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### **More on membership of new House of Lords**

As one who spent many years participating as a legislative draftsman in the House of Lords' revising function, I offer the following comments on the controversy over its composition (letters 14 January 2000).

To make a right decision on its membership it is first necessary to decide what its main functions are. I suggest: (1) to be a forum for expert debate on public issues; (2) to check excesses by the executive; and (3) to revise Bills brought before it.

Its terms of reference require the Royal Commission (whose report is awaited) to have regard to the need to maintain the position of the House of Commons as the pre-eminent chamber of Parliament. So members of the second chamber should not be elected by any form of universal suffrage, for that is the sovereign badge of democratic legitimacy. The nation does not need to have one lot of elected members (the House of Commons) ranged against a second chamber any of whose members can claim a like authority. That would be a recipe for constant friction.

As members of the second chamber we must have people of individual independence with competence and experience in relevant areas of the national life. With one excepted class, they should continue to be appointed on the advice of the Prime Minister of the day.

The excepted class should be ex officio members, that is persons who have formerly held named public offices: Cabinet minister, Civil Service permanent secretary, senior Armed Forces officer, law lord, senior ambassador, European Union Commissioner, Bank of England Governor and so on. In addition I would include as ex officio members current holders of certain offices not directly involved in government, such as religious leaders, university heads, and business chiefs.

Ex officio appointments avoid the invidiousness of personal selection, with its accompanying risk of canvassing, favouritism, prejudice and simple error. I would have as many of them as possible - perhaps around half the total.<sup>1</sup>

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<sup>1</sup> *The Times*, 19 January 2000.