereditary Peers and the Lords Spiritual:** – more on them later!

Public Opinion about the Lords is largely ignored

- **A 2021 survey has shown that the British public is against the House of Lords continuing to have places for Church of England bishops by more than three to one.** The poll found that 53% of adults favour removing the bishops, with only 16% favouring keeping them. The result was consistent across supporters of the three biggest political parties.
- In a 2023 YouGov survey, 66% of the people surveyed lacked confidence in the House of Lords – and 35% of those said they had no confidence in the House at all.
- Politicians, unlike the public, tend to neglect the issues thrown up by the problems in the Lords. Perhaps very few people know about the detailed work of the House as a revising and scrutinising body. The media focus on the individuals who form it and the process by which they join the House. Humanists UK say it is hypocritical to expect equality and non-discrimination from the public if it is not practiced by Parliament itself.
- When given some information, people have been polled and then ranked in order of those factors deemed very important, (third) **having Members who are experts in their field**; second was the House **considering legislation carefully**; and the one that came top was **trust in the appointments process**. More than three-quarters of those surveyed thought the last point was very important; when combined with those who thought it was fairly important, **the figure rose to 95%**.
- Public opinion is firmly opposed to an automatic right to **seats for any religious representatives**. 62% take this view while only 8% support the present position and 12% want other religions represented.
- The Bishops Act 1878 and the Lords Spiritual (Women) Act 2015 would have to be repealed, thereby removing the automatic right of the various bishops and Archbishops to sit in the House of Lords.

the nation's finest thinktank?

- 66 years ago, the first life peers were announced following the passage of the Life Peerages Act 1958, paving the way for House of Lords members from a range of backgrounds, including the first women.
- It transformed the Upper House from a largely moribund institution, with a daily attendance of 100 peers or fewer.
- It delivered an injection of fresh blood and intellectual vigour, in the form of peers appointed for their expertise in the realms of politics or business or science or the arts.
- Fewer than one-third of members are women and only one in 14 comes from an ethnic minority background.
- There are doctors, nurses, soldiers, technology experts, entrepreneurs, scientists, writers, judges, lawyers and police officers.
- Some members are chosen from communities for making a difference through involvement with charitable, voluntary and civil society organisations.

The *upside* - Lords select committees 12

- The House of Lords committees investigate public policy, proposed laws and government activity. Committees are small groups of members (usually 12 in total) who meet outside the chamber and are appointed to consider specific policy areas.
- The House decides which members sit on each committee. The number in a committee varies, from about 10 to 18. Typically a committee of 12 members would be made up of four Conservative, four Labour, two Liberal Democrat and two Crossbench members.
- It means that members of the Lords can
 - investigate public policy and government activity in detail and report findings of the House
 - build up further expertise in a particular policy area
 - look at broad, long-term issues and produce in-depth reports on findings
 - provoke discussion outside Parliament and make recommendations to government.
- Everyone can watch committees at work. Entry to watch meetings is free and meetings are broadcast online at parliamentlive.tv.
- One can subscribe to a Lords' newsletter <https://mailchi.mp/parliament.uk/dm200izlud>
- Committees can conduct short, narrowly focused investigations or investigate broad, long-term issues. Committees normally publish reports on their findings.

Political and gender make-up of the hereditary peers

All hereditary peers in the House are men at present. This “skews the gender balance” of the chamber, which is “impossible to justify in a modern legislature”. There are 90 peerages that can descend to women. To date, no government proposals on this issue have been forthcoming. Less than 1/3 of all peers are women.

When a hereditary peer retires or dies they are not replaced automatically by their own descendant, but by a candidate from a wider pool of hereditary peers, who is chosen through a ‘by-election’ in which the voters are members of the House of Lords.

Hereditary peers elected to the Lords in the by election are not subject to propriety or suitability checks, unlike those nominated for life peerages who are subject to vetting on propriety.

The vast majority of the House of Lords members take a political whip just like in the Commons. 47 of the current 92 *hereditary* peers are Conservatives, while just four sit on the Labour benches and four sit on the Liberal Democrat benches.

The attendance records show **nearly half of the Lords often don’t turn up at all**, but of those who do, partisan peers are disproportionately represented and vote far more regularly than crossbenchers. So as the Electoral Reform Society have documented, the Lords is anything but ‘free from political influence’

Notable low points, regarding political thank yous...

