

PREM 19/861



PART 1 ends:-

CS to PM 17/4

PART 2 begins:-

TF to WR/PM 3/2



TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
H(HL) (81) 2	29.1.81
H(HL) (81) 1st Mtg	3.2.81
H(HL) (81) 4	15.7.81
H(HL) (81) 2nd Mtg	22.7.81
H(HL) (81) 6	25.9.81
H(HL) (81) 9	3.12.81
H(HL) (81) 8	1.12.81
H(HL) (82) 1	14.4.82

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed R. Forman

Date 25 Oct. 2012

PREM Records Team



*Parliament*

PRIME MINISTER

cc: Mr. Gow

I attach:

- i. Lord Boyd-Carpenter's letter of 19 October setting out the agenda for tomorrow (Flag A);
- ii. Briefing from Lady Young's Office (Flag B);
- iii. Biographical notes on Peers (Flag C);
- iv. Lady Young's speech at the Party Conference (Flag D).

*CS*

17 November 1982



# Conservative Party Conference

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## NEWS SERVICE

Release time:

CONSTITUTIONAL MATTERS—HOUSE OF LORDS

645/82

Replying to the debate, BARONESS YOUNG, Lord Privy Seal, said: Let me begin by saying that I personally very much welcome the subject of this morning's debate on the House of Lords. It must, I think, be a record for such a fundamental constitutional issue to be successful in the ballot at two consecutive conferences, and to be debated on a motion only two years ago in this very hall. So it has been discussed three years in a row. This reflects not only traditional Conservative concern for the constitution of our country, but profound anxiety about the future of the House of Lords. I say to Dr Bryan Keefe, who moved the motion so well, your message has certainly got across to those of us who sit in the House of Lords. I know, too, that the same applies to what my colleagues and I in the House of Lords call the other place. Whatever may be the outcome of last week's Labour Party conference, the policy of the Labour Party, should they win the next election, is clear. They have said "It is our intention to abolish the House of Lords in the lifetime of the next Parliament." No new titles would be created, which presumably means that Mr Benn's fantasy of creating a thousand peers to vote for their own extinction is now dead. Instead, the destruction of the Lords will be preceded by its emasculation with almost all its powers being removed as a first step.

It is true that its power to prevent the Commons prolonging its own life would remain, but only for a time. Note that. The way would therefore be open for an elected dictatorship by one party in the House of Commons. It is curious that the party which, under Harold Wilson and Jim Callaghan, increased the size of the House of Lords by just under 300 new life peers should now be actively seeking its abolition. It only goes to show that the Labour Party members are either queuing up to get in or to get out.



From the Social Democrats we have "All change for the constitution." They have put forward a massive package of reform which is baffling in its complexity. Proportional representation for the House of Commons, regional assemblies for local government. It is an interesting concept to the medieval historian, for regional assemblies were last seen in England before King Egbert united the kingdom in the ninth century. And total reform is proposed for the House of Lords. Their new chamber would involve two-tier membership and revised delaying powers. All this does not seem to me to have the ring of practical politics, and, with all respect to some of my colleagues, it does indeed make block grant look positively straightforward.

It does mean, however, that the House of Lords will be on the agenda for the next election, a point well made by Mr Hind. So, first, we must confirm, as the motion says, our commitment to a two-chamber parliamentary system. I do not believe that the people of this country will support single chamber government, but we need to explain and justify our commitment. Let me illustrate the point. First, as I said last year, the House of Lords is an essential safeguard for individual liberty. It is the only guarantee that general elections must be held at intervals of not more than five years. But it is also a safeguard for the independence of the judiciary. Judges can only be dismissed on an address to her majesty from both Houses of Parliament. This is not just an academic point. After all, it was Michael Foot who said on June 3 1972 "How long will it be before the cry goes up: 'Let's kill all the judges!'" In 1974 he referred to "judges who stretch the law to suit reactionary attitudes." I must admit that this was in his more extreme days before he became party leader, but he has not been exactly outspoken in calling for respect for the law in recent weeks.

Secondly, there are those who believe that the legislative role of the Lords could easily be tacked on to the work of the House of Commons. Neither I nor my colleagues in the Lords have actually noticed that the unreformed House of Commons has much spare time or energy for such a role. So I think it is worth asking some questions. What would happen to those Bills which are guillotined? Some have large sections which are not debated at all in the Committee Stage in the House of Commons. So, would whole sections reach the statute book without any discussion? And where would we find the quiet objective analysis by experts which characterises so much of our debate in the Lords? Who, after all, did not appreciate the speech this morning by Lord Boyd-Carpenter, who plays such a valuable role in the workings of the House of Lords?



To give you some idea of the scale of this exercise, I can predict that before the current parliamentary session ends in a few weeks' time over 1,200 amendments will have passed between the two Houses in under a year. Indeed, I like to think that the value of the Lords has been amply demonstrated during this past year. We have played an active role in revising Government legislation. I thank all my colleagues on the Government Front Bench in the Lords for their work. Our important select committees on the EEC and on science and technology are as highly regarded as ever. Our debates during the Falklands crisis were constructive, informed and free from party controversy. Where else but in the House of Lords could you find one of the greatest living experts, such as Lord Shackleton who knows not only the Falkland Islands but South Georgia. The Government is now actively considering his latest report.

In what other assembly could you find recognised South American experts, military and diplomatic experts. After all, we even had a peer with a daughter imprisoned on South Georgia. And I am sure that it has not escaped your notice that four out of six members of the committee under Lord Franks are members of the House of Lords. I have been delighted by the great tributes that have been paid today to Lord Carrington.

In the months ahead, as public debate on this matter continues, please put out of your minds the myth of an all-powerful, built-in Conservative majority in the House of Lords. It does not exist, and if you do not believe me just ask the Chief Whip, Lord Denham, who sits near me now, and he will tell you that his lot is not a happy one.

page 6 follows.



I think that the Chief Whip in the House of Commons would be the first to say that his job is in many respects more straightforward.

The Conservative Party must throw down the challenge to the abolitionists. Without a second chamber how will our liberties be guaranteed and how will Parliament function more effectively? But I accept that I have been talking to the converted and I now turn to the second half of the motion. I must begin by telling you quite frankly that there will be no legislation to reform the House of Lords in the current Parliament. I make no apology for this. Such reform can only proceed on the basis of all-party talks which, in turn, depend upon a basis of agreement on the type of reform which might take place.

It would also be a great mistake to believe that constitutional reform - I suspect that some people do think this - will on its own solve our country's economic and industrial problems. Our priorities over the last 3½ years and over the next year or two must lie elsewhere.

Last year I stressed that the lack of agreement within the Conservative Party and with other parties would, as in 1968, be fatal to any attempt at reform. I believe that to be just as true today but I ask the conference to consider three specific points.

First, do not underestimate the value of the current composition and current work of the House of Lords. Watch the House of Lords at work. It is active, it is hardworking, it is politically alive, it is on the radio - and it is sitting next week when the House of Commons is not. I am indeed grateful for the support that is given particularly from Theo Wallace to the House of Lords.

Secondly, do not underestimate the potential dangers of two chambers with competing claims to electoral support, a point well made by Mr. Arnold.

Thirdly, do not underestimate the inherent difficulty of persuading both Houses, but more particularly the House of Commons, to pass legislation providing for a partly elected second chamber.

I also ask you to remember that the House of Lords has been reformed over the last 25 years. The Life Peerages Act 1958 has ensured that it is now a very different and, I believe, more effective, second chamber. If major reform is rejected in the future we shall continue to search for smaller internal improvements. The House of Lords that we have now is infinitely better than no House at all.



I do not believe that the party or the Government are in a position to agree to any specific proposal for reform at the present time. Therefore I hope that the conference will appreciate that I cannot support the motion and must ask conference to reject it. Before accepting such a motion we would need to think through very carefully and in much more detail a number of complicated but extremely important questions such as the following.

To make way for elected members, some of the existing members must leave. How should this be done? Who should leave? What about, for example, the Bishops' Bench and the Law Lords? Would the elected members have more voting rights than the non-elected members? Is it desirable to have a two-tier chamber on such lines? At the same time, should the delaying power of a new, reformed second chamber be increased, or would this not lead to conflict with the House of Commons? What constituencies would the new elected members enjoy? Existing parliamentary constituencies, Euro-constituencies, or something new? I sympathise with Roger Persey over the numbers of elections that would be required - indeed, think of the work of the Boundary Commissions.

We need to have answers to all those questions. But I and my colleagues have listened to the debate. We have heard the message, that you want not just a second chamber but a stronger second chamber. We shall give the most careful consideration to proposals for improving the House of Lords and I can assure you that in the crucial months ahead we will, with your help and support, defend and protect our traditional House of Lords and two-chamber system from the virulent attacks being made on it. This is an issue which those of a militant tendency in the Labour Party, who also seek the end of our monarchy, must never be allowed to decide.

end...



**BOYD-CARPENTER (Life Baron, U.K.), John Archibald Boyd-Carpenter; cr. 1972, PC 1954.**



Son of the late Sir Archibald Boyd-Carpenter, MP. B. June 2, 1908; ed. at Stowe and Balliol Coll. Oxford; Pres. Oxford Union 1930; Harmsworth Law Scholar 1932; Council of Legal Education's Prize for Constitutional Law 1933; m. June 25, 1937, Margaret, d. of the late Lt-Col. G. L. Hall, OBE (1s 2d). Barrister-at-Law, Middle Temple 1934. Served with Scots Guards 1940-45. Major 1943. MP (Con.) for Kingston-upon-Thames, July 1945-March 1972. Financial Secretary to the Treasury, Oct. 1951; Minister of Transport & Civil Aviation, July 1954; of Pension & Nat. Insurance, Dec. 1955. Privy Councillor 1954. Chief Sec. to the Treasury & Paymaster-General, July 1962-Oct. 1964. Principal Opposition Spokesman on Housing, Local Govt. 1964-66. Chrmn Public Accounts Cttee 1964-70. Chrmn Orion Insurance Co. & CLRP Investment Trust 1969-72. Director of other companies. Chrmn Civil Aviation Authority April 1972-March 1977. Chrmn Rugby Portland Cement Co. Dec. 1976-. High Steward of the Royal Borough of Kingston-upon-Thames 1973. Deputy Lieutenant for Greater London 1973. Chrmn Assocn of Independent Unionist Peers 1980-. Chrmn Carlton Club 1979-. Recreations: Swimming, tennis, walking. Raised to the peerage as Baron Boyd-Carpenter, of Crux Easton in the County of Southampton 1972. Address, *The Rt Hon. Lord Boyd-Carpenter, DL, 12 Eaton Terrace, SW1 (01-730 7765); Rugby Portland Cement Co. Ltd, 106 Park Street, London, W1 (01-493 4272); Club: Carlton.*

**LAUDERDALE (17th Earl of, S.), Patrick Francis Maitland; cr. 1624; Viscount Lauderdale (S.) 1616; Viscount Maitland (S.) 1624; Lord Maitland (S.) 1590; Lord Thirlestane and Boltoun (S.) 1624; 12th Bt of Ravelrig (S.) 1680.**



Son of Rev. The Hon. Sydney G. W. Maitland (son of 13th Earl) and brother of the 16th Earl, whom he succeeded Nov. 1968. B. March 17, 1911; ed. at Lancing College and Brasenose College, Oxford (BA Hons. 1933); m. July 20, 1936, Stanka, d. of Prof. Milivoje Lozanitch, Belgrade Univ., Yugoslavia (2s 2d). A newspaper correspondent: *The Times* (Balkans) 1939-41; *News Chronicle* war correspondent, Pacific 1941-43; Foreign Office 1943-45; Editor, *Fleet Street Letter Service*, 1945-59; MP (Con.) for Lanarkshire (Lanark Div.) 1951-59; Contested Caithness & Sutherland in 1964. Industrial and Economic Geography Consultant 1959-. Founder (and Chrmn 1955-61) Expanding Commonwealth Group of Members of Parliament. Chrmn Sub-Cttee F (Energy, Transport, Research) of House of Lords. European Communities Scrutiny Cttee 1974-78. Vice-Chrmn Independent Unionist Peers Cttee 1980-. A Conservative. Recreations: Conversation, travel. Heir, his son, Master of Lauderdale, Viscount Maitland, MA, b. Nov. 4, 1937. Address, *The Earl of Lauderdale, 12 St Vincent Street, Edinburgh (031-556 5692); 10 Ovington Square, London SW3 (01-589 7451) and House of Lords, SW1A 0PW (01-219 5452); Clubs: New Club (Edinburgh), RSAC (Glasgow).*

**ECCLES (1st Visc., U.K.), David McAdam Eccles; cr. 1964; 1st Baron 1962; P.C. 1951; K.C.V.O. 1953.**



Son of the late William McAdam Eccles, F.R.C.S., M.S., and Anna, d. of the late E. B. Anstie of Devizes. B. Sept. 18, 1904; ed. at Winchester and at New Coll. Oxford; m. Oct. 10, 1929, Hon. Sybil Frances Dawson (d. June 1977) d. of the late Viscount Dawson of Penn (2s. 1d.). Joined Ministry of Economic Warfare Sept. 1939; Economic Adviser to H.M. Ambassadors at Madrid and Lisbon 1940-42; transferred to Ministry of Production 1942. Minister of Works 1951. Minister of Education 1954-57; Pres. of the Board of Trade Jan. 1957; Minister of Education 1959 to July 1962; Paymaster-General 1970-73. Chrmn. of the British Library 1973-78. Hon. F.R.I.B.A. 1955. P.C. 1951. K.C.V.O. 1953. Gran Cordon of the Liberator (Venezuela) 1974. Memb. for Chippenham from 1943 to July 1962. A Conservative. Heir, his son, Hon. John Dawson Eccles, b. 1931. Address, *The Rt. Hon. Viscount Eccles, 6 Barton Street, SW1 (01-222 1387); Dean Farm, Chute, Andover (Chute Standen 210); Clubs: Brooks's, Roxburghe.*

**ORR-EWING (Life Baron, UK), Charles Ian Orr-Ewing; cr. 1971; 1st Bt 1963; OBE.**



Son of Archibald Ian Orr-Ewing. B. Feb. 10, 1912; ed. at Harrow and Trinity Coll. Oxford, MA (Physics); m. Sept. 2, 1939, Joan, d. of W. G. McMinnies of Cheltenham (4s). Chartered Engineer and Company Director. Fellow Inst. of Electrical Engineers. BBC TV Service 1938-39 and 1946-49. RAFVR 1939-46. Chief Radar Officer SHAEF 1945. Pres. and Chrmn of Electronic Eng. Assn 1969-70. Parl. Priv. Sec. to Rt Hon. Sir Walter Monckton, Min. of Labour & National Service 1951-55. Gov. Imperial Coll. of Science 1951-57. Joint Sec. 1922 Cttee 1956. Parl. Under-Sec. of State for Air 1957-59. Parl. and Financial Sec. to Admiralty 1959. Civil Lord of the Admiralty 1959-63. 1922 Executive 1964-. Vice-Chrmn from 1966-70. Member Select Cttee on Science and Technology 1967-69. MP (Con.) for Hendon North 1950-70. Chrmn of Metrication Board 1972-77. Vice-Pres. & Founder Lords & Commons Ski Club. Chrmn Harrow Wanderers Cricket Club 1979-. Vice-Chrmn Independent Unionist Peers 1978-. A Conservative. Recreations: Cricket, skiing, tennis. Created a Baronet 1963. Raised to the peerage as Baron Orr-Ewing, of Little Berkhamsted in the County of Hertfordshire 1971. Heir to baronetcy, his son, Hon. Alistair Simon Orr-Ewing, b. June 10, 1940. Address, *The Lord Orr-Ewing, OBE, 9 Cheyne Gardens, London SW3 (01-730 3728); Clubs: Boodle's, MCC.*





FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE  
AND THE CHIEF WHIP

16th November, 1982.

*Dear Caroline,*

MEETING WITH CONSERVATIVE PEERS -  
Thursday, 18th November, at 3.45 p.m.

In your letter to the Lord Privy Seal's Private Secretary of 19th October you requested briefing for this meeting.

The Lord Privy Seal has suggested that the briefing material should be divided into the following sections:

- (1) A brief summary of the Government's current public position on House of Lords reform.
- FLAG B** (2) The three specific points which the Conservative Peers will raise.
- (3) Some brief background material on the Government's consideration of the future of the House of Lords.
- FLAG C** (4) Some biographical notes on the Peers who will attend the meeting.

I am sure you will let me or Michael Townley in the Cabinet Office, to whom I am copying this brief, know if any further briefing is required.

*Yours ever*  
*Michael Pownall*

(M. POWNALL)

Miss Caroline Stephens.



I. A Brief Summary of the Government's current public position on House of Lords Reform

I attach a copy of the Lord Privy Seal's speech at the Conservative Party Conference in October. This expresses the latest Government view on the House of Lords. It can be summarised as follows:

(1) full defence of the principle of a Second Chamber both on constitutional and practical grounds. The Lords play an invaluable role in the legislative process and their debates are of a high quality. Rejection of Labour's proposals for abolition and Social Democrat complicated plan for wholesale constitutional reform.

(2) confirmation that there will be no legislation in this Parliament to reform or entrench the House of Lords. No apology for this because reform can only proceed on the basis of all-Party talks which in turn depend upon a measure of agreement on the type of reform which might take place. Constitutional reform will not on its own solve our problems. The Party should reflect on three key points:

(i) do not under-estimate the value of the current House of Lords;

(ii) do not under-estimate the dangers of two Chambers with competing claims to electoral support;

(iii) do not under-estimate the difficulties inherent in trying to pass major constitutional legislation.

(3) confirmation that the message from the Party on the need for a stronger Second Chamber has been heard by the Government. In the crucial months ahead the Government will carefully consider proposals. Above all the House of Lords must be supported and defended.

II. The three specific points which the Conservative Peers will raise.

The Conservative Peers have already suggested in correspondence two draft passages on the House of Lords for the Manifesto.



The first of these passages is a strong defence of the continued existence and effectiveness of the Second Chamber. This is fully in line with Government policy. The Peers may stress that both Labour and Alliance Manifestos will contain important references to the House of Lords. They may suggest that the Government must respond in kind.

The second proposed passage for the Manifesto would commit the Government to convene an all-Party conference after the election to consider the role of the Second Chamber and whether any changes in the House of Lords are desirable. This is not, at least at the moment, Government policy. The Conservative Peers may describe it as not only electorally advantageous, but also the minimum commitment which the Government should put forward at this stage. In any event the Conservative Peers will express the hope that they should be consulted before any passage for the Manifesto is finally agreed. This would seem unexceptionable and the Peers would certainly welcome an assurance along these lines.

The Conservative Peers are likely to raise two further points as follows:-

(a) the possibility of action in this Parliament to entrench the House of Lords by preventing the "swamping" of the House by a massive creation of Peers.

The Government have publicly announced their decision not to come forward with "entrenchment" legislation this Parliament. The main reasons for this decision were: that it would bring the Lords to the front of the political stage and suggest that the Lords was in need of a legislative defence; that it was not clear that any entrenchment proposals could be fullproof; and that any proposal to entrench the unreformed House of Lords might be misunderstood.

(b) the Peers may stress the need for as many Ministers in the Lords as possible to maintain the effectiveness of the House. They may point out that, although Parliament is constantly busy, the following key Departments have no Ministers in the Lords:

Education  
Employment  
Energy  
Industry  
Treasury

/The



The absence of Employment and Energy Ministers has been particularly commented upon.

III. Some brief background material of the Government's consideration of the future of the House of Lords.

Following the Second Reading of Lord Alport's Constitutional Referendum Bill in 1980, which sought to provide for a referendum in the event of a Bill to abolish or diminish the powers of the Lords, a sub-Committee of the Home and Social Affairs Committee was set up to consider the whole question of entrenchment. This sub-Committee rejected any immediate legislation to entrench the existing House of Lords. But, following the Home Secretary's report to the Prime Minister last year, the sub-Committee was reconstituted to consider and report on possible options for reforming the composition and powers of the House of Lords. Its conclusions can be expected shortly.

In the meantime in a letter to me of 14th October, 1982, Robin Butler confirmed that at a meeting between the Prime Minister and the Lord Privy Seal in Brighton on 5th October, it was agreed that a paper should be prepared on possible reforms of the House of Lords for consideration by H Committee.

IV. Some biographical notes on the Peers who will attend the meeting

I understand that the following Officers of the Association of Conservative Peers will attend:

Viscount Eccles (President)  
 Lord Boyd-Carpenter (Chairman)  
 Earl of Lauderdale (Deputy Chairman)  
 Lord Orr-Ewing (Deputy Chairman)

I understand that Lord Cathcart will not be present.

Biographical notes are attached.

It is probably true to say that the Association of Conservative Peers (formerly the Independent Unionist Peers) is now a more influential and effective body than before. This is due in part to Lord Boyd-Carpenter's robust and active Chairmanship.



None of the four Peers are known to favour full reform of the powers and composition of the House. But they are all anxious to improve the image and effectiveness of the House, even if this means a commitment in the Manifesto to all-Party talks.



106 PARK STREET  
LONDON  
W1Y 4JL

FROM  
LORD BOYD-CARPENTER

TELEPHONE: 01-493 4272

19th October 1982

*Dear Mrs Stephens,*

I was very glad to get your telephone message this morning to the effect that the Prime Minister would be good enough to see representatives of the Association of Conservative Peers in her room at the House of Commons at 3.45 on Thursday 18th November.

As my earlier letter to the Prime Minister I think made clear, our wish is to discuss with her the question of what should be said about the House of Lords in the Party's Election Manifesto and/or in public speeches.

I attach a copy of a form of words which some of us have worked out and which will form the basis of our suggestions when we meet the Prime Minister. We may also seek to raise the question as to whether any "entrenchment" of the House against the possibility of "swamping" by the creation of large numbers of peers should not be the subject of early legislation.

In the light of my telephone conversation with Mr. Ian Gow, who suggested that a fairly small party could have a more useful discussion than a larger one, I am proposing to bring with me only the Officers of the ACP.

...



These are :

Viscount Eccles (President)  
The Earl of Lauderdale (Deputy Chairman)  
The Lord Orr-Ewing (Deputy Chairman)  
The Earl Cathcart (Treasurer)

I hope this will be agreeable to the Prime Minister.

Your dm  
The Earl Cathcart

Miss Caroline Stephens,  
Private Secretary to the Prime Minister,  
10 Downing Street,  
LONDON S.W.1.



The Conservative Party believes in the continued existence and effectiveness of a Second Chamber both from the point of view of the efficient working of Parliament and as a protection against the dangers of tyranny under a Single Chamber system.

It is the intention of the Conservative Party to convene an All-Party Conference to consider the role of a Second Chamber in the Constitution and to consider whether any changes in the House of Lords are desirable to assist in its efficient fulfillment of this role.



CONFIDENTIAL



cc 10  
JP  
Parliament

10 DOWNING STREET

*From the Principal Private Secretary*

14 October 1982

I understand that the Lord Privy Seal had a meeting with the Prime Minister in Brighton on 5 October, at which it was agreed that a paper should be prepared on possible reforms of the House of Lords for consideration by H Committee.

I gather that H(HL), a sub-Committee of H Committee, has been considering this question, and preparing a report. Unless you tell me to the contrary, I will assume that the Lord Privy Seal will take the initiative in arranging for a report based on the deliberations of H(HL) to be submitted to H Committee.

I am copying this letter to Sir Robert Armstrong.

F. E. R. BUTLER

Michael Pownall, Esq.,  
Lord Privy Seal's Office.

CONFIDENTIAL

5-8

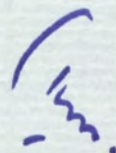


Robin Butler

POSSIBLE REFORM OF THE HOUSE OF LORDS

1. The Lord Privy Seal had a meeting with the Prime Minister in Brighton on 5th October.
2. The Prime Minister agreed that a paper should be prepared (by whom?) on possible reform of the House of Lords, for subsequent consideration by "H" Committee.
3. The Lord Privy Seal was very pleased with the Prime Minister's decision about this. In that connection I attach a copy of the Lord Privy Seal's speech delivered to the Party Conference on 7th October.
4. May I leave it to you, please, to activate this?

