

CONFIDENTIAL



10 DOWNING STREET

From the Principal Private Secretary

11 November 1980

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*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*



*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





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





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.

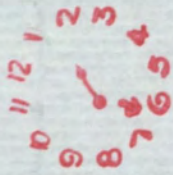
*Yours ever,*

*Edward Douglas*

*for* JEFF WATTLEY  
Private Secretary



20 NOV 1980



COMMUNICATIONS



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.

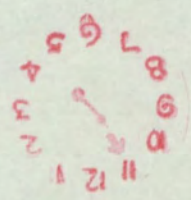
Since dictating this, a meeting at No. 10 has been arranged for Tuesday 25th, so this letter is a bit out of date by events.

Yours sincerely,

M.H. Collon

Richard Collon





19 NOV 1980



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.

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Faint, illegible text covering the majority of the page, appearing to be a document or report.

11 12 1  
2 3 4  
5 6 7 8  
9 10 11 12

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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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 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 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	





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 21*

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 pressing matters to be done in the future - when we are in the year 14x1

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]* M. L. Jones  
no

2611

12 November 1980