- In 2020 Johnson was accused of crony-ism after he gave a peerage to a former Conservative party co-treasurer **Peter Cruddas** in defiance of advice from the Lords Appointments Commission.
- He made a number of other controversial appointments, including his brother, and his friend Evgeny Lebedev, who owns the Evening Standard.
- After a large clutch of 26 were nominated, the Lord Speaker said this: “This list of new peers marks a lost opportunity to reduce numbers in the House of Lords. The result will be that the house will soon be nearly 830 strong – almost 200 greater than the House of Commons. That is a massive policy U-turn.
- Then there’s **Michelle Mone, Jeffrey Archer, Ian Botham and James “VIP lane” Bethell**. . And if the peerage given to **Charlotte Owen** doesn’t stir Labour from its torpor, nothing will – at 29, the youngest life peer in history.
- Liz Truss was given the privilege of choosing three new lawmakers for the House of Lords: **Matthew Elliott**, who helped set up the Vote Leave campaign; **Jon Moynihan**, a businessman, party donor and chair of Vote Leave; and **Ruth Porter**, her former deputy chief of staff.
- Moynihan has given about £700,000 to the Conservatives, Vote Leave and Truss’s own leadership campaign, altogether.
- A strengthened appointments commission whose advice was binding on prime ministers could achieve an end to this. A proposal for such a change is available in the form of [Lord Norton’s private member’s bill](#).

The House of Lords Appointments Commission

- Life peerages are conferred by the sovereign on the advice of the prime minister in their capacity as the monarch's most senior adviser.
- HOLAC, established as an independent, advisory, non-departmental public body in 2000, vets nominees for new life peerages for propriety.
- However, prime ministers may disregard commission advice that a political end-of-office nominee does not meet the propriety criteria if they choose to do so.
- It interprets propriety, in this context, to mean:
 - An individual should be in good standing in the community in general and with the public regulatory authorities in particular.
 - The past conduct of a nominee would not reasonably be regarded as bringing the House of Lords into disrepute.
- The commission's other main function is to recommend individuals to the prime minister for appointment as **non-party political (crossbench)** life peers.
- As at late July 2022, the commission's recommendations had led to about 74 appointments.
- Unlike bodies such as the National Audit Office, the Electoral Commission and the Judicial Appointments Commission, HOLAC's mandate and functions **are not currently set out in legislation.**

What's wrong with the Appointments Commission?¹⁶

- Whereas there is no limit on prime ministerial nominations, the Commission is limited in the number it can put forward. A determined Prime Minister can not only ignore its advice but, if he or she chooses, disband it.
- The new bill proposed by Lord Norton would put HOLAC on a statutory basis.
- Proposals to strengthen HOLAC include imposing **an obligation on the Prime Minister to “have regard” to three principles that are widely supported in the Lords** to protect core features of the House that enable it to fulfil its functions effectively.
 - The first is that at least 20% of the membership **should be independent of any political party—in other words, cross-bench Peers.**
 - The second is that **no one party should have an absolute majority of seats in the House.**
 - The third is that the **membership of the House of Lords should be no larger than that of the House of Commons.**
- It would also strengthen HOLAC's role by requiring the prime minister **to wait until the commission had advised on whether a nominated individual met specified criteria before recommending them for a life peerage.** The principal criteria would be “conspicuous merit” and a “willingness and capacity to contribute to the work of the House of Lords”.
- **The Humanists will separately contend that HOLAC should avoid any custom or practice of awarding peerages to individuals by virtue of being representatives of any religion or denomination,** including awarding life peerages to former archbishops, and appoint religious leaders only on merit in the same way as for everyone else.