13.10.82



IAN GOW



# ● Conservative Party Conference

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## NEWS SERVICE

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CONSTITUTIONAL MATTERS—HOUSE OF LORDS

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Replying to the debate, BARONESS YOUNG, Lord Privy Seal, said: Let me begin by saying that I personally very much welcome the subject of this morning's debate on the House of Lords. It must, I think, be a record for such a fundamental constitutional issue to be successful in the ballot at two consecutive conferences, and to be debated on a motion only two years ago in this very hall. So it has been discussed three years in a row. This reflects not only traditional Conservative concern for the constitution of our country, but profound anxiety about the future of the House of Lords. I say to Dr Bryan Keefe, who moved the motion so well, your message has certainly got across to those of us who sit in the House of Lords. I know, too, that the same applies to what my colleagues and I in the House of Lords call the other place. Whatever may be the outcome of last week's Labour Party conference, the policy of the Labour Party, should they win the next election, is clear. They have said "It is our intention to abolish the House of Lords in the lifetime of the next Parliament." No new titles would be created, which presumably means that Mr Benn's fantasy of creating a thousand peers to vote for their own extinction is now dead. Instead, the destruction of the Lords will be preceded by its emasculation with almost all its powers being removed as a first step.

It is true that its power to prevent the Commons prolonging its own life would remain, but only for a time. Note that. The way would therefore be open for an elected dictatorship by one party in the House of Commons. It is curious that the party which, under Harold Wilson and Jim Callaghan, increased the size of the House of Lords by just under 300 new life peers should now be actively seeking its abolition. It only goes to show that the Labour Party members are either queuing up to get in or to get out.



From the Social Democrats we have "All change for the constitution." They have put forward a massive package of reform which is baffling in its complexity. Proportional representation for the House of Commons, regional assemblies for local government. It is an interesting concept to the medieval historian, for regional assemblies were last seen in England before King Egbert united the kingdom in the ninth century. And total reform is proposed for the House of Lords. Their new chamber would involve two-tier membership and revised delaying powers. All this does not seem to me to have the ring of practical politics, and, with all respect to some of my colleagues, it does indeed make block grant look positively straightforward.

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To give you some idea of the scale of this exercise, I can predict that before the current parliamentary session ends in a few weeks' time over 1,200 amendments will have passed between the two Houses in under a year. Indeed, I like to think that the value of the Lords has been amply demonstrated during this past year. We have played an active role in revising Government legislation. I thank all my colleagues on the Government Front Bench in the Lords for their work. Our important select committees on the EEC and on science and technology are as highly regarded as ever. Our debates during the Falklands crisis were constructive, informed and free from party controversy. Where else but in the House of Lords could you find one of the greatest living experts, such as Lord Shackleton who knows not only the Falkland Islands but South Georgia. The Government is now actively considering his latest report.

In what other assembly could you find recognised South American experts, military and diplomatic experts. After all, we even had a peer with a daughter imprisoned on South Georgia. And I am sure that it has not escaped your notice that four out of six members of the committee under Lord Franks are members of the House of Lords. I have been delighted by the great tributes that have been paid today to Lord Carrington.

In the months ahead, as public debate on this matter continues, please put out of your minds the myth of an all-powerful, built-in Conservative majority in the House of Lords. It does not exist, and if you do not believe me just ask the Chief Whip, Lord Denham, who sits near me now, and he will tell you that his lot is not a happy one.

page 6 follows.



I think that the Chief Whip in the House of Commons would be the first to say that his job is in many respects more straightforward.

The Conservative Party must throw down the challenge to the abolitionists. Without a second chamber how will our liberties be guaranteed and how will Parliament function more effectively? But I accept that I have been talking to the converted and I now turn to the second half of the motion. I must begin by telling you quite frankly that there will be no legislation to reform the House of Lords in the current Parliament. I make no apology for this. Such reform can only proceed on the basis of all-party talks which, in turn, depend upon a basis of agreement on the type of reform which might take place.

It would also be a great mistake to believe that constitutional reform - I suspect that some people do think this - will on its own solve our country's economic and industrial problems. Our priorities over the last 3½ years and over the next year or two must lie elsewhere.

Last year I stressed that the lack of agreement within the Conservative Party and with other parties would, as in 1968, be fatal to any attempt at reform. I believe that to be just as true today but I ask the conference to consider three specific points.

First, do not underestimate the value of the current composition and current work of the House of Lords. Watch the House of Lords at work. It is active, it is hardworking, it is politically alive, it is on the radio - and it is sitting next week when the House of Commons is not. I am indeed grateful for the support that is given particularly from Theo Wallace to the House of Lords.

Secondly, do not underestimate the potential dangers of two chambers with competing claims to electoral support, a point well made by Mr. Arnold.

Thirdly, do not underestimate the inherent difficulty of persuading both Houses, but more particularly the House of Commons, to pass legislation providing for a partly elected second chamber.

I also ask you to remember that the House of Lords has been reformed over the last 25 years. The Life Peerages Act 1958 has ensured that it is now a very different and, I believe, more effective, second chamber. If major reform is rejected in the future we shall continue to search for smaller internal improvements. The House of Lords that we have now is infinitely better than no House at all.



I do not believe that the party or the Government are in a position to agree to any specific proposal for reform at the present time. Therefore I hope that the conference will appreciate that I cannot support the motion and must ask conference to reject it. Before accepting such a motion we would need to think through very carefully and in much more detail a number of complicated but extremely important questions such as the following.

To make way for elected members, some of the existing members must leave. How should this be done? Who should leave? What about, for example, the Bishops' Bench and the Law Lords? Would the elected members have more voting rights than the non-elected members? Is it desirable to have a two-tier chamber on such lines? At the same time, should the delaying power of a new, reformed second chamber be increased, or would this not lead to conflict with the House of Commons? What constituencies would the new elected members enjoy? Existing parliamentary constituencies, Euro-constituencies, or something new? I sympathise with Roger Persey over the numbers of elections that would be required - indeed, think of the work of the Boundary Commissions.

We need to have answers to all those questions. But I and my colleagues have listened to the debate. We have heard the message, that you want not just a second chamber but a stronger second chamber. We shall give the most careful consideration to proposals for improving the House of Lords and I can assure you that in the crucial months ahead we will, with your help and support, defend and protect our traditional House of Lords and two-chamber system from the virulent attacks being made on it. This is an issue which those of a militant tendency in the Labour Party, who also seek the end of our monarchy, must never be allowed to decide.

end...





10 DOWNING STREET

THE PRIME MINISTER

9 December 1981

Dear John,

I was extremely grateful for your letter of 26 November enquiring, on behalf of the Association of Independent Unionist Peers, for guidance as to the Government's attitude towards Lord Alport's Constitutional Referendum Bill.

I understand that since your letter you have discussed this Bill with Janet Young, and that she mentioned to you that its handling was due to be considered by Ministers on 8 December. I have accordingly delayed replying to your letter until after that meeting had taken place.

The Government's attitude towards Lord Alport's new Bill remains essentially the same as it was to his similar Bill last session. This view was expressed by Christopher Soames in the course of the Second Reading debate in the Lords on 8 December last year - broadly, that, detailed criticism apart, it would, in the Government's judgment, be inappropriate to proceed in a constitutional matter of this importance on the basis of Private Members' or private Peers legislation.

As regards the possibility of Government legislation, Lord Alport was, as you know, subsequently informed, in a Parliamentary Reply (OR (Lords) 19 May, 1981, Column 831) that the Government had decided not to come forward "at this time" with proposals to afford some form of statutory protection to the House of Lords without reference to the broader issues of powers and composition. Taking account of the views subsequently

/expressed,



expressed on Lords reform at the Party Conference, we do not now propose to pursue any form of "entrenchment" legislation, whether by referendum or otherwise, during the present Parliament.

Janet Young will be the Government spokesman during the Second Reading debate on 14 December. There are a number of technical and procedural defects in the Bill to which she proposes to refer. More generally, however, I understand she intends to stress the virtual impossibility of satisfactorily encapsulating in a referendum procedure the wide range of alternative viewpoints posed by any proposals for 'Lords reform' legislation. For example, although Lord Alport has now introduced two possible questions into this proposed procedure, they would still not provide an opportunity for the expression of a view in favour of a limited change in powers or composition.

Janet also intends to make the point, to which you draw attention in the annex to your letter, that a prior referendum verdict in favour of an 'abolition' or 'reform' Bill introduced in the Commons would inhibit subsequent consideration in the Lords. Moreover, any general question of the growth of referendum procedures apart, Government acquiescence in the introduction of a referendum procedure in this field might well be interpreted as a weakening of our total commitment to a bicameral Parliament.

One final point, as Christopher Soames said last year, a commitment to the principle of a Second Chamber is one thing, but legislation which would be represented as a means of protecting a Second Chamber in precisely its present form is rather different.

As regards the more general aspects of the Government's attitude towards House of Lords reform we remain, of course, totally committed to the maintenance of a Second Chamber. Beyond

/that



That I can assure you that reform will not be embarked upon or achieved in the lifetime of this Parliament. I need hardly tell you that there are other more pressing priorities over the next two years. We shall certainly continue to search for changes in the House of Lords which would be widely acceptable to the parties. But, as Janet Young said at the Party Conference, such changes can only proceed on the basis of all-party talks which in turn must depend upon some measure of agreement on the type of reform which might take place. At present there is no sign of this agreement at all.

I am sorry that I was unable to see you before the meeting on 10 December. I trust it goes well and that this letter provides a sufficient guide as to the Government's viewpoint. I hope I may have an opportunity of seeing you and David shortly.

Yours ever,

M

The Rt. Hon. Lord ~~Boyd~~-Carpenter

Bk





PRIVY COUNCIL OFFICE  
WHITEHALL, LONDON SW1A 2AT

8 December 1981

*See Mike,*

LORD ALPORT'S CONSTITUTIONAL REFERENDUM BILL: LORD BOYD-CARPENTER'S LETTER TO THE PRIME MINISTER OF 26 NOVEMBER - *not in CF*

The Home and Social Affairs Committee (Sub-Committee on the House of Lords (H(HL))) considered the handling of Lord Alport's Constitutional Referendum Bill briefly at its meeting today, 8 December.

The Committee endorsed the Chancellor of the Duchy's proposal (H(HL)(81)9) that no support should be given to the Bill; that, as necessary, steps should be taken by the Business Managers in the Lords to defeat it; and that if it reached the Commons it should then be blocked.

The Chancellor of the Duchy of Lancaster had already seen Lord Boyd-Carpenter and had informed him that Lord Alport's Bill was to be considered by Ministers on 8 December. Lord Boyd-Carpenter indicated that he remained available to see the Prime Minister about this matter, but that he would be content to be given guidance following the Ministerial meeting, provided this was in time for the meeting of the Association of Independent Unionist Peers on 10 December.

*Yours ever,*

*DCR*

D C R HEYHOE  
Private Secretary

M Pattison Esq  
Private Secretary  
10 Downing Street  
London SW1



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9 DEC 1981

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11



Privy Council Office,  
Whitehall,  
London, SW1A 2AT

Attachment to D Heyhoe's  
letter re Lord Alport's  
Bill

*With the Compliments*  
*of the*  
*Private Secretary*  
*to the*  
*Lord President of the Council*

LPC's Off to  
MAP 8/12/87



I was extremely grateful for your letter of 26 November enquiring, on behalf of the Association of Independent Unionist Peers, for guidance as to the Government's attitude towards Lord Alport's Constitutional Referendum Bill.

I understand that since your letter you have discussed this Bill with Janet Young, and that she mentioned to you that its handling was due to be considered by Ministers on 8 December. I have accordingly delayed replying to your letter until after that meeting had taken place.

The Government's attitude towards Lord Alport's new bill remains essentially the same as it was to his similar bill last Session. This view was expressed by Christopher Soames in the course of the Second Reading debate in the Lords on 8 December last year - broadly, that, detailed criticism apart, it would, in the Government's judgement, be inappropriate to proceed in a constitutional matter of this importance on the basis of Private Members' or private Peer legislation.

As regards the possibility of Government legislation, Lord Alport was, as you know, subsequently informed in a Parliamentary Reply (OR (Lords) 19 May, 1981, Column 831) that the Government had decided not to come forward "at this time" with proposals to afford some form of statutory protection to the House of Lords without reference to the broader issues of powers and composition. Taking account of the views subsequently expressed on Lords reform at the Party Conference, we do not now propose to pursue any form of "entrenchment" legislation, whether by referendum or otherwise, during the present Parliament.

Janet Young will be the Government spokesman during the Second Reading debate on 14 December. There are a number of technical



and procedural defects in the Bill to which she proposes to refer. More generally, however, I understand she intends to stress the virtual impossibility of satisfactorily encapsulating in a referendum procedure the wide range of alternative viewpoints posed by any proposals for 'Lords reform' legislation. For example, although Lord Alport has now introduced two possible questions into his proposed procedure, they would still not provide an opportunity for the expression of a view in favour of a limited change in powers or composition.

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One final point, as Christopher Soames said last year, a commitment to the principle of a Second Chamber is one thing, but legislation which would be represented as a means of protecting a Second Chamber in precisely its present form is rather different.

As regards the more general aspects of the Government's attitude towards House of Lords reform we remain, of course, totally committed to the maintenance of a Second Chamber. Beyond that I can assure you that reform will not be embarked upon or achieved in the lifetime of this Parliament. I need hardly tell you that there are other more pressing priorities over the next two years. We shall certainly continue to search for changes in the House of Lords which would be widely acceptable to the parties.



But, as Janet Young said at the Party Conference, such changes can only proceed on the basis of all-party talks which in turn must depend upon some measure of agreement on the type of reform which might take place. At present there is no sign of this agreement at all.

I am sorry that I was unable to see you before the meeting on 10 December. I trust it goes well and that this letter provides a sufficient guide as to the Government's viewpoint. I hope I may have an opportunity of seeing you and David shortly.



7/12

Lord Boyd-Carpenter

27 November 1981

On its way, I believe - ringed back, letter coming today. 9/12  
MAP of XII.

I enclose a copy of a letter to the Prime Minister from Lord Boyd-Carpenter. You will see that Lord Boyd-Carpenter seeks guidance for the Independent Unionist Peers on Lord Alport's Constitutional Referendum Bill.

I should be grateful if you could let me have a draft reply for the Prime Minister's signature. In view of the timing of the Second Reading Debate, I hope that you can get something to us by Monday 7 December.

---

MAP

David Heyhoe, Esq.,  
Lord President's Office.

Handwritten initials



jfh

27 November 1981

I am writing on behalf of the Prime Minister to thank you for your letter of 26 November.

I will place this before the Prime Minister and you will be sent a reply as soon as possible.

MAP

The Rt. Hon. Lord Boyd-Carpenter.



✓ 1G

106 PARK STREET  
LONDON  
W1Y 4JL

FROM  
LORD BOYD-CARPENTER

TELEPHONE: 01-493 4272

26th November 1981

*JCB*

*My dear Prime Minister,*

I am writing to you as Chairman of the Association of Independent Unionist Peers and on behalf of our President, David Eccles, to seek your guidance as to the guidance which you would wish us to give to Conservative peers as to their attitude on Lord Alport's Constitutional Referendum Bill.

This is now down for Second Reading in the House of Lords on Monday 14th December. I attach a copy of the Bill and a brief note as to its contents.

Two major questions appear to arise :

- (1) Whether in present circumstances it is sensible to go ahead with legislation on House of Lords reform at all;
- (2) Whether, on the assumption that it is in general sensible so to do, the provisions of this Bill are sound or not.

...



It is worth noting that the recitals in the Bill state inter alia "whereas it is expedient that the present Second Chamber should be reformed".

David and I would very much value a word with you about this and would be most grateful if you could let us know whether and when you would let us come and see you.

In view of the fact that, as I have mentioned, the Second Reading is now fixed for Monday 14th December it would be most helpful if from our point of view this could be before Thursday 10th December which is the last meeting of the Association of Independent Unionist Peers before the Second Reading debate.

We both feel that the delicacy and possible importance of this matter justify our seeking to ascertain what your wishes in the matter are.

Your ever  
Truly  
B-C

The Right Honourable Mrs. Margaret Thatcher, MP,  
10 Downing Street,  
London S.W.1.



## CONSTITUTIONAL REFERENDUM BILL

The Constitutional Referendum Bill would after reciting inter alia "that it is expedient that the present Second Chamber should be reformed" provide that no Bill either to abolish the Second Chamber or which would diminish its legislative powers shall proceed beyond Third Reading in the House of Commons without the holding of a referendum in which more than 40% of the persons entitled to vote have answered affirmatively one or other of the two questions set out in the Schedule. An endeavour to entrench this Bill is made by enacting that any Bill to amend it shall be brought within Section 2(1) of the Parliament Act 1911.

The provision that such a referendum shall be held after Third Reading in the Commons and before therefore the Bill goes to the Lords might well have the effect, if the necessary 40% yes vote were obtained, of making resistance by the Lords and the exercise of their power of delay in respect of it very difficult in as much as any such action could be said to be defying not only the will of the elected House but the specific and clear decision of the electorate as a whole.



A  
**B I L L**

INTITULED

An Act to make obligatory the holding of a constitutional referendum before a Bill which contains provisions to abolish the Second Chamber or to diminish its legislative powers may proceed beyond third reading in the House of Commons and to amend section 2(1) of the Parliament Act 1911. A.D. 1981

**W**HEREAS it is requisite that the Parliament of the United Kingdom should possess a Second Chamber with powers to revise and initiate legislation:

And whereas that Chamber should continue to possess the power reserved to the House of Lords under section 2(1) of the Parliament Act of 1911 to reject a Bill containing any provision to extend the maximum duration of the Parliament beyond five years:

And whereas it is expedient that the present Second Chamber should be reformed:

Now, therefore, be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

15 1.—(1) No bill which is endorsed with the certificate of the Speaker of the House of Commons under subsection (2) of this section shall proceed beyond third reading in the House of Commons unless more than 40 per cent. of the persons entitled to vote in a referendum under section 2 of this Act shall have  
20 voted "Yes" in that referendum in reply to either of the two questions posed in the Schedule to this Act or if a majority of the answers given in the referendum have been "No".

Bills to abolish  
Second  
Chamber  
subject  
to referendum.



(2) If the Speaker of the House of Commons is of the opinion that a bill contains provisions:—

(a) to abolish the Second Chamber, or

(b) which would diminish its legislative powers,

he shall, except as provided for in subsection (3) below, endorse the bill with a certificate to that effect after it has been read a third time in the House of Commons.

(3) For a period of five years from the date on which the result of a referendum under section 2 is announced, the certificate of the Speaker given under subsection (2) above shall be endorsed on a bill after it has been read a first time in the House of Commons.

(4) Any certificate of the Speaker of the House of Commons given under subsection (2) of this section shall be conclusive for all purposes and shall not be questioned in any court of law.

Referendum.

2.—(1) A referendum under this section shall be held in accordance with the Schedule to this Act.

(2) If 40 per cent. or less of the persons entitled to vote in a referendum under this Act vote "Yes" in that referendum or the majority of the answers given in that referendum have been "No", no further Bill certified by the Speaker under section 1 of this Act shall proceed beyond first reading in the House of Commons for a period of five years from the date on which the result of the referendum is announced.

Amendment  
of s. 2(1) of  
Parliament  
Act 1911.  
1911 c. 13.

3. In subsection (1) of section 2 of the Parliament Act 1911 (which defines the powers of the House of Lords as to Bills other than Money Bills) there shall be inserted after the words " (other than a Money Bill or a Bill containing any provision to extend the maximum duration of Parliament beyond five years " the following words:—

" or a Bill which contains provisions to amend or repeal the Constitutional Referendum Act 1981 ".

Interpretation.

4. The Second Chamber for the purposes of this Act means a House of Parliament, however composed, which is additional to the House of Commons.

Short title.

5. This Act may be cited as the Constitutional Referendum Act 1981.

## SCHEDULE

### REFERENDUM

Section 2.

#### *Date of Referendum*

1. The referendum shall be held on such day, not less than three months after the making of the Order, as Her Majesty may by Order in Council appoint.

#### *Persons eligible to vote*

2. Those entitled to vote in the referendum shall be:—

(a) the persons who, at the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency in the United Kingdom;

(b) peers who at that date would be entitled to vote as electors at a local government election in any electoral area in the United Kingdom.

15

#### *Questions to be asked and form of ballot paper*

3. The question to be asked in the referendum and the front of the ballot paper to be used for that purpose shall be in the form set out in the Appendix to this Schedule.

#### *Conduct of Referendum*

4. Subject to the following provisions of this Schedule, Her Majesty may by Order in Council make provision as to the conduct of the referendum and apply in relation to it, with such modifications or exceptions as may be specified in the Order, any provision of the Representation of the People Acts, any provision of the enactments relating to returning officers and any provision made under any enactment.

5. An Order in Council under this Schedule shall not charge any sum on the Consolidated Fund but may provide for the expenses of the returning officers to be defrayed as administrative expenses of the Secretary of State.

6. The functions which, in relation to a parliamentary election, are conferred on returning officers by any provision applied by an Order in Council under this Schedule shall in relation to the referendum be discharged by the persons who, in England and Wales under section 40(1)(2) of the Local Government Act 1972, in Scotland under section 17(2) of the Representation of the People Act 1949 and in Northern Ireland under section 17(3) of the Representation of the People Act 1949 are or may discharge the functions of returning officers, at a General Election.

7. There shall be appointed a Chief Counting Officer, who shall appoint a counting officer for each county, and each counting officer shall conduct the counting of votes cast in the county for which he is appointed in accordance with any directions given to him by the Chief Counting Officer.



SCH.

8. The counting officer for each county shall certify the number of ballot papers counted by him and the number of respective answers given by valid votes; and the Chief Counting Officer shall certify the total of the ballot papers and the respective answers for the whole of the United Kingdom.

5

9. Every county council shall place the services of its counting officers at the disposal of the counting officer for its county; and if the council of any county or the counting officer for any county so requests, the council of any district situated in that county shall place the services of its officers at the disposal of the counting officer for that county.

10

10. For the purposes of this Act the Province of Northern Ireland shall be deemed to be a county and the duties imposed on a county council in Great Britain by this Schedule shall be carried out by the Secretary of State for Northern Ireland.

*Exclusion of legal proceedings*

15

11. No court shall entertain any proceedings for questioning the numbers, as certified by the Chief Counting Officer or any counting officer, or any ballot papers counted or answers given in the referendum.

*Orders in Council*

12. No recommendation shall be made to Her Majesty in Council to make an Order under this Schedule until a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

APPENDIX

FORM OF BALLOT PAPER

*In the case of a Bill to abolish the Second Chamber*  
Do you want the House of Commons to be the only legislative chamber of the Parliament of the United Kingdom?

*In the case of a Bill to diminish the legislative powers of the Second Chamber*

Do you want the legislative powers of the Second Chamber to be diminished?

10 Put an (X) in the appropriate box.

YES	
NO	



Constitutional Referendum [H.L.]

A  
**B I L L**

INTITULED

An Act to make obligatory the holding of a constitutional referendum before a Bill which contains provisions to abolish the Second Chamber or to diminish its legislative powers may proceed beyond third reading in the House of Commons and to amend section 2(1) of the Parliament Act 1911.

*The Lord Alport*

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C O N F I D E N T I A L

FILE

VLS

Robert Armstrong

MR. WRIGHT  
CABINET OFFICE

Sub-Committee on the House of Lords (H(HL))

The Prime Minister has seen Sir Robert Armstrong's minute, reference A05722, about the suggestion that the Paymaster General might be added to this Sub-Committee.

The Prime Minister is content that the Paymaster General should be invited to serve on the Sub-Committee if the Lord President is content. She has also commented that the result of the debate at the Party Conference - no reform during this Parliament - will provide clear guidance for the Sub-Committee.

M A PATTISON

19 October/1981

C O N F I D E N T I A L

A



SUBJECT



10 DOWNING STREET

C. Master

Paul W. ...

From the Principal Private Secretary

15 October 1981

Dear Michael,

House of Lords Reform

The Prime Minister held a meeting this morning in her suite in the Imperial Hotel, Blackpool, to decide what line the Chancellor of the Duchy of Lancaster should take in replying to the debate at the Conservative Party Conference on the motion:

"Conference believes that reform of the House of Lords is an urgent matter and steps should be taken in the lifetime of this Parliament to ensure that Britain's second chamber retain the experience and integrity of the present system whilst gaining constitutional authority that would accrue if it were wholly or partly elected."

As well as Lady Young, the Home Secretary and the Lord President were present.

In discussion it was pointed out that Lady Young would be in some difficulty in responding to the debate because of the temporising line which had been taken by the then Chancellor of the Duchy in a similar debate at last year's Conference. It was important that we did not fall into the same mistake on this occasion: otherwise we should only be storing up problems for ourselves at next year's Conference. Rather, Lady Young should tell the Conference frankly why the Government had been able to make so little progress since the previous year's debate and what the very real difficulties about House of Lords reform were.

