

House of Lord Reform

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Key Questions

- Would the proposed reforms harm the primacy of the House of Commons?
 - Is primacy such a good thing anyway?
- Would they damage the independence and expertise of the second chamber?
 - To what extent does the House of Lords exhibit independence and expertise at present?
- How do the current proposals differ from those in the draft Bill and what are the implications of the changes?

Is Commons primacy desirable?

Appointed by the head of state	Appointed/elected by sub-national politicians/groups	Directly elected by the people	Mixed
		Argentina Australia Brazil Chile Czech Republic Dominican Republic Italy Japan Mexico Palau Poland Romania Switzerland United States Uruguay	

Is Commons primacy desirable?

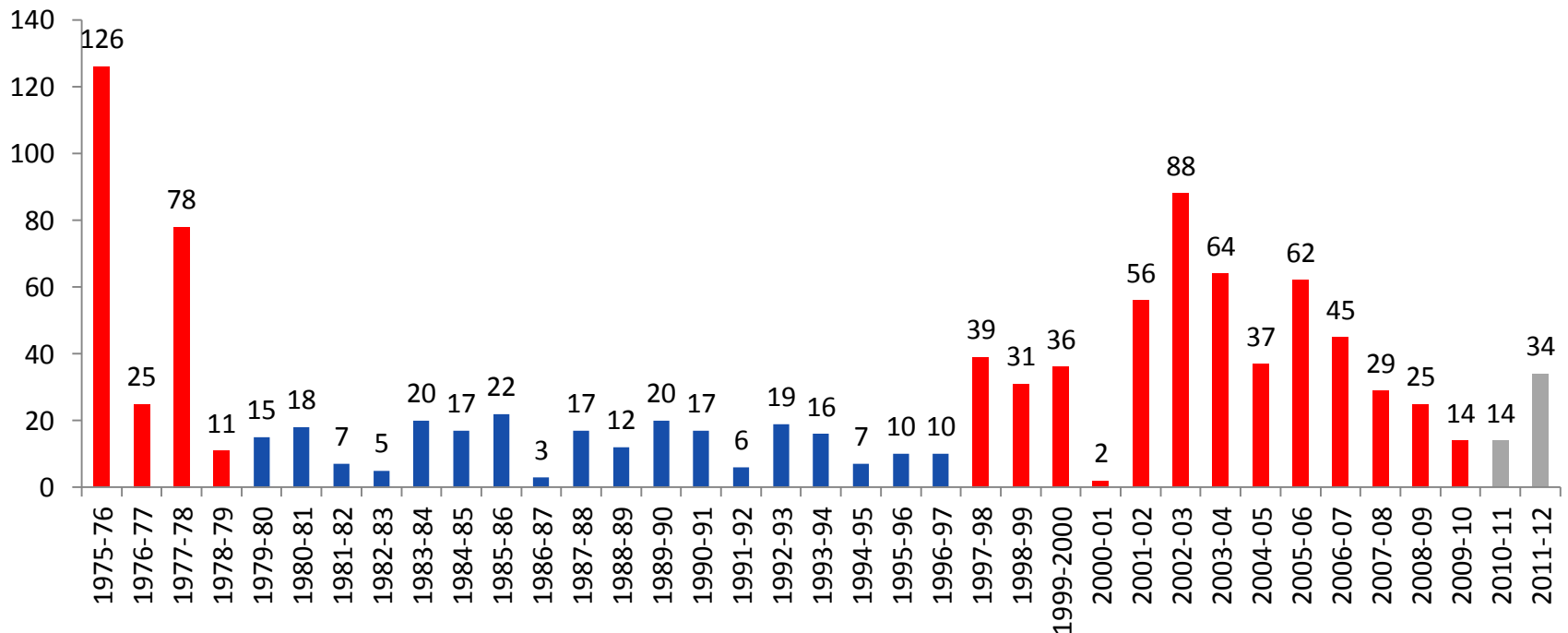
- particularly in a parliamentary system, having co-equal chambers with different compositions would make effective government very difficult
- it would also make it difficult for voters to hold those responsible for decisions and outcomes to account

What would election do to Commons primacy?

- evidence from the UK
- evidence from outside the UK

Effects of 1999 Reforms

Government Defeats in the House of Lords



Sources: "Government Defeats in the House of Lords", <http://www.ucl.ac.uk/constitution-unit> and www.parliament.uk, accessed 8 July 2012.

