

The house of lords

Law



THE HOUSE OF LORDS IN PUBLIC LAW Yusuf Belgore The House of Lords The House of Lords is an organ of the British parliament. The origin of the British parliament could be traced to the 11th century in the Witan; where council are consulted by Saxon kings and attended by religious leaders, magnates and the king's own ministers. By 13th century, attendance included representatives of counties, cities and boroughs. With time two distinct houses emerged. One, the lower house, was composed of shire and borough representatives which was called the House of Commons: the other, made up of religious leaders (Lords Spiritual) and magnates (Lord Temporal), became known as the upper house, called the House of Lords.

Membership of the Lords Temporal had by 15th century, become almost entirely hereditary and male, members usually being summoned by writ rather than chosen by the monarch. Lords Temporal became to be known as Peers and until the suppression of the monasteries in 1539 the Lords spiritual consisted of Bishops, abbots and priors. After 1839, only bishops attended and the Lords Temporal formed a majority for the first time. During the civil war of 1642, Bishops were excluded from the House of Lords but returned by the clergy act of 1661. The house itself ceased to exist in 1649 but resumed separate sittings in 1660. Legal backing, in 1671 and 1678 resolutions gave pre-eminence in financial matters to the House of Commons after attempts by the House of Lords to breach the convention. Also the bill of rights was initiated in 1689, by the Commons, to establish authority of the parliament over the king.

By the 18th century, The Acts of Union (1707 with Scotland and 1800 with Ireland) entitled Scottish and Irish Peers to elect representatives from among their members to sit in the Lords.

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A lot of reforms, in the House followed over time. In 1999, the House of Lords act removed the right of most hereditary Peers to sit and vote in the House. An amendment to the bill, tabled by the Lord Weatherill and accepted by the government enabled 92 hereditary peers to remain until the House was fully reformed.

Roles, Functions And Powers of The House of Lords

The House of Lords is the second chamber of the United Kingdom parliament. It works in revising legislation and keeping check on government scrutinising its activities. The House of Lords compliments the works of the House of Commons whose members are elected representatives of their constituencies. Members of the House of Lords are not elected and are unpaid. They have a wide range of experience and provide a source of independent expertise. The House of Lords also has a judicial role as the final court of appeal.

From 1996-2002 sessional statistics of the business of the House of Lords, 60% of its time is spent on legislation. It examines and revises Bills from the commons. It also initiates Bills which are usually non-controversial.

Increasingly, a bigger share of government Bills start at the Lords.

Another way the Lords spend their time is scrutinising the government. This they do by questioning and debating policies and other issues of government. Provision of independent expertise in investigative select committee is another way the House of Lords spends its time.

The House of Lords is the Supreme Court of Appeal for the whole of the United Kingdom in both civil and criminal cases (except select criminal cases). This work is carried out by 12 salaried Lords of Appeal in Ordinary (Law Lords) who are life Peers. The Law Lords also partake in legislative work

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of the House.

Reforms At The House of Lords

By the end of the 19th century the House of Lords was composed of hereditary Peers, Peers elected as representatives by Scottish and Irish Peers, the Lords Spiritual (26 most senior Bishops), and four Lords of Appeal in Ordinary who, as a result of Appellate Jurisdiction Acts of 1876 and 1887 had seats in the House for life. The Bankruptcy Act 1871 prevented bankrupts from sitting and voting in the House of Lords.

House of Lords, used to have the same public, private and subordinate legislation with the Commons, except the Lords could not initiate or amend Bills granting aids or supplies or imposing charges on the people (" Commons Financial Privilege"). The House retained a rarely exercised right to reject financial legislation outright.

There have been several, but un successful attempts in the 1880s by both Liberal and Conservative Peers to change the membership of the House of Lords and make it more effective. The Commons also debated on the reforms of the House of Lords and condemned the hereditary rights to a seat in the legislature. This was debated in resolutions in 1886 and 1888. Neither was carried.

The composition of membership of the House of Lords has always been a major source of debate. A strong and efficient Chamber has always been advocated for. With the setting up of the Supreme Court of Appeal of the United Kingdom, expected to come into operation in 2008, the judicial function of the House of Lords will be removed. Thus more time will be expended on legislative and oversight functions. This gives a more specialised chamber of the parliament.

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Another major reform is one which has always been the front burner of all reforms being advocated, removal of hereditary Peers. With the House of Lords Act 1999, 75 hereditary peers will be elected by their own party or crossbench groups (42 Conservatives, 28 Crossbenchers, 3 Liberal Democrats and 2 Labour) and 15 hereditary Peers elected by the whole House as Deputy Speakers or committee Chairmen. Two hereditary royal appointments, the Earl Marshall and the Lord Great Chamberlain were also retained.

The House of Lords has been made more democratic by provision of the above mentioned reform. On assumption of office in 1997, the Labour government sought to remove voting rights for hereditary Peers in the November 1998 Queens speech proposing a bill that will do just that.

Further democratisation in my opinion will yield a more effective House. A situation where all seats in the House are elective, members will be bound to be loyal to their constituencies that have elected them based on their electoral promises and will have to fulfil those pledges. It will also throw the door open for the most qualified people to get to the House, thereby increasing the quality of debate that goes on in the House. Quality of oversight work is also going to be improved upon. Certain criteria may be set for anyone going to the House of Lords to ensure experienced and most qualified people get their to continue the legacy of having independent expertise in the house.

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