After further discussion the Prime Minister said that in her speech the Chancellor of the Duchy should acknowledge that what lay behind the motion was an anxiety on the part of many people that this country might one day have a House of Commons with an extreme left-wing majority and a desire to have in the House of Lords a stable and permanent institution which would offer some kind of protection against the activities of such a House of Commons. She should then go on to list the various ways in which the House of Lords might be reformed. She should make it clear that the Government had been giving all these careful consideration over the past year but had had to conclude that there was an insufficient measure of agreement on any single one of them to make it possible to move forward in the immediate future. Moreover, even if the Government could



agree on the form which House of Lords reform should take, to introduce legislation would be a signal to the Opposition to use every conceivable means of resisting the whole of the rest of the Government's legislative programme on the floor of the House. The Chancellor of the Duchy should nonetheless explain that, notwithstanding the great difficulties which the work Ministers had already done had identified, their study of the matter was continuing. There was, however, no question of the Government being able to do anything about the reform of the House of Lords in the present Parliament. In any case it had a very full programme of other legislative measures which the Conservative Party was anxious to see enacted before the next Election. For these reasons she would not be able to accept the motion. She might add in conclusion that the surest way of dealing with people's anxiety about what an extreme left-wing majority in the House of Commons might do was to go on returning a Conservative Government.

I am sending copies of this letter to John Halliday (Home Office), David Heyhoe (Lord President's Office) and David Wright (Cabinet Office).

Yours etc,

Marie Whitmore.

Michael Pownall, Esq.,  
Chief Whip's Office, House of Lords.



Ref. A05722

MR WHITMORE

*Yes - but make the  
 mention of the debate  
 at the Party conference  
 i.e. no reform  
 this Parliament  
 not*

*Prime Minister  
 The Chief Whip wrote  
 to you about this.  
 content to include Mr  
 Parkinson on HCHL if  
 Mr Pym concurs?*

*MAD 16/x*

Sub-Committee on the House of Lords (H(HL))

I attach the revised composition and terms of reference of the Sub-Committee on the House of Lords following the recent Ministerial changes.

2. The Chief Whip thinks that it might be helpful if the Paymaster General was added to this Sub-Committee. The Sub-Committee is already fairly large at 11 Members; and the addition of the Paymaster General would weight the balance even further in favour of Members in the House of Commons (from 6-5 to 7-5). But there is clearly a strong "Party" element in the Sub-Committee's work, and this may make it appropriate to add the Paymaster General to its membership. If the Prime Minister agrees I will consult the Lord President; and, if he is content, I will then invite the Paymaster General to serve on the Sub-Committee.

ROBERT ARMSTRONG

14 October 1981





lv  
Robert

10 DOWNING STREET

*From the Private Secretary*

Mr. Wright

Ministerial Sub-Committee on House of  
Lords Reform

The Prime Minister has considered  
Sir Robert Armstrong's minute of 17 July  
(Ref. A05246), and agrees with his proposals.

**T. P. LANKESTER**

20 July, 1981.

LD



1. CONFIDENTIAL

Prime Minister.

Ref. A05246

MR. WHITMORE

Since both Mr Pyon and Lord Denham  
oppose Mr Pyon's group on House of Lords reform  
should be represented ~~by~~ by Lord Denham and  
his Lord Advocate, I suggest that you approve  
what is proposed.

17/7/81

Ministerial Sub-Committee on House of Lords Reform

As you will remember, this Sub-Committee of the Home and Social Affairs Committee was recently reconstituted with revised composition and terms of reference (attached). We are in trouble about the composition of the Sub-Committee.

2. The Captain of the Gentlemen-at-Arms (Lord Denham) was a member of the earlier Sub-Committee, but the Prime Minister decided that he should be excluded from the revised membership. I now understand that Lord Denham made representations to the Chancellor of the Duchy and the Lord President, who in turn made representations to you, about the question of his reinstatement; and that agreement was given. That has no doubt been conveyed to Lord Denham.

This was all Mr Pyon's suggestion. When he subsequently told me that he was, after all, ready to have Lord Denham on his committee, I decided it was too trivial a matter to bother you with and I told him to go ahead.

3. Representations have also reached us from the Lord Advocate, expressing concern that he has not been invited to be a member of the Sub-Committee. It is suggested that the Lord Advocate is highly respected in the House of Lords, and that there are important differences between the law concerning peerages in Scotland and that in England and Wales. If membership is to be extended to the Captain of the Gentlemen-at-Arms, it would, I think, be difficult to refuse it to the Lord Advocate, who has no less strong a case in his favour.

4. The addition of both would increase the size of the Sub-Committee from 9 to 11, and the balance of Commons Ministers to Lords Ministers from 6:3 to 6:5. Nonetheless, I think that it would be best to add both the Captain of the Gentlemen-at-Arms and the Lord Advocate to the Sub-Committee, without the addition of any extra Commons Ministers. I have consulted the Chancellor of the Duchy of Lancaster and the Lord President, who both agree with this.

5. May I proceed accordingly?

Yes

REA

ROBERT ARMSTRONG

17th July, 1981

CONFIDENTIAL



H(HL)

HOME AND SOCIAL AFFAIRS COMMITTEE  
SUB-COMMITTEE ON THE HOUSE OF LORDS

(Authority: H(HL)(80) 1, H(HL)(81) 3)

Composition

Chancellor of the Duchy of Lancaster and Paymaster General (Chairman).  
Lord President of the Council.  
Secretary of State for Scotland.  
Attorney-General.  
Parliamentary Secretary, Treasury.  
Minister of State, Department of Industry (Mr Baker).  
Minister of State, Department of Employment.  
Minister of State, Department of Education and Science (Minister for  
the Arts).  
Parliamentary Under-Secretary of State, Home Office.

Terms of reference

"To consider and report on possible options for reforming the  
composition and powers of the House of Lords."

Secretariat

Mr W N Hyde, Cabinet Office.  
Mr M W Townley, Cabinet Office.  
Mr J W M Rogers, Cabinet Office.



Parliament

MR. WHITMORE

Michael Pownall raised the question of H(HL).

I understand that Lord Denham was included on the Committee in its earlier existence, but has not been included in the recent reconstruction. Mr. Pownall believes that both the Chief Whip and the Lord President are likely to raise this question as soon as a notice of meeting is circulated. Have we taken a conscious decision to exclude Lord Denham?

~~Mr Patten~~  
Mr Patten ~~MP~~

30 June 1981

Yes. You will see from my  
minutes of 8 April that <sup>the</sup> Captain of  
the Gentlemen or Arms was at one  
stage in but he went out at the  
Prime Minister's meeting with Mr (you).  
Lord Soames knows of his  
exclusion: so he should not complain.  
But I do not believe the Chief Whip,

knows: he may raise it  
later.

Phil  
30/6





ru 10  
Parliament

10 DOWNING STREET

From the Principal Private Secretary

29 May 1981

House of Lords

I am sorry that I have not followed up more quickly my letter of 30 April to you about the Chancellor of the Duchy's new sub-committee of H on the House of Lords.

The Lord Chancellor and the Foreign Secretary have now both been told about how it is proposed to proceed, and the way is therefore clear for the establishment of the sub-committee to be formally promulgated. I should be grateful if David Wright, to whom I am sending a copy of this letter, would arrange for this to be done.

CAW.

David Heyhoe Esq  
Chancellor of the Duchy of Lancaster's Office.

So



B. B.

Postscript

PM: RDA version,  
with amended  
final sentence.

PRIME MINISTER

You were content with Lord Soames' proposed answer in the Lords tomorrow on House of Lords reform (Flag A). Robert Armstrong has, however, now suggested an alternative draft to Lord Soames, stressing the Government's commitment to a second Chamber, but leaving the timing of any change more vague. I believe that Lord Soames is likely to accept this version (below). Do you have any preference?

MAJ

18 May, 1981.

Replied by phone

na

MAJ 207v



"Yes, my Lords. Since the debate in your Lordships' House last December the Government have carefully considered the matter to which my Noble Friend refers. The Government is entirely committed to a Second Chamber as an essential part of the Constitution. They have, however, decided not to come forward at this time with proposals to afford some form of statutory protection to the House of Lords without reference to the broader issues of the composition and powers of your Lordships' House. The Government continues to keep these issues under review."

3

under review.



CONFIDENTIAL

Partisan

MAP

Ref. A04928

18th May, 1981

I have seen a copy of your minute of 14th May to the Prime Minister, proposing a draft Answer to Lord Alport's Oral Question tomorrow about House of Lords reform.

Before they saw it my people here had prepared a draft Answer, and I thought that I should let you see it, even at this late date. It is not in substance different from your draft, but you will see that it contains a reaffirmation of the Government's commitment to a Second Chamber, and uses a wording which would imply that the Government would not envisage proposals for statutory protection except in the context of some review (if not reform) of composition and powers of the House of Lords (and implicitly, therefore, that the Government would envisage statutory protection in such a context).

I offer you this formula à toutes fins utiles, as they say in France.

ROBERT ARMSTRONG

The Rt. Hon. The Lord Soames, CH, GCMG, GCVO, CBE

CONFIDENTIAL



Copy to Mr Hughes.

Dyer



- 1. Mr Whitmore <sup>MW 14V</sup>
- 2. Prime Minister

Content for had  
Sources to answer  
as he proposes?

FROM THE LEADER OF THE HOUSE  
HOUSE OF LORDS

Yes mb

MAD  
147V

PRIME MINISTER

Lord Alport has the following oral Question down in the Lords next Tuesday, 19th May:

"To ask H.M.G. whether, in view of the Lord President of the Council's undertaking on 8th December, 1980 that they would 'give urgent consideration to the strategic purpose' of the Constitutional Referendum Bill, now before this House, any statement of past progress and future intentions can now be made".

It falls to me to reply for the Government and I seek your agreement to answer along the following lines:

"Yes, my Lords. Since the debate in your Lordships' House last December, the Government have carefully considered the matter to which my noble friend refers. They have decided not to come forward with their own proposals to afford some form of statutory protection to the House of Lords. The Government will, however, in the course of the present Parliament, consider the many different proposals which have been put forward for reform of the composition and powers of your Lordships' House".

I think it right and timely that I should answer Lord Alport directly on the results of our deliberation on his own proposal, and also to couple this with an announcement of our intention to review powers and composition in the life-time of the present Parliament, without, of course, making any commitment to bring forward firm proposals.

There are likely to be a number of supplementary questions. If pressed on why the Government have decided not to protect the existence of the Lords, I would simply say that the Government considered the advantages and disadvantages of following this course. They took careful note in particular of the contrasting views expressed in the debate in their Lordships' House. On balance they agreed that the disadvantages outweighed the advantages and have considered it inappropriate to consider this one aspect of the Second Chamber without reference to the broader question of powers and composition.





FROM THE LEADER OF THE HOUSE  
HOUSE OF LORDS

I would not propose to react substantively if the danger of abolition is raised.

I am copying this minute to the Home Secretary, and to the other members of the Sub-Committee of the Home and Social Affairs Committee which considered the question of protection earlier this year.

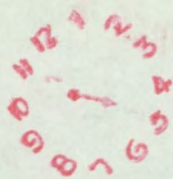
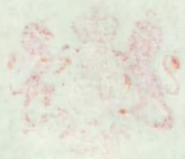
S.

SOAMES  
14 May 1981

CONQUEROR  
LONDON

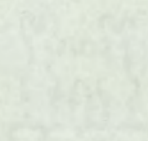


14 MAY 1964



FROM THE LEADER OF THE HOUSE OF COMMONS

CONQUEROR



LONDON





10 DOWNING STREET

File AH  
cc. C.O.  
P. H. H. H.

From the Principal Private Secretary

30 April 1981

Dear David,

HOUSE OF LORDS

When I saw the Chancellor of the Duchy yesterday, he told me that he would like to add Mr Kenneth Baker to his sub-committee of H on the House of Lords.

I have consulted the Prime Minister and she is content that Mr Baker should be a member of the sub-committee.

It only remains for the Prime Minister to have a word with the Lord Chancellor and the Foreign Secretary to let them know how it has been decided to proceed, and the way will then be clear for the establishment of the sub-committee to be formally promulgated.

I am sending a copy of this letter to David Wright (Cabinet Office).

Yours ever,

Marie Whitmore.

David Heyhoe Esq.,  
Office of the Chancellor of the Duchy of Lancaster

AH



PRIME MINISTER

HOUSE OF LORDS

When you saw Mr Pym yesterday about the future of the House of Lords, you agreed to his request to be allowed to reflect a little further on the membership of his sub-committee of H.

He has now done this and has only one additional name to suggest. He would like to have Mr Kenneth Baker on his group. He particularly wants him in order to provide a link between this latest study and Lord Home's Review Committee on the House of Lords, of which Mr Baker was of course a member. I told Mr Pym that you had earlier considered including Mr Baker in the membership of the sub-committee but had in the end decided against doing so. I went on to say, however, that I did not think that you felt at all strongly about this and I was confident that if he particularly wanted Mr Baker, you would agree.

May I let Mr Pym know that you are content?

Yes  
ms  
TAW.

29 April, 1981



ex. Harter

CONFIDENTIAL

cc CO

File

AN

Parliament



10 DOWNING STREET

From the Principal Private Secretary

28 April 1981

Dear David,

HOUSE OF LORDS

When the Prime Minister saw the Chancellor of the Duchy of Lancaster this morning, she told him that she would be grateful if he would take the chair of a new sub-committee of H Committee on the House of Lords. She believed that it would be difficult to consider the membership of the Lords without looking at their powers as well and she thought therefore that the terms of reference should be on the following lines:-

"To consider and report on possible options for reforming the composition and powers of the House of Lords".

Nonetheless, she doubted whether the House of Commons would be ready to give up powers to another chamber and she thought that the outcome of any study of the future of the Lords would be no change in their powers and only minor changes in composition. Even so, the future of the House of Lords was likely to be an issue at the next general election, and it was timely to begin to give thought to the matter now. One possibility as regards membership of the Lords might be to introduce two kinds of life peerage: one would carry with it the right to sit in the Lords and the other would simply be an honour in recognition of outstanding service but not carrying membership of the Lords.

Mr Pym said that he agreed that the future of the Lords would be an issue at the next election. He saw the proposed study essentially as a defensive exercise. The Government would probably not want to do anything that changed the House of Lords in anything except a minor way but they would need to have a clearly thought out position on the matter. If the Labour Party came out either for the total abolition of the Lords or for its radical reform, the Government would need to be ready to capitalise on the feeling which undoubtedly existed in the country at large that the Lords on the whole fulfilled a very useful role and should continue essentially in its present form. Against that background, he was content with the proposed terms of reference of the sub-committee of H which he was to chair.

CONFIDENTIAL

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CONFIDENTIAL

- 2 -

The discussion then turned to the sub-committee's membership, and the Prime Minister and Mr Pym agreed provisionally that it should be as follows:-

The Lord President  
The Secretary of State for Scotland  
The Attorney-General  
The Parliamentary Secretary, Treasury  
The Minister of State for the Arts (Mr Channon)  
The Minister of State, Department of Employment  
(Lord Gowrie)  
The Parliamentary Under-Secretary of State, Home Office  
(Lord Belstead)

/the / The Prime Minister invited Mr Pym to consider further/membership of his sub-committee and to let her know as soon as possible whether there were any further changes he wished to suggest.

I am sending a copy of this letter to David Wright (Cabinet Office).

*Yours ever,*

*Alfred Watkins.*

David Heyhoe Esq.,  
Office of the Chancellor of the Duchy of Lancaster.

CONFIDENTIAL



Parliament.



10 DOWNING STREET

Prime Minister.

Your meeting at 1000  
tomorrow with Mr. Lyne — postponed  
from before Easter — is to ask  
him to take the chair of the  
new sub-committee of H on the  
House of Lords.

You will want to show  
him the proposed terms of  
reference and membership of  
the sub-committee. They are in  
my minute letter to Sir  
Robert Armstrong.

AKW

27 w.



CONFIDENTIAL



File AN

10 DOWNING STREET

Baroness

From the Principal Private Secretary

BF to check program.

SIR ROBERT ARMSTRONG

HOUSE OF LORDS

The Prime Minister has seen your minute A04634 of 6 April 1981 about the proposed terms of reference and membership of the new sub-committee of H Committee on the House of Lords.

She agrees that the sub-committee should have very general terms of reference and has decided that they should be:

"To consider and report on possible options for reforming the composition and powers of the House of Lords".

As you will see, she takes the view, as did other Ministers at her meeting on 1st April, that it would be difficult for the sub-committee to review the membership of the House of Lords without getting on to the question of its powers, and she thinks that we should allow for this from the outset by a suitable reference in the sub-committee's formal remit.

The Prime Minister has decided that the membership of the sub-committee should be as follows:

- The Lord President
- The Secretary of State for Scotland
- The Attorney General
- The Parliamentary Secretary, Treasury
- The Minister of State for the Arts (Mr Channon)
- ~~The Minister of State, DES (Baroness Young)~~
- Gowrie. The Parliamentary Under-Secretary of State, Home Office (Lord Belstead)
- ~~The Captain of the Gentleman at Arms~~

The next step is for the Prime Minister to see the Chancellor of the Duchy of Lancaster to ask him to chair the sub-committee, and we shall be arranging this in the next day or so.

ms

AW.

8 April 1981

CONFIDENTIAL

AW



CONFIDENTIAL

PRIME MINISTER

House of Lords to chair the sub-committee?

*Home Minister.*  
*Consent with the terms of reference?*  
*Omit or leave in the words in brackets?*  
*Agree the membership proposed in paragraph 4 below?*  
*Do you wish to add Lord Home and/or Mr Shannon?*  
*Ready to see Mr Lyon to ask him to chair the sub-committee?*  
*Table b.iv.*

You asked me at the end of your meeting on 1st April to let you have proposals for the terms of reference and membership of the proposed sub-committee of H Committee. You would wish to show these to the Chancellor of the Duchy of Lancaster, whom you would ask to chair the sub-committee.

2. I suggest the sub-committee should have very general terms of reference; viz:

"To consider and report on possible options for reforming the composition [and increasing the powers] of the House of Lords".

My recollection of the meeting was that the sub-committee was to address itself only to composition and not to powers, but Mr. Whitmore's letter of 1st April records you as summing up that the sub-committee should also consider powers. Hence the square brackets.

3. As regards membership, I assume that you would not wish either the Lord Chancellor or the Foreign and Commonwealth Secretary to serve on the sub-committee. Both are very senior and busy Ministers, although both are personally interested in House of Lords reform and were members of the previous sub-committee, of which, of course, the Home Secretary and not the Chancellor of the Duchy was chairman. I am not sure that the Lord Chancellor will want to be left out! I also assume that in considering the names of junior Ministers you would look first at those who were members of the Review Committee on the House of Lords which you set up under Lord Home's chairmanship while in Opposition. They are Mr. Neil Marten, Mr Kenneth Baker and Baroness Young.

4. On those assumptions I suggest that the following Peers might be members of the sub-committee:-

- The Lord President\* ✓
- The Minister of State, DES (Baroness Young) ✓
- The Parliamentary Under-Secretary of State, Home Office ✓ (Lord Belstead)
- The Captain of the Gentlemen at Arms\* ✓

\*Members of previous sub-committee of H.

*Home Minister.*  
*It is true that Whitmore's minute proposed that only composition should be looked at. But everybody at your meeting quickly agreed that any group charged with studying the composition of the House would soon get on to the question of powers, simply because it is inescapably bound up with membership.*  
*AMB.*





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The other members might be:

- ✓ The Secretary of State for Scotland\*
- ✓ The Attorney General\*
- ✓ The Parliamentary Secretary, Treasury\*

~~The Minister of State, Department of Industry (Mr. Baker)~~

5. A committee of 9 is probably large enough, but if you wanted to enlarge it two possible candidates ~~from the Lords~~ would be:-

~~The Minister of State, Department of Employment (Earl of Gowrie)~~

- ✓ The Minister of State for the Arts (Mr. Channon).

RA

Robert Armstrong

6th April 1981



CONFIDENTIAL

8 SUBJECT

cc Master



ccs H/L  
CO

File  
AN

Parliament

10 DOWNING STREET

From the Principal Private Secretary

1 April 1981

BF 15.4.81

Dear John,

HOUSE OF LORDS

The Prime Minister met the Home Secretary and the Lord President this morning to discuss Mr Whitelaw's minute of 17 February 1981 in which he reported the conclusions of the Home and Social Affairs Committee's sub-committee on the House of Lords. Sir Robert Armstrong was also present.

The Home Secretary said that it had been the clear view of his sub-committee that the Government should not contemplate legislation during the present Parliament to give statutory protection to the existence and powers of the House of Lords. They had recognised, however, that the future of the Lords might well become an important political issue at the next election, and they had felt that the Government's position at the election would be improved if by then we were able to put forward proposals for changes in the composition of the Lords. The sub-committee had accordingly recommended that the Government should now review the membership of the Lords with a view to including proposals for its reform in the election manifesto.

The Home Secretary went on to say that this was the maximum measure of agreement it had been possible to reach in his sub-committee. There was a wide range of view on what should be done about the membership of the House of Lords. There were some who believed that the second chamber should be wholly elected. There were others, including himself, who thought that the best course was to maintain the status quo. He believed personally that a totally elected House of Lords would demand more powers than it had now and that this would lead to conflict with the House of Commons which would inevitably be reluctant to cede more authority to the second chamber. He also thought that the country already had too many elections of one kind and another and he was doubtful about the wisdom of adding yet another. But he recognised that there was a general feeling that we could no longer do nothing about the House of Lords and he therefore commended the idea of a study of its composition. If that was agreed, the next step was to decide how the study was to be done.

CONFIDENTIAL

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CONFIDENTIAL

- 2 -

The Lord President said that there were a number of options for the membership of the House of Lords. The second chamber could be wholly elected; or it could be made up of a mixture of nominated and elected members; or it could move gradually to a wholly nominated basis, with the heirs of hereditary peerages not being allowed to take their seats; or the present composition could be left as it was. There were no doubt other possibilities too. He himself shared the Home Secretary's view that the best course was to go on with the present position: by and large the House of Lords as we knew it today worked well and there was a very real danger that any change would turn out to be for the worse. But he agreed that the Government could no longer do nothing about the future of the House of Lords. It was possible that the matter would be raised again at the Conservative Party Conference in October, and he had told Lord Alport when he had sought to introduce his Bill to protect the existence of the House of Lords that this was a matter which the Government was looking at. But any study of the composition of the House of Lords was bound to raise as well the question of its powers.

The Prime Minister said that she was not attracted at all to the idea of a wholly elected second chamber. To go in that direction would mean that the House of Lords would become much more of a replica of the House of Commons than it was now, and this was undesirable. A nominated second chamber would be better than an elected one. More generally, the possibility of a constitutional change on the scale that might be involved in the reform of the House of Lords was something which was normally remitted to a Speaker's Conference for study. There would be advantage in proceeding in this way in this case, but it was most unlikely that the Opposition would have anything to do with a Speaker's Conference for this purpose.

In discussion there was general agreement that perhaps the best way of proceeding would be for a committee made up jointly of Conservative Members of both the Lords and Commons to examine the issue. This would allow not only Ministers to take part but also outsiders like Lord Blake. A possible chairman was Lord Eccles. A useful preliminary step, however, would be to set up a purely Ministerial committee which could examine fully all the options and prepare a report which could serve as the starting point for the joint Lords/Commons committee.

BF | The Prime Minister, summing up the discussion, said that they were agreed upon the need to establish a Ministerial committee to report on the options for changing the membership and powers of the House of Lords. It might most appropriately be a sub-committee of H. She would ask the Chancellor of the Duchy of Lancaster to take the chair. Sir Robert Armstrong should let her have proposals for the remaining membership and for the terms of reference of the group. At an appropriate moment the group's report might be submitted for further study to a committee made up of Conservative

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- 3 -

Members of both Houses of Parliament. The first step towards establishing such a joint committee would be for her to speak to Lord Boyd-Carpenter and Mr Edward du Cann.

I am sending copies of this letter to Michael Pownall (Leader of the House of Lords Office) and David Wright (Cabinet Office).

Yours sincerely,

Alvi Whittmore.

John Halliday Esq.,  
Home Office.

