

Richard Faulkner

Lord Faulkner of Worcester (1959-1964) is a Deputy Speaker of the House of Lords. After reading PPE at Oxford, he worked as a researcher and journalist for the Labour Party and was a communications advisor to the Labour Leader in the 1987, 1992 and 1997 general elections. He has stood as a Labour parliamentary candidate and was raised to the peerage in 1999. He writes here about the evolution of the House of Lords and cautions against radical reform of the Upper House

The constitutional historian Walter Bagehot once said “The cure for admiring the House of Lords is to go and look at it,” and certainly over the years it is an institution which has come in for more than its fair share of criticism.

I have had the good fortune to be an active member of it for nearly 13 years, and I can take a fairly objective view of its role and usefulness. My feeling is that if someone took Bagehot’s advice today, and came to look at the House of Lords, they would go away with a very different impression from that which they would have gained in the late 1880s.

In some aspects little has changed. Today’s chamber is identical to that depicted in the great painting hanging on the wall of the bishops’ corridor, just down from the chamber. The Lord Chancellor is about to bring to an end the debate on Mr Gladstone’s last, doomed bill to grant home rule to Ireland on 9 September 1893.

There is much in the painting that is familiar – the woosack, the clerks’ table, the royal throne, the red benches, the presence of bishops dressed in “robes of rochet and chimere”, clerks wearing legal-style wigs (to distinguish them from everybody else), and Black Rod in his tights and 17th century uniform.

But today’s chamber is different in a number of ways. The dress of the members has changed (you don’t see too many top hats these days), and the Lord Speaker has replaced the Lord Chancellor on the Woosack.

But most importantly, the membership has changed. The 1892 House was all male,

and made up of hereditary peers. The Life Peerages Act of 1958 brought women in as full members, and began the process of replacing hereditary peers with men and women whose titles disappeared on their death. That process was accelerated by the House of Lords Act of 1999, which resulted in all but 92 hereditaries departing.

The stereotypical image of the House of Lords as elderly, male, Christian, white, and aristocratic no longer holds good. There is now real diversity. Since the appointments commission started work in 2000, 37 per cent of new peers have been women. Four out of the last six leaders of the house have been women, as have both the first and the current Lord Speaker, and the present government chief whip. The Lords have 48 ethnic-minority members (5.8 per cent of the total – significantly higher than the Commons, where the proportion is 3.7 per cent). Disability causes are well represented, with a number of active wheelchair users (including Britain’s most successful Paralympian athlete), plus a highly articulate campaigner for blind people.

The one stereotype which still applies is that of age. The average age of members is still 69 – almost exactly the same as it was

when I joined the house in 1999.

There is another manifestation of diversity: the expertise and experience of the members. There are very few career politicians in the Lords: instead there are numerous members who have achieved great distinction in the leading professions: doctors and surgeons; university vice-chancellors and heads of Oxbridge colleges; barristers, judges and solicitors; heads of the Civil Service and the Foreign Office, chiefs of police; scientists; captains of industry and business, and trade union general secretaries; ministers of religion (in addition to the C of E bishops); community and local government leaders; television and radio producers and performers; writers and novelists (including the two most formidable authors of British detective fiction, who sit on opposite sides of the chamber).

Unlike in the House of Commons, no government since 1997 has been able to command a majority in the Lords. Whilst the present coalition of Conservatives and Liberal Democrats has a lead of almost 70 over Labour, there are still over 200 members – 30 per cent of the total – who are not members of any political party, and it is therefore possible for the government to lose votes. One of the more uncomfortable



9th September 2011: The Lord Speaker presides over the Commonwealth Youth Parliament in the House of Lords Chamber

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facts of life for Lords ministers is that there are many members who genuinely make up their minds how to vote on the basis of the arguments they have heard in the chamber. Certainly it’s normal for the government to win (and the arithmetic is easier for the present administration than it was for its Labour predecessors, who usually had to win the support of Liberal Democrats to have any chance of carrying a vote), but nonetheless in the first 13 months of the 2010-12 session the coalition lost 21.5 per cent of the votes (Labour’s worst year was 2004-05, when they were defeated in 55.2 per cent).

