



SIXTH EDITION

UK GOVERNMENT AND POLITICS

for A-level

Philip Lynch
Paul Fairclough
Toby Cooper



Chapter 5

Parliament

Key questions answered

- How are the House of Commons and the House of Lords structured and what roles do they play in parliament?
- What are the comparative powers of the Commons and the Lords?
- What are the main functions of parliament?
- How effective is parliament in performing these functions?
- How does parliament interact with the executive?

The UK has a system of parliamentary government in which government takes place through **parliament**. But in 2017–19, parliament sought to seize the initiative on Brexit. On 15 January 2019, MPs rejected Theresa May's Withdrawal Agreement in the first 'meaningful vote' by 432 votes to 232, a record government defeat. Further defeats followed and MPs took control of the parliamentary timetable to pass two pieces of legislation, against the wishes of the government, delaying Brexit. A combination of circumstances empowered parliament in 2017–19: a minority government, divisions within the Conservative Party and creative use of parliamentary procedures. Then, the 2019 general election delivered a Conservative parliamentary majority of 80. The balance of power between the **legislature** and executive shifted back in favour of the latter. MPs approved, without amendment, Boris Johnson's Withdrawal Agreement by a majority of 124 in December 2020, and a year later they approved, in a single day, the EU–UK Trade and Cooperation Agreement by 521 votes to 73.



A view across Westminster Bridge to the Houses of Parliament, the UK's bicameral legislature

Key terms

Parliament An assembly that has the power to debate and make laws. The term can also be used to refer to the period of parliamentary time between general elections (e.g. the 2010–15 parliament).

Legislature The branch of government responsible for passing laws.

House of Commons The lower chamber, and the primary chamber, of the UK legislature. It is directly elected by voters.

House of Lords The upper chamber of the UK legislature. It is not directly elected by voters.

The UK has a bicameral legislature — that is, a parliament with two chambers:

- the **House of Commons**, which is the lower chamber
- the **House of Lords**, which is the upper chamber

In addition, the monarch retains a formal and ceremonial role in parliament.

In focus

Bicameralism

This term describes a political system in which there are two chambers in the legislature. The lower house is usually elected in a general election and tends to be the dominant chamber. The composition of the upper house varies: it may be directly elected or indirectly elected (e.g. appointed by ministers), or be a hybrid of both.

Bicameralism has a number of benefits: the upper house provides checks and balances, provides for greater scrutiny and revision of legislation, and may represent different interests (e.g. states in a federal system). Problems may also arise: there may be institutional conflict between the two houses which produces legislative gridlock, and an indirectly elected upper house may frustrate the will of the democratically elected lower house.



The House of Commons: structure and members

Key terms

Frontbencher An MP or member of the Lords who holds a ministerial or shadow ministerial position.

Backbencher An MP or member of the House of Lords who does not hold a ministerial or shadow ministerial position.

Activity

Identify the MP for your constituency and find key biographical details. Did they grow up in the area? What was their occupation before they entered parliament? When were they first elected? Have they held ministerial office?

The House of Commons is a democratically elected chamber of 650 Members of Parliament (MPs). Each MP is elected in a single-member constituency by the first-past-the-post (FPTP) electoral system. The number of MPs is not fixed and can change following reviews of parliamentary constituencies. The latest boundary review is due by 2023, but proposals to cut the number of MPs to 600 have been dropped.

In the Commons chamber, the governing party (or parties) sits on the benches to the right of the speaker's chair and members of opposition parties sit on the benches to its left. More than 100 MPs hold ministerial positions in the government. The main opposition party appoints 'shadow ministers'. Ministers and shadow ministers are known as **frontbenchers** because they occupy the benches closest to the floor of the chamber. Most MPs have no ministerial or shadow ministerial posts and are known as **backbenchers**.

All MPs elected in 2019 represent a political party but there have been exceptions. Sylvia Hermon, once an Ulster Unionist MP, was re-elected as an independent in North Down on three occasions from 2010 to 2017. Richard Taylor, a campaigner against the closure of a local hospital, was elected in Wyre Forest in 2001 and 2005.

