



Lord Speaker



# Fourth Report of the Lord Speaker's committee on the size of the House

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## Introduction

*“It so happens that if there is an institution in Great Britain which is not susceptible of any improvement at all, it is the House of Peers!”*  
—Lord Mountararat (from *Iolanthe*)

1. When he wrote this line, W. S. Gilbert’s tongue was of course firmly in his cheek. The House of Lords has always been, and continues to be, susceptible to improvement. Experience tells us that the surest route to success is through small, incremental and consensual changes. The House of Lords has regularly adapted and modified its processes, but fundamental change requiring legislation has not proved possible, even when there has been a degree of cross-party agreement.
2. Drawing on this lesson, the then Lord Speaker (Lord Fowler) established this committee at the end of 2016 to identify “practical and politically viable options that might lead to progress on this issue”. We prioritised pragmatism, concluding early on that our proposals should not require legislation if they were to stand a chance of succeeding.
3. Our [proposals](#) were published on 31 October 2017. They can be summarised as follows:
  - Cap on the size of the House of 600 members
  - Reduction to 600 on a voluntary basis over a decade using a “two out, one in” formula, with one new appointment for every two departures
  - Each group to achieve the same reduction as a percentage of their membership
  - New members to be appointed on a 15-year non-renewable fixed term basis to generate room for new appointments
  - Allocation of political appointments to be linked to election results, such that the overall composition of the House would reflect the elections over the preceding 15 years
4. The report was debated in the House on 19 December 2017, with 95 members taking part. The great majority of speakers supported the committee’s recommendations. The then Prime Minister Theresa May MP also responded positively, agreeing to exercise restraint in new appointments and to allocate them fairly between the parties. During the first two years of the scheme, the relentless growth in the membership was arrested and good progress was made in reducing the size of the House (see our [second](#) and [third](#) reports).
5. However, the current Prime Minister has not shown the same restraint as his predecessor. At the time of writing, there had been almost twice as many appointments as we had recommended by this stage. By contrast, there had been 119 departures from the House, which exactly meets the benchmark set by the committee.
6. We have decided to publish this report slightly before the end of Year 4 of the scheme to mark the retirement of the Lord Speaker who set up this committee and inspired its work. It sets out the latest data on the size of the House and,

drawing on the experience of the last four years, suggests where the House may wish to go from here.

### Progress against the committee's proposals

7. In its first report, the committee set benchmarks for departures and appointments over a five-year period, running from a nominal start date of 8 June 2017 (the date of the General Election) to 7 June 2022. In 2018 we published our second report, which analysed Mrs May's response to our first report, set out the impressive progress made against the benchmarks in Year 1 (8 June 2017 – 7 June 2018), and established benchmarks for Year 2 (8 June 2018 – 7 June 2019).
8. Our third report was published in July 2019, summarising the “substantial further inroads” which had been made in reducing the size of the House in Year 2 and setting benchmarks for Year 3. That report also thanked Mrs May for her support during her time as Prime Minister, and then went on as follows:

We also hope that the new Prime Minister will engage positively with our proposals and act fairly towards all parties, and we look forward to communicating with him in due course. A scheme which is non-statutory and based on co-operation can only succeed with the Prime Minister's backing, which will in turn encourage parties and groups to continue making progress in meeting their departure benchmarks.

The House has already made substantial progress towards implementing our proposals, and if that progress continues then it will have achieved an historic reform through self-regulation. If progress stalls, however, then the problem of an excessively large House will persist indefinitely, given the remote prospect of any legislation to tackle it.

9. We now take the opportunity to provide the departure figures as they stood at the date of publication, broken down by group, and to show how they compare to where they should be by the end of Year 4 (7 June 2021) if the five-year benchmarks set by the committee are to be met. The benchmark figures are given to the nearest whole number.

Group	Retirements	Deaths	Total departures since 8 June 2017	Benchmark for this stage
Con	25	10	35	38
Lab	11	21	32	30
LD	5	5	10	14
XB	24	8	32	28
Other	7	3	10	9 (nominal)
<b>TOTAL</b>	<b>72</b>	<b>47</b>	<b>119</b>	<b>119</b>

As the table shows, the House is exactly on track to meet the overall benchmark for departures. While there are differences between the groups in meeting their individual benchmarks, none of them has fallen significantly short.

10. The following table shows the equivalent information regarding appointments, again to the nearest whole number. For the reasons explained in our second report, it does not include the appointments made in the “legacy list” of May 2018. Given the departure figures include excepted hereditary peers, the table of appointments also includes the six hereditary peers who have been elected to the House over the last four years.

