

House Reform

(F)

MR. GOW

You will remember the meeting on 14 April at which it was agreed that the Lord Privy Seal would produce a paper on how to make the Lords a more effective Chamber. The paper was to be discussed at a meeting with the Home Secretary, the Leaders of the two Houses and the two Chief Whips. The purpose would be to agree on a list of proposals which could be put to a meeting of the Constitutional Committee and a selection of Conservative Peers.

I attach the Lord Privy Seal's paper and it appears to do no more than put forward as proposals the suggestions that were discussed at the meeting in April.

Have you any comments before we put it to the Prime Minister?

WR

5 May 1983



PRIME MINISTER

A MORE EFFECTIVE SECOND CHAMBER

At our meeting on 14 April you agreed that I should prepare a short paper setting out my proposals for improving the present working of the House of Lords. You asked me to let you see the paper at an early stage before I circulated it to colleagues for discussion.

.. A draft paper is now attached. Its proposals involve gradual change and improvement. They should not stir up controversy amongst our own supporters or provoke major confrontation with the abolitionists.

I believe this is the right approach in the short term. Many of the present supporters of the House of Lords believe in its constitutional importance in putting bounds on the otherwise absolute power of the House of Commons. But they are less convinced about the usefulness of its everyday work. The continuation of the problems we discussed at our meeting can only weaken that conviction still further. A House of Lords which can demonstrate its own effectiveness will be much better protected by that than by any major reform or entrenchment measure we can devise.

Nevertheless, I do not think it would be right to rule out entrenchment or major reform altogether. Entrenchment by means of a limit on numbers of working members for example (which would prevent the Benn proposals of swamping the House with abolitionist peers) could sensibly be presented as part of a package of improvements in working arrangements. If short-term improvements are not in the event enough to guarantee the continued existence of a second chamber, however, we will need to look at the possibility of more radical reform.

There is one final point which I did not think appropriate to include in the paper. This is the number of Lords Ministers. I know there are difficulties in increasing the number. But an increase of even two Departmental Ministers, even if it were at the expense of the Government Whips, would make a significant improvement in our ability to present the Government position in the Lords. In any case, I wonder whether it would be possible to establish as a general practice that at least all the major Government Departments had a Lords Minister. This would do much to help with the conduct of Government business in the Lords, and ensure that subjects like defence and education, in which many members of the House have an interest and expertise, are adequately represented on the Government bench.

Baroness Young

BARONESS YOUNG
4 May 1983

PROPOSALS FOR A MORE EFFECTIVE SECOND CHAMBER:
DRAFT PAPER BY THE LORD PRIVY SEAL

1. This paper proposes a number of changes in the present arrangements for the House of Lords. They are designed to improve the day to day efficiency of the House, and to reinforce our commitment to the maintenance of a strong and effective second chamber. The proposals fall into two groups, the first concerned with composition and membership of the House, the second with its working arrangements, including relations with the House of Commons.

Composition and Membership

2. The quality of the working membership of the House of Lords is critical to its effectiveness and credibility. There is a particular need for effective government representation. But many of the abler hereditary peers cannot afford to take an active part in House of Lords business. The numbers of Life Peers have gone up in recent years, but the proportion who can or will participate effectively has probably gone down. We need to look carefully at the new intake through life peerages.

3. I have two specific proposals:

(a) improvements in conditions of service for front-bench spokesmen. We are already looking at payment of London allowances and travel expenses for spouses of Lords Ministers.

I believe we should also consider the introduction of severance pay for Ministers who leave the government, comparable with that payable to MPs who lose their seats, and the payment of salaries (or improved allowances) to Opposition spokesmen. Members of the House of Lords are not professional politicians in the same way as members of the House of Commons. Nor do they receive a Parliamentary salary. But if they take up posts on the front bench, they may incur genuine financial loss.

(b) Distinction between peerages given simply as honours and those given to people intended to take an active part in the House of Lords. Legislation would be needed to introduce "honours" peerages which did not carry the right to sit and vote in the House of Lords. But informal arrangements might be devised. Under the MacMillan Government there was a distinction between "honours" peerages created in the New Year and Birthday Honours, and working peerages created at other times. Senior Government spokesmen might be consulted about the nomination of "working" peers who had the necessary background and expertise and were likely to be able to take an active part in the business of the House.

Working arrangements

4. Distribution of legislative business between the two Houses has been much improved since 1979, and as a result the House of Lords has been able to cope quite well with increased volume

of business. House of Lords Committees have been playing a valuable part too, in the scrutiny of new EC legislation, and Lords Ministers seem to be working well with the Departmental Select Committees on the House of Commons. But there remain problems of business management, and I believe some of the present arrangements make for inefficiencies, particularly in the use of Ministers. I think we should look at changes in the House of Lords' own procedures, and in the ways in which the two houses work together on Parliamentary business.

5. My proposals here are

(a) changes in the House of Lords' own procedures. We have already introduced some changes in the procedures for questions and debates. But we need to do more. For example, I think we need to consider limiting the time taken by Lords Private Members Bills. We ought also to see whether there would be any advantage in limited use of the "Standing Committee" system.

(b) greater use of Joint Committees of the two Houses. At present we have Joint Committees to consider Consolidation Bills and Statutory Instruments. In the past they have been used successfully to consider other subjects. For example, in 1966-67 a Joint committee was appointed on theatre censorship, and its report led to the abolition of the Lord Chamberlain's role as censor. A revival of the appointment of committees to consider subjects of wider interest would both improve general relations and could also feed back to better handling of legislation.

(c) joint meetings between the two Houses. I do not suggest provision for frequent joint meetings. But such meetings could be of real use in a crisis (eg a major constitutional problem or outbreak of war) in which both Houses would wish to be seen as acting as one.

(d) provision for Ministers of one House to appear in the other. The House of Commons Select Committees already find it useful to take evidence from Lords Ministers. An extension of this to allow Lords Ministers to appear in the House of Commons, and vice versa, would reduce some of the difficulties inherent in appointing members of the House of Lords as Cabinet Ministers. It would positively inform and improve debates in the House of Lords on some major but very specialised subjects, on which the knowledge and expertise lay with a Commons Minister.

Conclusion

6. Most of these proposals could be introduced unilaterally and over time. None individually is a major reform. But I believe that, taken together, they would give us a demonstrably more effective second chamber, and, as such, a chamber which was more robust against attack from the abolitionists. Not all the proposals would find favour with all members of the two houses, but none should raise the sort of controversy amongst our own supporters or require a head-on confrontation with the abolitionists which more radical proposals for reform have done in the past.