



Parliament Explained 6

The House of Lords

The UK's second chamber, complementing the work of the Commons.



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The House of Lords

What is the House of Lords?

The House of Lords is the second chamber, or upper house, of the UK's bi-cameral (two chamber) parliament. Together with the House of Commons and the Crown, the House of Lords forms our Parliament. It has evolved over hundreds of years and has played a central role in the UK's parliamentary system since its origins in the 14th century. Like the House of Commons and other ancient institutions, it continues to change and develop.

The State Opening of Parliament

Most people are familiar with the House of Lords from the television coverage of the State Opening of Parliament. This is a great parliamentary occasion which takes place at the beginning of the new Parliamentary year, usually in October or November, or immediately after a general election as in May 1997 and June 2001. The Queen comes to Westminster for the ceremonial opening of the new session of Parliament. From the throne in the House of Lords (see picture), the Queen reads the speech, prepared by the Cabinet, which sets out her Government's plans for the forthcoming year. The State Opening is one of the few occasions when all three parts of Parliament meet together – the Crown, the Lords and the Commons. It is the main ceremonial event of the Parliamentary year.





What does it do?

1. Makes Laws

The House of Lords is a key contributor to the process of initiating, revising and amending legislation. It spends two-thirds of its time doing this.



2. Scrutinises Government

The House of Lords acts as a check on the activities of the Government (Executive).



3. Provides independent expertise

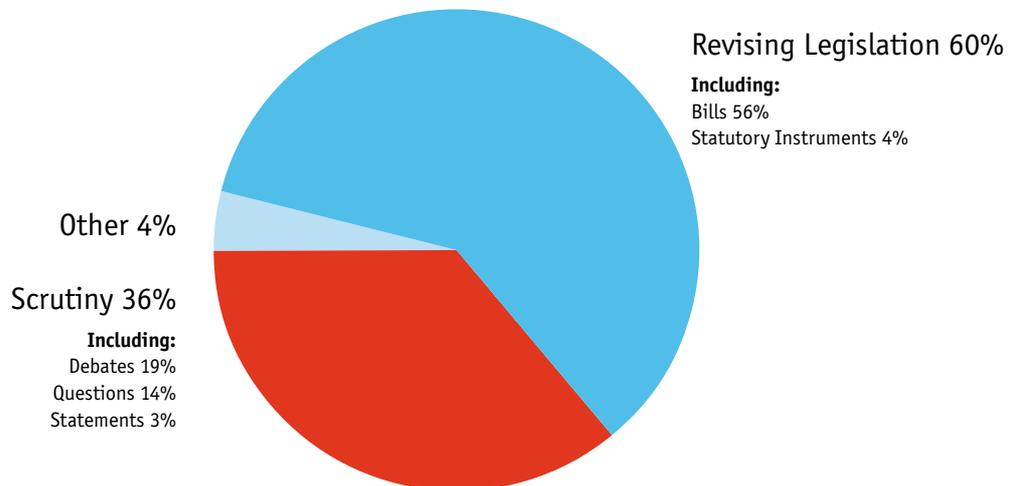
The House of Lords draws on the wide-ranging expertise of its members and, through its committees, conducts internationally respected investigations into specialist subjects.



4. Carries out judicial work

The House of Lords is home to the highest Court of Appeal in the UK (except for criminal cases in Scotland).

What the House of Lords does and how it spends its time



Source: House of Lords Information Office, March 2002.

1. Making Laws

The House of Lords is an integral part of the law-making process. All laws must be agreed by both the House of Lords and the House of Commons, before receiving the Queen’s approval (Royal Assent). The House of Lords reviews bills sponsored by Government which come from the Commons. A sizeable proportion of bills begin in the House of Lords each year, sometimes because the Bill is technical rather than political but also to spread the legislative workload more evenly between the two Houses.

The House of Lords can propose and make changes known as amendments. But its powers are limited; if it doesn’t approve of a piece of legislation, it can only delay its passage into law for up to a year. After that, there are rules to ensure that the wishes of the House of Commons and the Government of the day prevail.