Religiosity is waning across the UK, which fuels the call for getting rid of the Bishops

- In the 2019 British Social Attitudes report (BSA), a continuation of one of the most important trends in post-war history: **the steady decline in religion and belief among the British public.**
- In 1983, when British Social Attitudes began measuring religious identity, two-thirds of the British public identified as Christian.
- This figure now stands at less than one third (38%) with over 50% of the public saying they do not regard themselves as belonging to any religion.
- Two non-religious parents will successfully transmit their lack of religion to their children, whereas two religious parents have just a 50/50 chance of passing on the faith.
- The non-religious are confidently atheist, with a quarter of the public now stating “I do not believe in God” compared to just 10% in 1998.
- Over the past two decades the proportion saying that they are “very or extremely non-religious” has more than doubled (from 14% to 33%), while, at the same time, the proportion saying they are “very or extremely religious” has remained stable.
- As our society has become more secular, the role of religious institutions and religious identities in determining our moral and social norms has weakened. Other worldviews, such as scientific rationalism, and liberal individualism now play a more significant part in British society, shaping how we understand the world, make decisions and relate to each other.
- This was before Covid, mind you! But I don't think that the most recent BSA *covered* religion.

Institutional religious peers

- The Archbishops of Canterbury and York, the Bishops of London, Winchester, and Durham, and (subject to current temporary arrangements for accelerating the appointment of women bishops to the House) the next 21 most senior (by length of appointment) diocesan bishops sit in the House of Lords ex-officio
- Many people - and not just Humanists - clearly consider formal representation of the Church of England in the chamber to be anathema.
- But there have been few active attempts in recent years to end this representation. The Royal Commission and various government white papers from 2001 to 2011 did propose a reduction in the number of bishops in the Lords (mostly from 26 to 16, which the Church of England appears to have accepted in principle).
- Achieving change in this area would also require legislation, but this is a complex question bound up with the broader constitutional status of the Church of England. This means that it would almost certainly spark more controversy outside Parliament than the removal of the hereditary peers.

What do these Bishops DO?

- Bishops actively engage in the work of the House, speaking, voting, and serving on committees like other peers.
- A ‘Duty Bishop’ is always present, ensuring that the interests of the Church of England are consistently represented.
- They do not fulfil a purely formal or ceremonial role, but play an active role in making and influencing our law.
- The Lords Spiritual are exempted from the portions of the Code of Conduct of the Lords that forbid paid advice/services/advocacy, to enable them to advocate on behalf of the Church of England.
- Bishops in any case represent only *England*, leaving Scotland, Wales and Northern Ireland unrepresented.

The Bishops' *influence*...even though very few attend

- They have routine access to Government ministers and easy access to officials, granting them a degree of largely hidden influence of which they appear to take full advantage.
- Firstly this occurs because they are parliamentarians and all parliamentarians get some degree of such access. It's true to say that because of the geographical element they have the nearest thing to a 'constituency'!
- The second is because they are **recognised by officials as a party grouping**. It is Parliamentary practice to consult with peers on draft bills and because the bishops are considered their own party, they also get a separate meeting with the bill-makers. Through this mechanism, bishops enjoy yet more influence over the content of British laws.
- Lords Spiritual also enjoy privileges in debates over and above those afforded to other peers. Convention dictates that if a Lord Spiritual stands to speak during a debate and no other member is speaking, the bishop must be given precedence and allowed to speak. If another member is speaking, they must stop and allow the bishop to interrupt.
- The House itself that decides who should speak next, for example by calling out 'bishop' repeatedly until other members have given way. This guarantees not only that the bishops are heard but that they are able to intervene when they wish.

Interesting facts about Bishops' voting patterns

- The votes of eight bishops ensured the removal of a clause from the Equality Act 2010 about employment equality, thereby establishing wider religious exemptions from its provisions and **directly benefiting the Church of England.**
- Second, the votes of three bishops ensured the defeat of an amendment to the Education and Adoption Act 2016. The Act provides that if a maintained school is failing, then the Secretary of State must convert it to an Academy. The clause would have made that power discretionary. The Church of England has more control over its schools when they are academies than when they are maintained, **so again has benefited significantly from the defeat of this amendment.**
- **In terms of general voting patterns, Humanists' analysis finds that from 1998 to 2016, the bishops generally voted against the Government of the day, with the only exceptions being the 1999-2001 parliamentary sessions. Is that good – or bad?**
- The bishops voted most frequently against the 2010-15 Coalition Government, followed closely by the 2015-16 Cameron Government, but also voted most of the time against the Blair and Brown Governments. When Labour was in power, the bishops voted against the Labour majority 56% of the time. When the Coalition was in power, they voted against the Coalition majority 77% of the time. Humanists UK say that **while the House of Lords does of course have an important role to play in providing a check on the Commons, this does suggest that the bishops' votes are generally against the democratic bent.**
- **No bad thing, if you have a dim view of the House of Commons, I would have to say!!!**

