

T028

How the House of Lords could reform itself

If the next Labour Government abolish the House of Lords it will be because the House has failed to reform *itself*, which it could do tomorrow by a simple resolution. Sir Brandon Rhys-Williams's recent Bill, the Labour peers' plan, and the other reform proposals all suffer from being too elaborate. The British are rightly wary of untried constitutional change. What is needed is the minimum alteration required to rectify the only serious defect in our second chamber, its inbuilt Conservative majority. The Parliamentary guide *Vacher's* tells us that 431 peers take the Conservative whip, while 162 take the Labour whip. These proportions are very convenient to the present Government, but are obviously undemocratic when Labour is in power. The abuse lies in the voting power of this permanent majority, rather than its right to take part in a debate. Here is how the House could effect its own cure.

The House passes a resolution confining the right to vote to peers who correspond in number and party allegiance to the balance of parties in the Commons. On request, the Speaker tells the Lord Chancellor how many MPs take the whip of each party. (There is a precedent for this in section 2 of the Ministerial and Other Salaries Act 1975, which requires the Speaker to tell the Lord Chancellor which opposition party has the greatest numerical strength.) The party leaders (or the peers themselves) then nominate from among peers without leave of absence those who, in accordance with the resolution, are to exercise voting rights. Their numbers correspond to the proportions notified by the Speaker. Substantial changes in the Commons (as after a general election) are immediately reflected by corresponding changes in the Lords. There are precedents for such self-denying ordinances by the peers. In theory any peer without legal qualifications can attend and vote when the House sits in its judicial capacity. But the last time this happened was in 1883, when the vote of the lay peer in question was ignored. A more recent precedent is the convention (invariably obeyed) that peers given leave of absence do not vote.

This voting reform, if carried with the whole-hearted approval of the peers as a permanent change, would remove any pretext for abolishing the House of Lords. It would not damage the character and traditions of that House (as an influx of elected peers might do). The wisdom of all the senators would continue to be available, but not the exercise by them of undemocratic power. We would not be tinkering with our constitution more than is necessary. The British are wise to be cautious here, for constitutional practice which has grown up over centuries has contended with and adapted to many forms of crisis. It therefore contains within itself the mechanism for dealing with similar crises if and when they occur (as the proposal in this letter illustrates).¹

¹ *The Times*, 5 August 1980.