Holding the government to account is a vital role for the Lords. Last year this was done through 7,546 questions and 73 debates on all kinds of issues from child poverty to crime and immigration.

The Lords have a particularly good record in standing up for human rights and freedom of speech. They successfully

resisted efforts by the previous government to limit trial by jury and to extend periods of detention without trial. As a result of their votes immigration and asylum claims got a proper legal process. They also blocked the ill-conceived plan to build a super-casino in Manchester – I was one of 12 on my side to break ranks and vote against the government.

In addition to the independence of thought that members of political groupings in the Lords often display, the House also derives huge benefit from those members who bring their lifetimes’ achievement and knowledge to the work of five select committees. In the last couple of years they produced reports in a huge range of important UK policy fields, from economic affairs such as money laundering through to EU powers, from the detection and prevention of cyber-crime to relations with China, from advances in science and technology such as the

application of nanotechnology in the food industry, to the use of animals in research to rules of inheritance.

My own role in these great matters of state is inevitably modest, and there are many members who have achieved far more than I have in either the chamber or in committees. But I have been particularly proud to have made a difference in three different – but to me, important – areas in the past year. Most recently I have succeeded in persuading ministers to change the law on scrap metal theft, a crime which has reached epidemic proportions, and has brought so much pain, inconvenience and on occasions, danger to millions of people across the country. They have accepted arguments that I have been putting forward since last October to force the scrap metal business to eliminate cash-based transactions. They have also said that they will bring forward a comprehensive new law to regulate the industry in the next few months.



Secondly, I fought a vigorous, but successful campaign to reverse a government decision to abolish the Railway Heritage Committee's statutory powers to protect railway archives and artefacts. Originally ministers said in introducing the Public Bodies Bill that the railway's heritage was not sufficiently special to justify these powers, but I was able to overturn this point of view through a long succession of private meetings with ministers in the Lords and the Commons, and the powers will transfer later this year or early next to the Science Museum (on which I serve as a Trustee).

My third success of the year was to pilot a private member's bill safely through our house to convert the Football Licensing Authority to the Sports Grounds Safety Authority, a technical but important change which will improve safety and comfort for sports spectators.

I mention these matters as they are examples of initiatives I have been able to take as an individual member of the House of Lords, using the knowledge and experience I have built up in my years of membership since 1999. I serve currently as a Deputy Speaker, and am seen two or three

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times deputising for the Lord Speaker in the chamber or chairing committees.

Prior to the change of government I was a minister in the whips' office, speaking on a variety of subjects, of which the most important was transport. In that job I was also a "Lord-in-Waiting", which meant that I was a member of the Royal Household with the job of meeting visiting VIPs on behalf of the Queen.

Given my own experience, and my appreciation of what my fellow peers are able to achieve in a House consisting of unpaid part-timers (members only receive expenses in respect of days that they attend, and thus receive no salaries, pension contributions or sick pay), I am astonished that there are those determined to abolish the present House, and replace it with an elected "Senate" of full-time politicians - probably those who failed to get elected to the Commons - who will expect all the trappings of office and employment, such as secretaries and research assistants, at huge extra expense to the public purse.

To make a change of such magnitude - which would inevitably create tension and dispute with the Commons and would put senators and MPs on collision courses all over the country - could only be justified if the new arrangements would work better than what we have now. But an elected senate would drive away the independently-minded experts that populate the cross-benches in particular (but are elsewhere in the House as well).

Today's House of Lords works because its members accept that the last word on legislation must lie with the Commons, even though they are prepared to insist that they should be given an opportunity to think two or three times before the Lords give way.

I am not arguing against reform of the Lords. There have been a series of incremental changes for the better over the past 100 years, of which the introduction of life peers in 1958 and the reforms of 1999 are but two examples. I strongly support a statutory appointments commission, proper provisions for retirement, the ending of hereditary by-elections, and a provision for expelling members who are sentenced to a period of imprisonment for criminal behaviour.

Parliamentary and legislative bodies are able to derive their authority and legitimacy in a number of ways, of which elections are undoubtedly one. But they are not the only one. The Lords are legitimate because of the work that is done, and the quality of the people who are prepared to give their time freely for this task.

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