The Powers of the Lords

These are limited by both law and convention:

The Parliament Acts of 1911 and 1949

These define the powers of the Lords in relation to public bills. In general, the Lords can hold up most bills they disagree with for about a year but ultimately the elected House of Commons can reintroduce it in the following session and pass it without the Lords’ consent, except for:

- Bills prolonging the length of a parliament beyond 5 years
- Private Bills
- Bills sent up to the Lords less than a month before the end of a session
- Bills which start in the Lords

Although rarely invoked, the Parliament Acts provide a framework and a means of resolving disagreement between the Commons and Lords. They have only been used three times.

Commons Privilege

The Commons have claimed a general privilege in relation to the raising and spending of taxpayers’ money since the 17th century. Bills to raise taxes or authorise expenditure always start in the Commons and cannot be amended by the Lords.

Public Bills

Bills which affect us all are known as Public Bills. There are two types of public bill: Bills introduced by Government, and bills introduced by an individual member in either of the two Houses. The second type are known as private members’ bills. Often such Bills do not become law because of a shortage of parliamentary time, usually in the Commons, but nonetheless provide an opportunity to raise important national issues. One example of a successful private member’s bill is The Protection of Animals (Amendment) Act 2000 (known as the puppy farming bill) which was introduced to secure tighter regulation of commercial dog-breeding.

Private Bills

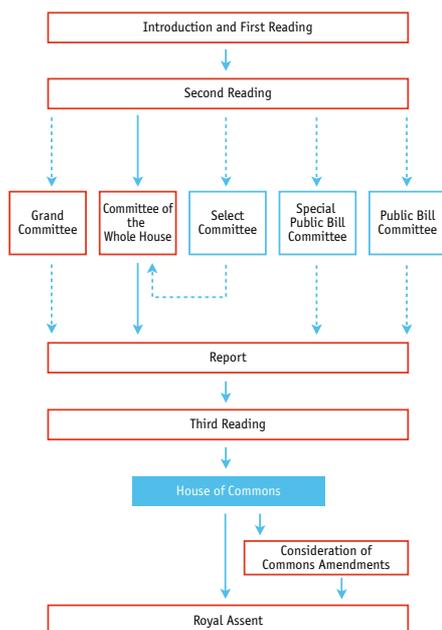
These are called “private” (as opposed to “private members”) bills because the legislation is specific to one area or group of people. Examples of recent private bills are the Kent County Council Act 2001 and the City of Newcastle upon Tyne Act 2000.

Delegated legislation

When Parliament makes a new law it often gives a Government minister the power to fill in the details. This is because Parliament does not have time to oversee all the detailed legislative requirements of each Government department. This power is known as delegated (or secondary) legislation, and is carried out through Statutory Instruments (SIs), Orders and Regulations. Procedures exist for examining these, but they come into play after the parent act or primary legislation has passed through Parliament.

Through its Delegated Powers and Regulatory Reform Committee, the House of Lords plays a crucial role in ensuring that a proper balance is struck. The committee’s chief concern is with the extent of legislative powers proposed to be delegated by a bill to government ministers, and its function is to vet all proposed delegated powers before the Bill passes through the House of Lords. The Committee was set up in 1989 partly to increase control of the Executive while at the same time saving parliamentary time. In the Chamber, unpopular things could slip through the net if the House of Lords did not act as a watchdog by generally keeping an eye on and debating this type of regulation.

Stages of Public Bills



2. Scrutinising the Government

It is the duty of Parliament as a whole to keep an eye on the work of the Government by making Government ministers answer for the work they do and the decisions they make. The House of Lords does this in several ways:

Starred questions (Question time)

The House of Lords, like the House of Commons, makes Government ministers answer questions about their work. At the beginning of each sitting day in the Lords, four oral questions (or “Starred Questions” – so called because they have stars, or asterisks(*) next to them on the Order Paper) are asked. Question time in the Lords takes half an hour and includes opportunities for supplementary questions to be asked.