CONFIDENTIAL



Ref. A04457

PRIME MINISTER

House of Lords

You are meeting the Home Secretary at 11.15 am on Tuesday 17 March to discuss the conclusions of the sub-committee on the House of Lords which he chaired (his minute to you of 17 February refers) and in particular how any examination of the composition of the House might best be carried out.

2. You will first want to confirm that you accept the virtually unanimous view of the sub-committee that legislation should not be contemplated during this Parliament to protect the existence and powers of the Lords. The reasons advanced for this conclusion in the Home Secretary's minute seem cogent.

3. You will then want to discuss the recommendation that the Government should now initiate a fresh look at the membership of the Lords with a view to including proposals for its reform in the election manifesto if nearer the time that seemed appropriate. The issues here are essentially political.

4. One point you may want to raise with the Home Secretary is whether any such study could and should be confined solely to the composition of the Lords or whether it should extend also to consideration of its powers. The report of the Conservative Review Committee under Lord Home's chairmanship concentrated on composition of the House but did also touch on its powers. A fresh study might well start with the assumption that the formal powers of the House should remain much as they are; even so, it has to be recognised that a changed and, presumably, revived House whose members had been wholly or partly chosen on a new basis, might be readier than the present House to make full use of its powers to amend or even reject legislation.

5. If it is decided that the case for a fresh study of the composition of the Lords has been made out, I do not think that it could, even in its initial stages, be undertaken solely within Government. On the other hand, the Home Secretary's minute appears to envisage a study conducted within the Conservative Party rather than one going across party divisions. Clearly, there is no prospect of the official Labour Party being prepared at present to discuss the





reform of the House of Lords. How far other groups, including some Labour or Social Democrat Peers, would be willing to do so I do not know.

6. One possibility would be for a study to be directed by a group made up partly of senior Ministers and partly of Conservative Peers. Lord Thorneycroft and Lord Blake are names that come to mind. I do not know if you would want to chair such a group yourself; if not, would the Home Secretary be willing to act as chairman, or should the task be entrusted to the Lord President as Leader of the House of Lords?

7. Although such a group would not be a Cabinet Committee, I should be ready, if you wished, to arrange for members of the relevant section of the Cabinet Office to act as its secretaries. It is probably premature to consider how the study should be undertaken until we know the general approach that any steering group decides to take and how much weight they attach to the report of Lord Home's group. We could, however, given a little time, prepare within the Cabinet Office an initial memorandum giving some of the historical background and a summary account of some of the many proposals for reform of the composition of the House that have been put forward in the past. I hope that we should also be able to provide continuing support, if the Chairman of the Group wished us to do so.

ROBERT ARMSTRONG

13 March 1981



B. BK

NO COPIES TAKEN. ENVS IN GR

Arranged for 1700 on  
Wednesday 4: 7 only

Id you think from 4 ct.  
2012

~~Custom~~ for deposit so let  
the case fix the matter - Home Security  
4 8:15. Arranging to attend. Hall's





10 DOWNING STREET

*From the Principal Private Secretary*

20 February 1981

vb  
c. LCO  
FCO  
CDL CO  
LPO  
SO  
Att Gen  
CWO  
Captain &  
Gentleman at  
Arms, H/L

BF 3/3

House of Lords

The Prime Minister has asked me to thank the Home Secretary for his minute of 17 February 1981 reporting the conclusions of the sub-committee of the Home and Social Affairs Committee which has been considering whether and, if so, what measures should be taken to protect the existence and powers of the House of Lords.

She would like to discuss with him the outcome of the sub-committee's work and in particular how the examination of the composition of the House of Lords which the sub-committee has recommended might best be carried out.

We will be in touch with your office to arrange a time.

I am sending copies of this letter to the Private Secretaries to the other members of H(HL) and to David Wright (Cabinet Office).

**IC A. WHITMORE**

J.F. Halliday, Esq.,  
Home Office.

**CONFIDENTIAL**

SK



PRIME MINISTER

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FUTURE OF THE HOUSE OF LORDS

The attached minute from the Home Secretary reports the conclusion of his sub-committee of H that we should not contemplate legislation to give statutory protection to the existence and powers of the House of Lords during the present Parliament, but that the Government should now re-examine the question of the membership of the House of Lords, so that, if it wished, it could include proposals for the reform of membership in the Election Manifesto.

Are you content with the outcome of the sub-committee's exercise?

If you are, the next question is how we carry out the study of the membership of the Lords. If the exercise is put in the context of the next Election Manifesto, it inevitably has a mixed Government/Party flavour, and it would make sense to add to any Ministerial group charged with carrying out the study outsiders such as the Chairman of the Party. But this, of course, makes it more difficult to involve officials from the Departments concerned with the matter, e.g. the Cabinet Office, the Home Office and the Lord Chancellor's Office. Nonetheless, there will be quite a lot of detailed work to be done and I am sure that the best way of carrying this out is by means of a group of officials.

I suggest that the next step is for you to discuss the sub-committee's recommendations and where we go from here with the Home Secretary and Sir Robert Armstrong. If you agree, we will arrange a meeting for a time following your return from the United States.

*Amad*

*JAW.*

18 February 1981



CONFIDENTIAL



PRIME MINISTER

HOUSE OF LORDS

You asked me to chair a sub-committee of the Home and Social Affairs Committee to consider whether and, if so, what measures should be taken to protect the existence and powers of the House of Lords.

At a meeting earlier this month, the sub-committee considered a memorandum prepared for us by officials which examined the various forms that legislation to give statutory protection to the existence and powers of the House of Lords might take. I need not go into the details of their suggestions since it was the clear view of the sub-committee that we should not contemplate such legislation during the present Parliament. The majority took this view on broad political considerations. In the first place, to introduce legislation, which would be bound to be controversial and occupy a good deal of Parliamentary time, would have the effect of bringing the future of the House of Lords nearer to the centre of the political stage. This might have the result of weakening rather than strengthening its security. It would be difficult to avoid the implication that we expected an "abolitionist" government to be returned at the next general election or at least that we regarded the maintenance of a second chamber as an open issue. (This last point would have particular force if, as most of us were inclined to think, provision for a referendum would form part of any protective legislation). Those of us who saw less force in these arguments nevertheless agreed that, in the absence of a clear consensus in favour of legislation this Parliament, no such legislation was practicable.

- 1 -

CONFIDENTIAL



Moreover, any legislation we introduced in the present Parliament would be represented as an attempt to give permanent protection to the House of Lords as at present constituted. To couple such legislation with some promise in general terms that the composition of the House would be re-examined would carry no conviction, given the failure of successive attempts since 1911 to reach agreement on reform of the composition of the Lords.

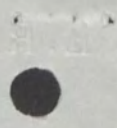
Nevertheless, the future of the House of Lords may well become an important issue at the next election. The majority of the sub-committee took the view that our stance at the election would be improved if by then we were in a position to put forward reasonably firm proposals for changes in the composition of the Lords and were not forced into the position of defending the status quo. We do not underestimate the difficulty of reaching agreement, even within our own party, about which such changes should be, but we recommend that the Government should now initiate a fresh look at the membership of the House of Lords with a view to including proposals for its reform in our election manifesto if, nearer the time, that seemed appropriate.

I am copying this minute to the other members of H(HL) and to Sir Robert Armstrong.

hsilw

17 February 1981





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1  
11 12 13

17 FEB 1981



HOUSE OF LORDS,  
SW1A 0PW

✓  
MS

*With the Compliments of the  
Lord Chancellor's  
Private Secretary*

(32511)



CONFIDENTIAL  
FROM THE PRIVATE SECRETARY

*Parliament*



HOUSE OF LORDS,  
SW1A 0PW

9 December, 1980.

Your Ref: A03749

*Dear David,*

Home and Social Affairs Committee  
Sub-Committee on the House of Lords

The Lord Chancellor has asked me to thank Sir Robert Armstrong for his minute of 5th December, and to say that he is of course very happy to be a member of the sub-committee on the House of Lords under the Chairmanship of the Home Secretary.

I am sending a copy of this letter to the other recipients of Sir Robert's minute, and to the Secretary of State for Defence and the Secretary of State for Scotland.

*Yours sincerely,*  
*M. H. Collon*

M. H. Collon

D. J. Wright Esq.,  
Private Secretary to the  
Secretary of the Cabinet,  
Cabinet Office,  
70 Whitehall,  
London S.W.1.

CONFIDENTIAL





cc Ho  
FCO  
LPO  
Parliament  
bcc Mr Goodrich

10 DOWNING STREET

*From the Private Secretary*

3 December 1980

Future of the House of Lords

Following the meeting that took place with the Prime Minister last week I am writing to let you know that the lunch on Monday 26 January has been cancelled.

I am copying this letter to John Halliday (Home Office), George Walden (Foreign and Commonwealth Office) and Jim Buckley (Lord President's Office).

CAROLINE STEPHENS

Michael Collon, Esq.,  
Lord Chancellor's Office.





10 DOWNING STREET

Mr. Whitmore

House of Lords Reform

Do you still require  
that lunch in  
January?

E.J.

Miss Stephens.

I have spoken to the  
Prime Minister. The  
answer is 'no'.

28/11

MS  
2xii



VMS

From: THE PRIVATE SECRETARY

CONFIDENTIAL



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

2 December 1980

*Dear David,*

HOME AFFAIRS COMMITTEE: SUB-COMMITTEE  
ON THE HOUSE OF LORDS

The Home Secretary has seen Sir Robert Armstrong's minute of 28 November to the Prime Minister and the minute of 1 December from Nick Sanders. The Home Secretary is content with the proposals Sir Robert Armstrong set out.

I am sending a copy of this letter to Nick Sanders.

*Yours,  
S W*

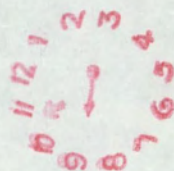
(S W BOYS SMITH)

D J Wright Esq

CONFIDENTIAL



3 DEC 1980





CONFIDENTIAL

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CCHO.

*Parliament*

MR. WRIGHT  
CABINET OFFICE

Home Affairs Committee: Sub-Committee on the  
House of Lords

The Prime Minister has seen Sir Robert Armstrong's minute of 28 November (A03682).

Subject to the Home Secretary's views, she is content with the proposals set out in that minute.

I am copying this minute to John Halliday (Home Office).

N.J. SANDERS

1 December 1980

CONFIDENTIAL

*ASD*



CONFIDENTIAL

File

dl



Parliament

Copied to Master Set

10 DOWNING STREET

From the Principal Private Secretary

28 November 1980

Dear John,

House of Lords: Constitutional Referendum Bill

The Prime Minister held a meeting on 27 November to consider the line the Government should take in the second reading debate on Lord Alport's Constitutional Referendum Bill. The Home Secretary, the Lord Chancellor, the Secretary of State for Foreign and Commonwealth Affairs, the Lord President of the Council, the Chief Whips of both Houses, Sir Robert Armstrong and Wilfred Hyde were present.

The Lord President explained that Lord Alport's Bill provided for a referendum to be held before any Bill could proceed beyond second reading in either House if it contained provisions to abolish the House of Lords or substantially diminish its legislative powers. His Bill also provided for amendment of the Parliament Act so that the House of Lords could prevent the passage of any bill amending the proposed Constitutional Referendum Act. Lord Alport would expect the Government to give some indication during the debate of their attitude to the possible reform of the House of Lords following the debate at the Party Conference, and more specifically to say whether they accepted the need for legislation to entrench its powers. He would not expect the Government to take over his Bill, but unless he received what he regarded as satisfactory assurances that they would produce a measure of their own in the following session he would not withdraw the Bill and would seek to take it through its Committee and later stages. It was the normal practice for private Peers' bills to be given an unopposed second reading in the House of Lords, but there might well be a division on this occasion and, if so, the Government had to decide whether Ministers should vote against the Bill or abstain and what advice, if any, to give their supporters.

In discussion, it was argued that the threat of the Labour Party to abolish the House of Lords if they returned to power must be taken seriously. While no legislation could absolutely guarantee the continuance of the Lords against a Government with a clear majority in the House of Commons, its abolition could be made substantially more difficult in terms of practical politics by the enactment of a bill requiring a referendum to be held. Such a bill might, for example, say that no Act of Parliament which abolished or substantially altered the position of the House of Lords could take effect without 40 per cent of the electorate approving it in a referendum. It would be necessary to include provisions to

/require

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require a referendum before that Bill itself could be repealed, and it might also be necessary to put a limit on the number of peers that could be created in a single year. The Government should therefore indicate in the debate on Lord Alport's Bill that, while they had not reached a final decision on the principle, still less the method, of thus protecting the position of the House of Lords, they recognised the case for doing something on the lines Lord Alport had in mind. It would be for consideration whether an undertaking to bring in legislation in the following session should be included in any such statement. There was also a case for indicating at the same time the Government's commitment in principle to the eventual reform of the composition of the Lords, although it was far from clear that there would be a majority, even in the Lords itself, for any particular proposals.

The Prime Minister said that in her view the Government should not give any indication that it favoured legislation to protect the position of the House of Lords until the possible methods and the implications of doing so had been thoroughly considered: in particular a Government commitment to the use of a referendum in this context might reopen controversy about constitutional change in Scotland.

It was also argued in discussion that, if a Labour Government were elected with a clear manifesto commitment to abolish the House of Lords, they would not be prevented or deterred from doing so by any prior legislation, and to that extent the continued existence of the House of Lords depended on wider political and economic factors. Not only was there no realistic prospect of passing legislation in the present Parliament to change the composition of the House of Lords, but it was doubtful if the House of Commons would ever be willing to accept a reformed second chamber which might appear as a threat to its own authority.

The Prime Minister, summing up the discussion, said that the Lord President, when speaking in the second reading debate on Lord Alport's bill, should confirm the importance which the Government attached to the retention of a second chamber, and should indicate that they were carefully considering the arguments put forward for legislation to protect its constitutional powers. He should not, however, say anything which committed the Government to the principle of such legislation or to introducing more general proposals for the reform of the constitution of the Lords. He should draw attention to the technical defects in Lord Alport's proposals and the need for constitutional changes to be introduced by Government rather than Private Peers' legislation, in the hope of being able to persuade him to withdraw the Bill or not to proceed with it after second reading. The Prime Minister was content to leave the Parliamentary tactics in the House of Lords to the Lord President and the Chief Whip, Lords, but if a vote were taken on the second reading of Lord Alport's Bill Ministers should abstain. The debate on the Bill and the resolution passed at the Party Conference made it necessary for the Government to consider its policy towards the House of Lords and, in particular, to give early consideration to whether and, if so, what measures might be taken to protect its constitutional position. A sub-committee of the Home and Social Affairs Committee would be set up under the

/chairmanship

CONFIDENTIAL



Chairmanship of the Home Secretary to consider this matter. She asked Sir Robert Armstrong to make arrangements for this and for the preparation of an initial paper for consideration by the sub-committee.

I am copying this letter to Michael Collon (Lord Chancellor's Office), George Walden (Foreign and Commonwealth Office), Michael Pownall (Government Whips' Office, Lords), Robin Birch (Office of the Chancellor of the Duchy of Lancaster), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

Yours ever,

Heri Whinn.

John Halliday, Esq.,  
Home Office.



1,  
**CONFIDENTIAL**

Prime Minister.

Ref. A03682

PRIME MINISTER

*Yes not*

*Content with the proposed composition and terms of reference of the Sub-Committee, subject to the Home Secretary's views? full 28/11*

At yesterday's meeting about Lord Alport's Bill, you agreed that we should establish a Sub-Committee of the Home Affairs Committee on the House of Lords under the Home Secretary's chairmanship, and you invited me to make recommendations for its composition and terms of reference.

2. I attach proposals herewith.
3. As to composition, I suggest that the Government members of the House of Lords on the Sub-Committee should be the Lord Chancellor, the Foreign and Commonwealth Secretary, the Lord President and the Government Chief Whip.
4. I have suggested that they should be balanced by four Ministers from the Commons: the Secretary of State for Defence, as a Minister with considerable Parliamentary experience; the Secretary of State for Scotland, who will be able to keep an eye on the implications of any proposals for a referendum in relation to Scotland; the Chancellor of the Duchy of Lancaster, as Leader of the House of Commons; and the Government Chief Whip.
5. As to terms of reference, I propose that they should be limited to considering whether and how to protect the existence and powers of the House of Lords, and should not at this stage be extended to questions of reform.
6. I am sending a copy of this minute to the Home Secretary.

ROBERT ARMSTRONG

28th November, 1980

**CONFIDENTIAL**



CONFIDENTIAL



HOME AFFAIRS COMMITTEE  
SUB-COMMITTEE ON THE HOUSE OF LORDS

---

COMPOSITION:

Home Secretary (Chairman)  
Lord Chancellor  
Foreign and Commonwealth Secretary  
Lord President of the Council  
Secretary of State for Defence  
Secretary of State for Scotland  
Chancellor of the Duchy of Lancaster  
Parliamentary Secretary, Treasury  
Captain, Gentlemen-at-Arms

TERMS OF REFERENCE:

To consider whether, and if so what, measures should be taken to protect the existence and powers of the House of Lords.

CONFIDENTIAL



Parliament  
report of H. Lords



From the Secretary of the Cabinet

Mr Whitmore

House of Lords

I imagine that you will wish the record of yesterday's meeting to issue as a letter from No. 10, rather than from here.

I attach a draft, prepared by Mr Hyde.

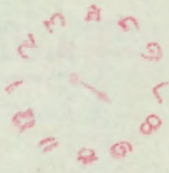
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28 NOV 1980



*Sir Robert Armstrong*

DRAFT LETTER

*Draft letter as requested*

FROM MR WHITMORE

*WNH  
28/11/50*

TO MR HALLIDAY, HOME OFFICE

## HOUSE OF LORDS: CONSTITUTIONAL REFERENDUM BILL

1. ~~As you know,~~ *The* Prime Minister held a meeting on 27 November to consider the line the Government should take in the second reading debate on Lord Alport's Constitutional Referendum Bill. The Home Secretary, the Lord Chancellor, the Secretary of State for Foreign and Commonwealth Affairs, the Lord President of the Council, the Chief Whips of both Houses, ~~and Sir Robert Armstrong were present.~~ *and Wilfred Hyde were present.*
2. The Lord President explained that Lord Alport's Bill provided for a referendum to be held before any Bill could proceed beyond second reading in either House if it contained provisions to abolish the House of Lords or substantially diminish its legislative powers. His Bill also provided for amendment of the Parliament Act so that the House of Lords could prevent the passage of any bill amending the proposed Constitutional Referendum Act. Lord Alport would expect the Government to give some indication during the debate of their attitude to the possible reform of the House of Lords following the debate at the Party Conference, and more specifically to say whether they accepted the need for legislation to entrench its powers. He would not expect the Government to take over his Bill, but unless he received what he regarded as satisfactory assurances that they would produce a measure of their own in the following session he would not withdraw the Bill and would seek to take it through its Committee and later stages. It was the normal practice for private Peers' bills to be given an unopposed second reading in the House of Lords, but there might well be a division on this occasion and, if so, the Government had to decide whether Ministers should vote against the Bill or abstain and what advice, if any, to give their supporters.



3. In discussion, it was argued that the threat of the Labour Party to abolish the House of Lords if they returned to power must be taken ~~very~~ seriously. While no new legislation could absolutely guarantee the continuance of the Lords against a Government with a clear majority in the House of Commons, its abolition could be made substantially more difficult <sup>in terms of practical politics</sup> by the enactment of a bill requiring a referendum to be held. Such a bill might, for example, say that no Act of Parliament which abolished or substantially altered the position of the House of Lords could take effect without 40 per cent of the electorate approving it in a referendum. It would be necessary to include provisions to require a referendum before that Bill itself could be repealed, and it might also be necessary to put a limit on the number of peers that could be created in a single year. The Government should therefore indicate in the debate on Lord Alport's Bill that, while they had not reached a final decision on the principle, still less the method, of thus protecting the position of the House of Lords, they recognised the case for doing something on the lines Lord Alport had in mind. It would be for consideration whether an undertaking to bring in legislation in the following session should be included in any such statement. There was also a case for indicating at the same time the Government's commitment in principle to the eventual reform of the composition of the Lords, although it was far from clear that there would be a majority, even in the Lords itself, for any particular proposals.

4. In response, The Prime Minister said that in her view the Government should not give any indication that it favoured legislation to protect the position of the House of Lords until <sup>the</sup> possible methods and the implications of doing so had been thoroughly considered: in particular a Government commitment to the use of a referendum in this context might reopen controversy about constitutional change in Scotland.



5. It was also argued in discussion that, if a Labour Government were elected with a clear manifesto commitment to abolish the House of Lords, they would not <sup>prevented or</sup> be deterred from doing so by any prior legislation, and to that extent the continued existence of the House of Lords depended on wider political and economic factors. Not only was there no realistic prospect of passing legislation in the present Parliament to change the composition of the House of Lords, but it was doubtful if the House of Commons would ever be willing to accept a reformed second chamber which might appear as a threat to its own authority.

6. The Prime Minister, summing up the discussion, said that the Lord President, when speaking in the second reading debate, <sup>on Lord Alport's bill</sup> should confirm the importance <sup>which</sup> the Government attached to the retention of a second chamber, and should indicate that they were carefully considering the arguments put forward for legislation to protect its constitutional powers. He should not, however, say anything which committed the Government to the principle of such legislation or to introducing more general proposals for the reform of the constitution of the Lords. He should draw attention to the technical defects in Lord Alport's proposals and the need for constitutional changes to be introduced by Government <sup>rather than Private Peers' in the</sup> legislation, <sup>or being</sup> and thus hope to be able to persuade him to withdraw the Bill or not to proceed with it after second reading. The Prime Minister was content to leave the Parliamentary tactics in the House of Lords to the Lord President and the Chief Whip, Lords, but if a vote were taken on the second reading of Lord Alport's Bill Ministers should abstain. The debate on the Bill and the resolution passed at the Party Conference made it necessary for the Government to consider its policy towards the House of Lords and, in particular, to give <sup>out</sup> early consideration to whether and, if so, what measures might be taken to protect its constitutional position. A sub-committee of the Home and Social Affairs Committee would be set up under the chairmanship of the Home Secretary to consider this matter. She asked Sir Robert Armstrong to make arrangements for this and for the preparation of an initial paper for consideration by the sub-committee.



7. I am copying this letter to Michael Collon, George Walden, Michael Pownall, Robin Birch, Murdo MacLean and David Wright.



CONFIDENTIAL



*file 116  
Parliament*

10 DOWNING STREET

*From the Private Secretary*

26 November 1980

HOUSE OF LORDS REFORM

The meeting which is to take place tomorrow, Thursday 27 November at 1800 hours, is now to be in the Prime Minister's room at the House of Commons and not at 10 Downing Street.

I am copying this letter to the Lord President, Foreign and Commonwealth Secretary, Home Secretary, Chief Whip, the Chancellor of the Duchy of Lancaster, Sir Robert Armstrong and Mr. Hyde (Cabinet Office).

CAROLINE STEPHENS

Michael H. Collon, Esq.,  
Lord Chancellor's Office.

CONFIDENTIAL





Parliament

PRIME MINISTER

I had hoped to be able to attend your meeting tomorrow evening to discuss Lord Alport's Bill on the future of the House of Lords, but unfortunately have to be on the front bench as I am winding up the debate on The Queen's Speech. Nevertheless, it seemed worthwhile my setting one or two thoughts on paper which might be relevant to the subject of discussion.

Quintin Hailsham sent me a copy of his letter to you of 27 October on the future of the House of Lords and I am in general agreement with his memorandum, with one reservation that we should not rule out categorically proposals to reform the House of Lords in this Parliament. It might be very difficult to support a measure such as that suggested in the memorandum without containing it in a scheme for the reform of the Upper House. I appreciate the difficulties of such a course but would not rule it out ab initio. I am sure that in the light of the party conference debate, the Cabinet should discuss the issue.

One or two more general thoughts also occur. What is entrenched by statute can be "unentrenched" by statute if there is sufficient Parliamentary determination. Would any attempt to entrench the powers of the Lords on an allegedly interim basis merely focus attention on the issue and provoke the maximum hostility amongst the opponents of a Second Chamber before it was in its most readily defensible form? This tends to confirm my feeling that we should give thought rather to the consideration of the practicality of substantive proposals for reform. Given the political will, is it necessarily unrealistic to enact reform during this Parliament or at least - and very much as a second-best - for us to go into the next election with proposals for such a reform.

On the referendum point, the problem is that the issue is hardly one that could be condensed into a simple "yes" or "no", certainly not before it was clear what form the new Second Chamber would take.