Group	Appointments/ elections	Benchmark for this stage
Con	55	22
Lab	16	17
LD	0	2
XB	29	14
Other	13	5
<b>TOTAL</b>	<b>113</b>	<b>60</b>

11. We are disappointed that the number of appointments over this period has undone much of the progress made in the last few years by the House and the previous Prime Minister. If the number of appointments over the four year period had met our benchmarks in the way that the number of departures did, then the eligible membership of the House would now be around 740 rather than 789 (this figure excludes members on leave of absence, disqualified or suspended).
12. We accept that some of the appointments of recent years have been driven by two changes of Prime Minister and three general elections, which traditionally involve resignation and dissolution lists respectively. We further acknowledge that the Prime Minister has been focused on other priorities, and is not incentivised to give up a power which enables him both to exercise political patronage and to improve his party's chance of winning votes in the House. Nonetheless, we fear that the sheer rate of new appointments presages a return to the inexorable upward path in the size of the House.
13. We are also concerned that party nominations over the four years have been overwhelmingly Conservative and have fallen well short of our proposal for sharing appointments to reflect the result of General Elections.
14. In our first report we noted that the Crossbench element of the House was one of its main and most distinctive strengths. In recent years, Crossbenchers have increasingly been appointed by Prime Ministers rather than the independent House of Lords Appointments Commission (HOLAC). David Cameron adopted Tony Blair's pledge not to make more than ten prime ministerial appointments to the Crossbenches in each Parliament, but he also extended the criteria for such appointments which has, perhaps inevitably, resulted in more appointments being made. The current Prime Minister has taken this a step further with a new practice of appointing “non-affiliated” peers, who tend to be political figures (and thus unsuitable for the Crossbenches) who have for whatever reason had a parting of ways with their party.
15. We reiterate our previous recommendation that there should be a limit of ten prime ministerial appointments to the Crossbenches every five years, rather than

every Parliament, because as we have experienced recently Parliaments can vary in length. We also urge the Government to restore the role of HOLAC as the primary source of nominations to the Crossbenches.

### Where do we go from here?

16. We remain of the view that the top priority is to agree a binding cap on the size of the House, as this is the only guaranteed way to keep the numbers in check. We stand by our original suggestion that the cap should be set at 600 members. Once this has been achieved, then the House can turn its attention to the more transient issue of reducing the existing membership to that level.
17. We have thought carefully about whether the events of the last few years should lead us to reconsider any of our other original recommendations, and whether they offer other lessons for the future. Our main conclusion is that a voluntary transition scheme over a 10+ year horizon is simply too vulnerable to events, particularly the advent of new personnel (primarily but not exclusively the Prime Minister) with different priorities, or the developments which traditionally lead to a list of new peers (i.e. resignation and dissolution honours lists). Without certainty that appointments will be made in a restrained fashion and allocated in a fair way, it is difficult to make the argument to existing members (especially opposition members) that they can retire safe in the knowledge that their party will be allocated a reasonable number of new appointments in compensation. The position is particularly challenging for an opposition party which has been out of government for a considerable period and has an ageing membership. To achieve the necessary trust requires the political leadership of the House to reach a firm and irrevocable agreement on the steps that must be taken within a reasonable timeframe.
18. In our original report we recommended that each group should make the same contribution to departures in proportional terms, in order that the political balance would not be changed randomly. We did not specify criteria to determine which individuals should retire, though we did suggest that age and length of service might be relevant considerations. We stand by this approach, but with one key difference: we believe that this process must take place faster than we originally envisaged. In our view, the House should aim to seek to reduce the membership to 600 by the end of this Parliament (assuming it runs to a full five years). How this could be applied to the smaller parties and non-affiliated members needs further thought.
19. Once the cap is in place and the numbers are down to 600, party leaders will be incentivised to nominate members who intend to contribute effectively as working peers. This development could be complemented by the introduction of peerages which do not entail membership of the House of Lords. As we noted in our first report, such peerages might for example be suitable for individuals of distinction who are thought to deserve an honour at that level but who cannot be accommodated within the cap on the size of the House, or who do not wish to become a legislator.
20. We reiterate our recommendation that all new members should be appointed for a single, non-renewable 15-year term to ensure that the membership is regularly refreshed and rebalanced politically in line with election results. We use the word "appointed" advisedly: as part of this process of change we also believe that the time

has come to abolish by-elections to replace departing hereditary peers, though this can of course only be achieved through legislation. Quite apart from the rights and wrongs of the system, the preponderance of Conservatives and Crossbenchers amongst the hereditary peers distorts the balance of the House, and this distortion would only be exacerbated in a House of 600 members. This proposal does not include removal of existing hereditary members of the House.

### Conclusion

21. **In conclusion, we emphasise that now is not the time to give up on efforts to reduce the size of the House, an aim which we believe is shared by the great majority of people inside and outside Parliament. We are grateful for all the support across the political spectrum for our proposals. The last few years have shown that the House can itself reduce its size, but this will only make a lasting difference if Prime Ministers exercise restraint in making new appointments. We are concerned that if the Government and the parties and groups in the House do not work together to give full effect to our proposals, the size of the House will once again resume a rising trajectory with no limit. Such an outcome would be severely damaging to the public perception of the House and its work.**