***The Baroness Seccombe**—To ask Her Majesty’s Government whether the contents of the Animal Health Bill were agreed prior to the statement by the Lord Whitty on 22nd October that tests for BSE had been made on the brains of cows and not of sheep (HL Deb, cols. 826–30).

***The Lord Dormand of Easington**—To ask Her Majesty’s Government whether they will call a referendum on the abolition of the monarchy.

***The Lord Alton of Liverpool**—To ask Her Majesty’s Government whether they intend to lay primary legislation before Parliament to prohibit human cloning, and, if so, when.

***The Lord Smith of Clifton**—To ask Her Majesty’s Government what are the specific terms of reference of the review of public bodies announced on 16th November and to be headed by Ms Pam Alexander; and when it will be expected to report.

General debates

If a member believes strongly in a particular cause (eg the improvement of race relations or the reduction of Third World debt) then a general debate can be a good way of attracting attention to the issue. The general debate is a discussion, and there is not usually a vote at the end. Debates will usually tackle some matter of public interest or provide an opportunity for discussing a report which has just come out. The House of Commons has less time for general debates of this kind so the Lords provides a valuable opportunity to discuss important matters, drawing on its members’ wide range of expertise. Most Wednesday afternoons are set aside either for one longer or two shorter debates lasting a maximum of five hours. Such debates have tackled topics such as post-16 educational arrangements.

The Lord Levene of Portsoken—To call attention to the place of the financial services industry in the economy of the United Kingdom; and to move for papers.

The Lord Walton of Defford—To call attention to the issues now confronting the National Health Service with particular reference to medical teaching and research; and to move for papers.

Mini debates (Unstarred questions)

The exchanges on a Starred Question are usually brief. But an Unstarred Question leads to a short debate. Like Adjournment debates in the Commons, they can be about almost anything. The member who asks the Question makes a speech, then other members contribute and finally the minister explains the Government’s views on the subject. Unstarred Questions are asked on most sitting days, usually in the dinner break or at the end of the day’s business.

The Lord Campbell of Alloway—To ask Her Majesty’s Government, given that they are proposing to legislate to proscribe incitement to religious hatred, why they do not consider it appropriate to treat such incitement as an aggravating circumstance under existing law to afford a greater sentence.

Written questions

Questions may also be put down for a written answer. Full replies are expected within a fortnight and printed in the back of the Lords Hansard. The volume of these has increased significantly in recent years.

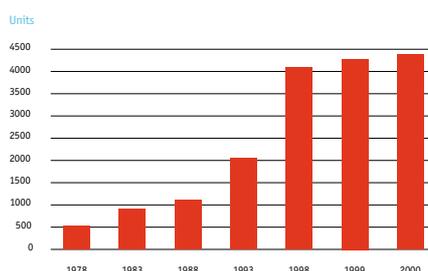
Statements

Government statements on important or urgent issues are made by the Minister responsible for the subject in the House of Lords. Most statements are made in the Commons, and repeated in the Lords by a junior minister. This is followed by a limited time for immediate questioning. Subjects can range from the announcement of a White Paper to an emergency such as a major rail accident or an international crisis.



Liberal Democrat Baroness Williams speaking in a debate.

The recent rise in Questions for Written Answers



3. Providing independent expertise

The Lords also has a number of Select Committees, like the House of Commons. Some of these deal with internal management and administration but most carry out important investigative work on matters of public interest. When an investigative committee completes its work on a particular issue, a report of its conclusions is issued for the House to debate, and for the public to see what it had discovered. These reports are highly respected for their balance, independence and authority.

Unlike the Commons, Lords investigative committees do not mirror the work of particular government departments. Instead, they deal with broader issues and draw on the wide-ranging experience of members. In this way, the House of Lords system of committees complements the scrutiny of the executive carried out by the Commons.