Effects of 1999 Reforms

Lords Insistences on Its Amendments

Parliament	Number of insistences				Total
	1	2	3	4	
1974–79	2	1	1	0	4
1979–83	0	0	0	0	0
1983–87	1	0	0	0	1
1987–92	0	1	0	0	1
1992–97	1	0	0	0	1
1997–2001	3	1	0	1	5
2001–05	12	3	0	2	17
2005–10	10	1	0	2	13
2010–12	4	0	0	0	4

Sources: Meg Russell, “A Stronger Second Chamber? Assessing the Impact of the House of Lords Reform in 1999 and the Lessons for Bicameralism”, *Political Studies* 58, no. 5 (December 2010), 866–85, at p. 874. Updated from the Constitution Unit’s database of Government Defeats in the House of Lords.

Factors Shaping the Power and Legitimacy of a Reformed Lords

Strengthening factors

election of 80 per cent of the chamber

representative nature of the electoral system?

Weakening factors

Parliament Acts

20 per cent appointed element

staggered election

non-renewable terms with quarantine

long transition period

lack of constituency link?

International Evidence

Appointed by the head of state	Appointed/elected by sub-national politicians/groups	Directly elected by the people	Mixed
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International Evidence

Czech Republic

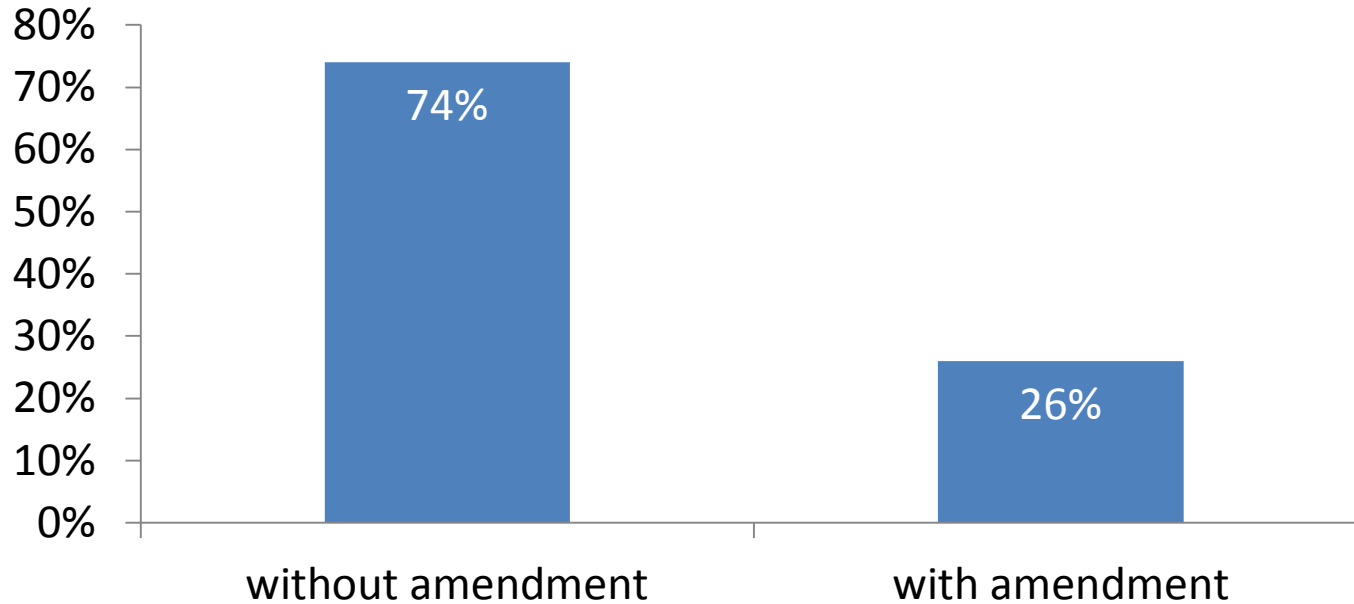
Poland

Australia

Japan

Senate
immediate

House Bills Passed by the Senate, 1996-2007



House
be
added
with $\frac{2}{3}$
majority in
number

Source: Stanley Bach, "Senate Amendments and Legislative Outcomes in Australia, 1996-2007", *Australian Journal of Political Science* 43, no. 3 (September 2008), p. 407.

Australia's *Erskine May*

Odgers' Australian Senate Practice

“As such power should be used circumspectly and wisely, factors which the Senate may take into account in reaching such decisions include:

House of Representatives or in certain cases to refuse to pass a bill

1. A recognition of the fact that the House of Representatives represents in its entirety, however imperfectly, the most recent choice of the people whereas, because of the system of rotation of senators and except in the case of simultaneous dissolution of the two Houses, one-half of the Senate reflects an earlier poll.”