The arrangements for a CoE Chaplain and prayers

- The speaker of the House of Commons is empowered to appoint a Church of England chaplain to:
 - conduct daily prayers in the Chamber of the House
 - conduct a weekly Eucharistic service in the chapel
 - conduct weddings, marriage blessings and baptisms of members
 - be responsible for the pastoral care of both members and staff of the Palace of Westminster.
- In 2010 it was reported that the Speaker supported there instead being a multi-faith team of chaplains rather than just the present one, but for unknown reasons that has not happened.
- This Chaplain opens proceedings each day in the Commons by leading prayers. The Duty Bishop does it in the Lords.
- Humanists UK points out that by attending prayers, MPs are able to reserve a particular seat for themselves for the rest of the day, putting those who won't attend prayers at a disadvantage. This relic has practical impacts today.
- This practice fundamentally disadvantages conscientious members who do not wish to participate in prayers, and by extension their constituents, who have democratically elected them to represent them and have just as much right to have their MP speak in the most important debates as all other UK citizens. Prayers could instead be held elsewhere (e.g. in the chapel or one of the larger committee rooms) for those MPs and peers who want them.
- Parliament governs the Church – through its approval of Church measures, through the ecclesiastical committee, and through questions in the House of Commons.

Are prayers said in other legislatures of the UK?

- The Westminster Parliament is the only national legislature in the UK to have prayers.
- In **Scotland**, the Parliament has a weekly 'time for reflection', and who delivers it rotates between different religious groups and humanists. These have, in practice, been **disproportionately Christian** – 73 of the 101 times for reflection in the 2016-19 parliamentary sessions were Christian, while just 7 were humanist – so further work is needed to better reflect local demographics.
- The Northern Ireland Assembly did start each day with two minutes of silent reflection. This is known as 'prayers', but name aside, it was fully inclusive.
- The Welsh and London Assemblies have no equivalent procedures.
- The Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly, and London Assembly don't have any state-recognised chaplains or any chapels. In the Scottish Parliament there is a 'contemplation/prayer room', and the same is true in the National Assembly for Wales. The UK Parliament already has a 'Multi-Faith Prayer Room' in addition to the chapel.
- Humanists UK say that if prayers continue at all, then each House of Parliament should at the next opportunity revise its standing orders to ensure that those who do attend prayers do not get privileged access to seats in the chamber during any subsequent debates.

Humanists UK's Stance

- Humanists UK's stance is clear: these automatic Lords Spiritual seats are incompatible with a modern, plural society.
- Over half the UK identifies as non-religious, **yet 26 seats are granted to a single religious organisation**, resembling a party without electoral mandate.
- The only two sovereign states to award clerics of the established religion votes in their legislatures are the UK and the Islamic Republic of Iran.
- Given that the presence of unelected clerics of any kind in Parliament is inherently undemocratic and unrepresentative, and no good reasons in Humanists UK's view have ever been made for protecting the current arrangement, it seems like something that should feature more prominently in the UK debate on constitutional reform, including in the run-up to a general election.
- The last time the public was consulted on reform of the House of Lords, the largest single issue that citizens submitted to the deputy prime minister's consultation **was the presence of unelected bishops**.
- Humanists still need to urge all political parties to make support for a more secular approach to governance part of their election promises.

Is there any justification for keeping bishops as far ²⁵ as Humanists UK is concerned?

- Arguments fall into two categories, citing either their purported moral expertise or tradition and cultural inheritance.
- Humanists think that those arguments cannot justify ongoing privilege for one denomination of one religion in the legislature, especially against the background of an increasingly diverse and non-religious population.
- The implication is that the bishops are uniquely qualified to provide a moral dimension in debates, which is plainly not true. It is out of step with the understanding of the British public today and frankly insulting to those of other religions or beliefs or no beliefs.
- People from many walks of life and from many religions and none are at least equally qualified if not more so – for example, moral philosophers and experts in medical ethics.
- ‘Bishops may not necessarily even represent the views of Anglicans. The views of the bishops may in fact be controversial and rejected by a clear majority of people in the UK with equally sincerely held convictions – even by a majority of those who define themselves as Protestants.
- A pertinent example is the [then] recent vote on the Assisted Dying for the Terminally Ill Bill, where polls show **that 81% of protestants ‘think that a person who is suffering unbearably from a terminal illness should be allowed by law to receive medical help to die, if that is what they want’ but the bishops opposed the Bill.**

What became of previous efforts to reform the Lords?