There are four main areas of work – Europe, Science, the Economy and the Constitution – but occasionally, for various reasons, a separate committee will be set up to deal with a particular issue.

The European Union Committee scrutinises and reports on proposed European legislation. Each of the main committee's 20 members serves on one or more of six sub-committees through which investigations are conducted. In total, some 70 Lords are actively engaged on the work of the EU committee (when members co-opted to individual sub-committees are taken into account).

The Science and Technology Committee was set up in 1979 "to consider science and technology" – a very wide brief. Over 20 members are involved; including eminent scientists with wide ranging experience of science, industry, medicine and research as well as high-level policy-making. Recent reports have covered areas such as resistance to antibiotics, medicinal uses of cannabis, human genetic databases and the health hazards inherent in long-haul air travel. It normally operates through two sub-committees enabling it to carry out two enquiries at a time.

The Economic Affairs Committee looks at issues such as how globalisation should be defined, and whether this should be different from an open and integrated world economy. Members include a former Chief Secretary to the Treasury, professors of economics, former senior Treasury civil servants, a former newspaper economics editor as well as practising businessmen.

The Constitution Committee was set up in 2000 "to keep under review the operation of the constitution". Since our constitution is uncoded and derived from interpretations of the statute books, this committee keeps a watchful eye on legislative changes that may affect the way it operates.

Sometimes ad hoc investigative committees are set up to look at particular issues which do not fit into the 4 main areas above. The Animals in Scientific Procedures Committee is one example. This was established in 2000 to look at issues respecting animals in scientific procedures in the UK, including alternatives to the use of animals in experiments whether in medicine, education, defence or product testing.

House of Lords EU Committee issues powerful warning 'WHOLE INDUSTRY COULD DISAPPEAR'

A LAMAS briefing report by the influential House of Lords committee on the prospects for reform of the CFP concluded that the 17-year-old policy "has totally failed to achieve its fundamental objective of ensuring that fishing capacity and effort is consistent with self-restoring fish populations and food chains".

And the committee's chairman says that "the whole fishery industry could disappear" if fishing is not made more sustainable.

The Lords European Union Committee says that repeated warnings by Parliamentarianism and science ministers in the last 10 years about declining fish stocks in EU waters have "not been heeded".

"The exploitation of marine resources takes account not only of ecological processes but also social and economic consequences".

It supports local management committees comprising industry representatives, scientists, environmental groups and fisheries managers. Although they should primarily be advisory to the Commission, they should also have powers "to take immediate action to introduce new conservation measures, in particular technical measures".

And it says that it cannot support calls for national control of 200 mile limits to be returned to national governments, although it "sympathises with the feeling of

Lords back cannabis use in medicine

THE use of cannabis-based drugs for medicine purposes should be legalised, a House of Lords report recommended today.

People who are cannabis resistant conditions such as multiple sclerosis should not be prescribed, the Lords select committee on science and technology said. And research into developing cannabis-based medicines should be speeded up, the report recommended.

The report also accused the drug licensing body, the Medicines Commission (MCA), of delaying the development of cannabis-based drugs.

The MCA has not adopted a positive approach to testing cannabis-based medicines, the report concluded.

Cannabis has a history of medicinal use, including for the treatment of pain, the committee said, and the MCA is criticised for not doing more to test its health care effects, which the Lords said should also be the development of drugs by up to three times.

The Lords report said: "In the absence of a viable alternative medicine, and though we would not encourage anything of cannabis, we think it is reasonable to promote greater therapeutic use of cannabis who possess or grow cannabis for their own use".

There were 40,000 prescriptions for cannabis in 2016, but the numbers involving people using it for therapeutic purposes are unknown.

Two major trials into its effects were cancelled in 2016 because of the cost of the drugs, which are £44 million for the NHS. The committee said the government should consider the use of cannabis for medical purposes, and the time for an Animal Protection Committee to review cannabis-based medicines to ensure standards are met.

