

What is the point of
the house of lords?



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The House of Lords is a fundamental part of the UK's bicameral legislative system, being an appropriate check and balance to the House of Commons in legislative matters. However, this has been brought into question after the Recent Welfare Reform Bill.

This essay aims to examine 'what is the point in the House of Lords?' It will first look into its history, then its role in Parliament and how it has changed over time. It will focus on the welfare reform bill and the ban on hunting with hounds as its main examples.

The House of Lords are also called the Upper Chamber and are a part of the legislature. Legislature is the part of government that discuss and pass laws (Jones, 2010). It is made up of the Commons, Lords and the Queen, only the Commons are elected. The executive is the party in power and is responsible for implementing the laws and policies made by legislature (Jones, 2010).

The Houses of Parliament are divided up into two parts, the House of Lords and the House of Commons. The House of Lords is one of the two chambers of HM Parliament. The House of Lords is the second chamber of Parliament and is also called the Upper House (Jones, 2010). The House of Lords is separate to but works alongside the elected House of Commons. The House of Lords are made up of inherited Lords and Life peers. Modern Lords are appointed by the PM. The appointed peers tend to have a specialist area of knowledge, for example health or education. The House of Commons is made up of elected members (Budge, 2004). The House of Lords has 736 members, 86 more than the House of Commons. There are only 92

hereditary Lords left after they were thrown out by the Labour Government in 1999 as it was deemed undemocratic (Knight 2010).

The first part of the House of Lords is the remaining hereditary members, the second part are appointed by the Prime Minister and they are given their titles, for example 'Lady Margaret Thatcher' so as she was given the title by the Prime Minister who took over from her she had a seat in the House of Lords. The third part is made up of the court system and the church and people in positions of expertise (Monroe, 2002). Before taking a seat in The House of Lords the peer has to swear an oath of allegiance to the monarch (Jones, 2010). The House of Lords is a combination of tradition and modern legislature (Monroe, 2002)

Laws are only made if the Commons, Lords and the Monarch can agree. An unwritten constitution (a convention), states that the Monarch has always got to agree to new laws made by Parliament. The Lords can also only suggest amendments too legislation but does not actually have the power to make the changes, meaning the Commons hold the power (Budge, 2004).

The legislative process starts with the draft papers, white and green papers. They are published to allow consultation from interested parties such as professional bodies and voluntary organisations before the bill is introduced into the House of Commons (Jones, 2010). They have their first reading in which it is just read out and then a second reading where there is a debate and a vote to move on to the committee stage which is pre-legislative scrutiny where the draft bill is considered by a departmental select committee this allows the MPs and members of Lords to have an early influence on the Bill (Jones, 2010). In the committee stage they vote for

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amendments and send it to the report stage. In the report stage they discuss the amendments; they then go to the Third reading which in the House of Lords.

The key purpose of The House of Lords is voting on whether to accept or reject legislation drawn up by The House of Commons (Jones, 2010).

Suggesting amendments to legislation drawn up by The House of Commons and debating legislation drawn up by the House of Commons, they can also introduce new laws to be debated. Although the important laws start the legislative process with the Commons, the House of Lords do draw up some legislation, for example ensuring children with special needs and disabilities have access to mainstream education or protecting the right to legal aid in welfare cases and insisting on equality of the NHS treatment for physical and mental illness ([www. parliament. uk](http://www.parliament.uk)).

Members spend nearly half their time in the House considering draft laws. All bills have to be considered by both Houses of Parliament before they can become law (Jones, 2010).