A final point is that we should need to know more than we do at present about the possible attitude of the Commons to any changes. Would it divide on party lines or would some Government

Contd...



supporters feel that the potential powers of a reformed Lords presented a threat to the present position of the Commons?

I am sending copies of this minute to Willie Whitelaw, Quintin Hailsham, Peter Carrington, Christopher Soames, Michael Jopling and Sir Robert Armstrong.

NCMS

N St J S  
26 November 1980









Ref. A03658

PRIME MINISTER

---

Ministerial Meeting on House of Lords: 27th November

The immediate occasion of the meeting is the need to decide the line to be taken during the debate on Lord Alport's Constitutional Referendum Bill, to be debated in the House of Lords on Monday, 8th December.

2. The Bill provides for a referendum to be held before any Bill can proceed beyond Second Reading in either House if the Lord Chancellor or the Speaker, as appropriate, consider it to contain provisions:

- (a) to abolish the House of Lords, or
- (b) substantially to diminish its legislative powers.

3. The Bill further provides that the Parliament Act 1911 should be amended so that the House of Lords should be able effectively to veto the passage of any Bill to amend the proposed Constitutional Referendum Act. At present the Parliament Act grants the House of Lords such power in the case of any Bill to extend the life of Parliament beyond five years, but grants only a delaying power in respect of any other proposed legislation.

4. On the general subject of referenda a number of important questions have to be answered even if a referendum is thought in principle desirable. As the Lord Chancellor indicated in his recent book (The Dilemma of Democracy, page 177), they include:

- (a) Is the referendum to be taken before or after the legislation has been passed?
- (b) Is its effect to be conclusive or only advisory?
- (c) If it is conclusive, would a simple majority be enough?

5. Lord Alport's Bill answers such questions by proposing:

- (a) That the referendum should be held after a Bill affecting the House of Lords has received a Second Reading.
- (b) That the referendum should be conclusive.





- (c) That, as in the rules for the referenda on devolution in Scotland and Wales, at least 40 per cent of those eligible to vote must support the proposition.

The Bill lays down that the proposition put to the referendum should be that the House of Commons should be the "only legislative chamber of the Parliament of the United Kingdom" and precludes a second referendum within five years of a first.

6. These provisions are designed to enable changes to be made in the composition, though not the powers, of the Lords. They nevertheless have some curious effects. The voter who believed that a second chamber should be retained but with powers which are less than the present nominal powers of the House of Lords would either have to vote "Yes" for a single chamber or help block a reforming Bill which had occasioned the referendum. Moreover, if a Bill for the total abolition of the House of Lords were effectively blocked by a referendum, the Government of the day would be precluded for five years from introducing a Bill that would diminish its powers.

7. By contrast, the draft Cabinet paper sent you by the Lord Chancellor on 27th October says merely that any Bill abolishing the House of Lords or significantly affecting its composition or powers "must be put to a referendum". This would allow the electorate to know more precisely the proposition on which they were voting and to confirm or reject the relevant Bill after it had passed through its normal Parliamentary stages.

8. As regards entrenchment, Lord Alport's proposal suffers from the inevitable flaw that any legislation, including the Parliament Act itself, can be repealed. The practical effect would be that an incoming Labour Government could neither abolish the House of Lords nor repeal the Constitutional Referendum Bill straightaway unless they were willing to create enough peers to do so. But they could pass the necessary legislation during a Parliament and the House of Lords could only delay the passage of such legislation.

9. In the draft Cabinet paper the Lord Chancellor discusses the further steps that would have to be taken if entrenchment were to be made more effective. The first possibility is to put a statutory limit on the creation of new peers and



CONFIDENTIAL

disapply the Parliament Act from any future repeal of such limitation. The second possibility is to disapply the Parliament Acts from Bills affecting the existence, powers and composition of the House of Lords as it is already disappplied to Bills extending the life of Parliament. The Lord Chancellor concludes that these measures would not be practicable since they would be seen as devices to entrench a Conservative majority in the House of Lords and therefore seeks to rely solely on a referendum.

Parliamentary Handling

10. It appears, and the Lord President can confirm, that there is no prospect of persuading Lord Alport to delay the Second Reading of his Bill. It is the normal practice of the House of Lords to give private Peers' Bills an unopposed Second Reading. It is always possible that on this occasion some peer will seek to divide the House, perhaps with the intention of showing up the division of opinion on the Opposition benches.

11. We understand that Lord Alport expects the Government to take the opportunity afforded by his Bill to state their general policy towards future reform of the House of Lords. If this statement of policy appears to him satisfactory he will be prepared to drop his Bill after Second Reading; if it does not, he will want to take it through the remaining stages and, unless there is a very lengthy Committee Stage or the main provisions of the Bill are defeated during that stage, he may well succeed in doing so.

12. The meeting will need to provide clear guidance to the Government spokesman (either the Lord Chancellor or the Lord President) on the line to be taken in the Second Reading debate. While something can no doubt be made of the unsuitability of using a private Peer's Bill for consitutional change, and of the unsuitability of the provisions for the question to be asked in a referendum (paragraph 6 above), the Government will also be expected to give some indication of the timescale within which it sees any possible reform of the composition of the House of Lords and its attitude to the use of the referendum in this context.

CONFIDENTIAL



**CONFIDENTIAL**



13. The meeting will also need to decide whether Government Ministers should abstain or vote against Lord Alport's Bill if a division is forced on Second Reading. Parliamentary tactics thereafter will be affected by the general tenor of the debate, but the aim should presumably be for Ministers to seek to persuade Lord Alport not to proceed with his Bill and to make clear that it would be blocked were it to reach the House of Commons, even if it were on a series of free votes to pass through the House of Lords.

RA

ROBERT ARMSTRONG

26th November, 1980

**CONFIDENTIAL**



cc RTA



*From the Government Chief Whip  
House of Lords*

26 November 1980

*My dear Prime Minister,*

FUTURE OF THE HOUSE OF LORDS

I understand that you are to chair a meeting of senior Ministers tomorrow for a preliminary discussion of the memorandum by the Lord Chancellor, the Foreign Secretary and the Lord President and to agree in principle the sort of line which the Government should take in reply to Lord Alport's Bill which is due for a Second Reading on Monday, 8 December.

After the draft paper for Cabinet was submitted to you, I wrote to Quintin Hailsham with copies to Peter Carrington and Christopher Soames. Christopher has now suggested that I should send the enclosed copy to you in advance of tomorrow's meeting.

*Yours ever,*

*Betie.*

DENHAM

The Rt Hon Margaret Thatcher MP  
Prime Minister





*From the Government Chief Whip  
House of Lords*

4 November 1980

*My dear Quintin,*

FUTURE OF THE HOUSE OF LORDS

I have seen copies of your letter to the Prime Minister of 27 October, 1980, and of the accompanying draft Paper for Cabinet. I feel that I must draw your attention to some of the dangers that I foresee in the proposed course of action.

To answer the debate on Lord Alport's Bill with a broad undertaking that the Government will look into the various possible forms of entrenchment but with no mention of any consequential reform, would I feel be generally welcomed at that stage. But, in my estimation, opinion among Conservative Peers, both Life and Hereditary, has hardened considerably against reform of the composition of the House of Lords, since 1968 when the House voted in principle for reform. If and when a Government Bill embodying the referendum procedure or some other form of entrenchment is introduced and it carries, as it would, the Government's explicit commitment to reform the composition of the House in the short or medium term, there is a strong possibility that such a Bill would not get through the House of Lords.

Furthermore, it would, I know, unsettle our more consistently loyal supporters. This would be reflected in attendance in the division lobbies to an extent that other contentious legislation in the Government's programme for that session would be put at risk.

In addition, there is a possibility that moderate labour opinion, which at present is generally in favour of retaining the second chamber, may in some cases be driven behind the abolitionists - again not so much by the Bill as by the commitment. Such (unsolicited) advice as I have recently received from Labour friends in both Houses has predominately been 'For God's sake, leave well alone'.

The Rt Hon The Lord Hailsham  
of St Marylebone CH, FRS, DCL  
The Lord Chancellor

/.....





*From the Government Chief Whip  
House of Lords*

Whilst I do not underestimate the danger of doing nothing in the face of left-wing Labour threats, there are also very considerable risks in the Government committing itself to a reform which at the end of the day may well prove impossible to achieve.

I am sending copies of this letter to Christopher Soames and Peter Carrington.

*Yours ever,*

*Batie.*

DENHAM





Civil Service Department  
Whitehall London SW1A 2AZ  
01-273 4400

19 November 1980

Caroline Stephens  
Personal Secretary to the Prime Minister  
10 Downing Street  
LONDON SW1

*Dear Caroline,*

FUTURE OF THE HOUSE OF LORDS

Thank you for copying your letter of 17 November to Michael Collon in the Lord Chancellor's Office to me. The Lord President can of course attend the lunch on Monday, 26 January to discuss the future of the House of Lords.

I would be grateful if you would confirm the date as soon as possible in order that I can rearrange another lunch which the Lord President was to have had on that day.

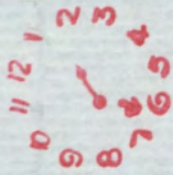
*Yours ever,*

*Edward Douglas-Scott*

*for* JEFF WATTLEY  
Private Secretary



20 NOV 1980



COMMUNICATIONS



FROM THE PRIVATE SECRETARY



HOUSE OF LORDS,  
SW1A 0PW

CONFIDENTIAL

18th November, 1980

C.A. Whitmore Esq.,  
Principal Private Secretary to  
The Right Honourable  
The Prime Minister,  
10 Downing Street,  
London, SW1.

4054/1/3

*Dear Clive. MW 2000.*

Future of the House of Lords:  
Lord Alport's Bill

When I spoke to you yesterday evening I told you that Lord Alport had written to the Lord Chancellor enclosing what he calls the final draft of his Bill. I attach a copy. He states in his letter that he has been promised a second reading debate on Monday 8th December; in fact, so Michael Pownall tells me, this is not a firm date, but if the debate is not then it will have to be shortly after, and in any event before Christmas.

The Bill was given a first reading on 2nd June. There is a strong feeling here that the Government will come in for a good deal of justified criticism if, six months later, it can do no better than say that the proposals in the Bill are interesting and will be carefully considered. We feel that, if at all possible, the Government should by then have decided what attitude it wishes to adopt, both to House of Lords reform generally, and to this Bill in particular. You will remember having written to me on 11th November (copied to John Halliday, George Walden and Jim Buckley) saying that the Prime Minister wanted to discuss, perhaps over lunch, the paper submitted with the Lord Chancellor's letter of 27th October before it was discussed in Cabinet. I think you agreed last night that such a discussion is now rather more urgent; it may well not be possible this week, but I know the Lord Chancellor would welcome one as early as possible next week. I look forward to hearing from you when you have been able to discuss the matter with the Prime Minister.

/Contd.

CONFIDENTIAL





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19 NOV 1980



CONFIDENTIAL

I am sending copies of this letter and the Bill to John Halliday, George Walden, Jim Buckley, Robin Birch, Michael Pownall and Murdo Maclean; and to David Wright to whom I am also copying earlier papers. But I will not send copies to anyone outside Government whom the Prime Minister wishes to consult unless you specifically ask me to do so.

*Yours sincerely,*

*Michael Collon*

M.H. Collon

P.S. Since dictating this letter I have had a letter from Caroline Stephens suggesting Monday, 26th January 1981 as a convenient date for discussion over lunch of the future of the House of Lords. I imagine that this suggestion should now be disregarded, and I have written to Caroline Stephens explaining why.

PPS - And Mike Pattison has now arranged a meeting for Tuesday 25th.

*M.H. -*

CONFIDENTIAL



Final

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An Act to make obligatory the holding of a constitutional referendum before a Bill which contains provisions to abolish the House of Lords or substantially to diminish its legislative powers may proceed beyond Second Reading in either House of Parliament and to amend the Parliament Act 1911.

AD 1980

Whereas it is requisite that the Parliament of the United Kingdom should possess a Second Chamber with powers to revise and initiate legislation. And whereas that Chamber should continue to possess the power reserved to the House of Lords under Section 2(1) of the Parliament Act of 1911 to reject a Bill containing any provision to extend the maximum duration of the Parliament beyond five years. And whereas it is expedient that the present Second Chamber should be reformed.

BE IT NOW THEREFORE ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

1.- (1) No bill which is endorsed with the certificate of the Lord Chancellor or Speaker of the House of Commons under subsection (2) of this section shall proceed beyond second reading in either House of Parliament unless more than 40 per cent of the persons entitled to vote in a referendum under section 2 of this Act shall have voted 'Yes' in that referendum in reply to the question posed in the Schedule to this Act or if a majority of the answers given in the referendum have been 'No'.

Bills to  
abolish  
House of  
Lords  
subject  
to  
referendum

(2) If the Lord Chancellor, in the case of a bill introduced into the House of Lords, or the Speaker of the House of Commons, in the case of a bill introduced into that House, is of the opinion that the bill contains provisions:-

- (a) to abolish the House of Lords, or
- (b) which would substantially diminish its legislative power,

he shall endorse the bill with a certificate to that effect after it has been read a first time.

(3) Any certificate of the Lord Chancellor or the Speaker of the House of Commons given under subsection (2) of this section shall be conclusive for all purposes and shall not be questioned in any court of law.

2.- (1) A referendum required by section 1(1) of this Act shall be held in accordance with the Schedule to this Act.



(2) If 40 per cent or less of the persons entitled to vote in a referendum under this Act vote 'Yes' in that referendum or the majority have voted 'No' no Bill certified by the Lord Chancellor or the Speaker under section 1 of this Act shall proceed beyond first reading to either House of Parliament for a period of five years from the date on which the result of the referendum is announced.

3. In subsection (1) of section 2 of the Parliament Act 1911 (which defines the powers of the House of Lords as to Bills other than Money Bills) there shall be inserted after the words "(other than a Money Bill or a Bill containing any provision to extend the maximum duration of Parliament beyond five years") the following words:-

Amendment of  
s.2(1) of  
Parliament  
Act 1911  
1911 c.13

"or a Bill which contains provisions to amend or repeal the Constitutional Referendum Act 1980".

4. The House of Lords for the purposes of this Act means a House of Parliament, however composed, which is additional to the House of Commons.

5. This Act may be cited as the Constitutional Referendum Act 1980.



Constitutional Referendum

SCHEDULE

Referendum

Date of Referendum

1. The referendum shall be held on such day, not less than three months after the making of the Order, as Her Majesty may by Order in Council appoint. 5

Persons eligible to vote

2. Those entitled to vote in the referendum shall be:-
- (a) the persons who, at the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency in the United Kingdom. 10
- (b) peers who at that date would be entitled to vote as electors at a local government election in any electoral area in the United Kingdom.

Questions to be asked and form of ballot paper 15

3. The question to be asked in the referendum and the front of the ballot paper to be used for that purpose shall be in the form set out in the Appendix to this Schedule.

Conduct of Referendum

4. Subject to the following provisions of this Schedule, Her Majesty may by Order in Council make provision as to the conduct of the referendum and apply in relation to it, with such modifications or exceptions as may be specified in the Order, any provision of the Representation of the People Acts, any provision of the enactments relating to returning officers and any provision made under any enactment. 20
5. An Order in Council under this Schedule shall not charge any sum on the Consolidated Fund but may provide for the expenses of the returning officers to be defrayed as administrative expenses of the Secretary of State. 25
6. The functions which, in relation to a parliamentary election, are conferred on returning officers by any provision applied by an Order in Council under this Schedule shall in relation to the referendum be discharged by the persons who, in England and Wales under section 40(1)(2) of the Local Government Act 1972, in Scotland under section 17(2) of the Representation of the People Act 1949 and in Northern Ireland under section 17(3) of the Representation of the People Act 1949 are or may discharge the functions of returning officers, at a General Election 35
7. There shall be appointed a Chief Counting Officer, who shall appoint a counting officer for each county and each counting officer shall conduct the counting of votes cast in the county for which he is appointed in accordance with any directions given to him by the Chief Counting Officer. 40



Constitutional Referendum

- 8. The counting officer for each county shall certify the number of ballot papers counted by him and the number of respective answers given by valid votes; and the Chief Counting Officer shall certify the total of the ballot papers and the respective answers for the whole of  
5 the United Kingdom.
- 9. Every county council shall place the service of its counting officers at the disposal of the counting officer for its county; and if the council of any county or the counting officer for any county so requests, the council of any district situated in that county shall place the services of  
10 its officers at the disposal of the counting officer for that county.
- 10. For the purposes of this Act the Province of Northern Ireland shall be deemed to be a county and the duties imposed on a county council in Great Britain by this Schedule shall be  
15 carried out by the Secretary of State for Northern Ireland.

Exclusion of legal proceedings

- 11. No court shall entertain any proceedings for questioning the numbers, as certified by the Chief Counting Officer or any counting officer, or any ballot papers counted or answers given in the referendum.

20 Orders in Council

- 12. No recommendation shall be made to Her Majesty in Council to make an Order under this Schedule until a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

25 APPENDIX

Form of Ballot Paper

Do you want the House of Commons to be the only legislative chamber of the Parliament of the United Kingdom?

Put an (X) in the appropriate box.

30

YES	
NO	



FROM THE PRIVATE SECRETARY

1.CAW  
2 papers . 2.cs



HOUSE OF LORDS,  
SW1A 0PW

18th November, 1980

Miss C.M. Stephens,  
Personal Assistant to the  
Prime Minister,  
10 Downing Street,  
London, SW1.

Dear Caroline,

Future of the House of Lords

Thank you for your letter of 17th November suggesting that the Lord Chancellor should come to lunch on Monday, 26th January to discuss the future of the House of Lords. The purpose was principally to discuss what the Government's reaction should be to Lord Alport's Bill on this subject. It now seems likely that the second reading of this Bill will be on or soon after 8th December, and I have just written to Clive Whitmore suggesting that a decision now seems to be rather more urgent. I enclose a copy of that letter, though not of the Bill itself.

You may agree that in the circumstances a lunch in January would not serve any useful purpose, though you may like to discuss this with Clive Whitmore. As it happens, the Lord Chancellor is free on 26th January, and I have pencilled the date in his diary in case you should wish to keep to it.

I hope this will not cause you any difficulty with Lord Eccles, Lord Boyd-Carpenter and Lord Thorneycroft.

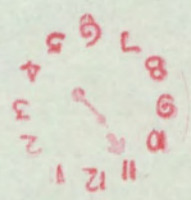
Since dictating this, a meeting at No. 10 has been arranged for Tuesday 25th, so this letter is a bit out of date by events.

Yours sincerely,

M.H. Collon

Richard Collon





19 NOV 1980





10 DOWNING STREET

From the Private Secretary

17 November 1980

Future of the House of Lords

Following Clive Whitmore's letter of 11 November I am writing to enquire whether it would be convenient for the Lord Chancellor to attend a lunch on Monday, 26 January to discuss the above.

As mentioned in Mr Whitmore's letter the Prime Minister intends to invite Lord Eccles, Lord Boyd-Carpenter and Lord Thorneycroft so I am writing similarly to them. *Not done*

Mrs Thatcher would also like the Home Secretary, the Foreign and Commonwealth Secretary and the Lord President to be present and I am therefore sending copies of this letter to John Halliday (Home Office), George Walden (FCO) and Jim Buckley (CSD).

CAROLINE STEPHENS

Michael Collon, Esq  
Lord Chancellor's Office

ABO



PRIME MINISTER

Miss Stephens.

I spoke to the Prime Minister about this. She wants a lunch after Christmas... She says there are more people who want to be invited to lunch than we can manage.

Future of the House of Lords

Mr. Whitmore asked me to organise a lunch to discuss the above but I am afraid I have no lunch slots available in the diary before Christmas. Can we therefore abandon this idea and can I arrange a normal meeting with the people who were on the lunch list?

*[Handwritten signature]*  
Miss Stephens  
no

2611

12 November 1980



*File*

MISS STEPHENS

FUTURE OF THE HOUSE OF LORDS

The Prime Minister would like to have a lunch in the fairly near future in order to discuss the future of the House of Lords.

She would like the following to be invited:-

The Home Secretary  
The Lord Chancellor  
The Foreign & Commonwealth Secretary  
The Lord President  
Lord Thorneycroft  
Lord Eccles  
Lord Boyd-Carpenter  
Lord Drumalbyn

I should be grateful if you could find a suitable date and then if Mrs. Goodchild could arrange a lunch as soon as possible. I have sent the attached letter to the offices of the Ministers concerned warning them about the lunch.

*JWH.*

11 November 1980



CONFIDENTIAL



10 DOWNING STREET

From the Principal Private Secretary

11 November 1980

*file*

*BF for Mby ide*

*Dear Michael,*

FUTURE OF THE HOUSE OF LORDS

The Prime Minister has asked me to thank the Lord Chancellor for his letter of 27 October in which he proposed that the Cabinet should discuss the future of the House of Lords in the near future on the basis of the draft paper attached to his letter.

She agrees that this is a matter which the Cabinet will need to consider in due course, but before they do so, she would find it helpful to have a discussion not only with the Ministers most immediately concerned but also with some of those outside Government who are involved in the subject such as Lord Eccles and Lord Boyd-Carpenter. She would also like Lord Thorneycroft to be present.

The Prime Minister thinks that such a discussion might well take place over lunch.

We will therefore be in touch with you and the offices of the others whom the Prime Minister wishes to invite to make the necessary arrangements.

I am sending copies of this letter to John Halliday (Home Office), George Walden (FCO) and Jim Buckley (CSD).

*Yours sincerely,*

*Anne Whitmore*

Michael Collon, Esq.,  
Lord Chancellor's Office.

CONFIDENTIAL

*9B*



SUBJECT

cc ~~Master~~  
Parliament

NOTE FOR THE RECORD

House of Lords Reform

There was time at this morning's regular Monday meeting with the Home Secretary, the Chairman of the Conservative Party and the Chief Whip for only a brief discussion of House of Lords reform.

The Prime Minister said that she had had it in mind for some time now to set up a Ministerial group to look at the options for House of Lords reform. But it was important that any such group had a balanced membership, and she thought that for that purpose it would be useful to have one or two Ministers like Mr. Younger and Mr. Fowler on the group. The Lord Chancellor had now written to her, however, saying that he, the Foreign and Commonwealth Secretary and the Lord President had been discussing the matter and wanted to put a paper straight to Cabinet, with the Ministerial group being established only after Cabinet had provided a clear steer.

On the substance of the issue, she regarded the House of Lords as a unique body which worked by tradition and custom. It had served the country very well, and we should think very carefully before changing it. If there was to be reform, there would have to be an elective element; but that would affect the powers of the House of Commons, and faced with this possibility, the Commons would draw back. Lord Home's group had studied all the options when the Conservative Party had been in Opposition, but they had been unable to reach a unanimous conclusion on which course to go for.

Lord Thorneycroft said that there were two separate questions. The first was whether the House of Lords should be entrenched in some way. The second was whether to undertake reform of the House of Lords. It would be perfectly possible to do something about entrenchment in this Parliament, but reform was something which could not be tackled before the next Parliament. He believed that opinion outside Parliament was moving in the direction of reform,

/ though



though views inside Parliament still seemed to be against any fundamental change. The Home Secretary added that what was certain was that opinion covered a very wide spectrum in almost every forum, including the Conservative Party.

The Prime Minister said that she would be grateful if those <sup>could</sup> present/consider the matter further. They would discuss it again at their meeting the following week.

*fw.*

3 November 1980



PRIME MINISTER

1  
—  
M

House of Lords Reform

The Lord Chancellor suggests in his letter below that Cabinet should have a "second-reading" discussion on House of Lords reform and then remit the matter to a Ministerial Group for detailed consideration. He is against putting it straight to a Ministerial Group without a prior Cabinet discussion.

Hitherto you have been contemplating establishing a Ministerial Group and as far as I know, you have not envisaged taking the subject in Cabinet first. But you were worried that the membership of any Group would be "packed" too much in one direction.

You were going to discuss this at last Monday's meeting with the Home Secretary, the Chairman and the Chief Whip, but there was no time to do so. Would you like to have a word with the Home Secretary after the meeting on Northern Ireland tomorrow (when he is in any case staying behind to talk about the Act of Settlement)?

AW.