Australia's *Erskine May*

Odgers' Australian Senate Practice

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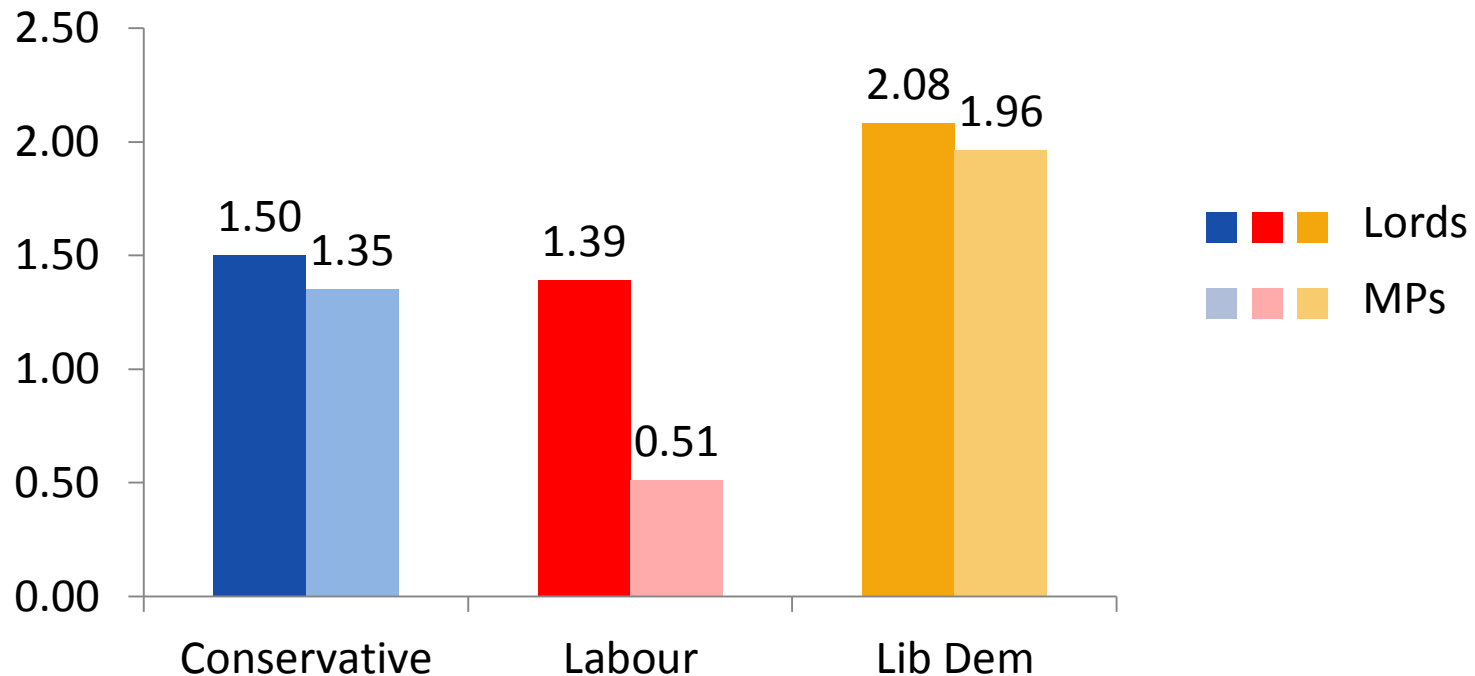
3. Whether the matter in dispute is a question of principle for which the government may claim electoral approval. The Senate is unlikely to resist legislation in respect of which a government can truly claim explicit electoral endorsement, but the test is always likely to be the public interest.”
poll.”

Conclusions on Commons Primacy

- Election would almost certainly cause the House of Lords to use its powers more
- But it would not force an increase in those (formal) powers
- It would not end Commons primacy: the Commons would remain the governing chamber
- Is a stronger revising/delaying role desirable?

