WORK, ROLE, FUNCTION & POWERS

Work in the Chamber
Work away from the Chamber
Powers
Role

The House of Lords is the second Chamber of the United Kingdom’s Parliament. It plays an important part in **revising legislation** and keeping a check on government by **scrutinising** its activities. It complements the work of the House of Commons, whose members are elected to represent their constituents. Members of the 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.

How the House spends its time in the Chamber

**Scrutiny 40%**

Of which:

- A. Debates 29%
- B. Questions 7%
- C. Statements 4%

**Legislation 60%**

Of which:

- D. Bills 55%
- E. Statutory Instruments 5%

Source: House of Lords statistics averaged over five sessions.
ON THE FLOOR…

‘On the floor’ is parliamentary language for the Chamber of the House of Lords where much of its legislative and scrutiny work takes place and where any Member can take part.

Legislation
The House spends about two thirds (60%) of its time 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 in the Lords to spread the legislative loads more evenly throughout the parliamentary year between the two Houses (for further detail, see Bills and How They Become Law).

Scrutinising the Government
As well as revising legislation, the House questions and debates policy and topical issues:

Questioning ministers
Oral questions can be asked each day (at 2.30pm on Mondays and Tuesdays, 3pm on Wednesdays and at 11am on Thursdays). They allow ministers to be cross-questioned for about 30 minutes, when the House is at its fullest. In addition, about 7,000 written questions are asked each year. As a means of extracting information and querying government policy, written questions have become increasingly popular over the last 20 years.

Short debates
These are ‘mini’ debates (1-1½ hours long) and provide opportunities to raise issues of concern. A government spokesman will reply at the end of the debate.

Debates
Most Thursdays are for general debates. One Thursday a month is set aside for two ‘short debates’ (maximum 2½ hours). Topics are suggested by backbench or Crossbench Members and are chosen by ballot. Other debates are agreed between the business managers—i.e. whips of the political parties and the Convenor of the Crossbench Peers—known as the ‘usual channels’.

Statements
Government statements on important or urgent issues are made by the Minister responsible for the subject in the House of Lords. Most statements are made in the Commons and repeated in the Lords by a junior minister followed by a limited time for immediate questioning of the Minister.
Away from the Chamber—‘off the floor’—but no less important, the investigative committee work of the House and its judicial work take place.

**Independent expertise — the select committees**

The specialist expertise which characterises much of the membership of the House of Lords is deployed in its major investigative select committees.

The **European Union Select Committee** was set up in 1974 to scrutinise and report on proposed European legislation. It has seven sub-committees and involves over 70 Members.

The **Science and Technology Select Committee** operates normally through two sub-committees enabling it to carry out two inquiries at a time. Many of its Members are scientists with experience of high office in scientific policy-making, university and industrial research, clinical medicine etc. It has published reports on the scientific aspects of aging, avian flu and water management.

The remit of the **Constitution Select Committee** is ‘to examine the constitutional implications of all Public Bills coming before the House and to keep under review the operation of the constitution’. The Committee has examined the workings of devolution and more recently the Government’s war-making powers and the *Identity Cards Bill*.

The **Economic Affairs Select Committee** considers economic affairs and scrutinises the work of the Bank of England Monetary Policy Committee (pictured above, scrutinising the Bank’s Governor). It conducted its first inquiry into aspects of the global economy. One recent inquiry focused on the economics of climate change.

The **Communications Committee** looks at a broad range of broadcasting and communications issues.

**One-off committees** are set up from time to time to examine issues or bills outside the remits of the main investigative committees—such as the BBC Charter Review and Animals in Scientific Procedures.
The House has a judicial function in addition to its legislative, scrutiny and committee work:

**Judicial work**

The House of Lords is the Supreme Court of Appeal for the whole of the United Kingdom in both civil and criminal cases (except Scottish criminal cases). Its decisions are binding on lower courts. Only cases involving a point of law of public importance are given leave to appeal to the House.

**The Appellate Committee**

The Law Lords hear cases in the Appellate Committee, which consists of five to seven Law Lords; in exceptional cases there are nine. Once the Law Lords have heard the arguments from the Appellant and the Respondent, a judgment is given in the House a few weeks later.

**Judgments**

Judgments are given by the Law Lords in the Chamber normally at 9.45am. Speeches, called opinions, are given by each Law Lord starting with the most senior. Opinions are drafted by the Law Lords themselves and are available online (www.parliament.uk) immediately after the judgment.

The judicial function of the House of Lords will end in October 2009 when a separate supreme court will be established.

**The Constitutional Reform Act 2005**

How it affects the House of Lords:

- it removes the Law Lords;
- it creates (from October 2009) a separate, independent supreme court;
- it has changed the role of Lord Chancellor, ending his role as a judge and as Speaker of the House of Lords.
Powers of the House of Lords

The powers of the House of Lords are limited by a combination of law and convention:

The Parliament Acts 1911 and 1949

These define the powers of the Lords in relation to Public Bills:

- **Money Bills** are certified by the Speaker and deal with taxation of public expenditure. Money Bills start in the Commons and must receive Royal Assent no more than a month after being introduced in the Lords, even if the Lords has not passed them.

- **Most other Commons Bills** can be held up by the Lords if they disagree with it for about a year but ultimately the elected House of Commons can reintroduce it in the following session and pass it without the Lords’ consent.

Bills not subject to the Parliament Acts are:

- Bills prolonging the length of a Parliament beyond five years;
- Private Bills;
- Bills sent up to the Lords less than a month before the end of a session;
- Bills which start in the Lords.

Although rarely invoked, the Parliament Acts provide a framework and a means of solving disagreement between the Commons and Lords.

Commons’ privilege

The Commons has claimed a general privilege in relation to the raising and spending of taxpayers’ money since the 17th century. Bills to raise taxes or authorise expenditure always start in the Commons and cannot be amended by the Lords.

The Salisbury Convention

The convention ensures that major government Bills can get through the Lords when the Government of the day has no majority in the Lords. It means, in practice, that the Lords does not try to vote down at Second or Third Reading, a government Bill mentioned in an election manifesto. The ‘Salisbury doctrine’ as it is sometimes called, emerged from the working arrangements reached during the Labour Government of 1945-51, when the Marquess of Salisbury was Leader of the Conservative Opposition in the Lords.

A joint committee on conventions which reviewed the the working arrangements and the conventions that define how the Commons and Lords work together published its report, *Conventions of the UK Parliament*, in November 2006. It confirmed the nature of the Salisbury Convention. Both Houses debated and endorsed the Report in January 2007.