LORDS BID FOR TRUTH ABOUT CHINOOK CRASH

Call this week from the House of Lords will examine an aviation and technology for a culture change in aviation will be general factor by government than other major policy committees from committee chairman Lord (Baron) Wilson (Labour).

The committee was founded in 1980 with the broad remit of reference "to assist the government and to advise on the operation of the House of Commons and the House of Lords". It has a remit to examine the operation of the House of Commons and the House of Lords, and to advise on the operation of the House of Commons and the House of Lords.

Lords slam airlines over travel health

EU flight restructuring funds, which have "initially failed" to reduce fleet capacity. There should be no further money for modernisation and renewal of member states' fleets, and decommissioning money only when vessels were scrapped.

Chairman of the Committee said: "Stacks of money spent of fish in European Commission were not even as critically low levels. It is disgraceful that such attention has been paid by successive governments to put reports of the Committee, in some 17 countries."

It has also said:

The science Lords

Peers to probe animal experiments

PEERS are to investigate the use of animals in scientific procedures, the House of Lords select committee on science and technology said today.

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Lords to study health dangers of air travel

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Lords urge control of alternative therapies

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Lords call for more regulation of complementary medicines

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Peers want panel to protect genome data

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By BEN BUNDELL

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4. Carrying out judicial work

The House of Lords is the highest court in the land – the supreme court of appeal. It acts as the final court on points of law for the whole of the United Kingdom in civil cases and for England, Wales and Northern Ireland in criminal cases. Its decisions are binding for all other UK courts. The vast majority of members have no part to play in the House's judicial work, which is carried out only by highly qualified judges called Law Lords. Only cases of public importance where a significant point of law is involved are heard by the Law Lords.

The modern form of appeal to the House was established by the **Appellate Jurisdiction Act 1876** when provision was made for the creation of Law Lords (the first life peers). These peers, formally known as **Lords of Appeal in Ordinary**, also sit in the House like other members. Today there may be up to 12 Lords of Appeal in Ordinary and they are usually appointed from the Lords Justices of Appeal, or less frequently, from judges of the High Court. In addition, former Lords of Appeal in Ordinary, former Lord Chancellors and holders of other high judicial office are entitled to sit as Law Lords under the Act but in practice do so infrequently.

If any British citizen disagrees with a decision made by a lower court, he or she has a right to take action to overturn that decision. This right is ancient but the conditions under which an appeal can be made have become closely defined in statute over the last century. Permission to pursue a case at this level is known as "leave to appeal" and there are a number of routes a case may take to get this far.

Once it is decided that a case should go before the Law Lords, Appeal proceedings take place. These are open to the public and held in committee rooms. Proceedings are not as formal as they are in the lower courts; the Law Lords wear ordinary suits – not robes or wigs. Once their conclusions are reached, the result is announced in the Lords chamber. This is called the judgment. Sittings for judgments are full meetings of the House of Lords and in addition to the Law Lords who again, do not wear robes or wigs, any member of the House may attend. Judgments are available on the internet.

Law Lords hear appeal on planning act

Law Lords reprieve death-row prisoners

Lords back MI5 rebel

Lords free man after 15 years

Lords dismiss Roma asylum test case

Law Lords boost Fayed in Hamilton libel battle

Embassy bomb suspects lose Lords appeal

Law Lords deny women right to assisted suicide

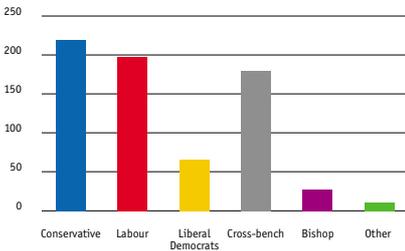
Law Lords affirm protester rights

Lords rule terror suspects can be deported

How Does The House Organise Itself?