The House of Commons send legislation to the House of Lords, in the form of the white paper, but the 1911 Act has taken away the ability for The House of Lords to stop legislation sent down by The House of Commons. This started when the Chancellor of the Exchequer, Lloyd George, suggested in 1909 the introduction of the first old age pension and a majority of the Lords voted against (Knight, 2010). The main purposes of the Act was 1) The House of Lords can only delay a money bill for one month, and 2) Limiting the time the Lords can delay a bill, meaning if it was rejected three times the

Bill could receive Royal Assent without approval from The House of Lords (Gillespie, 2013.) This has only been used four times in the last twenty five years. One of these was to pass The Parliament Act of 1949 which was an amendment of the 1911 Act making it so the Lords could only reject the bill two times rather than three before it could be passed with Royal Assent (Gillespie, 2013). These Acts took a lot of power away from the Lords.

The current PM is allegedly preparing to use the Parliament Act for the first time in ten years to push through the EU Referendum Bill into Law before the next election (Holehouse, 2014). “ The Act is sometimes described as the nuclear option of parliamentary to break stalemates between the Commons and the Lords” (Holehouse, 2014). An MP was quoted saying “ It shows that they really, really want it to happen. It also shows the Lords that they can’t mess with it”.

Although the Lords have been stripped of a lot of their power, there are advantages to the Lords. There can be a lot more individual expression in the House of Lords (Knight, 2010). Many of its members have a lot of experience in different areas of life; with this experience making an important contribution to the progress of legislation and serves to caution the government of the day (Jones, 2010). The House of Lords are also responsible for holding government to account. Members in the Upper Chamber scrutinise the work of the government during question time and debates in the chamber. “ In the 2012-13 session, members held the government to account with 7, 324 oral and written questions and 193 debates on issues ranging from child poverty to immigration” (www.parliament. uk).

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The Lords can also moderate the Commons using their expertise and making sure nothing too radical is put through (www.parliament.uk). Peers have less to lose, being free thinkers. If an MP was to go against their party leader then they could be ignored when looking for a job although some do still have party affiliation and will vote on side of their party (Knight, 2010). Some people however, would argue that having the House of Lords is healthy for our system as it means it isn't led by political machines with party agendas (Knight, 2010).

'Ping ponging' is the toing and froing of amendments to Bills between the House of Commons and the House of Lords. A good example of this is The Hunting with Hounds Act which experienced seven years of 'ping ponging' between the two houses. Three private members Bills were introduced by Labour MPs between 1992 and 1995 to ban hunting with no success (Garnett, 2007).

However, in a 1997 manifesto Labour offered a free vote on the subject. In 1998 the Bill got its second reading in the Commons and was 'talked out' by the third reading (Garnett, 2007). In 2000 a new bill was proposed with a compromise of hunting with a licence, this was rejected by the commons and thrown out by the Lords. The Bill had been introduced too late to meet the terms of the Parliament Act of 1949. After Blair was re-elected in 2001 the 'ping pong' effect still continued, with the Commons passing a new Bill and the Lords rejecting it, until 2004 when the conditions of the Parliament Act 1949 had been met and the Bill was given Royal Assent (Garnett, 2007).

The House of Lords Reform draft bill was introduced in 2011. The Reform wants to outline the powers and responsibility of the relationships between the two houses. This would define the point of 'financial privilege'. This could be hard to reach an agreement on when it could be rejected and what kind of amendments the House of Lords could make before they were 'wrecking amendments' and what circumstances the Lords would be able to reject secondary legislation (draft house of lords reform bill: report session 2010-12, Vol. 1: Report).

Originally 'Financial Privilege' was seen as something dealing with Bills dealing with supply and taxation. However in the recent reform bill it was used to reject a lot of the amendments by the Lords and to prevent the bill 'ping ponging'. The financial implications were seen as big enough by the Speaker to grant financial privilege (Crampton, 2012). Financial privilege is being used a lot more reducing the effect of the Lords scrutiny.

Despite the fact the House of Lords do not appear to hold much in the way of power, the House are specialists in different fields offering expertise advice. Also, peers do not have a party agenda and therefore pose employability risk in going against their party. This is useful as these limitations can prevent any radical changes in law. But without any power to have their amendments noted there is really no point in the House of Lords if they can be over ruled completely.

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