Independence and Expertise in the Current House of Lords

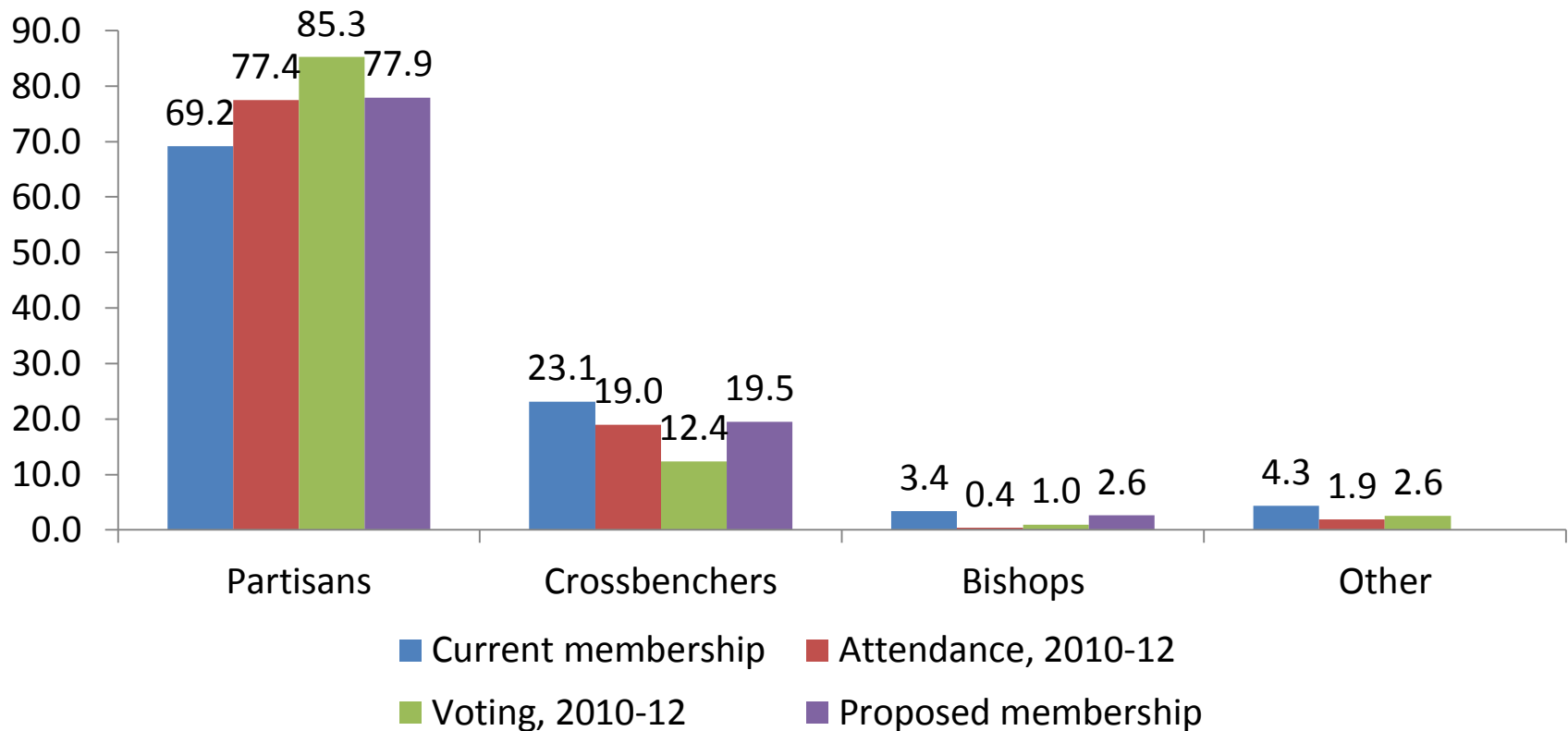
Rates of Rebellion: Average percentage of votes in which a Lord or MP votes against the majority of his/her party



Source: Calculated from data available at www.publicwhip.org.uk, accessed 8 July 2012.
Data cover the period since May 1997 (MPs) or 2001 (Lords).

Independence and Expertise in the Current House of Lords

Percentages of the whole House



Source: Calculated from data in Matthew Purvis, "House of Lords: Party and Group Strengths and Voting", HL Library Note 2012/026, 27 June 2012, pp. 9-10.

Effects of Reform on Independence and Expertise

- How will the reforms affect the crossbenches?
 - changes in who is willing to accept office?
 - changes in their behaviour once in office?
- Who will run for election?
- Who will win election?