Party Strengths

as at 31 March 2001



(Source: House of Lords Information Office, March 2002)

Parties and other groups

The House of Lords is organised on a party basis in much the same way as the House of Commons, but with important differences. Members of the House of Lords are less rigidly partisan than in the Commons, whose elected members are more sensitive to political and constituency interests. Many members of the House are not members of any political party. Those who do not support one of the three main parties are known as Independents or Cross Benchers. The crossbench group is a distinctive feature of the House of Lords.

How business is decided

All political parties in the House of Lords hold party meetings, as they do in the Commons, to discuss forthcoming business. This process of organising business involves the 'Whips' (business managers) and party leaders. They are often known as the 'usual channels'.

The cross-benchers have similar meetings. Each week, a list of forthcoming business is circulated to members of the party – underlined once, twice or three times, with three lines indicating the most important business (a three line whip).

Although party discipline has become stricter in recent years, Whips in the House of Lords are not in such a strong position as those in the Commons. Most MPs in the Commons rely on the sponsorship of their party to keep their seats.

This is not the case in the Lords which is not elected, so the Whips can only use persuasion, not threats. As a result, Whips cannot predict how the Lords will vote. The House of Lords' contribution to the parliamentary process is characterised more by its independence of thought and its breadth of specialist expertise. In this way it complements the work of the Commons.

Ministers

The Lord Chancellor and the Leader of the House are usually cabinet members, and they carry out Government duties in addition to their roles at the House of Lords. Most heads of government departments sit in the Commons, and are therefore not permitted to answer questions or contribute to debates in the Lords. But as there is a need for spokespeople who can explain Government policy in the Lords, the Government of the day will often draw some of its senior Cabinet members from the House of Lords.

The Weekly Whip



Minister at the despatch box

Not every department has a minister in the Lords, and this is where the Whips step in. As well as their normal Whip's business, they are expected to help out at Question Time and in debates. Even with seven Government Whips in the Lords helping out in this way, there are still not enough spokespeople to go round. Each spokesperson, therefore, even if holding a ministerial post, has to answer questions on a number of different subjects. As all questions in the House of Lords are addressed to the Government, not just one government department, some Whips act as spokesmen on several different subjects for several different departments.

The working year and daily business

The House of Lords sits at 2.30pm on Mondays, Tuesdays and Wednesdays, at 3.00pm on Thursdays, and sometimes on Fridays at 11am. The House usually sits until 10.00 – 11.00 pm, occasionally much later and sometimes all night. Attendance averages at about 350 – 450 a day. Like the Commons, the Lords have breaks at Christmas, Easter, late Spring Bank Holiday and in the summer. They usually sit on about 160 days a year.

Business in the chamber on a typical day is ordered as follows:

- Prayers (before public business begins)
- question time (starred questions)
- legislation
- debates (or motions – these hold priority over bills on Wednesdays)
- unstarred question (mini-debates)

Select committee work takes place outside the chamber in the mornings and the afternoons when members may have to juggle their time between attending a committee and participating in business in the chamber.

Some key officers of the House of Lords

Government



The Lord Chancellor is a member of the Cabinet and is Speaker of the House ex officio. His role as Speaker is very different to that of the House of Commons Speaker. The Lord Chancellor sits on the Woolsack, except when the House is in committee, but does not call upon members to speak and has no powers to call the House to order.

Administration



The Clerk of the Parliaments role is steeped in history but similar to that of a Chief Executive. As the House of Lords' most senior permanent official, he is responsible for the House's management, administration and finances. Essentially, the office's function is to serve and support the needs of the House.



The Leader of the House has a responsibility to the House as a whole as well as being leader of the party in Government. He is also a member of the Cabinet. It is to him, and not to the Lord Chancellor, that members turn for advice and 'leadership' on points of order and procedure. Lords business is expected to be conducted in an orderly and polite fashion without the need for an active Speaker.



Black Rod's post, like the Clerk of the Parliaments', has existed for as long as the House itself. He is responsible for control of access to the House, maintaining order within the precincts and domestic arrangements within the House. He also has royal duties associated with the Order of the Garter and the State Opening of Parliament. The House of Commons equivalent is the Serjeant at Arms.