30 October 1980



*fc RTA*  
CONFIDENTIAL



HOUSE OF LORDS,  
SW1A 0PW

27 October 1980

*My dear Margaret:* Future of the House of Lords

Christopher Soames, Peter Carrington and I have been giving further consideration to this problem in the more acute form which it has assumed since the Labour Party's Conference, bearing in mind also the discussions at our own Conference. We think that the Government will have to settle before long at least an interim policy on the future of the House of Lords, if only because Lord Alport's Bill, which he is going to introduce at the beginning of the new Session, will (and is intended to) make it necessary for the Government to declare its own position.

In our view, the question which now arises is, whether the Government should promote a Bill before the end of this Parliament to give some interim protection to the House of Lords in its present form. We think it would have to be faced that the introduction of such a Bill would imply a commitment to reform the House of Lords in the next Parliament. If the Government is to promote such a Bill, preparatory work ought to begin on it now. The alternative is to do nothing, and hope that the threat will not materialise. If the threat then does materialise, it will be too late.

For this reason, we think that the Cabinet ought to discuss this matter in the near future. If Cabinet considers that the Government ought to promote an interim Bill, then the Ministers most closely concerned can begin to work out the details in order to put more definite proposals back to Cabinet some time next year. But there would be no point in embarking on this arduous and time-consuming task without a positive steer from Cabinet.

The Right Honourable  
The Prime Minister



STANDARD BANK  
SINGAPORE



CONFIDENTIAL

11 12 11  
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29 OCT 1980

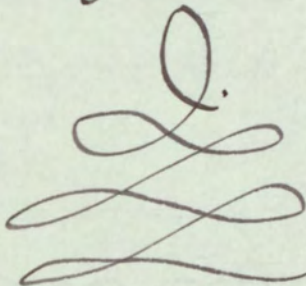


I enclose a copy of the paper which, if you agree, we would therefore like to circulate to Cabinet for discussion sometime during the next couple of weeks.

I think it would be preferable not to attempt an answer to Lord Blake's recent letter to you until the Cabinet has reached some conclusions on this matter.

I am sending copies of this letter and its enclosure to Christopher Soames and Peter Carrington, and also to Willie Whitelaw and Norman St. John Stevas.

yrs:

A handwritten signature in dark ink, consisting of a large, stylized initial 'L' followed by a series of loops and flourishes.



THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT

DRAFT

28.10.80

COPY NO.

C(80)

## CABINET

## THE FUTURE OF THE HOUSE OF LORDS

-4

Memorandum by the Lord Chancellor, the Secretary of  
State for Foreign and Commonwealth Affairs and the  
Lord President of the Council

1. Recent events have led us to the conclusion that we must invite the Cabinet to consider whether the Government should take action during this Parliament to protect the House of Lords.
2. There now appears to be a real danger that the Labour Party will enter the next General Election committed to abolish the House of Lords without replacement; and that, if they were to win the Election, they would carry out that commitment, even if they had to go to the length of creating sufficient new peers to secure the passage of the necessary legislation. This danger is still some way off, and for one reason or another may well not materialise. But if any legislative action is to be taken to guard against it, we must begin planning it now.
3. In any case, the Government is coming under increasing pressure, which will intensify when the new Session of Parliament opens, to formulate and declare its policy on the House of Lords. The statements at the Labour Party Conference have led some of our own supporters to demand either reform of the House of Lords or some form of protection which would make its abolition difficult or impossible for a Labour Government. Lord Alport is to introduce a Constitutional Referendum Bill which would require the holding of a referendum before a Bill abolishing or reducing the powers of the House of Lords could proceed beyond Second Reading. When Lord Alport's Bill is debated, the Government will be expected to state its own intentions. Meanwhile, Lord Blake has written to the Prime Minister suggesting that the Parliament Acts 1911-1949 should be repealed and reconstructed in such



may as to prevent any measure affecting the existence, powers or composition of the House of Lords from passing without the consent of the House of Lords itself. He would couple this with the imposition of a limit on the number of peers that could be created in any one year or one Parliament.

4. In our opinion, the House of Lords in its present form cannot survive any sustained and determined attack. If a second chamber is to be maintained, the composition and we would think also the powers of the House of Lords need radical reform. Opinions may well differ on how this should be done. Our own view is that nothing short of a fully or mainly elected chamber would suffice to carry with it the necessary authority. But such a proposal would inevitably raise further and profound constitutional issues. We could not seek decisions on them now or seek to implement them before the next Election. But we do consider that the Ministers concerned should now undertake a thorough and systematic study of the matter, with a view to enabling the Cabinet to settle, before the end of this Parliament, the main lines of a definite policy for the reform of the House of Lords as a commitment to be contained in a future Election manifesto.

5. There can be no realistic prospect of forging an agreed policy to reform the House of Lords and passing it into law before the next Election. The question therefore arises whether we should seek to legislate during this Parliament to give some protection against precipitate abolition at the hands of any Labour Government, if one were to come to power in 1984. This would give the House of Lords a better chance of surviving in its present form until, in good time, its constitution can be revised in accordance with the principles on which, by then, we shall have decided. The promotion of such interim legislation is not an attractive prospect. Its preparation would make substantial additional calls on Ministers and senior officials. Its Parliamentary passage would be time-consuming and highly controversial. And we should have to be able to satisfy Parliament and public that we were not simply seeking permanently to entrench the Conservative majority in the present House of Lords.



We would have to say, and mean, that the Act we proposed, unlike the Parliament Act 1911 (which is also expressed to be an interim measure) would be followed within a reasonable time by serious proposals for more fundamental reform. Thus, a decision to introduce an interim Bill would amount to, and would have to be accompanied by, a commitment to reform the House of Lords. Nevertheless, unattractive as the prospect is, we think that the danger makes it necessary to give serious consideration to the promotion of some such interim measure, perhaps in the 1981-82 Session.

-1

6. Three measures of interim protection have been proposed by Lord Alport and Lord Blake. The first is to put a statutory limit on the creation of new peers (and disapply the Parliament Acts from any further repeal of the limitation). Any other safeguard can be overturned if the abolitionist Government is willing to create enough peers to get its way. The second course is to disapply the Parliament Acts from Bills affecting the existence, powers and composition of the House of Lords. This would prevent the House of Lords from being abolished without its own consent as long as the abolitionist Government was unwilling to go to the length of creating peers. Nothing short of a combination of both these two measures would guarantee the House of Lords against unilateral abolition, though each of them, taken by itself, would afford a substantial, if not impregnable, safeguard. For this very reason, however, either or both would be fiercely attacked as a device to entrench the Conservative majority in the House of Lords. Our present view is that neither course is likely to be practicable. The third possibility is to require that any Bill abolishing the House of Lords or significantly affecting its composition or powers must be put to a referendum. (Such a Bill would also have to disapply the Parliament Acts from any further repealing Bill.) This course offers the advantage of putting the issue to the people, and it seems to us that of the various options it is the least unattractive.

7. We invite the Cabinet to agree that the Ministers principally concerned should now examine further and then report back to the Cabinet on -



- (a) whether the Government should promote an interim Bill during this Parliament to protect the House of Lords in its present form from being abolished without its own consent;
- (b) if so, what measures of protection it should embody; and
- (c) what should be the main lines of the Government's policy for reform of the House of Lords during a subsequent Parliament.

8. If this proposal were approved, it would be possible for the Government to oppose Lord Alport's Bill on the ground that the subject is unsuitable for a Private Members Bill and that the Government is considering whether or not it should make proposals of its own in due course.



FROM THE PRIVATE SECRETARY

*Pollock*



HOUSE OF LORDS,  
SW1A 0PW

CONFIDENTIAL

27th October, 1980

C.A. Whitmore Esq.,  
Principal Private Secretary to the  
Prime Minister,  
10 Downing Street,  
London, SW1.

*PA.*  
*MW*  
*27x.*

*Dear Clive,*

Future of the House of Lords

I am writing only to confirm that, as I told you on Friday, the Lord Chancellor will almost certainly be writing to the Prime Minister to suggest discussion in Cabinet of a paper on the future of the House of Lords. You said that you would in the meantime draft a holding reply for the Prime Minister to send to Lord Blake's letter of 7th October.

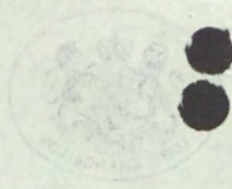
However, it has been put to me that this would not necessarily be the right course. Unless the Prime Minister is to tell him that the Government proposes to do nothing at all about the House of Lords, any reply he receives will inevitably be a holding reply, while Ministers consider (whether or not in Cabinet) what the proper course to take is.

Could I therefore suggest that you postpone any reply to Lord Blake until the Prime Minister has seen the Lord Chancellor's letter; it may be that she will then agree that there is no substantive answer she can give him, other than that the question is being considered by the Government.

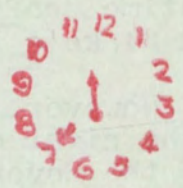
*Yours sincerely,*  
*Michael Collon*

M.H. Collon





27 OCT 1980





MR WHITMORE

~~Centre, 28. 20/10.~~

No, have you.

John  
20x.

Future of the House of Lords

You will remember that the last meeting got postponed. Would you like <sup>me</sup>~~to~~ to set anything up?

ES.

20 October, 1980





FROM THE LEADER OF THE HOUSE

HOUSE OF LORDS 17th October 1980

910  
my dear Prime Minister,

Following on the Brighton Conference - with the platform accepting the motion from the floor to "strengthen" the House of Lords, I feel I had better sometime soon take your mind on what, if anything, we should be seeking to do with or to the House of Lords during the lifetime of this Parliament.

In this context we also have to decide how as a Government we should react to Lord Alport's Private Member's Bill, which will come up for second reading in the House of Lords early in the next session. I presume we will anyhow say that we do not think this a suitable subject for a Private Member's Bill. But that will not suffice. I think we will need to go further and to give some idea of whether or not we are considering entrenchment of the House of Lords in some manner or other.

I have received a letter from Alec Home giving his present feelings on the subject of House of Lords Reform, which you may like to see.

My own feeling is that we can't let this matter go completely by default. I do not think we need to be in a hurry or necessarily do anything in this Parliament, but we ought at least to be ready to say what sort of a second chamber we envisage by the time of the next election. I would suggest, therefore, that you set up a small Committee of a few Ministers plus Peter Thorneycroft to put forward an idea to you in the first place. A decision could then be taken on what we do, what we say about it and when.

Yours ever

Christy

The Prime Minister.





S House of Lords · Westminster

October 8<sup>th</sup>

My dear Christopher  
I would be glad to have a word in the lobby  
on the problem raised by the Socialists on  
the future of the House of Lords.

I have been thinking about the political tactics  
on the issue.

I think there is a lot to be said for taking  
two bites at it. That is at the

next election to put before the electors  
the question - a second Chamber or none?

It is possible that this could be  
done at a referendum between now & then  
but on the whole better to wait.

If we advance now the detailed plans put  
forward by various bodies I have a fear that  
the great Electorate will become completely



... .. Composed. & the matter of principle will be  
lost in the middle.

Curiously enough the pattern of political  
decisions is shaping this way.

Europe or not - N.A.T.O or not -  
nuclear weapons or not - independent  
schools or not? - & etc.

That can suit us as Conservatives very well.

Show this to Margaret if you feel  
inclined.

Lennox-Boyd

---

If this line were to be taken it would be  
well to add that once this decision had  
been taken in principle a plan for reform  
would be designed.



150765  
12 12 12  
12 12 12

17 OCT 1980



PRIME MINISTER

You said when you saw Lord Blake's letter about the reform of the House of Lords that you thought the time had come when Ministers should consider the question of the future of the House on a more systematic basis than hitherto, and I said I would let you have some advice.

I suggest that the best way of proceeding would be to set up a Ministerial group, under your Chairmanship, with the following membership:-

- Home Secretary
- Lord Chancellor
- Foreign and Commonwealth Secretary
- Lord President
- Leader of the House of Commons
- Chief Whip (Commons)

No - they are too committed to one result. We must have some variety, hard rules?

The group would be serviced by the Cabinet Office.

I rather doubt whether any formal terms of reference for the group would be needed, but if you thought it helpful to set <sup>out</sup> their remit in terms, it might be "to consider proposals for changes in the composition and powers of the House of Lords".

I suggest that the title of the group should be simply the Ministerial Group on the House of Lords.

I have consulted Sir Robert Armstrong, and he agrees generally with the advice in this minute.

If you are content, he will make the necessary arrangements to set up the group.

17 October 1980

PS. Since dictating this minute I have taken delivery of the attached letter from Lord Soames. He wants a committee of Ministers; but he has asked Lord Thorneycroft, which makes it difficult to make it a Cabinet Committee. He also envisages that the Committee is chaired by someone other than you. Do you want to take the chair? And do we include Lord Thorneycroft?  
AHL.





in cwo(HL) 28

Parliament

10 DOWNING STREET

*From the Principal Private Secretary*

16 October 1980

BF 27.10.80

Future of the House of Lords

The Prime Minister would like to send a substantive reply to the attached letter from Lord Blake about the House of Lords, and she would accordingly be grateful for the views of the Lord Chancellor and the Lord President on Lord Blake's proposals. No doubt Lord Hailsham and Lord Soames will concert their advice as necessary.

I am sending a copy of this letter and of the attachment to Michael Pownall.

C.A.

M.H. Collon, Esq.,  
Lord Chancellor's Office.

28





10 DOWNING STREET

PRIME MINISTER

Here is a letter from  
Lord Blake about House of Lords  
reform.

What would you like us to  
do with it? Would you like us  
to send it on to Lord Hailsham  
and Lord Soames, and with their  
help put together a full draft  
reply? Or would you rather  
send a short note of acknowledge-  
ment and not circulate it to  
your colleagues?

The first alternative  
But I think we shall  
have to consider this  
matter — necessarily now  
and a note will  
will not be  
enough

8 October 1980



Telephone 48411

Provost: Lord Blake, FBA., J.P.

The Queen's College  
Oxford

28/10  
7 October 1980

Dear Margaret P

I was delighted to read in the Press that you were contemplating some action about the House of Lords. I hope that this is true, and on the assumption that it is I venture to make a suggestion. I believe that we should separate the question of the composition of the House from the question of its protection i.e. of preventing it from being either abolished without its own consent, or having its membership changed in some absurd way, or having its already diminutive powers even further diminished.

What is needed is a Bill which begins by repealing the Parliament Acts of 1949 (and 1911 insofar as the latter is still on the Statute Book). We are then back to the pre-1911 situation when the Houses were co-equal and the Lords veto could only be overridden by the creation of peers or the threat of creation. One could then follow up the first clause with clauses enacting whatever limitations on the Lords powers were deemed appropriate - perhaps simply re-enact the existing limitations - but one would make a specific exception for any measure affecting the existence, powers or composition of the House itself. These could only be changed with the House's own consent. If this was thought to be a bit too strong even in the Conservative interest, one might have the alternative of a referendum, requiring a specified percentage of votes as in the Scotland and Wales Bills, which would override the Lords from having an absolute veto on their own reform.

Whatever one did in the Bill, it would be necessary to add a clause imposing some limit on the number of peers that can be created in any one year or one parliament. People may argue that this means limiting the Royal Prerogative, but ever since the reign of Charles I Parliament has been doing this, and everyone knows that the limitation would not really be a restriction on the Royal Prerogative but on the power of a revolutionary demagogue Prime Minister to subvert the constitution.

I appreciate that even if we did pass an Act on these lines



a Benn-like Prime Minister could still pass a great deal of odious legislation, unless one were actually to increase the powers of the Upper House, but it would take him a year to get it through, and a year in politics is an even longer time than a week!

I believe that in the end the Conservatives ought to tackle the composition of the House, but a measure preventing its total abolition would give the necessary time and leverage to consider that later.

Yours ever

Robert

Thank you very much for your letter  
about University salaries, which  
much appreciated

The Rt. Hon. Margaret Thatcher, PC, MP,  
10 Downing Street,  
London SW1.





Parliament

10 DOWNING STREET

THE PRIME MINISTER

2 October 1980

Dear Lord Alport,

Thank you for your letter of 10 September, in which you seek the views of the Government on your proposed Constitutional Referendum Bill.

I welcome the opportunity which the Second Reading of your Bill will provide for a serious debate within Parliament on the House of Lords and on the need to maintain a Second Chamber to guarantee our Constitution and liberties. Indeed, I have considerable sympathy with the long-term objective of your Bill.

I do not believe, however, that it would be appropriate to seek to make such a fundamental Constitutional change of the kind you propose by means of a Private Member's Bill. It would therefore be wrong for the Government to lend active support for your Bill or to give any guarantee of its safe passage to the Statute Book. This would be the case whichever House the Bill was introduced in.

As you yourself point out, it would still be open to any future administration to repeal your Act before introducing legislation to abolish the House of Lords. I have no doubt that this specific point and others will be raised during the Second Reading debate but, for the reason that I have given, I wonder if you would consider withdrawing the Bill after Second Reading?

Yours sincerely  
Margaret Thatcher

The Right Honourable  
The Lord Alport, TD DL.





FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE  
AND THE CHIEF WHIP

26th September 1980

Dear Mike

I am writing in reply to your letter to Jim Buckley of 11th September concerning Lord Alport's Constitutional Referendum Bill.

As you know, Lord Alport's Bill was discussed at the meeting held on House of Lords reform and the Party Conference on 24th September. I have since seen copies of the Home Secretary's minute of that meeting and of the letter from the Lord Chancellor to the Prime Minister of 24th September, with which the Lord President is in agreement.

I now enclose a draft reply to Lord Alport's letter, which I have based on both the Home Secretary's minute and the Lord Chancellor's letter. Subject to the optional passage in square brackets in the second paragraph, I have no particular comment on the first three paragraphs. I have, however, submitted two alternative drafts for a possible fourth paragraph because I am not certain how far the specific criticisms of the Bill set out in the Lord Chancellor's letter need to be made in reply to Lord Alport. It is possible that Clive Whitmore, who attended the meeting, may not regard any fourth paragraph as necessary. If this is the case, something along the lines of the last sentence of my second draft might perhaps suffice to conclude the letter.

Yours sincerely  
Michael Pownall

M.G. POWNALL

Prime Minister.

M.A. Pattison, Esq.  
Private Secretary  
10 Downing Street

Here is Lord Soames' draft reply for you to send to Lord Alport. I think the shorter version of the last paragraph is to be preferred. Contact with the draft as amended and microproofing the short last paragraph?

I attach the Lord Chancellor's advice in case you want to look at it again.

MS 29/80





THE UNIVERSITY OF CHICAGO  
LIBRARY

26 SEP 1980

LIBRARY  
UNIVERSITY OF CHICAGO  
1860



DRAFT REPLY BY THE PRIME MINISTER TO LORD ALPORT'S LETTER  
OF 10TH SEPTEMBER 1980 ON HIS PROPOSED CONSTITUTIONAL  
REFERENDUM BILL

Thank you for your letter of 10th September, in which you seek  
the views of the Government on your proposed Constitutional  
Referendum Bill.

I welcome the opportunity which the Second Reading of your Bill  
will provide for a serious debate within Parliament on the  
House of Lords and on the need to maintain a Second Chamber  
to guarantee our Constitution and liberties. Indeed, I have  
considerable sympathy with the long-term objective of your Bill.  
~~and I shall read the report of your Second Reading debate with  
interest.~~

*do not believe,*  
I ~~have to say~~, however, that <sup>it would be appropriate to seek to make</sup> such a fundamental Constitutional  
change of the kind ~~which~~ you propose <sup>by means of</sup> ~~is not an appropriate~~  
~~subject for a Private Members Bill. Regardless of which House~~  
~~your Bill is introduced into,~~ <sup>for your Bill</sup> it would therefore be wrong for  
the Government to lend active support ~~or to give any guarantee~~  
of its safe passage to the Statute Book, ~~as this would be the case~~  
~~whenever the Bill was introduced in.~~

~~So far as the specific provisions of your proposed Bill are  
concerned, it would, as you yourself point out, still be open  
to any future administration to repeal your Act before  
introducing legislation to abolish the House of Lords. In  
addition, there must be some doubt as to whether your Bill in  
its present form would be workable. Its provisions would not,  
for instance, apply if a Bill was introduced to deprive the  
House of Lords of most but not all of its legislative powers.  
I have no doubt that these points and others will be raised  
during the Second Reading debate but you may wish, for the  
reasons that I have given, to consider withdrawing the Bill  
after Second Reading.~~

OR

~~As you yourself point out, it would still be open to any  
future administration to repeal your Act before introducing  
legislation to abolish the House of Lords. I have no doubt that  
this specific point and others will be raised during the Second  
Reading debate but, for the reason that I have given, <sup>I wonder if you</sup>  
~~would~~ ~~wish to~~ consider withdrawing the Bill after Second Reading.~~





Prime Minister

Yes, but  
Is it not possible  
for an amendment or addendum  
to be proposed suggesting  
that this does  
not have high priority  
at present?

I was at last night's meeting and discussed  
this matter for the Home Secretary  
to send to you.

All were agreed but Mr St John  
shows' speech was seen to be a damage  
to the Government to take any action in House  
of Lords reform.

PRIME MINISTER

HOUSE OF LORDS REFORM AND THE PARTY CONFERENCE

mt.

Agree x 1 and Y1 when? Feb 26/70

I held a meeting today, as we agreed last week I should in your absence abroad, to consider how the Chancellor of the Duchy of Lancaster should reply to the motion urging the strengthening of the composition and powers of the House of Lords which will be the subject of the opening debate at the Party Conference next month (the text of the motion is attached). The Lord Chancellor, the Lord President, the Chairman of the Party, the Chancellor of the Duchy, the Paymaster General, the Chief Whip in the House of Commons and Ian Gow were present.

The wording of the motion is unfortunate because, as Christopher Soames in particular was at pains to point out at my meeting, if Norman St. John-Stevas accepts it in his reply, there is a real risk that it will be thought the Government is committing itself to make changes in the membership and powers of the House of Lords. We are then likely to be asked whether we propose to introduce legislation in this Parliament or the next. We were all agreed this morning that for a number of reasons we must avoid giving the impression that we are entering into any kind of commitment to take action on the House of Lords. In the first place, the Government has not yet considered the question of House of Lords reform in any real depth, much less made up its mind what its long term objectives and strategy are. And in any case, even if we wanted to move in the direction of changing the composition and powers of the Upper House, it is very doubtful whether we could get the necessary legislation through the present House of Commons. The same objections, it seemed to my meeting, apply to any attempt to entrench the House of Lords in its present form.

In view of these difficulties we considered whether we had to accept the motion at all. Peter Thorneycroft said that the Party

/was passionately



# CONFIDENTIAL

X | was passionately in favour of keeping a Second Chamber. The motion selected for debate was only one of 25, and some others were much more toughly worded. We concluded that the strength of feeling in the Party was such that we had no alternative but to accept the motion.

Y | This means that Norman St. John-Stevas will have to make a very carefully balanced speech which, while going along with the motion, gives no hostages to fortune. He agreed this morning that he would steer clear - both in his speech and in any subsequent questions from the media - of saying anything which might suggest that the Government proposed to move on this subject either before or after the next General Election. To reinforce the absence of any commitment on the Government's part, he will rehearse some of the difficulties of reforming the House of Lords. We thought that, at the same time, he should attack the Labour Party's proposals for abolishing the Second Chamber, with all that that would mean if we had at some future date a House of Commons with a clear left wing majority, and defend the record of the present House of Lords, pointing out that it had been by no means ineffective, as we know to our cost. We also suggested that he might show that, contrary to popular belief, the House of Lords has been in recent years more of an obstacle to Conservative Governments than to Labour Administrations. !!

We agreed that it would be helpful if John Boyd-Carpenter were to speak in the debate, arguing the case for keeping the House of Lords in its present form. Michael Jopling will arrange this. We also agreed incidentally that Peter Thorneycroft should authorise the publication of a pamphlet on this subject which John Boyd-Carpenter, David Eccles and Niall Drumalbyn want to bring out.

We also discussed briefly Lord Alport's Bill about which he wrote to you on 11th September. We were all clear that whatever the merits of his proposals, a Private Member's Bill was not the right vehicle for introducing them. Quintin Hailsham and Christopher Soames will be letting you have advice on a reply to him.

/I should be



CONFIDENTIAL

I should be grateful to know whether you agree that Norman St. John-Stevas should handle the debate at the Party Conference in the way I have outlined above.

I am sending copies of this minute to all those who were at my meeting.

Wals

24 September, 1980

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CONFIDENTIAL

In the light of the Socialist commitment to abolish the House of Lords and the likelihood that a future left wing government intent on perpetuating itself would establish a single chamber Parliament as a step towards the creation of a Marxist state, this Conference urges that the composition and powers of the Upper House should be strengthened and firmly established as a safeguard against arbitrary government.