The Electoral System

Now it proposes a Semi-Open List System

proportional system

voters rank individual candidates – including, if they wish, independents and candidates across different parties

votes are counted and transferred until the required number of candidates pass the electoral quota

The Electoral System

Now it proposes a Semi-Open List System

also a proportional system

parties put up lists of candidates; independents can also stand

voters cast their vote for one list; if they wish, they can also vote for one candidate on the list

list votes are totalled to determine the distribution of seats across parties and independents

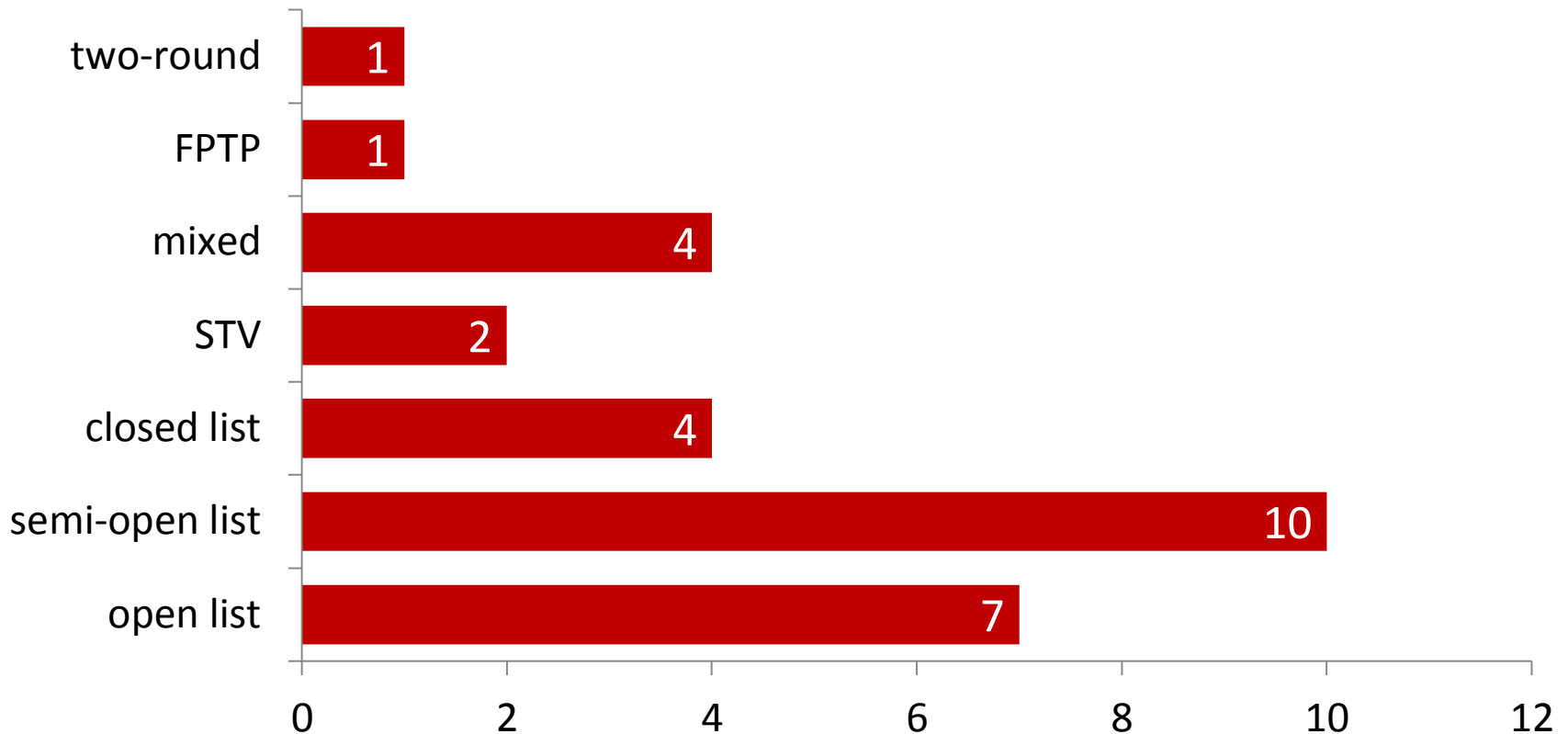
candidates with support from at least 5% of their party's voters are elected in order of popularity; any remaining places are filled according to the order of candidates on the lists

An Example of Semi-Open List PR

Votes	Orange Party	Purple Party	Olive Party	Independent
Party	41	30	18	11
A	2	8	0	
B	8	3	5	
C	1	1	3	
D	2	0	9	
E	15	10	1	
F	1	4	0	
Seats	4	3	2	1

Electoral Systems in Europe

Frequency of electoral systems in 31 European democracies
(lower chambers)



Implications of Semi-Open List PR

- the election of independents
- the independence of partisans
- the capacity of voters to determine who gets elected
- the capacity of voters to express their preferences

Conclusions

- Claims that Commons primacy would be destroyed are often greatly exaggerated
- There is legitimate debate over whether a more powerful second chamber would be desirable
- Current levels of independence and expertise are often exaggerated
- It is not clear that the reforms would harm either independence or expertise
- The switch from STV to semi-open lists is of limited significance