Who Does the Work?

Unlike MPs, Lords are unpaid, except for certain allowances to cover attendance which is voluntary. Exceptions include those who are paid salaries as ministers, and the Law Lords. Currently there are four distinct types of member:

Life Peers

These make up the majority of the membership (currently about 600). The power to appoint belongs formally to the Crown, but members are essentially created by the Queen on the advice of the Prime Minister. Life peers' titles cease on death.

Law Lords

Up to 12 Lords of Appeal in Ordinary are specially appointed to hear appeals from the lower courts. They are salaried and can continue to hear appeals until they are 70 years of age. Once they retire they can go on sitting in the House of Lords.

Bishops

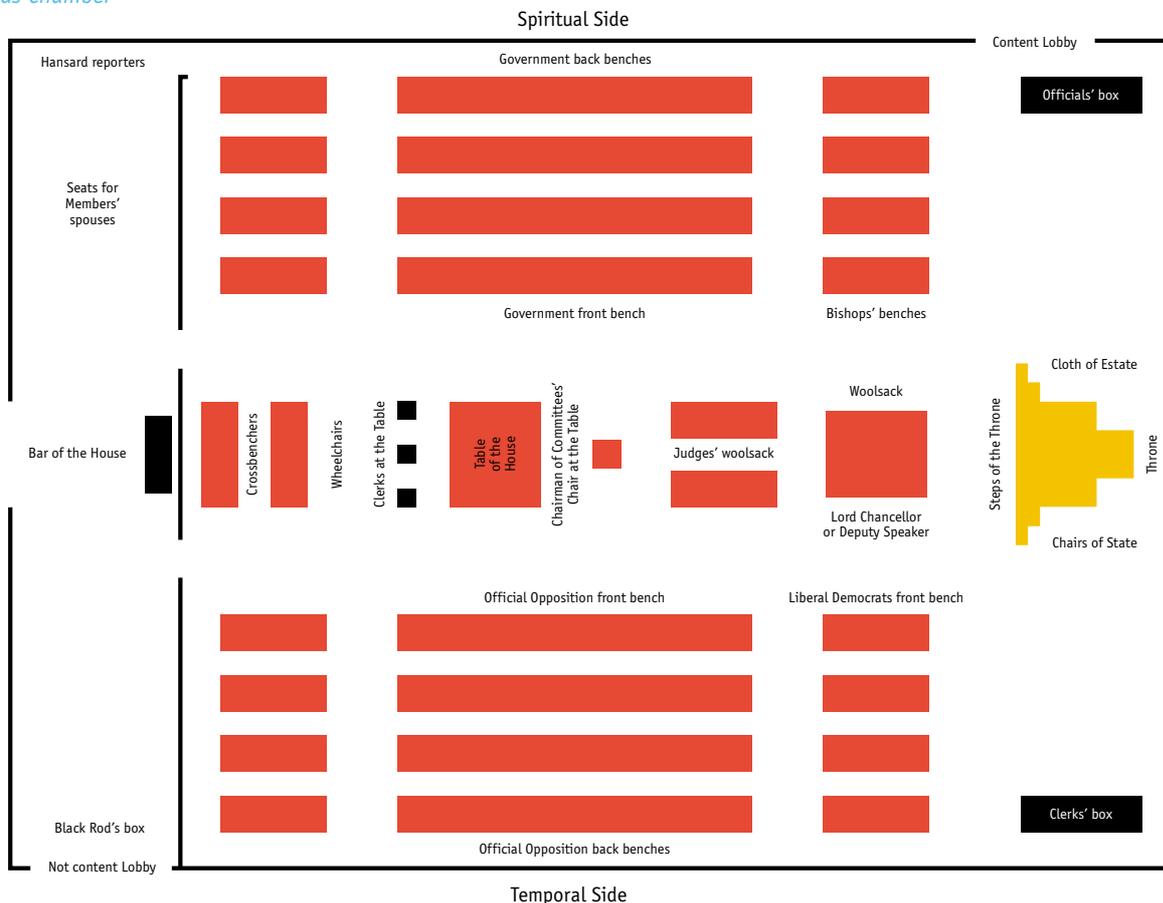
The Anglican Archbishops of Canterbury and York, the Bishops of Durham, London and Winchester and the 21 senior Diocesan bishops from other dioceses of the Church of England hold seats in the House. This is because the Church of England is the 'established' Church of the State. When they retire the bishops stop being members of the House.