- In 1999, Tony Blair axed more than 660 hereditary peers from the House of Lords, which had numbered 1,330 legislators.
- But it is said by critics that it has become traditional among Labour politicians...
 - To make democratic noises about Lords abolition, then
 - decide that priorities and other complications alas make it too hasty to attempt changing an institution that is less than 30% female and includes 92 hereditary peers
- In 2012, David Miliband actually opposed a timetable for reform.
- In recent years, former Labour chief whip, Lord Grocott, has pursued reform about hereditary peers in bills across five different parliamentary sessions, but without success.
- The government has not backed this proposal, leaving Grocott's bill prey to repeated procedural blocking by a small group of peers – despite widespread support among most members of the House of Lords.
- Labour has defended its plan to appoint dozens of peers to the House of Lords if it wins the next election, despite promising to abolish the upper chamber altogether
- But a Labour Lords spokesperson has said **Not on Day One!**

- The last big attempt to reform the Lords came under the coalition government led by David Cameron.
- Nick Clegg, the Liberal Democrat leader and deputy prime minister, eventually had to abandon the plan after a Tory rebellion. His proposals would have seen 80% of peers elected and the total number of members cut to 450.
- 91 Conservative MPs defied a three line whip to vote against the measure. Apparently David Cameron was furious but it was too late.
- An alliance of Labour MPs and Tory rebels prompted David Cameron to conclude he had no option other than to abandon a vote on a "programme motion" that would have set a timetable for the bill.
- The move effectively stopped the bill in its tracks because the programme motion contained a provision to send it to its next stage – consideration on the floor of the Commons at committee stage.
- So Labour's approach, for a two stage approach achieved far more than the subsequent 'all or nothing' reform attempt by Nick Clegg.

Labour's stance in recent years

- Keir Starmer in 2022: I will abolish House of Lords to 'restore trust in politics'. At this point Labour was planning a new elected chamber after accusing successive Conservative governments of handing peerages to 'lackeys and donors'.
- He wanted to strip politicians of the power to make appointments to the Lords as part of the first-term programme of a Labour government.
- He outlined "some very clear principles" for reform, including that any new chamber should be elected by voters rather than appointed by politicians.
- He added that it should be "truly representative" of the UK's nations and regions, meaning it should have a clear role in safeguarding devolution.
- However, he also said that his proposals would ensure it should not replace any of the functions of the House of Commons, remaining a second chamber charged with amending and scrutinising legislation.
- **The press has more recently had a go about plans to flood the Lords with Labour Lords. Starmer said it is needed to get wider economic reform through,** because the Lords is Conservative-heavy – that party has more than 100 more than Labour.
- Labour has scaled back on the abolition pledge, at least for the first term.
- A fully elected second chamber would remain a long-term goal, while it would seek to possibly get rid of the 90 or so remaining hereditary peers in a first term. In its first few years the party also hopes to increase the powers of the body that oversees appointments to prevent inappropriate people being given peerages.
- The Bishops do not appear to be on the list of priorities...

Gordon Brown's constitutional review

[A New Britain: Renewing our Democracy and Rebuilding our Economy](#)

- The constitutional review by the former prime minister, Gordon Brown, recommends devolving new economic powers, including over taxation and maybe stamp duty, and creating new independent councils of the nations and for England.
- **The House of Lords would be reformed as an assembly of regions and nations, with a remit of safeguarding the constitution and with power to refer the government to the supreme court.**
- There could be powers for local people to promote bills in Parliament via democratically elected bodies.
- There would be
 - A constitutional guarantee of social and economic rights.
 - Local and devolved authorities given a minimum of three years' funding to give them certainty for longer-term planning.
 - Powers for mayors on education, transport and research funding.
 - A jury of ordinary citizens – selected by ballot – to rule on complaints against MPs and ministers via a new integrity and ethics commission.
- Banning most second jobs for MPs, has already been announced in 2021 as well as new codes of conduct to replace the ministerial code, and giving the electoral commission the power to hand out larger fines.