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25 SEP 1980



CONFIDENTIAL



*Parliament*

10 DOWNING STREET

*From the Principal Private Secretary*

24 September 1980

*Dear John,*

HOUSE OF LORDS REFORM

I think that the most useful way of recording the outcome of the Home Secretary's meeting this morning on how to handle the debate on House of Lords Reform at the forthcoming Party Conference would be for Mr. Whitelaw to minute the Prime Minister reporting the conclusions of the discussion. I accordingly attach a draft.

*Yours,*

*John Halliday.*

John Halliday, Esq.,  
Home Office.

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CONFIDENTIAL

DRAFT

PRIME MINISTER

HOUSE OF LORDS REFORM AND THE PARTY CONFERENCE

I held a meeting today, as we agreed last week I should in your absence abroad, to consider how the Chancellor of the Duchy of Lancaster should reply to the motion urging the strengthening of the composition and powers of the House of Lords which will be the subject of the opening debate at the Party Conference next month. (the text of the motion is attached). The Lord Chancellor, the Lord President, the Chairman of the Party, the Chancellor of the Duchy, the Paymaster General, the Chief Whip in the House of Commons and Ian Gow were present.

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In view of these difficulties we considered whether we had to accept the motion at all. Peter Thorneycroft said that the Party was passionately in favour of keeping a Second Chamber. The motion

/selected for debate

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- 2 -

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This means that Norman St. John-Stevas will have to make a very carefully balanced speech which, while going along with the motion, gives no hostages to fortune. He agreed this morning that he would steer clear - both in his speech and in any subsequent questions from the media - of saying anything which might suggest that the Government proposed to move on this subject either before or after the next General Election. To reinforce the absence of any commitment on the Government's part, he will rehearse some of the difficulties of reforming the House of Lords. We thought that, at the same time, he should attack the Labour Party's proposals for abolishing the Second Chamber, with all that that would mean if we had at some future date a House of Commons with a clear left wing majority, and defend the record of the present House of Lords, pointing out that it had been by no means ineffective, as we know to our cost. We also suggested that he might show that, contrary to popular belief, the House of Lords has been in recent years more of an obstacle to Conservative Governments than to Labour Administrations.

We agreed that it would be helpful if John Boyd-Carpenter were to speak in the debate, arguing the case for keeping the House of Lords in its present form. Michael Jopling will arrange this. We also agreed incidentally that Peter Thorneycroft should authorise the publication of a pamphlet on this subject which John Boyd-Carpenter, David Eccles and Niall Drumalbyn want to bring out.

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/I should be

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- 3 -

I should be grateful to know whether you agree that Norman St. John-Stevas should handle the debate at the Party Conference in the way I have outlined above.

I am sending copies of this minute to all those who were at my meeting.

24 September 1980

CONFIDENTIAL



H. R.

TEXT OF MOTION ON HOUSE OF LORDS REFORM

"In the light of the Socialist commitment to abolish the House of Lords and the likelihood that a future left wing government intent on perpetuating itself would establish a single chamber Parliament as a step towards the creation of a Marxist state, this Conference urges that the composition and powers of the Upper House should be strengthened and firmly established as a safeguard against arbitrary government."





2.  
 Prime Minister.  
 have some will be  
 coming too and will let  
 you have a days letter to  
 have Alport.  
 26ix

HOUSE OF LORDS,  
 SW1A 0PW

24 September 1980

My dear Margaret.

Lord Alport's Constitutional Referendum Bill

— Play A.

I have seen a copy of Lord Alport's letter of 10th September to you saying that he intends to introduce his revised Constitutional Referendum Bill into the House of Lords at the beginning of the new Session and asking for guidance as to the Government's attitude to it. I understand that you have asked for advice on a possible reply.

I sympathise with the broad objectives which lie behind this Bill and I think we should clearly give Lord Alport a friendly response. Nevertheless, I do not think that we should allow the Bill to make progress and we cannot, therefore, give Lord Alport the kind of assurance which he seeks. If I may, I should like to set out briefly my reasons for reaching this conclusion.

Play B. —

My general view is that Bills of a constitutional nature have in practice to be Government Bills and I therefore agree with Norman St. John Stevas that this kind of constitutional change is inappropriate for a Private Members Bill. It is a matter of opinion whether referenda are a desirable political development but, in this case, I doubt whether the proposal would, or could, achieve its objective. Although Lord Alport attempts a modest degree of entrenchment which could involve a Government intent on abolishing the House of Lords in the double task of repealing the Referendum Act and then introducing legislation to do away with the House, the proposal would at best be a flimsy barricade. The Government could simply pack the House of Lords with new creations and pass what legislation it wanted. It is my personal belief that entrenched clauses, capable of being changed only after a referendum, may have a value in a reformed constitution.

The Right Honourable  
 The Prime Minister

/Without such reform,



Without such reform, safeguards of the kind proposed are not capable of dealing with the major issue of the Second Chamber.

Quite apart from these broad considerations, I doubt whether the Bill in its present form would be workable. A referendum would have to be held if any measure were introduced which would deprive the House of Lords of all legislative power. This is open to abuse in that it would be impossible for the Lord Chancellor or the Speaker to certify a Bill as requiring a referendum which deprived the House of Lords of all power except e.g. the power to pass an Act of Attainder or some other useless, legislative remnant. Almost any scheme would, I think, be open to similar devices or, alternatively, leave the Speaker or Lord Chancellor with an unacceptably wide discretion.

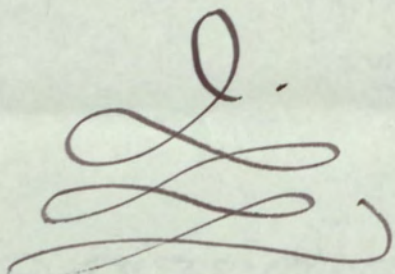
There is one other minor point on the Bill which is perhaps worth making. The framing of the 40% provision is curious because, on the present wording, it would seem that a Bill abolishing the House of Lords could proceed to a second reading if 41% of the electorate voted "yes" and 42% voted "no". I assume that Lord Alport means a majority consisting of not less than 40% and, if so, a drafting change is needed.

For these reasons, I think we should make it clear to Lord Alport that, while the Government could express sympathy for his objectives, it would be unrealistic for him to press on with his Bill. The best course might be to persuade him that it should be withdrawn after a second reading in the House of Lords in the new Session. It is possible that some may suggest the alternative of referring the Bill to a Select Committee as was done in the case of Lord Wade's Bill of Rights. I would be against this course because I think that a reference to a Select Committee would mean that this ineffective proposal remained in the public eye for some considerable time and thus prove embarrassing to the Government. Moreover, I doubt whether a Select Committee would come up with the right sort of answer on an issue of this kind because its attention would be focused on the narrow proposal rather than on the very important wider issues which should be tackled.



I am sending copies of this letter to Willie Whitelaw,  
Christopher Soames, Norman St. John Stevas, Michael Jopling  
and Bertie Denham.

Yrs.

A handwritten signature in dark ink, consisting of a large, stylized initial 'L' followed by several loops and a final flourish.



CONFIDENTIAL

*Mr Pattison 10/10*



Chancellor of the Duchy of Lancaster

*NOT CF*

*? GRP  
SATT*

Lord ALPORT

PRIVY COUNCIL OFFICE  
WHITEHALL LONDON SW1A 2AT

18 September 1980

*✓ MAX*

Dear Michael,

The Chancellor of the Duchy has seen a copy of Mike Pattison's letter of 11 September about Lord Alport's letter of 10 September to the Prime Minister seeking advice on the handling of his Constitutional Referendum Bill.

The Chancellor, while sympathetic to Lord Alport's wider objective in introducing his Bill, is unhappy with its particular form. He believes that a major constitutional change of the kind proposed is an inappropriate subject for a Private Member's Bill.

I am sending copies of this letter to the recipients of Mike Pattison's, and to David Wright in the Cabinet Office.

Yours ever,

*Robin*

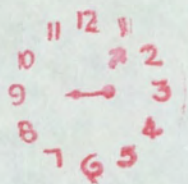
R A Birch  
Private Secretary

Michael Pownall, Esq.,  
Private Secretary  
Leader of the House of Lords  
London, SW1

CONFIDENTIAL



19 SEP 1980





From: THE PRIVATE SECRETARY

*Parliament*  
*to wh.*  
*18/9*



HOME OFFICE  
QUEEN ANNE'S GATE LONDON SW1H 9AT

18 September 1980

Dear Chire

This is to confirm that the meeting which the Prime Minister asked the Home Secretary to Chair, in her absence, to discuss handling of the Party Conference motion on House of Lords Reform, will be held here at 9.30 am next Wednesday, 24 September.

I am sending copies of this letter to the Private Secretaries to the Lord Chancellor, Lord President, the Chancellor of the Duchy of Lancaster, Paymaster General, Chief Whip (Commons), Chief Whip (Lords), Lord Thorneycroft, and to David Wolfson (Political Office).

*Yours sincerely*  
*A P Jackson*

(A P JACKSON)

C A Whitmore Esq



FROM THE PRIVATE SECRETARY

*Denham 2*



HOUSE OF LORDS,  
SW1A 0PW

15th September, 1980

N.J. Sanders Esq.,  
Private Secretary  
(Parliamentary Affairs),  
10 Downing Street,  
SW1.

*Prime Minister*

*MP 16/IX*

*mt.*

*Dear Nick,*

REFORM OF HOUSE OF LORDS

The Lord Chancellor has received a copy of Lord Denham's letter of 4th August to Lord Thorneycroft on the proposal that the Conservative Party Conference should debate a resolution calling for the Reform of the House of Lords.

I understand that this is to be debated on the morning of Tuesday, 7th October. The Lord Chancellor would very much have liked to be able to attend the debate, but he will unfortunately be sitting judicially in the Appellate Committee. I am not sure whether this is in fact of any concern to you, but you may like to know that the Lord Chancellor will therefore not be able to be present.

*Yours sincerely,  
Michael Collon*

M.H. COLLON





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*to Mr. Cow*

2



PRIME MINISTER

PRIME MINISTER

Lord Alport writes to seek advice about the handling of his proposed Constitutional Referendum Bill.

We will let you have a draft reply.

*MAD*

*MT*

11 September 1980



11 September 1980

I am writing on behalf of the Prime Minister to thank you for your letter of 10 September about your Constitutional Referendum Bill.

I shall place this before the Prime Minister and a reply will be sent to you as soon as possible.

MAP

The Rt. Hon. Lord Alport, TD, DL.

RJA





277A  
Lord ALPORT

10 DOWNING STREET

*From the Private Secretary*

11 September 1980

I enclose a letter to the Prime Minister from Lord Alport in which he seeks advice on the handling of his Constitutional Referendum Bill. I should be grateful if, in consultation with others concerned, you could let me have a draft reply for the Prime Minister to consider. It would be helpful if this could reach me by Thursday 25 September.

I am sending copies of this letter and enclosure to Michael Collon (Lord Chancellor's Office), John Halliday (Home Office), Petra Laidlaw (Chancellor of the Duchy of Lancaster's Office) and Murdo Maclean (Chief Whip's Office).

M. A. PATTISON

Jim Buckley, Esq.,  
Lord President's Office.

CH





From: The Rt Hon Lord Alport PC TD DL DCL

The Cross House  
Layer de la Haye  
Colchester  
Essex CO2 0JG

10th September, 1980.

The Rt Hon Margaret Thatcher, MP,  
10 Downing Street,  
London S.W.1.

*Dear Prime Minister,*

*R11/9*

Shortly before the Recess I introduced a Constitutional Referendum Bill for First Reading into the House of Lords.

Since then I have revised it, after further thought and consultation with the Clerk of the Parliaments. As now drafted it is, I believe, capable of enactment. I have drawn it to the attention of both the Lord Chancellor and Lord Soames.

The significance of the Bill, if it reaches the Statute Book, is that if any Left Wing Labour Government in the future seeks to introduce legislation to abolish the Second Chamber, it will be compelled to hold a referendum before doing so, or repeal this Act. I need hardly point out the political implications for any Government which the latter would entail. Although a future Bennite administration might further emasculate the powers of the House of Lords and although its composition may be changed, while a Second Chamber exists, the power given to it by the Parliament Act of 1911 to prevent the extension of the life of a Parliament beyond 5 years would be preserved. This is a major constitutional safeguard.

Once an act along these lines is on a Statute Book, the question of reform can be taken at leisure.

It was my intention to introduce the revised Bill into the House of Lords at the beginning of the new Session. I have little doubt that it will get sufficient support to see it through all its stages. I have asked Charles Fletcher Cooke to sponsor it when it reaches the House of Commons. As a Constitutional Bill it will need, if it gets a Second Reading there, to be referred to a Committee of the whole House. Unless it has the support of the Government it is likely to get involved in the annual legislative log-jam. There would therefore be arguments, if the Government felt it worth helping, to introduce it as a private members Bill first into the House of Commons. Charles Fletcher Cooke, as an experienced Queen's Counsel and senior Back-bencher, would be willing to do this. I believe it would be

/Contd.....





- 2 -

acceptable to the younger generation of private Members from such soundings as I have taken.

The object of my approach to you is to obtain guidance as to what would be the attitude of the Government to this Bill, so that I may launch it with the best chance of it receiving the approval of Parliament in due course.

*Yours sincerely*  
*Alfred*



Constitutional Referendum (H.L.)

A

B I L L

INTITULED

An Act to make obligatory the holding of a constitutional referendum before a Bill which contains provisions to abolish the House of Lords or which would deprive it of all legislative powers thereby reducing the Parliament of the United Kingdom to a single legislative chamber, may proceed to a Second Reading in either House of Parliament.

AD 1981

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

1 - (1) No bill which is endorsed with the certificate of the Lord Chancellor or Speaker of the House of Commons under subsection (2) of this section that the bill contains provisions to abolish the House of Lords or which would deprive it of all legislative power thereby reducing the Parliament of the United Kingdom to a single legislative chamber, shall proceed to a second reading in either House of Parliament unless more than 40 per cent of the persons entitled to vote in a referendum under section 2 of this Act shall have voted "Yes" in that referendum.

Bills to  
abolish  
House of  
Lords  
subject to  
referendum

(2) If the Lord Chancellor, in the case of a bill introduced into the House of Lords, or the Speaker of the House of Commons, in the case of a bill introduced into that House, is of the opinion that the bill contains provisions to abolish the House of Lords or which would deprive it of all legislative powers thereby reducing the Parliament of the United Kingdom to a single legislative chamber he shall endorse the bill with a certificate to that effect.

(3) Any certificate of the Lord Chancellor or the Speaker of the House of Commons given under subsection (2) of this section shall be conclusive for all purposes and shall not be questioned in any court of law.

2 - (1) A referendum required by section 1 (1) of this Act shall be held in accordance with the Schedule to this Act.

Referendum

(2) If 40 per cent or less of the persons entitled to vote in a referendum under this Act vote "YES" in that referendum no other referendum shall be held under this Act during the period of five years from the date on which the result of the referendum is announced.

3. The House of Lords for the purposes of this Act, means a House of Parliament, however composed, which is additional to the House of Commons.

Interpretation

4. This Act may be cited as the Constitutional Referendum Act 1981.

Short Title



Constitutional Referendum

SCHEDULE

Referendum

Date of Referendum

1. The referendum shall be held on such day, not less than three months after the making of the Order, as Her Majesty may by Order in Council appoint. 5

Persons eligible to vote

2. Those entitled to vote in the referendum shall be:-
  - (a) the persons who, at the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency in the United Kingdom. 10
  - (b) peers who at that date would be entitled to vote as electors at a local government election in any electoral area in the United Kingdom.

Questions to be asked and form of ballot paper 15

3. The question to be asked in the referendum and the front of the ballot paper to be used for that purpose shall be in the form set out in the Appendix to this Schedule.

Conduct of Referendum

4. Subject to the following provisions of this Schedule, Her Majesty may by Order in Council make provision as to the conduct of the referendum and apply in relation to it, with such modifications or exceptions as may be specified in the Order, any provision of the Representation of the People Acts, any provision of the enactments relating to returning officers and any provision made under any enactment. 20
5. An Order in Council under this Schedule shall not charge any sum on the Consolidated Fund but may provide for the expenses of the returning officers to be defrayed as administrative expenses of the Secretary of State. 25
6. The functions which, in relation to a parliamentary election, are conferred on returning officers by any provision applied by an Order in Council under this Schedule shall in relation to the referendum be discharged by the persons who, in England and Wales under section 40(1)(2) of the Local Government Act 1972, in Scotland under section 17(2) of the Representation of the People Act 1949 and in Northern Ireland under section 17(3) of the Representation of the People Act 1949 are or may discharge the functions of returning officers, at a General Election 35
7. There shall be appointed a Chief Counting Officer, who shall appoint a counting officer for each county and each counting officer shall conduct the counting of votes cast in the county for which he is appointed in accordance with any directions given to him by the Chief Counting Officer. 40



Constitutional Referendum

- 8. The counting officer for each county shall certify the number of ballot papers counted by him and the number of respective answers given by valid votes; and the Chief Counting Officer shall certify the total of the ballot papers and the respective answers for the whole of  
5 the United Kingdom.
- 9. Every county council shall place the service of its counting officers at the disposal of the counting officer for its county; and if the council of any county or the counting officer for any county so requests, the council of any district situated in that county shall place the services of  
10 its officers at the disposal of the counting officer for that county.
- 10. For the purposes of this Act the Province of Northern Ireland shall be deemed to be a county and the duties imposed on a county council in Great Britain by this Schedule shall be  
15 carried out by the Secretary of State for Northern Ireland.

Exclusion of legal proceedings

- 11. No court shall entertain any proceedings for questioning the numbers, as certified by the Chief Counting Officer or any counting officer, or any ballot papers counted or answers given in the referendum.

20 Orders in Council

- 12. No recommendation shall be made to Her Majesty in Council to make an Order under this Schedule until a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

25 APPENDIX

Form of Ballot Paper

Do you want the House of Commons to be the only legislation chamber of the Parliament of the United Kingdom?

Put an (X) in the appropriate box.

30

YES	
NO	



*Parliament*

10 July 1980

Thank you for your letter of 9 July about the proposed meeting between the Lord President and the Executive of the Independent Unionist Peers. The Prime Minister has seen your letter and is entirely content that the Lord President should go ahead as he proposes.

N. J. SANDERS

M.G. Pownall, Esq.,  
Government Whips' Office,  
House of Lords.

*WJ*





PRIME MINISTER

FROM THE PRIVATE SECRETARY TO THE LEADER OF THE HOUSE  
AND THE CHIEF WHIP

Contact?

MS

9/7

9 July 1980

Dear Nick,

The Executive of the Independent Unionist Peers have arranged to see the Lord President tomorrow afternoon to discuss House of Lords reform. They are likely to seek the Lord President's approval to set up a small working party to consider the need for a second Chamber. They will hope to make a short report shortly before or immediately after the Labour Party Conference in September.

Since the proposed working party will not be concerned with reform in general but with the dangers inherent in abolition of the Lords, the Lord President is minded to go along with the proposal and offer any necessary assistance from Central Office. He was anxious, however, to obtain the approval of the Prime Minister to this approach.

I apologise for the short notice. The meeting, which was only arranged today, is at 3.30 pm tomorrow, Thursday 10 July. If I have not heard from you before I will, of course, warn the Lord President.

Yours sincerely  
Michael Pownall

M G POWNALL

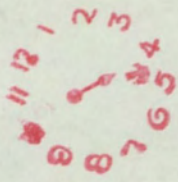
Nick Sanders Esq  
No 10 Downing St





FROM THE OFFICE OF THE SECRETARY OF THE HOUSE OF REPRESENTATIVES

1981 JUN 6 - 1



LONDON



B/P 1-9-80 → 1.

Delay until September? Parliament  
M.H. 30 vi

MR. WHITMORE  
PRIME MINISTER

When I last mentioned setting up a meeting to discuss the reform of the House of Lords you said could we please delay until some months after Lord Soames' return from Rhodesia. Is this a meeting you wish to have before the House rises in August?

No. no

es.

30 June 1980



file

Parliament



10 DOWNING STREET

PRIME MINISTER

You will remember that we had set up for January a meeting to discuss the reform of the House of Lords. This meeting got postponed as Lord Soames left for Rhodesia. Is this something that you would like set up before his return or should we wait?

*E.S.*

*How about his return in some months of the year? 7*

1 February 1980



*Parliament File*

TMP



Separate letters sent to Lord Hailsham and Lord Carrington.

c. Mr. Whitmore

10 DOWNING STREET

*From the Private Secretary*

11 December 1979

*B/P 1/2-80*

*to check with Canning  
for further action*

As you know, there was to have been a meeting on Wednesday 16 January to discuss the reform of the House of Lords but as Lord Soames will be in Rhodesia the Prime Minister would rather delay this meeting until he returns. I will be in touch with you again at a later date.

*CS*

*CS has seen  
1/2/80.*

The Rt. Hon. Lord Thorneycroft

*28*



PRIME MINISTER

Do you wish anyone to replace Lord Soames at the meeting on 16 January when you discuss the reform of the House of Lords? The other Peers attending are Lords Carrington, Hailsham and Thorneycroft.

*E.S.*

*I would rather wait until  
he returns  
no.*

10 December 1979





a CONSTIT  
aw/H/L

Parliament  
Original  
iB/R

CF to RDW

10 DOWNING STREET

THE PRIME MINISTER

6 December 1979

Dear Ralph

I was interested to see your letter and the letter from your constituent about reform of the House of Lords. I have received several letters from members of the public expressing similar views.

I believe that there is a significant number of members of both Houses who support reform of the House of Lords. The difficulty is that they range from those in favour of procedural reforms within the present Chamber to those who supports its replacement by a directly elected 'senate'.

I am very conscious of the arguments in favour of reform being undertaken by a Conservative Government in order to ensure that the Left are not given the opportunity either to abolish the Second Chamber or emasculate it. I think Lord Home's Report is a valuable contribution to the debate on this issue, but I do not believe it would be practicable to present it as our blueprint. Wide consultations both within government and among the Parties would be necessary before the Government was in a position to present a plan for reform.

/ In case

JH



You may also be interested to know that a study of the House of Lords has been undertaken by the Nuffield Foundation and is expected to appear towards Easter. It will be in three sections, covering analysis of the working of the present House of Lords, comparative analysis of other Second Chambers, and a final section which will discuss alternatives for reform.

Signed

MT

Ralph Howell, Esq., M.P.



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Parliament

10 DOWNING STREET

*From the Private Secretary*

16 November, 1979.

Further to my letter of 9 November, I am now writing to inform you that the time for the meeting to discuss the reform of the House of Lords on Wednesday, 16 January, has been changed from 1900 to 1600.

I apologise for any inconvenience that this may have caused, and would be grateful if your Office could confirm that the new time will be convenient for you.

The Rt. Hon. The Lord Hailsham of  
St. Marylebone, C.H., F.R.S., D.L.

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10 DOWNING STREET

*From the Private Secretary*

16 November, 1979.

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The Rt. Hon. The Lord Thorneycroft

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10 DOWNING STREET

*From the Private Secretary*

16 November, 1979.

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I apologise for any inconvenience that this may have caused, and would be grateful if your Office could confirm that the new time will be convenient for you.

CAROLINE STEPHENS

The Rt. Hon. The Lord Carrington, K.C.M.G.,  
M.C.

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10 DOWNING STREET

*From the Private Secretary*

16 November, 1979.

Further to my letter of 9 November, I am now writing to inform you that the time for the meeting to discuss the reform of the House of Lords on Wednesday, 16 January, has been changed from 1900 to 1600.

I apologise for any inconvenience that this may have caused, and would be grateful if your Office could confirm that the new time will be convenient for you.

The Rt. Hon. The Lord Soames, G.C.M.G.,  
G.C.V.O., C.B.E.

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*Parliament  
House of Lords  
Reform.*



**Civil Service Department**  
Whitehall London SW1A 2AZ  
01-273 4400

12th November 1979

*Dear Miss Stephens'*

Lord Soames asks me to thank you for your letter of 9th of November.

He has put The Prime Minister's Meeting on Wednesday 16th January at 19.00 hours at 10 Downing Street firmly in his 1980 diary.

*Yours sincerely  
No. 10 Chapman.*

Personal Assistant to  
Lord Soames

Miss Caroline Stephens,  
10 Downing Street.



