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Further thoughts on abolishing the House of Lords

In somewhat intemperate language, Lady Elles (9 September 1978) criticises my statement that more than 99 per cent of amendments made in the Lords are drafted not by peers but by the draftsmen. If she had read my letter¹ more carefully she would have observed that I stated that this was a quotation from an earlier letter of mine published in *The Times* on 18 November 1976. It was not challenged then by Lady Elles (or anyone else) and I stand by it. It was an estimate based on my experience as a draftsman at Westminster during a period running (with some breaks) from 1953 to 1975. No exact figure is ascertainable from Hansard reports, owing to the practice of handing out officially-drafted amendments to non-government peers.

Obviously my figure disregards amendments later rejected by the Commons, since these are irrelevant in assessing the contribution made by the Lords to the quality of legislation. Lady Elles points out that in the wholly exceptional session of 1977-78 this figure does not apply. She proves too much for the comfort of those who believe that the House of Lords has a place in a democratic society. Every substantive change made by the Lords against the advice of the Government is a victory for the non-elected against the elected. Lady Elles appears to glory in the fact that many such changes (going well beyond the true functions of a revising chamber) were made in the Scotland and Wales Bills.

Lady Elles's further criticisms fail to notice that it was fundamental to my argument that membership of the Commons should be enlarged to enable it to cope with a further revising stage. This would have the additional democratic advantage of reducing the size of constituencies, enabling MPs to give more individual service to their constituents. It is important in this controversy to distinguish between the role of the House of Lords as a revising chamber and its role as a brake on the Commons. The revising function is for the purpose of improving the quality of legislation without altering its substance. A second chamber is not needed for this. The real contest is whether a brake is required on the Commons. I believe that for the present House of Lords to act as such a brake is undemocratic, and that for an *elected* House of Lords to act as such a brake would be both illogical and disruptive.²

¹ Letter 21 above.

² *The Times*, 12 September 1978.