Recent Polling...

- The public strongly share some of the concerns from the Brown Review – **with only 3% supporting the status quo position of no cap on the size of the House of Lords, and only 6% believing that the prime minister (rather than an independent commission) should be responsible for appointments.**
- A House of Citizens topped the [YouGov public poll](#) that asked what should replace the House of Lords.
- An [OECD study](#) found that one of the beliefs associated with high trust in the courts and legal system (and perhaps therefore citizens' assemblies) is that they're perceived as being able to make decisions ***free*** from political influence.
- An election is coming. While public appetite for a more democratic and representative system grows with surveys pointing towards a desire for secular government, political promises remain muted.
- Labour's past support for proposals like a Senate of Nations and Regions might be seen to indicate an appetite for reform, but it is still unclear if this commitment will make it to print when election time comes around, or how prominently it would feature in their domestic agenda should they come to power.
- Other parties, like the Greens, the SNP, and the Lib Dems, favour reforming or replacing the House of Lords as a matter of party policy. **The common thread in these proposals is a push towards a more democratic and representative Parliament**, and to better reflect the diverse and evolving nature of British society.

What is currently likely to happen:

- The Labour Party's **last** manifesto of 2017, stated:
 - ‘Our fundamental belief is that the Second Chamber should be democratically elected. In the interim period, we will seek to end the hereditary principle and reduce the size of the current House of Lords as part of a wider package of constitutional reform to address the growing democratic deficit across Britain.’
- Labour plans to swiftly abolish all hereditary peers in the UK House of Lords in its first term in power - but will allow those ousted to retain access to the Palace of Westminster as a sweetener, according to party insiders. The ‘best club in London’ will still be serving gin to hereditary peers....
- A wave of new Labour “life peerages” are expected after the end of this parliament. Removing the existing 92 hereditary peers (rather than just to end the byelections) could both rebalance and slim the chamber, reducing the Conservatives to around 215 seats to Labour’s 170 in a chamber of approximately 692 (based on current numbers). Crossbench numbers would also reduce to about 150 (22% of the chamber overall).
- It is likely that if Labour takes office, a number of the party’s peers would retire, safe in the knowledge that they would be replaced like for like (without this knowledge, various elderly Labour peers are currently reluctant to retire). Replacing such members would refresh the party’s benches, but still leave it significantly disadvantaged, politically.
- A one-off appointment of 20–30 additional Labour members (beyond like for-like replacements) could then bring numbers sufficiently into line to allow a new appointments formula, based on ‘two out, one in’ to begin to operate.
- A Labour government would not block the Tories from using some of their quota to retain some of those hereditary peers as legislators, according to party insiders. So that’s a deal, then...

Slow is good – the latest analysis

- “In practice,” Meg Russell says, “small reforms occasionally succeed, but large reforms invariably fail, in significant part, due to disagreements on the government benches.”
- Now, thanks to Johnson’s, and Truss’s list, Labour could surely expect widespread support for a commitment to promptly purge hereditaries (thereby immediately losing scores of the imbalance of Conservatives), along with a pledge to reduce the house’s size using, as Russell suggests, “a proportionality formula”.
- This, she says, would mean “party groups themselves could evict their least effective members, which might well include some of those who are most controversial – such as party donors who make little practical contribution to the work of the chamber.”
- Such a reduction might also, from the peers’ point of view, postpone scrutiny of what is *defined* by “attendance” for an attendance allowance of £342 a day.

A more radical alternative discussed by Meg Russell

- A more radical alternative would be for Labour to include within its short-term bill a requirement for the size of the chamber **to immediately reduce to 600 or 650 members, through each group shedding members in line with a proportionality formula.**
- This should not only be based on the most recent general election, but also take into account several past elections – to mimic what would have occurred had an election based proportionality formula been in use for some time.
- If groups were to be reduced on a compulsory basis, the most obvious means for identifying candidates for removal would be internal party elections, of the kind used in 1999 to reduce the number of hereditary peers.
- Should Labour be tempted to take such a route, it would be advisable to begin cross-party talks in the House of Lords soon on the appropriate formula and numbers, to minimise arguments and ease the passage of the eventual bill.
- **Indeed, successful cross-party talks might even result in an agreed package of voluntary retirements across different groups,** without the need for statutory change.
- Sounds incredibly naïve to me!!

Returning to the Humanists' viewpoint

- Major ongoing demographic shifts and vastly changed public attitudes towards religion in politics means there is no time to waste on pursuing constitutional reform. Policymakers are surely already alive to the demographic time-bomb facing churches – with fewer than 1% of young adults identifying as Anglican in recent British Social Attitudes Surveys.
- The growing gap between a truly representative politics and the situation we have now will inevitably mean the issue will become more and more unsustainable.
- Humanists UK believes that between 2002 and 2018, the votes of the Lords Spiritual directly changed the outcome of nine votes, a number which rises to twelve when ex-bishops are included.
- The incompatibility of automatic seats for Church of England bishops with the modern UK is emphasised by the high-profile and divisive discussions over same-sex marriage.
 - Church of England bishops continued to oppose marriage equality, demonstrating how Church of England tenets discriminate against LGBT+ Christians.
 - As another example, in a recent debate on a bill for inclusive RE that gained cross-party support, it was only a bishop who spoke out against it.
- Either way, for Humanists UK, the general election offers a real opportunity for humanists to rally around the idea of a better way of doing politics, and to make the case for sensible reforms to politicians at a time when they're unusually keen to listen. It says a good place to start is with writing to your prospective parliamentary candidates – incumbent and opposition – to ask after their views.

Meg Russell's paper – March 2023

<https://www.ucl.ac.uk/constitution-unit/news/2023/mar/launch-new-report-house-lords-reform-navigating-obstacles>

- The report argues that the Brown commission's proposals require significant further development and are likely to face challenge and resistance – including inside the House of Commons and the governing party.
- There are small-scale changes which could be made immediately to improve the House of Lords. Like successful small-scale changes in the past, all of these have been under discussion for a long time, and would target the chamber's most obviously controversial elements. The priorities are:
 - a size cap of no larger than the House of Commons
 - a proportionality formula for sharing out new appointments
 - greater vetting of new party political peers
 - a role for the House of Lords Appointments Commission in overseeing the whole system.
- All of these changes could initially be made without legislation, so could potentially be achieved by the current prime minister, straight away, or by a new prime minister immediately after a general election. The ones that need legislation for which there is believed to be widespread support, are
 - Giving the House of Lords Appointments Commission new powers to vet party political peers and oversee the size of the chamber.
 - Introducing legislation to deal with the hereditary peers, to either end the by-elections or, more radically, remove these members altogether.

More radical suggestions and why ... from the Democracy Network

- **“Only a House of Citizens will restore trust in politics, a permanent, rolling citizens’ assembly”.**
- A [House of Citizens](#) would be a second chamber made up of around 300 people who reflect the broad makeup of our country.
- It would be made up of people from all walks of life: tradespeople, carers, shopkeepers, nurses, doctors, artists, teachers and business people and paid the same as MPs.
- Labour is wrong to believe that an elected second chamber would improve matters. In fact, arguably it risks making things worse. Other countries with an elected second chamber: Japan, South Africa, Brazil and the United States are amongst those with the lowest trust in government in the world.
- It hardly guarantees integrity in parliament if, as Martyn Rush has written, “a US senator can be bought just as surely as a peerage can be sold.”
- Trust in the court system to act in our best interests far supersedes trust in the civil service or parliament
- More fundamentally, we have to acknowledge that the last thing people want, who are already sick of politicians, is more politicians. The cause cannot be the cure. We need a real alternative that drives a new normal in British politics.

The Democracy Network

- Any individual or organisation based in the UK can join the Democracy Network by providing some initial information and signing up to our value statements here.
- This includes people who identify as being part of a “democratic sector”, but it may also include others who work on related issues such as power, voice, media, accountability and transparency.
- Core to our approach is ensuring that the network is open and inclusive. We are particularly proactive about ensuring diversity within our membership.
- **Should Farnham Humanists join....?**