Elected Hereditary peers

The House of Lords Act 1999 ended the right of hereditary peers to sit and vote in the House of Lords. Until then there had been about 700 hereditary members. While the Bill was being considered, an amendment was passed (known as the Weatherill amendment after Lord Weatherill who proposed it) which enabled 92 of the existing hereditary peers to remain as members. This was agreed on the understanding that it was a temporary measure to be revoked on the implementation of reform's next stage. The 92 peers are made up as follows:

- 15 'office-holders' ie Deputy Speakers or Chairmen. These were elected by the entire House
- 75 Party and Crossbench members elected by their own party group and representing roughly 10% of the total hereditary peers.
- 2 hereditary peers who hold Royal appointments – The Lord Great Chamberlain, who is the Queen's representative in Parliament and the Earl Marshal who is responsible for ceremonies such as the State Opening of Parliament.

Plan of Lords Chamber





Key Dates in the History of the Lords

Today's House of Lords began in the 14th century as the King's Council and is the result of centuries of evolution. The chart shows some of the key dates in this development.

14th century	The Lords begin to sit in a separate House from the Commons. Members of the House of Lords are drawn from the Church (Lords Spiritual) and from magnates chosen by the monarch (Lords Temporal), while Commons members represent the shires and boroughs.
15th century	Lords Temporal become known as "peers".
18th century	Acts of Union with Scotland (1707) and Ireland (1800) entitle Scottish and Irish peers to elect representatives to sit in the Lords.
1876 The Appellate Jurisdiction Act	Creates Lords of Appeal in Ordinary (Law Lords) to carry out the judicial work of the House as the final court of appeal.
1911 and 1949 Parliament Acts	Allow some bills to become Acts without the consent of the Lords and limit the power to delay other bills to one year.
1958 Life Peerages Act	Creates peerages "for life" for men and women; women sit in the House for the first time.
1963 Peerage Act	Allows hereditary peers to disclaim their peerages, and allows hereditary peeresses and all Scottish peers to sit in the House.
1999 House of Lords Act	Removes the right of all except 92 hereditary peers to sit and vote in the House.



Find Out More

Archives

Archives from 1497, including original Acts of Parliament, are kept in the House of Lords' Record Office (The Parliamentary Archives) which is open to the public, to view records on request tel: 020 7219 3074.

Hansard

The day's proceedings are printed in the Official Report, (separate volumes are produced for the Commons and Lords) referred to as Hansard after its original printer. It is also available at www.parliament.uk by 9.00 the following morning.

Television

The televising of Parliament was pioneered by the House of Lords in 1985, followed by the House of Commons in 1989. The proceedings of both Houses can be seen on the BBC's parliamentary channel when the House is sitting.

Website

Go to www.parliament.uk for general information on the role and function of both Houses, or details of membership, future business, legislation and Select Committee activity. For an experimental period it is possible to view a live **webcast** of House proceedings at the same address.

A website for young people can be found at www.explore.parliament.uk

House of Lords

General information and enquiries:

Tel: 020 7219 3107
E-mail: hlinfo@parliament.uk

Education enquiries

Applications for Gallery tickets for students and educational groups and further information about the work of Parliament can be obtained from:

Parliamentary Education Unit
Room 604
Norman Shaw Building (North)
London SW1A 2TT

Tel: 020 7219 2105
Fax: 020 7219 0818
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Education Officer

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