



**Public Administration  
and Constitutional Affairs  
Committee**

From the Chair  
**William Wragg MP**

Lord Gardiner of Kimble  
Senior Deputy Speaker  
House of Lords  
*Via email only*

4<sup>th</sup> July 2023

**PACAC Inquiry into Membership of the House of Lords**

Thank you for your letter of 26 June about the Public Administration and Constitutional Affairs Committee's recently announced inquiry.

In preparing its Terms of Reference, the Committee carefully considered their scope and is alive to the constitutional matters and positions at issue. The membership of the House of Lords is an important element of the UK constitutional system, the scrutiny of which is a key aspect of my Committee's remit.

Our Terms of Reference are designed to allow a discussion of the relevant matters at a systemic level; we are not intending to focus on details of the day-to-day operation of the House of Lords or of proceedings in your House. The matters we have listed are of significant public interest and are intended to prompt wide-ranging public contributions and debate. I should add that it is not unprecedented for our Committee, or predecessor Committees of the House of Commons, to examine such matters.

We encourage and welcome submissions from all interested stakeholders, including of course Members of the Lords, in order that we can hear the widest range of views possible during our inquiry.

I hope this has provided sufficient reassurance to you and your colleagues.

**William Wragg MP**  
**Chair, Public Administration and Constitutional Affairs Committee**



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William Wragg MP  
Chair, Public Administration and Constitutional Affairs Committee  
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26 June 2023

*Dear William,*

### **Membership of the House of Lords**

I am writing, as both Senior Deputy Speaker and Chair of the House of Lords Procedure and Privileges Committee, in response to the call for evidence published by the Public Administration and Constitutional Affairs Committee on 21 June. I of course welcome the helpful consideration that your committee has given in recent years to the work of HOLAC and the process of appointments to the House of Lords, but your most recent call for evidence goes rather further and has caused some concern in the Lords.

For example, it asks the following questions:

- How effective are current arrangements/processes for removing or suspending Members from the House of Lords?
- Is the House of Lords still effectively carrying out its role as the 'Revising Chamber'?

As you are aware, each House "has exclusive cognizance of its own proceedings" (Erskine May, 11.15). Erskine May develops this fundamental principle as follows:

11.16 Both Houses retain the right to be sole judge of the lawfulness of their own proceedings, and to settle—or depart from—their own codes of procedure. This is equally the case where the House in question is dealing with a matter which is finally decided by its sole authority, such as an order or resolution, or where (like a bill) it is the joint concern of both Houses. The principle holds good even where the procedure of a House or the rights of its Members or officers to take part in its proceedings depends on statute.

Moreover, each House has adopted rules and conventions to safeguard the principle of exclusive cognizance. The House of Lords Companion to the Standing Orders states:

4.51 Criticism of proceedings in the House of Commons or of Commons Speaker's rulings is out of order, but criticism may be made of the institutional structure of Parliament or the role and function of the House of Commons.

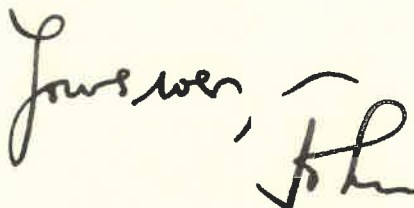
And Erskine May describes the reciprocal practice of the Commons as follows:

21.17 Members are restrained by the Speaker from commenting upon the proceedings of the House of Lords. When a Member raised the question of the handling by the Government of a bill which had been sent to the Lords, he was advised that the business of the House of Lords was their concern and not a matter for the Speaker.

I understand of course that your committee has a legitimate interest in the role and functions of the House of Lords. But the procedures adopted by the Lords in performing these functions, such as those governing this House's scrutiny of legislation, or those for suspending or removing members (which are largely contained in the House of Lords Code of Conduct), derive from resolutions of the House and are subject to exclusive cognizance.

I am sure you will bear these principles in mind as you proceed with your inquiry, so as to avoid straying into areas of House of Lords exclusive cognizance, and I look forward to reading your report.

I am copying this letter to Sir Bernard Jenkin MP, Chair of the House of Commons Liaison Committee, the Speaker of the House of Commons, the Lord Speaker and the Leader of the House of Lords.

A handwritten signature in dark ink, appearing to read 'J. Gardiner', followed by a large, stylized flourish or initial 'G'.

**Lord Gardiner of Kimble**  
**Senior Deputy Speaker**