The Fixed-term Parliaments Act 2011 set the length of a parliament (i.e. the period between general elections) at five years, but established procedures for parliament to vote on holding an early general election. The Johnson government introduced legislation to restore the prime minister's authority to call a general election. Each parliament is divided into sessions. These normally last for one year, but two-year sessions were held in 2010–12, 2015–17 and 2019–21, while parliament only sat for 15 days in the 2019 session before being dissolved ahead of the general election. Prorogation marks the end of a parliamentary session. In 2019 the Supreme Court ruled that Boris Johnson's attempt to prorogue parliament for five weeks was unlawful.

Synoptic links

The electoral system

Under the first-past-the-post (FPTP) electoral system used for Westminster elections, the winning candidate in a constituency requires a plurality of votes (i.e. one more than the second-placed candidate). The party that wins most votes nationwide often wins a majority of seats in the House of Commons. Electoral systems are examined in depth in Chapter 10.

Pay and privilege

MPs are paid a salary. It was £82,000 in 2020. Increases are set by the Independent Parliamentary Salaries Authority, which also regulates and pays MPs' parliamentary expenses. These cover the costs of running an office and employing staff, plus accommodation and travel. The system was overhauled after the 2009 MPs' expenses scandal, which

Key term

Parliamentary privilege The legal immunity enjoyed by members of parliament, particularly their right to free speech in parliament.

resulted in hundreds of MPs having to pay back expenses they had claimed, and four being jailed.

MPs who faced criminal charges over their expenses unsuccessfully claimed that they should not face prosecution because of **parliamentary privilege**. This is the legal immunity enjoyed by members of the House of Commons and House of Lords. It ensures that they can carry out their parliamentary duties without interference. The two most important elements of parliamentary privilege are:

- **Freedom of speech.** Members of both houses are free to raise any issue in parliament without fear of prosecution. MPs have, for example, revealed information that is subject to court injunctions (e.g. the identity of celebrities who have been granted injunctions).
- **Exclusive cognisance.** This is the right of each house to regulate its own internal affairs without interference from outside bodies (e.g. the courts).

MPs are not above the law. MPs who are imprisoned, suspended from the House for at least 21 sitting days or convicted of making false allowance claims may be dismissed by voters under the Recall of MPs Act 2015. If, after 8 weeks, 10% of eligible electors have signed the recall petition, their seat is declared vacant and a by-election scheduled. The MP can stand in this by-election. Three recall petitions have been held, two of them successful. Fiona Onasanya was subject to recall after receiving a prison sentence and did not contest the 2019 Peterborough by-election. Chris Davies, who was convicted of making false parliamentary allowance claims, contested the 2019 Brecon and Radnorshire by-election but was defeated. North Antrim MP Ian Paisley Jr was the first to face possible recall, but the petition did not achieve enough signatures. There is no right of recall if an MP defects to another party or if constituents disapprove of their voting record.

Key office holders

Whips

The party system in the House of Commons has traditionally been strong. Parties appoint a number of MPs to act as **whips**. They have three main roles:

- Ensuring that MPs attend parliamentary **divisions** (votes) and approving the absence of MPs when their vote will not be required.
- Issuing instructions on how MPs should vote. Each week, MPs receive instructions on their attendance — also known as a whip. Debates where there will be a vote are underlined. A 'three-line whip' is a strict instruction to attend and vote according to the party line or face disciplinary action. It is issued on the most important divisions.
- Enforcing discipline within the parliamentary party. The whips seek to persuade wavering MPs to vote with their party by providing assurances, making offers and issuing threats. Rebellious MPs may be expelled from the parliamentary party by having the whip withdrawn (they then sit as an independent MP).

Key terms

Whip (a) A party official responsible for ensuring that MPs turn up to parliamentary votes and follow party instructions on how to vote. (b) An instruction to vote that is issued to MPs by political parties.

Division A vote in parliament.

The speaker

The speaker of the House of Commons presides over debates in the chamber, selecting MPs to speak and maintaining order. He or she may temporarily suspend MPs who break parliamentary rules. The speaker is elected by MPs in a secret ballot. He or she must stand down from the post at a general election but is normally re-elected at the start of the next parliament. Once chosen, the speaker gives up their party affiliation and is non-partisan. The speaker does not vote unless there is a tie, in which case they do not use it to deliver a final decision.

The speaker has occasionally been embroiled in controversy. Michael Martin became the first speaker to be forced from office in 174 years when he resigned in 2009. Martin was criticised for his handling of the MPs' expenses scandal and was viewed as an obstacle to reform. He stepped down before a motion of no confidence could be heard. John Bercow was a reforming speaker, but his approach drew criticism (see the case study). Lindsay Hoyle became speaker in 2019.

Case study

Speaker John Bercow

John Bercow was elected as speaker in 2009. He sought to enhance parliamentary scrutiny of the executive and champion backbench MPs. Concerned that ministers were making fewer statements to the Commons, Bercow granted more 'urgent questions' than his predecessors. If a request from an MP for an urgent question is granted, a minister must make a statement to the Commons and answer questions that day. Bercow granted more than 670 requests for urgent questions. He also called more backbench MPs to speak in debates, and supported measures to increase the number of women MPs.

Bercow played a high-profile but controversial role in the 2017–19 debates on Brexit. He broke with precedent by permitting amendments to usually unamendable 'motions expressed in neutral terms'. The speaker's decisions changed the course of the Brexit process. In 2018, Bercow selected an amendment tabled by Dominic Grieve which paved the way for MPs to override the government's approach to Brexit. In 2019, he granted an emergency debate which led to MPs taking control of the order paper and passing legislation delaying Brexit.



John Bercow's efforts to enhance parliamentary scrutiny of the government proved controversial during the Brexit debates

Bercow's supporters praised his actions for holding the government to account and giving MPs a say, but critics argued that he was motivated by his anti-Brexit views and undermined faith in parliament.

Questions

- How did Bercow enhance parliamentary scrutiny of the executive?
- How important is the speaker to the functioning of the Commons?

The House of Lords: structure and members

Key term

Peer A member of the House of Lords.

The House of Lords is an unelected chamber and is subordinate to the House of Commons. Members, known as **peers**, do not receive a salary but can claim a daily attendance allowance. The house is chaired by the Lord Speaker, who is elected by peers and is politically neutral. Lord McFall became Lord Speaker in 2021.

Key terms

Hereditary peer A member of the House of Lords who, since 1999, has been selected from those who inherited their title.

Life peer A member of the House of Lords who has been appointed to the chamber for their lifetime.

The House of Lords has different categories of members:

- **hereditary peers**
- **life peers**
- Lords Spiritual — two archbishops and 24 senior bishops of the Church of England

The first two categories will be examined in more detail.

Hereditary peers

Before 1999, the House of Lords had more than 750 hereditary peers who had inherited their title and a place in the upper house. The Peerages Act 1963 allowed hereditary peers to renounce their titles and membership of the Lords. It enabled Alec Douglas-Home, the 14th Earl of Home, to leave the Lords and win a by-election to the House of Commons when he became Conservative Party leader and prime minister in 1963. The Act also allowed women hereditary peers to sit in the Lords.

The House of Lords Act 1999 ended the right of all but 92 hereditary peers to sit and vote in the Lords. When one of these elected hereditary peers dies or resigns, a by-election is held in which peers from the same group choose a replacement from a register of hereditary peers. By September 2021, 43 by-elections had been held.

Life peers

The Life Peerages Act 1958 gave the prime minister the right to appoint members to the upper house for life. Their title and right to sit in the Lords cannot be inherited. Since the removal of most hereditary peers, life peers are the largest category of members of the upper house, numbering 674 in September 2021 (see Table 5.1). The independent House of Lords Appointments Commission recommends individuals for appointment as non-party peers, and vets those nominated by political parties. Its role is only advisory, and Johnson ignored its concerns when awarding a life peerage to businessman Peter Cruddas in 2020.

Table 5.1 The House of Lords by party and peerage, 1999 and 2021

Party	October 1999			September 2021		
	Life peers	Hereditary	Total	Life peers	Hereditary	Total
Conservative	172	299	471	215	47	262
Labour	160	19	179	168	3	171
Liberal Democrats	49	23	72	82	3	85
Crossbench	128	225	353	154	33	187
Bishops	0	0	26	0	0	26
Other	32	80	112	55	2	57
Total	541	759	1,330	674	88	788

Note: 'Total' for October 1999 includes peers on leave of absence. Four hereditary peer by-elections were pending in September 2021. 'Other' includes non-affiliated peers and those representing other parties.

Source: <https://members.parliament.uk/parties/lords/by-peerage>
Contains public sector information licensed under the Open Government Licence v3.0.

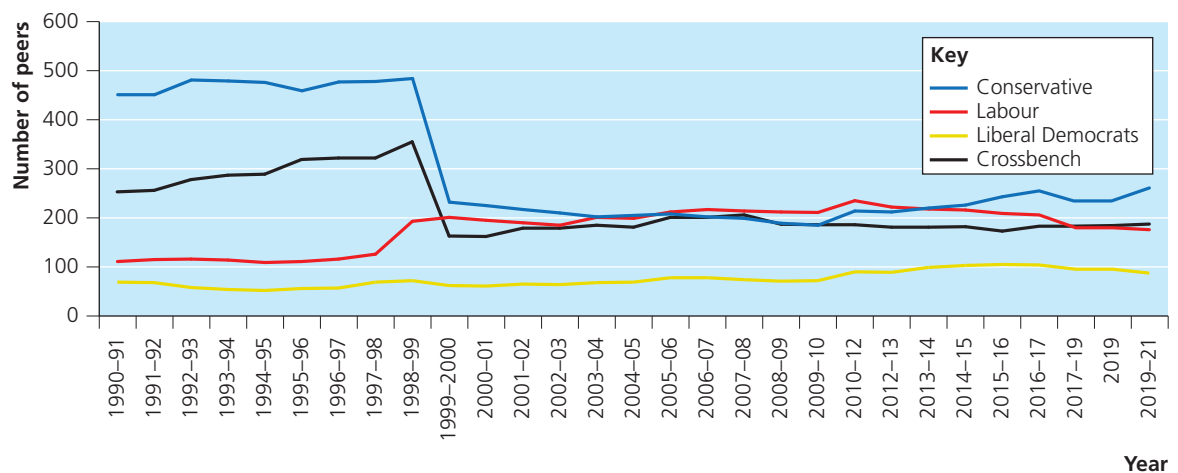


A session of the House of Lords. Since 1999, peers and MPs have struggled to agree whether non-hereditary members of the Lords should be appointed or elected

The creation of life peers increased the diversity and professionalism of the House of Lords. Life peers include former MPs (some 20% of members of the Lords), and leading figures from business, education and the arts.

Prior to 1999, many hereditary peers took the Conservative whip. Their removal ended the Conservative Party's predominance in the upper house (see Figure 5.1). No party now has an overall majority in the Lords (see Table 5.1). Crossbench members have no formal party allegiance. Prime ministers use their power to nominate life peers to alter the party balance within the Lords. The removal of hereditary peers also increased the proportion of women in the Lords. In September 2021, there were 223 women peers — making up 28% of the house compared to 9% before 1999.

The House of Lords Reform Act 2014 allowed peers to resign voluntarily. More than 100 peers have subsequently resigned. Further legislation in 2015 allowed members convicted of serious criminal offences to be expelled or suspended. Nonetheless, the Lords has grown with more than 750 life peerages created between 1997 and 2020. The Lords is the world's second largest legislative chamber (after the Chinese National People's Congress) and its size risks damaging its reputation and ability to function. A committee



Note: data do not include non-affiliated peers and those representing other parties.

Source: www.parliament.uk/mps-lords-and-offices/lords/composition-of-the-lords
Contains public sector information licensed under the Open Government Licence v3.0.

Figure 5.1 Party strength in the House of Lords, 1990–2021

appointed by the Lord Speaker produced the 2017 Burns Report, which recommended that the Lords be reduced to 600 members through a 'two-out, one-in' system. But the government did not commit to this and the Lord Speaker criticised Johnson for appointing more Conservative life peers.

The removal of most hereditary peers was intended to be the first step towards wider reform of the Lords, but reform has stalled as MPs and peers have been unable to agree on whether a reformed upper chamber should be wholly appointed, partially elected or wholly elected (see the case study).

Case study

Reform of the House of Lords

A number of proposals for major reform of the House of Lords have been introduced since 1999. All have failed. They include:

- **Free vote, 2003.** MPs had a free vote on seven options proposed by a parliamentary joint committee. None secured majority support. Peers voted for a wholly appointed House.
- **White Paper, 2007.** This proposed a hybrid House: 50% appointed and 50% elected. A series of votes on reform options were held. A wholly elected House was approved by MPs, as was the 80% elected option. But some who backed the former were trying to wreck the process. The Lords supported a wholly appointed House.

- **House of Lords Bill, 2012.** This proposed a chamber of 360 elected members, 90 appointed members, 12 bishops and 8 'ministerial members'. MPs approved the second reading of the bill, but 91 Conservative MPs rebelled and Labour indicated that it would vote against a 'programme motion' and so prevent timely passage of the bill. The government abandoned the bill.

Questions

- Why did these reform proposals fail?
- Using your own research identify reforms to the House of Lords proposed by the main political parties.


Comparative powers of the Commons and the Lords

The House of Commons has been the dominant chamber for over a century. It has a number of exclusive powers:

- **The right to insist on legislation.** In cases of conflict over legislation, the Lords should ultimately give way to the Commons.
- **Financial privilege.** The Lords cannot delay or amend money bills.
- **The power to dismiss the executive.** If the government is defeated on a motion of no confidence, it must resign.

The primacy of the Commons is underpinned in legislation, notably the Parliament Acts of 1911 and 1949, and in constitutional conventions. The main conventions covering the relationship between the two chambers are:

- **The Salisbury Convention.** Bills implementing manifesto commitments are not opposed by the Lords.
- **Reasonable time.** The Lords should consider government business within a reasonable time.
- **Secondary legislation.** The Lords does not usually object to secondary legislation.



Conventions do not have the force of law and, in order to operate smoothly, a shared understanding of their application is required. A parliamentary Joint Committee on Conventions (2006) supported the primacy of the Commons and the principles underpinning these conventions.

The Parliament Act

The House of Lords does not have a veto over legislation approved by the House of Commons. It can only delay most bills passed by the House of Commons for up to 1 year. Prior to 1911, it could block bills passed by the Commons indefinitely. The Parliament Act 1911 restricted this veto power to two parliamentary sessions (i.e. 2 years), which was subsequently reduced to 1 year by the Parliament Act 1949.

These measures transformed the Lords from a vetoing chamber into a revising chamber. The Lords can propose amendments to bills passed by the Commons. The Commons can then accept these amendments, reject them or introduce new amendments of its own. But the Lords cannot force the Commons to accept its amendments. If the Commons refuses to accept the wishes of the Lords, the upper house is faced with the choice of backing down or blocking the bill from becoming law for 1 year. If it chooses the latter, the bill can still be passed unchanged in the following session of parliament without the consent of the Lords, under the terms of the Parliament Act. This has happened with only four pieces of legislation since 1949:

- War Crimes Act 1991
- European Parliamentary Elections Act 1999
- Sexual Offences (Amendment) Act 2000
- Hunting Act 2004

Financial privilege

The House of Lords cannot delay or amend money bills (also known as 'supply bills'): that is, bills solely concerned with national taxation, loans or public money. The Parliament Act 1911 states that any bill certified by the speaker as a money bill which is not passed by the Lords unamended within 1 month can receive royal assent without the agreement of the Lords. Each year, an Appropriation Bill authorising government spending is passed by the Commons — the Lords stage is purely formal. Sections of the Finance Bill, which follows the chancellor of the exchequer's budget announcement, are not normally challenged in the Lords, even though it is not usually designated as a money bill.

The Commons can also claim financial privilege when the Lords passes an amendment to legislation that has financial implications, such as creating new spending. The Conservative–Liberal Democrat coalition government invoked financial privilege during the final stages of the Welfare Reform Bill in 2012. The Commons has also claimed financial privilege on issues ranging from counter terrorism (2008) to support for child refugees (2016).

Key terms

Confidence and supply

The requirement that the government must be able to command a majority in the House of Commons on votes of confidence and of supply (e.g. the budget). Also used to refer to an agreement between the governing party and a smaller party in which the latter agrees to support the government on key votes in return for policy concessions.

Motion of no confidence A parliamentary censure motion initiated by the opposition which, if passed, requires the resignation of the government.

Confidence motion A motion of confidence in the government. It may be initiated by the government as a threat of dissolution, or used to approve the formation of a new government under the Fixed-term Parliaments Act 2011.

Salisbury Convention The convention that the House of Lords does not block or try to wreck legislation that was promised in the manifesto of the governing party.

Confidence and supply

The government requires the **confidence and supply** of the House of Commons to remain in office. Supply refers to the authorisation of government spending by the Commons. Traditionally, a government defeated on a key supply bill is expected to resign.

The Commons can remove the government by defeating it in a **motion of no confidence** (also known as a vote of confidence) or a **confidence motion**. The Lords does not vote on confidence motions. Before 2011, defeat in the Commons on such a motion or on the Queen's Speech would trigger the resignation of the government. There have been 23 votes of no confidence and 3 votes of confidence since 1945. The only government defeat on a motion of no confidence since 1924 occurred in March 1979, when James Callaghan's Labour government lost by one vote.

The Fixed-term Parliaments Act 2011 clarified and limited what is treated as a confidence motion. Only a Commons motion stating 'that this House has no confidence in Her Majesty's Government' is now treated as a motion of no confidence. If passed, and no alternative government is approved by the Commons within 14 days, parliament is dissolved and a general election called. These strict conditions proved problematic when the minority May government remained in office but did not have sufficient support to win important votes. The prime minister could not threaten her own MPs with a general election, and the opposition seemed unwilling to force her out of office.

The Salisbury Convention

The **Salisbury Convention** (sometimes known as the Salisbury–Addison Convention) states that the House of Lords should not vote against a bill that seeks to enact a manifesto commitment of the governing party on second or third reading; nor should it agree 'wrecking amendments'. Its origins lie in the idea of the mandate developed by Conservative prime minister Lord Salisbury in the late nineteenth century — that general election victory gives the governing party the authority to implement the programme it presented to the electorate. The convention developed in the 1940s as an acceptance that the unelected Lords should not frustrate the will of the elected Commons.

However, a convention is not law but relies on a prevailing political understanding that may change. The Salisbury Convention has come under strain. In 2006, peers voted against an identity cards bill, despite it featuring in Labour's 2005 manifesto. They argued that Labour had not won sufficient support at the election to claim a democratic mandate, and that the convention was outdated as it related to a time when the upper house had an inbuilt Conservative majority. The doctrine was questioned under the Conservative–Liberal Democrat coalition because the coalition agreement had not been put before voters. Under the 2017–19 Conservative minority government, the Lords proposed multiple amendments to Brexit legislation but did not block it.

'Reasonable time' convention

The government needs to get its legislative proposals through parliament in a reasonable time. Whereas the government has significant control of the parliamentary timetable in the Commons, it does not in the Lords. The convention emerged that the Lords should consider all government business within a reasonable time. It should not deliberately overlook or delay consideration of government bills and should ensure that they are passed by the end of the session.

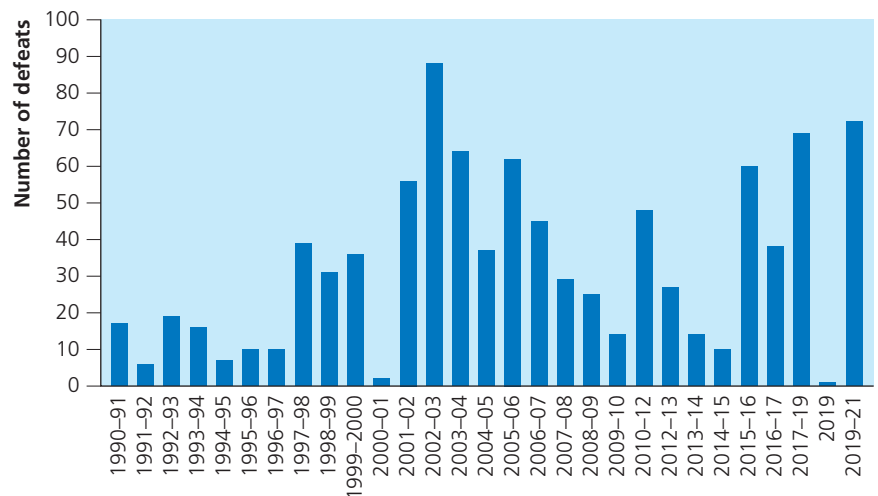
Secondary legislation and the Lords

Parliament delegates to ministers the authority to issue secondary legislation which brings into force or amends part of an Act. By convention, the Lords does not usually reject it. In 2015, the Lords amended two regulations on tax credits. A review recommended that the Commons should be able to override any Lords vote to reject secondary legislation, but no action was taken.

A more assertive House of Lords

The House of Lords has become more assertive in the legislative process since the removal of most hereditary peers in 1999. It blocked the Sexual Offences (Amendment) Act 2000 and the Hunting Act 2004, forcing the government to employ the Parliament Act in the following session.

Government defeats in the Lords have also become more frequent (see Figure 5.2). The Blair and Brown governments were defeated seven times in the House of Commons but more than 400 times in the House of Lords. Many of these defeats occurred on judicial and constitutional matters (including counter terrorism and restrictions on the right to trial by jury), which are of particular interest to peers. The 2010–15 coalition government suffered 99 defeats in the Lords, notably on judicial matters and welfare reform, and the 2015–17 Conservative government 98 defeats. The 2017–19 minority Conservative government lost 69 votes in the Lords. The Conservative government then suffered 114 defeats in 2019–21. Most defeats since 2017 have been on Brexit-related legislation.



Year

Source: www.parliament.uk/about/faqs/house-of-lords-faqs/lords-govtdefeats
Contains public sector information licensed under the Open Government Licence v3.0.

Figure 5.2 Government defeats in the House of Lords, 1990–2021

Activity

Find recent examples of government defeats in the House of Lords by consulting the Constitution Unit's running tally:

www.ucl.ac.uk/constitution-unit/research/parliament/changing-role-house-lords/government-defeats-house-lords

Four out of every ten defeats in the Lords (including those on religious hatred and anti-terrorism) were substantially accepted by the Blair and Brown governments. The coalition government dropped plans to privatise the Forestry Commission and agreed to 1,257 of the 3,449 amendments made by the Lords in the 2014–15 session. Some, although far from all, Lords' amendments to Brexit legislation (e.g. on parliamentary scrutiny) were accepted. In 2020, the Lords inflicted the heaviest defeat on a government for a century when rejecting controversial clauses in the Internal Market Bill which, in the event of a no deal Brexit, would have broken international law. Although the Commons voted to reinstate the clauses, pressure built and the government withdrew the provisions after reaching agreement with the EU.

The increased effectiveness of the House of Lords in checking the powers of the executive and forcing changes to legislative proposals has resulted from a number of factors:

- **Party balance.** No party has an overall majority in the House of Lords, so governments must win cross-party support for their legislation. The votes of Liberal Democrat peers often proved crucial under Labour (1999–2010) and the Conservatives (2015–): if they vote with the opposition, the government faces defeat. Crossbenchers may also be influential but are not a cohesive block. The government is most likely to give ground when its own peers rebel or abstain.
- **Enhanced legitimacy.** The reformed Lords is more confident of its legitimacy and more willing to flex its muscles on legal and constitutional issues.
- **Government mandate.** Peers have questioned whether the Salisbury Convention should apply in periods of coalition or when the governing party wins the support of less than a third of the electorate.
- **Support from MPs.** The Lords has been most effective in forcing the government to amend its proposals when MPs, particularly backbenchers from the governing party, support their amendments.

Debates about relative powers

The relative powers of the two chambers reflect their different functions (such as the Commons' role in confidence and supply) and legitimacy. The Commons has primacy because it has the democratic legitimacy which the Lords lacks. However, it is helpful to consider two aspects of legitimacy:

- Input legitimacy concerns the composition of an institution and its responsiveness to citizens' concerns as a result of participation by, and representation of, the people.
- Output legitimacy concerns the quality and effectiveness of an institution's performance and outcomes for the people.

The Commons has input legitimacy because of its composition (it is directly elected and accountable to voters), whereas the Lords has output legitimacy because of what it delivers (its scrutiny and revision produce better-quality legislation).

Reform of the House of Lords

The House of Lords Act 1999 focused primarily on the composition of the Lords rather than its relationship with the Commons, but changes to its membership affect the legitimacy and powers of the Lords.

Supporters of a wholly or mainly elected upper house claim that only elections bring legitimacy and that an elected house would be better able to challenge executive power. If proportional representation were used, no single party would dominate and long, non-renewable terms in office would encourage members to be independent.

Those favouring an appointed house note that the Lords has a different role to the Commons. It is a revising chamber which has more time to scrutinise legislative proposals, while its members possess expertise and are not constrained by concerns about re-election. An elected upper house, critics argue, would produce competing claims of legitimacy, creating a rival to the Commons and bringing legislative gridlock. They say a wholly elected chamber would lose the independence of crossbenchers and strengthen the role of parties.

Debate

Should the House of Lords be wholly elected?

Yes

- A fully elected House of Lords would have the legitimacy that can only be derived from democratic elections.
- It would be more confident in its work of scrutinising and amending government bills, improving the quality of legislation.
- If no party has a majority, as would be likely under proportional representation, it would challenge the dominance of the executive.
- If elected by proportional representation, it would be more representative of the electorate.
- Election would end the problems associated with the appointment of peers (e.g. allegations of 'cash for influence').

No

- It would come into conflict with the House of Commons, as both houses would claim democratic legitimacy.
- Institutional conflict between two elected chambers with similar powers would produce legislative gridlock.
- An appointed house would retain the expertise and independence of crossbench peers.
- The problems associated with party control in the House of Commons would be duplicated in an elected upper house.

Evaluation: Consider how election would transform the composition and functioning of the Lords, and whether this would create new problems for relations between the two houses.

Knowledge check

- 1 Explain the difference between hereditary peers and life peers.
- 2 Outline the main powers of the House of Lords.
- 3 Set out the main limits to the powers of the House of Lords.

Functions of parliament

Parliament performs a number of functions, the most significant of which are:

- legislation
- scrutiny and accountability
- debate
- recruitment of ministers
- representation

This section outlines the main parliamentary procedures for dealing with these functions, with a particular focus on the House of Commons given its status as the dominant chamber. It also assesses how effective parliament is in performing these roles.

Synoptic links

The Supreme Court

The House of Lords used to have a judicial role. The Law Lords — senior judges who sat in the Lords — acted as the UK's highest court of appeal. The Supreme Court took over this role in 2009. Its role and relationship with parliament are examined in Chapter 7.

Legislation

Parliament is the legislative branch, or legislature, of a political system. This indicates that parliament's main function is making law.

Synoptic links

Parliamentary sovereignty

The doctrine of parliamentary sovereignty is a core principle of the UK constitution. It states that no higher authority can overturn laws made by parliament. But it has come under pressure from a range of constitutional reforms, including devolution, referendums, the Human Rights Act (see Chapter 3) and the European Union (see Chapter 8).

Key terms

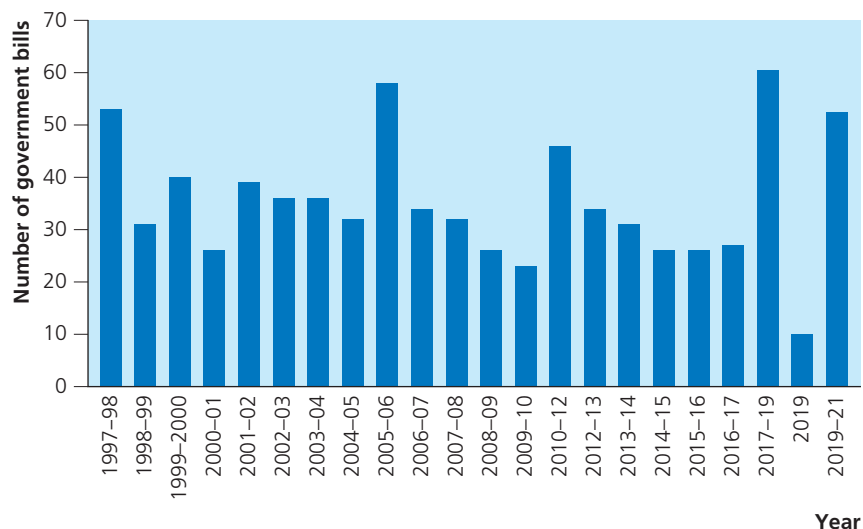
Bill A proposal for a new law, or change to a current law, that has yet to complete the parliamentary legislative process.

Act of Parliament A law passed by parliament.

Public bill A bill concerning a general issue of public policy, introduced by a government minister.

The legislative process

A **bill** is a draft legislative proposal that is debated in parliament. When a bill has completed the legislative process and enters into law, it is known as an **Act of Parliament**. The most significant bills are **public bills**. These concern general issues of public policy. The government generally introduces between 25 and 35 public bills each year (see Figure 5.3).



Source: www.parliament.uk

Contains public sector information licensed under the Open Government Licence v3.0.

Figure 5.3 Number of government bills introduced per session, 1997–2021