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ds  
Parliament

10 DOWNING STREET

*From the Private Secretary*

9 November 1979

*Dear Lord Hailsham,*

The Prime Minister would like to hold a further meeting on Wednesday, 16 January at 1900 hours at No.10 to discuss the reform of the House of Lords. I am also inviting Lord Soames, Lord Carrington and Lord Thorneycroft, and I would be grateful if you could let me know if you are not able to be present.

*Yours sincerely,  
Cecil Pliginsk*

The Rt. Hon. The Lord Hailsham of St. Marylebone,  
C.H., F.R.S., D.L.

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ds



10 DOWNING STREET

From the Private Secretary

9 November 1979

*Dear Lord Thorneycroft,*

The Prime Minister would like to hold a further meeting on Wednesday, 16 January at 1900 hours at No.10 to discuss the reform of the House of Lords. I am also inviting Lord Soames, Lord Carrington and Lord Hailsham, and I would be grateful if you could let me know if you are not able to be present.

*Yours sincerely,  
Rush*

The Rt. Hon. The Lord Thorneycroft

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10 DOWNING STREET

*From the Private Secretary*

9 November 1979

*Dear Lord Carrington,*

The Prime Minister would like to hold a further meeting on Wednesday, 16 January at 1900 hours at No.10 to discuss the reform of the House of Lords. I am also inviting Lord Soames, Lord Hailsham and Lord Thorneycroft, and I would be grateful if you could let me know if you are not able to be present.

*Yours sincerely,  
Carole Phipps*

The Rt. Hon. The Lord Carrington, K.C.M.G., M.C.

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10 DOWNING STREET

*From the Private Secretary*

9 November 1979

*Dear Lord Soames,*

The Prime Minister would like to hold a further meeting on Wednesday, 16 January at 1900 hours at No.10 to discuss the reform of the House of Lords. I am also inviting Lord Carrington, Lord Hailsham and Lord Thorneycroft, and I would be grateful if you could let me know if you are not able to be present.

*Yours sincerely,  
Cecil Stephenson*

The Rt. Hon. The Lord Soames, G.C.M.G., G.C.V.O.,  
C.B.E.

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PRIME MINISTER

Reform of the House of Lords

We now have, as well as the paper circulated by Lord Thorneycroft at the meeting you held on 23 October (flag A), the paper promised by the Lord Chancellor (flag B).

Lord Thorneycroft's paper argues that the first step in Lords reform should be to entrench the existence of a Second Chamber. He suggests that a bill for this purpose should be enacted in this Parliament. The bill should look forward to further legislation to reform the Second Chamber. He believes that it would be possible to carry the entrenching legislation "without too much difficulty". The second step would be, as he argued at your meeting, so to reform the Second Chamber that it would provide a real barrier against the advance of Marxist socialism. The aim would be a fully elected Second Chamber. But an essential preliminary stage would be a lengthy campaign to win public support for the proposal, which would then be included in the Manifesto for the next election and enacted in the next Parliament. Lord Thorneycroft suggests that by proceeding in this way it should be possible to avoid a major legislative confrontation in the House of Commons.

The Lord Chancellor shares Lord Thorneycroft's view of the need for a reformed Second Chamber as a bulwark against a future radical left-wing government. He too wants an elective Second Chamber, though he does not rule out the inclusion of a small nominated component. There does, however, seem to me to be a basic contradiction in what Lord Hailsham says about the powers of the reformed Second Chamber. On the one hand, he says "... we must safeguard the essential supremacy of the Commons, and its essential prerogatives, which are to determine the political colour of the Government of the day, and to support its executive policy..."; but, on the other, he argues that "in the field of general legislation ..... a rigorous veto must be allowed". I find it hard to see how these two aims can readily be reconciled: if the Second Chamber has an absolute and

/indefinite veto

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- 2 -

indefinite veto on legislation on, for example, nationalisation or the education system, is it not bound to limit the "essential supremacy" of the Commons and the ability of the Commons "to support the Government's executive policy"?

*Hand*

The Lord Chancellor is sceptical, on political grounds, about Lord Thorneycroft's proposal to entrench the existence of a Second Chamber. I believe that he is right to be doubtful. In particular I think it unrealistic to believe that entrenchment could be carried "without too much difficulty". Plainly, the first question which will be asked about any proposal for entrenchment is "Why are you doing this?"; and this will get you straight into the purpose and nature of the ultimate reform. In short, Lord Thorneycroft's gradual, two-stage approach is unlikely to be feasible. There would almost certainly be major political controversy from the outset. Virtually the whole of the Labour Party, especially in its present internal state, would feel obliged to close ranks and oppose the Government.

There is, however, a more fundamental point about the proposals in both papers. If a radical Labour Government was elected at some future date by a majority of voters at a General Election, presumably a Second Chamber elected at the same time, even if with different constituencies and by different methods, would have much the same complexion. In this event reform of the Second Chamber is not going to act as a brake on the advance of socialism. Both papers are therefore aimed at the situation in which a Labour Government is elected on a minority vote and though unrepresentative of the attitudes of the country as a whole, pursues a radical, left-wing policy which might lead to the establishment of an authoritarian regime. Is this scenario so likely in the foreseeable future as to warrant the Government seeking to reform the Lords, with all the attendant controversy?

Assuming that the answer is 'yes', the question of timing needs to be considered. Does the Government want to take on this issue in the near future, when there is so much else it will be doing? Might it not be better to allow the matter to lie for

/the next two years

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the next two years or so? There would still be time for the Government to work up its ideas over the third and fourth years of this Parliament, if it so wished, so that they could be embodied in the Manifesto and then acted upon in the next Parliament.

Your meeting on 23 October agreed to resume its discussion on the basis of the papers by the Lord Chancellor and Lord Thorneycroft. Would you like me to arrange another meeting?

*Alan Jones*

*JAH.*

*out.*

5 November 1979

*Scanes / Carington / Heilshorn / Thorneycroft.*



CONFIDENTIAL



PRIME MINISTER

30 October 1979

REFORM OF THE HOUSE OF LORDS

To complete the restoration of a free society, we need, at least two consecutive terms of office, a difficult aim for a party condemned as we are to pursue, at least for a time, policies which in the short run must prove unpopular, and whose beneficial effects will not be seen at once.

But, sooner or later, Britain will have another Labour Government, and, if present trends continue, it may be a Government of extremists. This is what makes the question of the House of Lords more than peripheral to the survival of freedom.

The Labour Party is committed to the abolition of the House of Lords without replacement. This can take either of two forms - the retention of the present structure with the further emasculation of its powers to vanishing point, or its outright abolition without replacement. The former is more probable, the latter more deadly since, to carry out its minimum functions, under a Labour Government, the House of Commons would have to revise its procedure in a more authoritarian direction until it became a mere appendage of the elective dictatorship on an Eastern European model.

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From the present point of view it matters little which of the two models the future Labour Government would adopt. We should be faced with a repeal of all our reforms and a resumption of the progress of left wing Socialism with its total ratchet effect. The reform of the House of Lords is therefore central to the revival, or even the survival, of Britain.

The present weakness of the House of Lords lies in two factors each contributing to total inability to carry out its functions, except as a deliberative body approximately equivalent in influence to a second, or even a first, leader in the former Times newspaper. These are (i) that its structure, not being based on popular election is not acceptable enough to carry authority and (ii) that its membership is unlimited, the Government having it in its power to create an indefinite number of peers. A third factor, its inadequate powers under the Parliament Act, is of smaller, though not insignificant, importance, since experience has shown that even with a small and unrepresentative majority in the House of Commons against it, the existing House is not effective to use adequately the powers which it possesses. It follows that the existing House must be replaced by substituting a Chamber with limited numbers and effective authority in a restricted field.

From this point of view it does not matter whether existing peers are hereditary, or, as in the case of the great majority of regular attenders and speakers, nominated, like first creations, life peers, bishops and law lords. From some points of view the nominative

Contd





principle is the worst. The hereditary peers are at least independent in that they do not owe their position to the Government of the day.

We must therefore look for a House which is wholly, or predominantly, elective. I myself welcome the presence of the law Lords, the cross benches, and even, though with considerably less enthusiasm, the Bishops (though I would prefer to see them replaced by a multi denominational religious element). But I would, if need be, sacrifice all nominated elements to the elective principle if this proved necessary.

The new House must not be elected <sup>for</sup> in the same constituencies, or by the same method of election, as the House of Commons. It would be valueless if it were a mere mirror image of the Commons. The method of election, the timing of elections (which for reasons which will be seen I would prefer to see simultaneous with the Commons) are negotiable provided that the above criterion is met.

We have offered talks with other parties. This commitment must be met. But I do not think the Labour Party will participate, or, if it does, that the talks will prove fruitful. I would suggest, therefore, that we have plans of our own, and should be prepared to implement them by Act of Parliament during the present Parliament. To prevent or make difficult subsequent repeal or amendment, the powers must be such as, at a minimum, to prevent repeal or amendment except by both Houses, and, preferably a subsequent referendum.

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In order to put forward proposals we must safeguard the essential supremacy of the Commons, and its essential prerogatives, which are to determine the political colour of the Government of the day, and to support its executive policy, which must therefore include, as heretofore the complete control of finance. Thus we must avoid at all costs an "Australian" type situation in which the Senate can block supply. But in the field of general legislation (e.g. new nationalisation measures, "Clay Cross" type legislation, and compulsory structures in education on socialist or authoritarian lines) a rigorous veto must be allowed. But the new House of Lords must not be a Court of Appeal from the people. It must be a Court of Appeal from the Commons when and if it seeks to impose the legislative will of the largest organised minority or smaller minorities and individuals. The new body should be set up in time to block authoritarian legislation in the next Parliament. I would hope that the elective element would include a substantial number of existing peers. I would also contemplate that the Lord Chancellor of the day would remain, as now, a nominated figure and on the woolsack. Whether he had a vote (if he were not already a member) would depend largely on whether the membership of the House was wholly elective or partly nominated. The Lord Chancellor's function is to preserve the independence of the Courts and the judiciary. For this purpose it is essential that he should not be subject to the in-fighting in the Commons, or be in the line for Party Leadership. If a proportion of the House of Lords is to be elective, by what means of voting should it be elected?<sup>2</sup> This must be for discussion and must depend partly on the view taken of the function of the new House, partly on the size and shape of the constituencies, and partly on the timing of elections. I myself would favour party lists (in some form or with some modifications), elections at the same time as the

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General Election, with regional constituencies approximately the sizes of Scotland or Wales, and with a maximum membership between 200 and 400, including any nominated members.

---

This paper was drafted before we held a discussion, and before I read the powerful document circulated by the Party Chairman. I feel I ought to append a note on both:-

The first point on which I would like to comment is Lord Thorneycroft's suggestion adumbrated at his para 5 that in this Parliament we should entrench the existing House. Technically this is possible - even easy - on condition (i) that we abolish or restrict the power of the Crown to create peers in an unlimited number and (ii) that we amend the Parliament Acts by enacting that, in addition to it being ultra vires the Commons to extend the length of a Parliament against the Lords veto it would be ultra vires the Commons to use the

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Parliament Acts to abolish the House of Lords or further restrict its powers or to amend further either the current Bill or the Parliament Act. There would be no drafting difficulty in achieving this. But is it feasible politically? I would think not. Nothing short of this would be effective to entrench the existing structure.

The second observation is that whilst I agree wholeheartedly with you that the only way in the long run of defeating the ratchet effect of Socialism is by altering public opinion; I emphatically do not agree that it is possible to prevent indefinitely the advent of a radical Labour Government elected by a minority vote on the present system of voting to carry out a radical programme. Whenever this happens we shall lose the present House of Lords whatever we choose to do in this matter unless we create a mechanism whereby it cannot be done. In many ways I share your admiration for the existing structure. But its indefinite retention is not amongst our viable options. We have to choose between its abolition whenever a Labour Government is next returned, or substituting for it something which can only be removed by the will of the people before the next Labour Government is returned. Between these two options there can be no doubt which we should choose. If we choose the former much more than the House of Lords will be lost. We should lose our country as we know it and wish to leave it to our children.

H: of S: M.  
30 Oct 79.

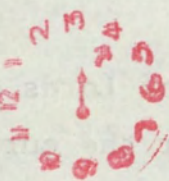
Circulation: PM., L<sup>ds</sup> Carrington, Soames, & Thomeycroft.

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31 OCT 1979



...to follow the House  
...the House or to  
...there would be no  
...this is the  
...short of this would be

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lose our country as we know it and I do not think it is our





10 DOWNING STREET

*From the Principal Private Secretary*

24 October 1979

*Dear Jim,*

REFORM OF THE HOUSE OF LORDS

The Prime Minister met the Lord President, the Lord Chancellor, the Foreign and Commonwealth Secretary and Lord Thorneycroft yesterday evening to discuss the Lord President's minute of 22 October 1979 about reform of the House of Lords.

The Lord President said that the purpose of his minute was to stimulate discussion. The Government needed to begin to think about its attitude to reform of the Lords. Otherwise matters might go by default. In the next few months we should make up our minds whether to embark upon the road of reform and if so, what the nature of the reform should be and when and how it should be introduced. It was essential to be clear in our own minds what we wanted before we began to take any action in public.

The Lord Chancellor said that he believed that reform of the House of Lords was very necessary. If a Labour Government took office at some point in the future, we were very likely to see the United Kingdom moving much farther and faster towards the Left than hitherto. For this reason it was important that we had a second Chamber which was capable of acting as a brake upon a Labour Government. The present House of Lords, for all its many qualities, was incapable of acting in this role. Even with a very small majority in the Commons a Labour Government would be able to carry through whatever measures it set its mind upon, notwithstanding any opposition which the House of Lords with its present powers might offer. In any case, a Labour Government would almost certainly seek itself to reform the Lords either by emasculating it completely or by its total abolition. What was needed was a reformed House of Lords with an increased power of veto. If the House was to be effective, however, he believed that it would have to be based in future on the elective principle. This would be bound to create a division within the Lords on party lines, and there might be something to be said for having in addition a nominated component with a vote. This element would be cross-bench in nature and would include the Lord Chancellor himself, the Law Lords and members representing the Churches. A second Chamber reformed on these lines should be able to stop the ratchet effect of socialism in a way in which the present House of Lords could not. His studies had shown that no socialist measures since those of 1945 would have got through a House of Lords based on the elective principle. He was preparing a paper setting out

/his ideas



his ideas on reform of the Lords and he would like to circulate it to those present.

The Foreign and Commonwealth Secretary said that he very much agreed with the views of the Lord Chancellor. An effective second Chamber was essential as a safeguard against any attempt that might be made in the future to deprive this country of fundamental liberties. Recent experience already showed that when a Labour Government was in power, the House of Lords was powerless to oppose it on any issues of substance. He thought, like the Lord Chancellor, that an elected second Chamber was what was required but he would go further and suggest that it should be elected on the basis of proportional representation. But he thought that if it was made up of both elected and nominated elements, it would have a second class status by comparison with the Commons. He did not believe, however, that it would be possible to get a reform on these lines through the House of Commons in the foreseeable future, but it was important to begin to sow the seeds now for action later.

Lord Thorneycroft said that if we thought that there would be a Labour Government again at some point in the future, it was essential that there should be a second Chamber which would act as a brake on it in the way proposed by the Lord Chancellor. This required bold measures of reform; if the Government was prepared to do no more than tinker with the existing House of Lords, it would be better to do nothing and leave things as they were. He had prepared a paper on the subject (copies of which he circulated to those present). If an effective second Chamber was to be created, there would be a price to be paid, and this price was the elective option which was the second of the four options advanced in the report of the Conservative Review Committee chaired by Lord Home. The second Chamber had to be elected if it was to have the credibility which would allow it to operate effectively in the circumstances they were envisaging. What was new in his paper was his proposals for how reform of the House of Lords should be presented publicly. He saw no future in trying once again to get a bargain on reform through the Lords and then the Commons. Rather, the Government should make up its mind about the future structure and powers of the Lords and then begin to sell its ideas directly to the public. He thought that this should be done gradually: he did not believe, for example, that the Government's proposals should be made public in an early White Paper. Even so, he thought that public opinion outside Parliament was ready to see a change in the structure of the Lords and he believed that it would be possible gradually to get public opinion behind what the Government wanted to do. It would then be open to the Government to include its proposals in the next election manifesto and then to act upon them after the election. One possibility was that reform of the Lords might be put to a referendum at an appropriate moment.

The Prime Minister said that she had serious reservations about reform of the House of Lords on the lines that had been suggested in discussion. She was not convinced that the present House of Lords was not better than anything that had been proposed so far. The present House of Lords had come about in an unplanned way but it was effective.

/We should not



We should not tear down lightly this unique institution. It was not clear that an elected second Chamber would necessarily be a more effective barrier against any future advance of socialism than the present House of Lords: indeed, it was not impossible that, even with two elected Chambers, the country might find itself governed by an elective dictatorship one day. A more effective way of preventing this happening was to ensure that a Labour Government of an extreme left wing character was never returned to power. Moreover, an elected second Chamber would be bound to have a wholly different relationship with the House of Commons from that between the present House of Lords and the Commons; and an elected body, which would always have the electorate in mind, would bring to bear on its work a different kind of judgment from that of the House of Lords. She was in any case very doubtful whether it would ever be possible to get through the House of Commons a reform of the Lords which provided for an elected second Chamber. Nonetheless, those present should consider the matter further. The Lord Chancellor should revise his paper in the light of the discussion and circulate it. They would then resume their discussion on the basis of his paper and Lord Thorneycroft's.

I am sending copies of this letter to Lord Thorneycroft, Ian Maxwell (LCO), and George Walden (FCO).

*Yours ever,*

*Miss Whitman.*

J. Buckley, Esq.,  
Civil Service Department.



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PERSONAL

PRIME MINISTER

I feel we ought to be considering whether or not we wish to proceed with the reform of the House of Lords in one way or another, and would welcome a talk one day soon.

Some may say that the easy way would be to leave well alone - and it must be acknowledged that the prospects of coming out at the end of the day with a lasting and beneficial reform are not good.

Nevertheless it is my fear that if we do not seek to bring about reform we could be guilty of negligence. For the danger of a future Labour Government going for straight abolition must now be considerable. They would, to say the least, find it harder to do so if a major reform had already taken place.

So the questions I feel we need sooner or later to resolve are:-

1. Are we to set out along the road of reform of the Upper House;
2. If so,
  - (a) should we aim to have done the job during the lifetime of this Parliament and
  - (b) how do we decide what our objective should be and how do we set about achieving it?

I am sending copies to Lord Hailsham, Lord Carrington and Lord Thorneycroft.

S.

SOAMES  
22 October 1979

CONFIDENTIAL



## AN APPROACH TO HOUSE OF LORDS REFORM

### A NON-PAPER BY LORD THORNEYCROFT

1. The approach to House of Lords Reform varies between a desire for institutional respectability and a determination to achieve an important step in Constitutional Reform. It is important to decide what it is that one is trying to do.
2. The options are well discussed in the Report of the Conservative Review Committee chaired by Lord Home and in a useful report by Conservative Action for Electoral Reform. What I think is needed is to consider the principles which should guide us in approaching any of these options.

### THE NATURE OF THE DECISION

3. I believe that it would help us if we were to separate two different but interrelated questions:
  - (a) The need to entrench the existence of a Second Chamber.
  - (b) The nature of the Second Chamber which we should like to see.
4. The wish of the Labour Party is effectively to abolish the House of Lords - either by a straightforward Bill to that effect or by abolishing its power of delay and veto. The only veto now left is to prevent the Commons from self perpetuation. If this goes the road to dictatorship lies fully open.

### ENTRENCHMENT

5. Against this background there appears to be a strong case for entrenching, so far as may be possible, a Second Chamber - almost any Second Chamber, even this one. It is for consideration whether we do not attempt this in this Parliament. The threat is already there. The issue is highlighted by the Labour Party Conference with its decision to withdraw responsibility for the Manifesto from the Parliamentary Labour Party into even more irresponsible and less democratically elected hands. The precedent of a Bill which looks forward to further reform has been set by the 1911 Act. The attempt to negotiate an agreed structure for a new House of Lords within the term of a single Parliament which can be legislated through a House of Commons, and is at the same time effective, is doomed to delay if not to failure.



6. I conclude that for these reasons we should start to draw a skeleton draft Bill to be introduced in this Parliament for the entrenchment of House of Lords as it exists today with built-in provision for legislative reform after full national discussion in the Parliament that follows this one.

#### THE LONG TERM OBJECTIVE

7. The declared intention to reform the House of Lords is vital to the achievement of its entrenchment in the constitution. The precise nature of the reform is less vital to this objective and can with advantage be a little delayed. It has already been held up for 70 years as the Preamble to the Parliament Act of 1911 said " it is intended to substitute for the House of Lords as it at present exists a second chamber constituted on a popular instead of a hereditary basis, but such substitution cannot immediately be brought into operation...."

8. There are broadly two options open to us in considering reform. They are

(a) to concentrate our minds on its revising function. To tinker with the existing structure - preserving bishops, law Lords, hereditary peerages, trying to buy agreement to the best of our ability between Parties and vested interests.

To square an alternative Prime Minister with the promise of a block of establishment nominees to be introduced at his appointment. To conciliate the House of Commons with a result so weak and ineffective as to present no challenge to their authority.

This option might preserve the House of Lords for a few more years but it would present no barrier to anything.

(b) To concentrate upon the constitutional issue. Can the new Second Chamber be constructed in a manner which will in the years to come present a real obstacle to the advance of dictatorship. Such a Second Chamber cannot achieve such an objective without a price being paid. What is the price and would this new Constitutional safeguard be worthit? Is there any other substitute?



9. I do not believe that the first option really bears examination. Politicians may be interested in revising Chambers. The public should be but plainly it isn't. The public is worried increasingly by the advance of left wing ideas and increasingly by doubts of the ability of the existing system to resist the onward march of corporate and authoritarian Government. It might be persuaded to accept some broadly right of centre check to act as a long stop against these trends. It will not be persuaded to accept major constitutional reform for any other purpose. A Bill of Rights presents major problems and proportional representation for an election to the Commons is open to very serious objections.

#### CONCLUSION

10. The conclusion of this line of argument requires a great deal of study and close constitutional analysis but could be along the following lines.

(1) That we prepare and introduce in this Parliament a House of Lords Reform Bill that entrenches a Second Chamber and looks forward to legislation to reform it.

(2) That we prepare a paper for the reform of the House of which would give us an effective Second Chamber in the sense that it would provide a real barrier against the advance of Marxist Socialism. We would publish it, debate it, sell it boldly as an attempt to meet a threat which the Labour Party are unable to meet themselves. We would include the plan in our manifesto; obtain a mandate for it and introduce it in our second term of office.

11. The nub of this approach is that we would seek to sell this plan not to those who had a vested interest in defeating it but to the British public who are deeply worried and have an interest in securing some arrangements to secure the ends we have in mind. The bishops, the law Lords, the Life Peers have views but very few votes. The same is true even of members of the House of Commons.



12. The option chosen would have to be along the lines of Lord Home's Second Option. The fully elected Second Chamber. It would probably be elected in constituencies co-terminus with the existing European Constituencies and almost certainly by P.R. This should preserve for all time the single member constituency and the first past the post in the House of Commons. The powers would be limited but sufficient to effect a real delay and time for reflection on important issues. They could possibly exceed in some degree those of the 1911 Act. The inclusion of such a proposal in our next Election Manifesto would attract the Centrist, Liberal and Right Wing Labour votes powerfully to our cause. Few of our own members would find it easy to attack such a programme. The Labour Party would be caught in a corner defending single Chamber for a real threat of a left wing dictatorship.

13. The advantage of this kind of approach is that we could limit ourselves at the start to legislation aimed at entrenchment, an issue which we can probably carry without too much difficulty. We could then edge forward on to the much more difficult territory of structural reform through speeches, non-papers, Green Papers, White Papers and possibly a Referendum leading up to inclusion in the next Manifesto without a major legislative confrontation in the House of Commons.

14. If we really want to achieve House of Lords Reform or an effective Second Chamber it seems to me that this type of political tactic would be worth very careful examination.



(F)

OCT 23:



10 DOWNING STREET

PRIME MINISTER

Lord Soames is due to come to see you to discuss the reform of the House of Lords. He has requested that Lord Carrington, Lord Hailsham and Lord Thorneycroft also to be at the meeting. Do you have any objections to this?

None -

C.S.

but

There is no need to discuss this

5 October 1979

up early.

\* Spoke to Shirley's Sec:



