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**Attempts to change the British House of Lords into a
second chamber of the nations and regions:
explaining a history of failed reforms**

by

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Abstract

The House of Lords is the world's longest-established and probably best-known second chamber. Wholly unelected, with most members appointed for life, it appears a vestige of the 'elite' form of bicameralism once common throughout Europe. Hence calls for major reform are commonplace. However successful changes have been piecemeal and rare. Meanwhile the UK is not federal, but is nonetheless a 'union state', comprising the territories of England, Scotland, Wales and Northern Ireland, each with its own distinct governing arrangements. These were most recently boosted by the 1997 Labour government's devolution programme. Hence for decades, and particularly the last 20 years, devolution and Lords reform have both been on the UK's political agenda. Throughout this time attempts to create a 'second chamber of the nations and regions' have repeatedly failed. This paper reviews the proposals made, and the obstacles they faced – drawing lessons for Britain, and territorial bicameralism more widely.

Key-words

House of Lords, bicameralism, devolution, England, Scotland, Wales, Northern Ireland



1. Introduction

The UK might at first glance appear an unlikely candidate for inclusion in a discussion on federalism and bicameralism, having never been a federal state. Its second chamber, the House of Lords, is one of the best-known in the world, but as an unelected body incorporates no form of territorial representation.¹

Nonetheless, both the territorial nature of the UK state and the appropriate form of UK bicameralism have long been under discussion, and focus on both matters has intensified over the past 20 years. The Labour government elected in 1997 arrived in office with an ambitious agenda of constitutional reform. This included two clear areas of ‘unfinished business’ from past periods of government by the left: devolution and House of Lords reform. For a brief period, at least, these topics were seen as connected – and some in the UK still believe that they should be, through creation of some form of ‘second chamber of the nations and regions’. While the House of Lords could be seen as a vestige of the old ‘elite’ model of bicameralism, this kind of reform would bring the UK into line with many other bicameral countries around the world (Coakley 2014, Patterson and Mughan 1999, Russell 2000, Tsebelis and Money 1997). However no progress towards a more territorial second chamber has ever yet been achieved.

This paper reviews proposals for a UK territorial second chamber in context, asking why calls to adopt such a model have been so unsuccessful. It begins by briefly reviewing the territorial history of the UK, and the history of debates on Lords reform. It then turns to the various proposals that have been made for forms of territorial representation in the UK second chamber, particularly since the 1990s. In doing so it recognises that territorial representation may potentially be reflected in both the composition and the functions of a second chamber (Russell 2001). While UK debates have given some limited attention to the former, they have barely touched upon the latter. The paper ends with a summary of the obstacles to creating a UK territorial second chamber. Some of these are relatively unique to the UK case, but others are familiar from other countries’ long-running debates on territorial politics and second chamber reform.



2. The UK as a territorial state

The United Kingdom brings together four historically distinct territorial areas (or ‘nations’): England, Wales, Scotland and Northern Ireland. These combined through a series of historic unions: between England and Wales in 1536, with Scotland in 1707, and Ireland in 1801 (Bogdanor 1999a). While England and Wales essentially merged their governance and legal structures, a degree of distinctiveness continued to exist in the other areas. Significant tensions over the Irish union in the 19th century led to prolonged debates about ‘home rule’ (for Ireland, but also potentially the other areas), and ultimately Irish independence in 1921. This left the six counties of Northern Ireland under UK rule, with their own devolved parliament at Stormont, which was later suspended in 1972 during the so-called ‘troubles’ between the Catholic/nationalist community and Protestant/Unionist community. This sectarian divide continues to define the politics of Northern Ireland, and is reflected in its party system – which differs entirely from that of the mainland UK. In addition Scotland and Wales both have nationalist parties – the Scottish Nationalist Party (SNP, formed in 1934), and Plaid Cymru (formed in 1925).

Hence despite being formally unitary, the UK is arguably best described as a ‘union’ state, with distinct territorial dynamics (Mitchell 2009). Its territorial history has continued to deeply influence UK politics, most obviously in terms of pressures for devolution, and consequent changes.

Following the ‘home rule’ debates, devolution next appeared most firmly on the political agenda in the 1970s. A Royal Commission on the Constitution (commonly referred to as the ‘Kilbrandon Commission’) was established by Harold Wilson’s Labour government in 1969. The Commission’s principal focus was territorial politics, and although its members were not united the majority report suggested new elected assemblies for Scotland and Wales (Royal Commission on the Constitution 1973). This proposal was supported by the Labour government elected in October 1974, which legislated to establish such assemblies, subject to referendums in Scotland and Wales – neither of which approved the plans. Soon after, a Conservative government was elected which rejected devolution.

The Conservatives were in government for 18 years, but fast progress followed the re-election of Labour in 1997. Legislation was passed to facilitate referendums on



establishment of a Scottish Parliament and Welsh Assembly, both of which approved the proposals that year. The next year a referendum in Northern Ireland on the ‘Good Friday Agreement’ agreed the re-establishment of a Northern Ireland Assembly at Stormont. Also in 1998, Londoners voted for creation of a Greater London Assembly and Mayor. Beyond this, Labour proposed elected assemblies in the English regions, but these plans were abandoned, following heavy rejection at the first referendum (in North East England) in 2004. Nonetheless, Regional Development Agencies and Government Offices of the Regions were created in eight areas, covering the whole of England (outside London), overseen by indirectly elected bodies including local councillors. These boundaries, collectively representing the ‘nations and regions’, were used for election of UK MEPs from 1999. However, English regional structures were largely dismantled following the election of a Conservative-led coalition government in 2010 (Sandford 2013).

Territorial devolved arrangements in the UK have always been characterised by asymmetry, and their introduction been driven by political pragmatism rather than grand design. They exist, of course, in the absence of a codified constitution – where such rules might otherwise be set out and entrenched. Prior to 1997 Scotland and Northern Ireland retained separate rules and structures, and each, alongside Wales, had its own dedicated Secretary of State responsible for policy at Cabinet level. Parallel parliamentary structures existed in the House of Commons, including ‘select committees’ for Scotland, Wales and Northern Ireland, to oversee the three territorial government departments, and ‘grand committees’ made up of MPs representing each area. The 1997-98 settlement then devolved distinct powers to each nation, broadly similar to those previously resting with the Secretary of State. Powers were most extensive in Scotland, including full legislative competency in areas such as education, health, environment and local government, and weakest in Wales – which initially had very limited legislative power. In all three areas devolved policy competencies have subsequently grown, boosted in Scotland in particular by pledges from the UK party leaders when campaigning in the failed independence referendum, held in 2014 following calls by the Scottish SNP government.

The biggest current controversy concerning devolved powers results from ‘Brexit’ – the UK’s process of withdrawal from the European Union. This has caused significant arguments about the level of government to which powers currently held by the EU (e.g. over fisheries and agriculture) should be repatriated. Arrangements for intergovernmental



relations within the UK are generally seen to be weak (Swenden and McEwen 2014), and have recently been described by the Welsh Government (2017) as ‘inadequate’. These arrangements were built in the early years of devolution, when Labour was in power at UK level and in Scotland and Wales, allowing relatively informal intraparty communications.

Another unresolved issue for UK devolution is the ‘English question’ (Hazell 2006). Devolved government within England remains patchy, with a Greater London Assembly and Mayor, alongside other ‘metro mayors’ in seven other areas. But these bodies have varied and relatively weak powers, and cover only part of the English population (Sandford 2016). Since the 1990s some campaigners have rejected the regional approach altogether, and called instead for establishment of an English Parliament (Russell and Sheldon 2018). As things stand, Westminster already serves in many important policy areas largely as a parliament for England. There has hence been significant controversy concerning the voting rights of MPs from the devolved areas – the so-called ‘West Lothian question’ (Bogdanor 2010). In 2015 this was partly resolved by introduction of a system of ‘English votes for English laws’ (Gover and Kenny 2016).

3. The long and winding road of Lords reform

The long-running nature of constitutional debates about the UK’s territorial arrangements has been more than rivalled by the concurrent debates about second chamber reform. The House of Lords has ancient roots, traceable through at least 1000 years of history to the bodies of noblemen drawn together to advise past monarchs (Russell 2013). The development of bicameralism was gradual, but clearly established by the 14th century. The Lords fits historically with the model of an ‘elite’ chamber, similar to those which once existed in other European states such as France, Italy, Sweden, Hungary and Spain (Marriott 1910). It influenced establishment of other such bodies, such as the Japanese House of Peers and the Canadian Senate.

While most of these other chambers have since been swept away, the Lords has remained – albeit being reformed incrementally, through measures that have collectively added up to a significant transformation. Reform pressures can be traced back centuries, but gained strength in the late 19th century, as the franchise for the House of Commons widened. The first substantial change came through the 1911 Parliament Act, which



removed the House of Lords' absolute veto over legislation, reducing this to a power of delay in most cases.ⁱⁱ The same Act also defined a category of 'money bills' over which the chamber's power was even more constrained. The 1949 Parliament Act reduced the power of delay broadly from two years to one, which is where it remains. Hence the House of Commons can in theory pass a bill without the Lords' consent; but in practice this has occurred only very rarely, and the two chambers tend instead to reach agreement through negotiation.

Changes to the composition of the House of Lords have occurred more slowly. Prior to 1958 the chamber comprised largely of hereditary peers (who passed their titles down the – almost invariably male – family line), alongside 26 Church of England bishops.ⁱⁱⁱ In 1958 a Conservative government passed the Life Peerages Act, which allowed new members to be created for life, rather than requiring a new hereditary peerage to be bestowed. From this point on, the usual way into the House of Lords was through appointment as a life peer – appointments being made by the monarch, acting on the Prime Minister's advice.

The Life Peerages Act did not remove the existing hereditary peers, and pressures for reform continued. In 1968 Harold Wilson's government introduced a bill for wholesale reform of the Lords, to further reduce its powers and alter its balance of membership. However this was withdrawn following resistance by the House of Commons. Subsequently no further government proposals were advanced for three decades.

The 1997 Labour government arrived in office on a manifesto pledge to remove the remaining hereditary peers as 'an initial, self-contained reform', which would be 'the first stage in a process of reform to make the House of Lords more democratic and representative' (Labour Party 1997). This 'first stage' was largely achieved through the House of Lords Act 1999, which expelled over 650 such members – roughly halving the size of the chamber. However, following a compromise with the Conservatives, 92 hereditary peers were allowed to remain. Reform nonetheless transformed the membership of the chamber, and particularly its party political balance – since many departing hereditary peers were Conservatives, and very few were Labour. Today the House of Lords includes roughly equal numbers of Conservative and Labour peers, with the balance of power held by the Liberal Democrats and a large group of independent 'Crossbenchers'.



Labour remained in office for 13 years, but the promised ‘second stage’ of Lords reform never occurred. Under Labour there were various initiatives (described in more detail in the next section), including a Royal Commission on the Reform of the House of Lords (the ‘Wakeham Commission’), which reported in 2000, and four subsequent government White Papers containing various proposals.^{IV} Beyond the government, further initiatives came from parliamentary committees and other cross-party groups. With one minor exception, no proposal resulted in legislation being introduced.

After Labour left office, a further White Paper and a draft House of Lords Reform Bill were published by the 2010 Conservative-Liberal Democrat government, but ultimately failed. Ambitious in its scope, this initiative was spearheaded by the Liberal Democrat Deputy Prime Minister Nick Clegg. A government Bill was introduced into the House of Commons in 2012, but was withdrawn when it became clear that it lacked adequate Conservative support. Subsequently, debate on the options for Lords reform has continued, but the only reforms achieved have been small. The House of Lords Reform Act 2014 resulted from a private member’s bill (promoted by former Liberal Party leader Lord Steel of Aikwood), and simply created a right for life peers to permanently retire from the House of Lords.^V Most recently one of the biggest concerns has been the chamber’s growing size, due to large numbers of prime ministerial appointments (the number of which remains unregulated). In March 2018 membership of the chamber was just under 800. Consequently proposals for a reduction in size were recently made by a committee convened by the Lord Speaker (Lord Speaker’s Committee on the Size of the House 2017).

4. Options for territorial bicameralism

Given the importance of territorial relations to the UK’s constitutional history, it would be natural for a settlement between the nations and regions to have been reflected in reform to the second chamber. Despite also not being strictly federal, such arrangements have for example been captured in 20th-century reform of bicameralism in Italy (Lodici 1999) and Spain (Juberias 1999).

The modes in which a second chamber can be ‘territorial’ reflect the broad functions of legislatures: representation, decision-making, linkage and legitimation (Loewenberg 2011, Russell 2001). Hence territorial politics may be reflected in either the composition or



functions of a second chamber. The extent to which this succeeds in creating a chamber that provides a voice for territorial units, and successfully binds the nation together, depends on certain key features of institutional design.

Compositionally, strongly territorial designs often give territorial units equal representation irrespective of population size (as in the US and Australia, for example), or give disproportionate weight to smaller units (as in Austria, Switzerland and Germany), short of equality. Strongly territorial designs also often involve representation through ‘indirect’ election, by members of sub-national legislatures (as in Austria, India and South Africa), or even through appointment by sub-national governments (as in Germany). Alternatively, territorial representatives may simply be elected by the people directly, using the boundaries of subnational units (as in the US and Australia), or be appointed centrally to represent such units (as in Canada).

In terms of policy-making, some territorial second chambers have enhanced powers over legislation affecting the subnational units (e.g. Germany, South Africa). Potential also exists for such bodies to stage territorially-focused debates, organise territorially-focused committees, or give special consideration to bills proposed by subnational units. Procedural arrangements promoting meaningful territorial representation also include provision for block voting by representatives of such units (again for example Germany, South Africa), and for formal accountability mechanisms back to the assemblies of those areas (Russell 2001).

The extent to which second chambers actually serve a territorial function may hence depend on their composition, powers and procedures. In many states where the second chamber serves notionally as a territorial forum binding the nation together, such as Australia, Canada and Spain, its ability to do so meaningfully is disputed – with implications for legitimation. In Canada the Senate’s reputation as a territorial chamber is damaged by the fact that appointments are made by the federal prime minister with no provincial input. In Australia, critics complain that senators, despite being elected as state representatives, vote rigidly along party lines. However, territorial influence can be subtle: in the latter case the fact that senators are elected by proportional representation ensures that geographically diverse voices are heard in behind-the-scenes meetings in the party room.



5. A brief history of territorial proposal for House of Lords reform

The above discussion helps to provide a framework against which to judge past proposals for a UK territorial second chamber. This section analyses such schemes across four time periods: before the Labour government's election in 1997, surrounding the Royal Commission on the Reform of the House of Lords 1998-2001, during the decade 2002-2012, and since. The extent to which these included features associated with strong territorial second chambers is summarised in Table 1. We see that while there have been numerous proposals in the UK for a reformed second chamber compositionally representing the nations and regions, these have largely been at the weak end of the spectrum. Discussion of territorial powers and functions has meanwhile been extremely underdeveloped. Throughout these debates there has been some limited learning from models in other bicameral states.

5.1. Pre-1997 proposals

An exhaustive historical account of proposals for a UK territorial second chamber would be challenging, given the plethora of schemes mooted over centuries for Lords reform. But two particularly high profile packages of proposals are worth mentioning in the pre-1997 period.

In 1917, following the passage of the 1911 Parliament Act, a cross-party Commission was established chaired by the Liberal constitutionalist Viscount Bryce, to consider the next steps in House of Lords reform. Its report provided a definitive analysis of the role of the second chamber, and made recommendations for compositional reform (Bryce 1918). The Commission's most favoured solution was for 75% of members of the second chamber to be elected by members of the House of Commons, organised in regional blocs (while the remainder would be drawn from existing peers). However, this electoral arrangement appeared merely to be driven by convenience, rather than any expectation of regional representation. The report included no suggestion that the Lords or its members should perform any explicit territorial function.

The Kilbrandon Commission of the 1970s, in contrast, was primarily focused on resolving the UK's territorial tensions, not on Lords reform. Its majority report, while recommending elected assemblies for Scotland and Wales, made no proposal for links to



the second chamber. Indeed it explicitly rejected such an idea, suggesting that ‘if a regional structure for Parliament were thought advantageous... it would be inadvisable to link it with the House of Lords’; as representation in the House of Commons was already based on geographical areas, the report suggested that it would be ‘irrational to introduce a novel geographical factor into the House of Lords’ (Royal Commission on the Constitution 1973: 322). Nonetheless, a ‘memorandum of dissent’ was issued by two members of the Commission, which included some strongly differing ideas. This argued for elected regional assemblies in England, in addition to the new bodies in Scotland and Wales, and suggested that 150 new members should be added to the Lords, drawn from the members of these bodies. As well as proposing indirect election, a broad principle of equality was envisaged, with some limited weighting: each of five English regions would have 20 representatives, alongside 25 each for Scotland and Wales (which would significantly advantage those two areas in population terms). In support of their case the authors drew attention to the German example. Among the arguments made for such representation was the idea that members of the new elected bodies should be given ‘a national and public platform on which to make their voices heard’ which could help ‘to provide a countervailing force’ to the ‘centripetal pull’ of central government (Crowther-Hunt and Peacock 1973: 118).

In retrospect, 45 years on, these remain the most radical territorial proposals yet to have been made by any official body on Lords reform. For critics of the Kilbrandon Commission’s work, the majority report demonstrated ‘tunnel vision’, by ‘straining so hard (yet unsuccessfully) to focus on a single devolutionary proposal that they dared not look around to see the constitutional problems they were passing by’; yet in proposing an all-UK arrangement for devolution the authors of the minority report suffered from an ‘obsession ...with comprehensiveness and uniformity’ (Daintith 1974: 555). Neither set of proposals resulted in immediate change, but it was the majority report that went on to have more lasting impact.

**Table 1: Key Lords reform proposals including a territorial element**

Proposal and year	Territorial boundaries	Weighted representation	Indirect elections	Territorial functions	Broad proposal
Minority report to the Royal Commission on the Constitution 1973	For minority	Proposed strong weighting	Proposed election by members of new devolved assemblies	Provide a national platform for the new assemblies, and counter centralisation	The Commission's focus was devolution, not Lords reform. The majority report supported elected bodies for Scotland and Wales only, and explicitly rejected a territorial second chamber. But two dissenting members proposed such a chamber, alongside elected English regional assemblies.
Royal Commission on Reform of the House of Lords 2000	For minority	Mentioned but dismissed	Discussed but ultimately dismissed	Discussed at length, but most options dismissed. Proposed only a Devolution Committee	Largely appointed chamber of 550 members serving 12-15 year terms, with a minority (three options, 12-35%) elected using regional boundaries. As in most subsequent proposals, elections would be by proportional representation, and 20% of seats be reserved for independent (non-party) appointees.
Government White Paper 2001	For minority	Not discussed	Dismissed	Not discussed	Largely appointed chamber of 600 members with 20% elected using regional boundaries for 4-15 years
Public Administration Select Committee 2002	For majority	Not discussed	Some interest, but didn't recommend	Not discussed	Chamber of up to 350 members, of which 60% elected using regional boundaries for 8-10 years
Cross-party report <i>Breaking the Deadlock</i> 2005	For majority	Not discussed	Briefly discussed but dismissed	Not discussed	Chamber of up to 385 members, of which 70% elected using regional boundaries for 12-15 years
Government White Paper 2007	For 50%	Not discussed	Briefly mentioned but dismissed	Not discussed	Chamber of 540 members, 50% elected using regional boundaries for 15 year terms
Government White Paper 2008	For majority	Not discussed	Dismissed	Not discussed	Chamber of 250-450 members, 80-100% elected using regional boundaries for 12-15 years
House of Lords Reform Bill and White Paper 2011	For majority	Not discussed	Not discussed	Not discussed	Chamber of 300 members, 80-100% elected using regional boundaries for 12-15 years.



David Steel speech 2013	For all	Proposed slight weighting	proposed	Barely discussed	Senate of roughly 500 members, chosen by regional electoral college comprising MPs, MEPs and MSPs/AMs
Labour manifesto 2015	Unclear	Not discussed	Not discussed	Not discussed	Proposed 'an elected Senate of the Nations and Regions', but no detail. Gordon Brown made a similar proposal in 2014.
David Owen 2016	For all	Proposed strong weighting	Proposed	Proposed	UK Federal Council of 68 to complement (not replace) the Lords, strongly based on German Bundesrat, with 3-6 members per region

5.2. Proposals 1998-2001: the Royal Commission and immediate responses

The question of territorial representation in the second chamber did not subsequently reach the mainstream until the 1997 Labour government simultaneously sought to pursue devolution and House of Lords reform. In an initial White Paper published alongside the announcement of the new Royal Commission on the Reform of the House of Lords, the government set out future priorities and options for the promised 'second stage' of reform. This specified that the Royal Commission's terms of reference would require it to 'take particular account of the present nature of the constitutional settlement, including the newly devolved institutions' (Cabinet Office 1999: 10). The White Paper noted that territorial arrangements were common in second chambers overseas, and commented (ibid: 36) that:

By the time a fully reformed second chamber can be put in place, there will be devolved institutions in Scotland, Wales and Northern Ireland. London will have its directly elected Authority. English regionalism will be increasingly recognised through Regional Development Agencies and regional chambers. Some regions may be working towards regional assemblies of their own. The relationship of the second chamber to those bodies will need to be a significant part of the Royal Commission's deliberations; it could have a marked impact on both the second chamber's functions and how its members are selected.

One option mentioned was that of indirect election by the devolved bodies, where the White Paper simply noted that 'If the Commission were attracted to this basic principle it would no doubt wish to take evidence, including from the devolved institutions



themselves, as to how this... might operate' (ibid: 48). The purpose of the paper, however, was primarily to illustrate a wide range of ideas, and pass consideration of them over to the Royal Commission, rather than making specific recommendations.

The Royal Commission itself dedicated a full chapter of its final report to 'Giving a voice to the nations and regions'. This opened by suggesting that 'Deciding what relationship the reformed second chamber should have with the devolved institutions has been one of the most interesting and important aspects of our work' (Royal Commission on the Reform of the House of Lords 2000: 58). Nonetheless, the Commission's proposals in this area were modest, when compared with the Kilbrandon Commission minority report. An explicitly stated reason was that devolution was at very early stages. The Commission was established in 1998, and published its report in spring 2000, while the new legislatures in Scotland and Wales were elected for the first time in May 1999, and the new Northern Ireland Assembly just 11 months earlier. New structures in the English regions were promised, but this process had barely begun. Hence the Commission noted that (ibid: 108):

indirect election would really only be relevant in respect of those regions which already have devolved institutions, i.e. Scotland, Wales, Northern Ireland and perhaps London. It could therefore only make a partial contribution to the composition of the second chamber and would be unfair to most of England.

This caused the Commission to conclude that, while representatives of the nations and regions were desirable, they should be directly elected by the citizens of those areas.

The Commission noted that representation of subnational units in federal second chambers is organised 'frequently on an equal or at least graduated basis, while the lower chamber is constituted on a population basis', commenting that the UK 'however, is not a federal state' (ibid: 59). It went on to suggest that 'the great disparity between the sizes of the different nations and regions of the United Kingdom means that an equal distribution of seats would be inappropriate' (ibid: 105) – population figures are illustrated from an analysis at the time in Table 2. A consideration here, though not explicitly stated by the Commission, was almost certainly that Northern Ireland would be greatly 'overrepresented'. This could bring particular problems given that area's distinct politics and political party system.



Table 2: Distribution of a possible 240 seats in a territorial second chamber, based on population share or principle of equality

	Population (000s)	Option 1: Population based	Option 2: Equality
South West	4,841	20	20
Eastern	5,293	22	20
South East	7,895	32	20
West Midlands	5,317	22	20
East Midlands	4,141	17	20
Yorkshire and Humberside	5,035	20	20
North East	2,600	11	20
North West	6,891	28	20
London	7,074	29	20
Wales	2,921	12	20
Scotland	5,128	21	20
Northern Ireland	1,663	6	20
TOTAL	58,801	240	240

Source: Russell (2000: 311).

The Commission ultimately proposed that elected members should be distributed between nations and regions proportionately to population, and chosen via a proportional electoral system (on the same boundaries as those used for the election of UK MEPs). But concerns about the impact on the chamber's democratic legitimacy and relationship with the House of Commons led the Commission to propose that these members should comprise only a minority of the chamber (12 – 35%).^{VI} Most other second chamber members would continue to be appointed at a UK level, albeit via an updated process. As well as dismissing indirect election, the Commission opposed members of the second chamber holding a 'dual mandate' as members of a devolved legislature.

These decisions on composition already limited the possibilities for territorial functions to be performed by the reformed second chamber. The Commission noted that 'Many respondents to our consultation paper agreed that regional representation as a feature of the reformed second chamber could act as a kind of "constitutional glue"' (Royal Commission on the Reform of the House of Lords 2000: 58). It suggested that these members might 'contribute to cohesion', 'help resolve concerns about the protection of Scottish interests in the second chamber', and 'build on the emerging political identity of the nations and regions of the United Kingdom' (ibid: 60). However, beyond simply being elected from these areas, it had little to say about linkages to the devolved institutions;



instead it merely proposed that ‘It is for the members of the various Parliaments and Assemblies to decide what links they should establish’ (ibid: 63). It made clear that the second chamber ‘should not become a forum for inter-governmental liaison’ (ibid: 62) and its role ‘should not be to provide a vehicle by which the devolved institutions themselves could be represented in Parliament’ (ibid: 63). The Commission’s only firm suggestion for territorial functions was that the new chamber should consider establishing a Devolution Committee, which would consider relations between the devolved institutions and the centre, and relations between the institutions themselves. Notably, while other proposals from the Royal Commission for establishment of new committees – including one focussed on human rights, and another broadly on the constitution – have subsequently been adopted by the House of Lords, this proposal has not.

In retrospect the Royal Commission’s proposals look timid, and could be seen as a missed opportunity to propose a strongly territorial second chamber at a key moment for the newly-devolved UK. But the timing, rather than being propitious, proved disadvantageous. The two processes were developing simultaneously, but independently, and Commissioners were cautious about dictating plans from the centre that might not reach approval in the devolved areas. Meanwhile, they were offered little guidance by representatives of those areas. The Commission invited evidence, and received 1,734 submissions. But none were forthcoming from the new bodies in Scotland, Northern Ireland and Wales. Some interest was expressed in indirect election by political parties from these areas – the Alliance Party of Northern Ireland (1999: 3) suggested that there was a ‘Strong case for some members to be indirectly elected by members of the devolved national Assemblies and Parliament and the future bodies for the regions of England’, while Plaid Cymru (1999: 2) suggested that choice of elected members ‘may be by a mixture of direct and indirect election (by the national and regional Assemblies and Parliaments for example)’. But the SNP preferred abolition of the second chamber, arguing that for it to be ‘a forum where regional and national voices may be heard’ would be ‘far from simple’ (Scottish National Party 1999: 6); meanwhile the (nationwide) Liberal Democrats (1999: 28) suggested that it would not be ‘appropriate to use an electoral college drawn from the nations and regions’ and that ‘There is no satisfactory substitute for allowing the people of the United Kingdom to elect directly their representatives’.^{vii} Greater interest in territorial options was seen in the submissions by some representatives



of English regional forums. Indirect election were suggested by the North West Regional Chambers and the Eastern Region Local Government Conference, while various such groups expressed aspirations that the second chamber would enhance cohesiveness, and act as a space for negotiation between different areas. But these bodies themselves, and their ideas, were both underdeveloped.

Some detailed and thoughtful submissions were received by the Royal Commission from academics. Professor Vernon Bogdanor, author of key texts on devolution (e.g. Bogdanor 1997, Bogdanor 1999a, 2009), noted that some hoped a territorial chamber ‘could perhaps play its part in holding the United Kingdom together in the face of the centrifugal pressures threatening to tear it apart’ (Bogdanor 1999b: 3). But he suggested that direct election to such a chamber would lead to party dominance, while indirect election would face major practical difficulties given the lack of elected bodies in England. Bogdanor also pointed out that the nature of the devolution settlement – which gave the new bodies largely separate policy responsibilities to those of UK central government – made it inappropriate for their members to have a role in scrutinising UK-level legislation. Another well-known expert, Professor Iain McLean (1999: 3), noted that either a directly or indirectly elected model was theoretically possible, but that ‘the problem of England haunts both models’. He also reflected on the distribution of seats, noting that ‘the principle of territory gives equal votes to each territory regardless of population’ (ibid: 4), but equality by nation would be unacceptable to England (which accounts for 85% of population), while equality by region might also provoke controversy.

It is hence understandable that the Royal Commission was cautious. Nonetheless, some specialists expressed disappointment post-publication in the lack of imaginative thinking on territorial options in its report. Russell and Hazell (2000: 7) noted that ‘The Commission’s proposals in this area mostly relate to the composition of the chamber, rather than its powers and functions... [which] sits uncomfortably with their general approach whereby composition flows from functions, rather than vice versa’. Likewise Russell and Cornes (2001: 91) suggested that ‘the Commission ... did little to identify what territorial role or functions the upper house might play in a devolved UK’. Procedural options to encourage meaningful representation might for example have included formalised territorial representation on second chamber committees, or encouraging members representing the nations and regions to make regular reports to their respective



assemblies – perhaps through question times or committees, at least starting with the existing devolved areas. Nonetheless, these were fairly niche concerns. The main criticism expressed (both in the media and parliament) of the Royal Commission’s proposals related to the low proportion of seats proposed for elected members.

Subsequent to the Royal Commission’s report, the government issued a new White Paper, in which it accepted some elements of the Commission’s analysis, but made modified proposals. However these were even less ambitious than the original, both in terms of territorial representation and elected members. With respect to indirect election, the White Paper (Lord Chancellor's Department 2001: 19) noted that:

The French and German second chambers are composed on this basis, as a means of fortifying the voice and influence of sub-national government - the Länder Governments in the German case - in the national Parliament. Devolution to Scotland, Wales, Northern Ireland together with the creation of the Greater London Assembly, and the Government’s intention to publish a White Paper taking forward its Manifesto commitment for directly elected regional government in England, gives some force to the argument for such an approach in the UK. However, the great majority of England is not at present covered by assemblies above the level of local government and the Royal Commission reported that they had found little desire for direct representation in House of Lords to be drawn from the UK’s devolved institutions. The Royal Commission concluded that a directly elected minority component of the Lords, chosen on a regional basis, would be a better way of guaranteeing effective representation of the nations and regions, beyond that provided through the nominated membership. The Government agrees.

Regarding roles, the White Paper baldly stated that ‘There is no case for giving specific new functions to the House of Lords’ (ibid: 11). There was no discussion of any special weighting for regional seats, and the government simply proposed, as had the Royal Commission, that seats should be allocated proportionately by population. Elections should use regional boundaries and there should be 120 elected members in a chamber of 600 (20%), with the remainder centrally appointed.

The government’s proposals, like those of the Royal Commission, were not received well among parliamentarians and the public. The main point of contention was the low proportion of elected members, with little focus on the weakness of the territorial proposals. Had the devolved bodies expressed concerns, these might have been taken seriously. But the new bodies were busily focused on developing their own procedures and



policy responsibilities, and there was no other clear political dynamic through which territorial claims might gain momentum. Among the UK-wide parties the Liberal Democrats were the most strongly committed to devolution, but favoured direct election. The Conservatives were ambivalent about both devolution and Lords reform, while the Labour Prime Minister, Tony Blair, had little personal interest in constitutional affairs, and was concerned about any measure that would give added legitimacy and strength to the Lords (for discussion see Cook 2003). In Wales, Plaid Cymru was ambivalent about the Lords itself, while in Scotland the SNP had a long-held commitment to unicameralism. In its own evidence to the Royal Commission the latter admitted that as a separatist party there was ‘no secret that the Scottish National Party does not want to strengthen the Union’, meaning it had no interest in building institutions that would help to bind the UK together (Scottish National Party 1999: 6). The Labour manifesto for the general election of 2001 said nothing about links between Lords reform and devolution, stating only that ‘We have given our support to the report and conclusions of the Wakeham Commission, and will seek to implement them in the most effective way possible’ (Labour Party 2001). The Liberal Democrats (2001) stated that they would ‘replace the House of Lords with a smaller directly elected Senate with representatives from the nations and regions of the UK’ (Liberal Democrats (2001)). Neither the SNP nor Plaid Cymru made any reference in their manifestos to Lords reform.

5.3. Proposals 2002-2012: the battle over direct election

In the next period proposals for House of Lords reform continued to pay some lip service to questions of territoriality, but were largely focused on resolving the increasingly intractable dispute between those who favoured elected versus appointed members.^{VIII}

In 2002, the House of Commons Public Administration Select Committee launched an inquiry into next steps for Lords reform. As the government’s White Paper proposals had been widely rejected – including by Labour backbenchers – it sought explicitly to find a ‘centre of gravity’ around which opponents could unite. This intervention had fairly explicit support from the Leader of the House of Commons, Robin Cook, who – despite being a member of the government – was troubled by its proposals (Cook 2003). A central feature of the committee’s work was a questionnaire circulated to all MPs, which suggested that a majority of members of the House of Commons supported a second chamber that was



wholly or largely elected. The headline recommendation of its report was that the elected proportion in a reformed second chamber should be increased to 60%.

The Public Administration Select Committee went further than most bodies in expressing interest in indirect election, partly prompted by Cook. In his oral evidence to the committee (Public Administration Select Committee 2002: 26) the Leader of the House, who represented a Scottish seat, suggested:

As someone who comes from a part of the UK where there is a vigorous and well supported devolved body I can see the attractions of the indirect election route. It also ... comes closer to the model that exists through most of Europe. Spain, France, Germany, the Netherlands all have second chambers which are predominantly reflections of indirect election by regional and local bodies.

But the committee commented that ‘we need to hear from the devolved institutions that they want to be represented in this way. No evidence has been received from the devolved bodies’ (ibid). Like others before it, it concluded that indirect election would be ‘difficult to pursue further, because it is not a feasible proposition until there are elected assemblies in England which could form electoral colleges alongside the devolved assemblies in Scotland, Wales and Northern Ireland’, but commented that this was ‘something to revisit in the future, when the devolution settlement is more complete’ (ibid). The committee gave no attention to territorial functions, being largely preoccupied with the argument over the second chamber’s composition, and did not consider any other option beyond population-based distribution of seats. Like the Royal Commission and the government, it proposed that elected members be chosen by proportional representation, using the boundaries of the nations and regions.

Following this committee report, the Leader of the House successfully negotiated establishment of a joint committee of both chambers to consider the issue of Lords reform, and to devise a range of options to be put to both in unwhipped votes. The committee issued a report in which it noted that ‘a reformed House should contain an appropriate number of members from all parts of the country’, but with reference to indirect election commented that ‘it is difficult to see at the moment structures which are parallel to those to be found in fully federal countries like the USA and Germany upon which to base this representation’ (Joint Committee on House of Lords Reform 2002: 11).



Hence, like previous bodies, it simply suggested direct election using regional boundaries. It gave no consideration to territorial functions, but did note joint evidence received from the Presiding Officers of the Scottish Parliament, Welsh Assembly and Northern Ireland Assembly, who were all at that time members of the House of Lords, which suggested that such office holders should in future automatically hold seats on an *ex officio* basis – to provide at least some link to the devolved bodies. Even this minimal proposal has not been acted upon, and no Scottish or Welsh Presiding Officer has since been appointed to the House of Lords.^{IX}

The centre of the joint committee's report was a set of options for composition combining appointed and directly elected members, where the elected members might comprise 0%, 20%, 40%, 50%, 60%, 80% or 100%. In the votes that followed, the House of Commons rejected all seven options (and also rejected the option of unicameralism) while the House of Lords voted in support of an all-appointed chamber (McLean, Spirling and Russell 2003).

The pattern of failure was now becoming established, and the government clearly had no discernable instruction from parliament to act. However a further White Paper was issued after the votes, suggesting that – rather than introduce elections – the appointments process for the House of Lords should be put onto a more rational basis. By this point the debate over meaningful territorial representation or functions was largely closed, though the paper did note with respect to appointments that 'We wish to see a mix of independent members that are representative of the nations and regions of the UK' (Department for Constitutional Affairs 2003: 53, 44). As the House of Commons had only recently rejected the notion of a wholly appointed second chamber, the proposals in this paper got no further.

Two years later there was an attempt by a senior cross-party group of parliamentarians – including Robin Cook, who had since left the government, and Tony Wright, the chair of the Public Administration Select Committee – to revive the Lords reform debate. Their jointly-produced report, which included a draft bill, proposed a 70% elected second chamber. This group expressed some interest in the possibility of indirect election of representatives for the nations and regions, but noted that 'it [had] not been proposed by any major group so far considering Lords reform', and that 'there [had] been little interest amongst the devolved assemblies themselves, or from local government, in this form of



representation'. In addition, 'particularly following the recent failure of the referendum in the North East ... [there was] no obvious basis for electing English members' (Tyler et al. 2005: 26-27). The paper hence proposed, like its predecessors, direct election using regional boundaries, with the distribution of seats based on population.

This demonstrates how, even among senior political actors interested in principle in creating a territorial second chamber, opportunities to achieve this seemed limited and the primary concern was with increasing the proposed proportion of elected members. This was the argument that dominated public debate, with proponents of a high elected proportion demanding a more electorally legitimate second chamber, and opponents fearing the effects on the chamber's relative power in relation to the House of Commons. Very little energy was focussed on strengthening the possible role of the second chamber regarding devolution, and there was no political campaign for such a change, in the absence of interest from the (by now increasingly established) devolved bodies.

Over the subsequent years, proposals regarding devolution and House of Lords reform continued in parallel, but rarely overlapped. The government became increasingly open to the arguments in favour of a majority-elected second chamber. A third post-Wakeham White Paper proposed a 50% elected chamber, and noted that indirect election of some kind (not necessarily territorial, but perhaps instead for example based on vocational groups) could avoid conflicts over legitimacy, but that there would be 'inevitable arguments about who would comprise the electoral colleges', and that the Royal Commission had dismissed this option (Cabinet Office 2007: 33). The paper made no recommendations whatsoever about powers and functions – only composition. It was followed by a further set of free votes in the House of Commons, in which a majority of MPs this time supported either an 80% or 100% elected chamber. A government White Paper in response set out broad principles for an 80% directly elected variant, making no mention of other territorial options. This paper noted that 'Proposals for indirect electoral systems for the second chamber have been put forward on a number of occasions but have never gathered a great deal of support' (Ministry of Justice 2008: 23).

The Labour government, which remained fundamentally divided on the question of elections to the Lords, did not attempt to legislate for this solution. Its only legislative proposals for Lords reform were some far more incremental proposals in the Constitutional Reform and Governance Bill 2009-10, which would have removed the



remaining hereditary peers and allowed life peers to retire. However, even these minor measures were dropped when the bill ran out of time before the 2010 general election.

Labour lost this election, which resulted in the Conservatives again being the largest party – but short of a House of Commons majority. The Conservatives hence formed a coalition government with the Liberal Democrats. The latter party, as already indicated above, had long sought radical Lords reform. However, its primary interest was in an elected second chamber, rather than one necessarily performing any kind of meaningful territorial role.

The minister responsible for Lords reform was the Liberal Democrat Leader, and Deputy Prime Minister, Nick Clegg. A year after the general election he produced a draft government bill for consultation, alongside a White Paper. This followed very naturally from the recently preceding proposals by, first, supporting a chamber that was 80-100% directly elected using regional boundaries and, second, giving virtually no attention to the functions of the chamber, only to its composition. In terms of functions the paper suggested in summary that ‘The reformed House of Lords would have the same functions as the current House’ (Cabinet Office 2011: 7). Even the use of regional boundaries was discussed only in the context of the electoral system, and justified by stating that ‘The Government considers it practical where possible to start from the basis of existing boundaries in use for elections in the UK’ (ibid: 16). Far from any suggestion that there should be non-population weighting, the document included a section entitled ‘Equally weighted votes’, which emphasised that there must be ‘broad equality in the potential weight of a vote across the country’ (ibid). This was a sensitive topic, as the Conservatives were keen to legislate to equalise the electorates of House of Commons constituencies, in the belief that the present system favoured Labour. Ultimately, the Conservatives and Labour jointly wrecked Nick Clegg’s plans for Lords reform, and in retribution his party blocked the Conservatives’ proposed boundary changes for the House of Commons.

The first step in parliamentary consideration of the Clegg proposals was establishment of a Joint Committee to review the draft bill. The proposals were highly divisive, and a wide range of opinions were represented on this committee – creating significant incentives to propose alternative schemes. But the Joint Committee report included no discussion of links to devolution. Among the evidence received was a submission from the Welsh Assembly, which did not argue for indirect election or any kind of territorial functions for



the second chamber – merely pressing for Wales to have a fair number of seats. Neither the Scottish Parliament nor the Northern Ireland Assembly submitted evidence. Nonetheless the committee did comment that, if the present proposals failed (as they shortly would), it ‘would like the Government to give further consideration to a nationally indirectly elected House as an alternative’ (Joint Committee on the Draft House of Lords Reform Bill 2012: 33). Its definition of indirect election was broad, including both territorial and vocational alternatives. Again, indirect election was mooted not in order to perform any specific territorial linkage function, but to avoid the competing legitimacy that the House of Commons might face if the second chamber were directly elected.

5.4. Post-2012 Proposals: a limited return to territorial models

Following the failure of the Clegg reforms there has been some revival of interest in territorial solutions. This may be partly due to the full range of options involving direct election having been closely considered and rejected. However it is more obviously linked to the mounting tensions over devolution, as the Scottish Parliament and Welsh Assembly have gained greater powers, and separatist voices have been more clearly heard. In particular several proposals emerged around the time of the Scottish independence referendum. These were driven by Unionist concerns, that at a time when the UK risked falling apart, a territorial second chamber might help to bind it together.

In late 2013, in the immediate run-up to the referendum, David (Lord) Steel – the former Liberal Leader (1976-88) and former Presiding Officer of the Scottish Parliament (1999- 2003), made a speech proposing a more joined-up approach to constitutional decision-making, through the establishment of ‘a UK constitutional convention’ (Steel 2013). He claimed that this could ‘bring some cohesion and principle to the developing governance of the United Kingdom. For the truth is that all of our recent institutions including the Scottish and European Parliaments have just grown up higgledy-piggledy’. This kind of convention might ‘organize a more genuinely federal-type style of government throughout the United Kingdom’. Central to such arrangements would be a reformed second chamber, where he harked back to the Bryce Commission proposals of 1918 – noting that a regional electoral college for selection of second chamber members could now extend beyond simply MPs, to include MEPs and members of the devolved legislatures. Lord Steel’s preferred model was for the second chamber to have 460



members, with slight overrepresentation for the three devolved areas (so that Scotland, for example, would hold 40 seats), of which 100 would be reserved for non-party representatives. This speech, however, made little impact and led to no subsequent action.

The next year Gordon Brown, the former Labour Prime Minister (2007-10), published a book reflecting on the place of his native Scotland in the UK. This made quite vague proposals for ‘a senate of the regions and nations, elected by the people, responsible for bringing regions and nations together, and finding a way of ensuring that where one measure offends one part of the country this is taken into account in making final decisions’ (Brown 2014: 328-29). Brown had campaigned passionately for Scotland to remain part of the UK, and clearly hoped that such a second chamber would serve the Unionist cause. The proposals were not far developed, but were closely echoed by those from his successor as Labour Leader, Ed Miliband (who had previously worked as a researcher for Brown). In November 2014, immediately after the referendum, Miliband made a speech calling for the second chamber to be ‘truly a senate of the regions and nations of our whole country’. According to one account (Labour List 2014):

The Labour leader wants the new chamber to be based on representation of the regions and the four nations of the United Kingdom to ensure that there’s great diversity in terms of where members of the upper chamber come from. This will take place on a regional basis, to avoid conflicting with the primacy of the Commons, and will see the Senate taking on a specific, defined and separate role from the Commons.

However, this role was nowhere spelt out, and the only firm pledge was to put the idea to a constitutional convention. The commitment to ‘replacing the House of Lords with an elected Senate of the Nations and Regions’ then went on to appear in Labour’s manifesto for the 2015 general election, alongside a promise to ‘set up a people-led Constitutional Convention’ focused on the remaining tensions over devolution (Labour Party 2015: 84). However Labour lost this election, after which Miliband immediately resigned as party leader. His successor, Jeremy Corbyn, has as yet shown little interest in Lords reform.

One further intervention has since been made by another senior political figure – David (Lord) Owen, a former Labour cabinet minister who was leader (1983-87) of the short-lived breakaway party the SDP. He went further than all of the previous proposals, to



suggest a ‘UK Federal Council’ modelled on the German Bundesrat (Owen 2016). This would have given strongly weighted representation (of between 3-6 seats) to the existing devolved areas, plus the eight ‘city regions’ in England possessing newly elected mayors. However this body was not intended to replace the House of Lords, but exist alongside it. The proposals were relatively underdeveloped and have received little political attention. Meanwhile proposals for the Lords itself have moved on from any kind of ‘grand plan’ to more modest measures intended to constrain the chamber’s size (Lord Speaker's Committee on the Size of the House 2017).

6. Key obstacles to creating a UK territorial second chamber

The preceding section shows that House of Lords reform has been much discussed in the UK over the last century, and particularly the past 20 years. Numerous proposals have been made to reform the second chamber – while at the same time devolution has been established, and gradually developed, across the nations of the UK. At times connections have been made between these two sets of developments, with frequent calls for representation for the nations and regions in the second chamber. But such proposals have repeatedly stalled, and the idea of a strongly territorial second chamber has never captured the public imagination. The obvious question, reflecting on this history, is why such repeated failures have occurred. Several factors emerge from the account above.

An obvious one, affecting calls for Lords reform of any kind, is the worldwide phenomenon that achieving second chamber reform is almost always very difficult (Russell and Sandford 2002). This flows in part from the ‘essentially contested’ (Mughan and Patterson 1999: 338) nature of second chambers, which exist to challenge first chambers, and at the same time must have a different logic of representation in order to be effective. Both of these aspects cause controversy. Specific obstacles to reform include the various vested interests who may wish to maintain the status quo, conflicts between those who seek to strengthen the second chamber and those who prefer to weaken it, low public salience, plus general constitutional rigidity. Although the UK has an unwritten and famously ‘flexible’ constitution, others of these factors have contributed to Lords reforms being only occasional and incremental, rather than decisive and large-scale (Ballinger 2012).



Meanwhile, since the 1999 reform, the existing House of Lords is seen as a relatively effective body (Russell 2013).

A second factor more specific to the UK flows from its constitutional flexibility. Unlike many other states, the UK has never had a constitutional ‘moment’ – for example after war, dictatorship or revolution – which has forced it to construct a new constitution from scratch. Instead constitutional developments have been piecemeal and ad hoc. Consequently debates on territorial politics and bicameralism have proceeded in parallel rather than being resolved in a single package. Other countries that have constructed coherent packages of territorial reform have done so in very different circumstances. This ad hoc UK pattern also applies to devolution itself – the new institutions in Scotland, Wales, Northern Ireland and London were legislated for separately rather than in a unified statute, with each institution having different powers. Meanwhile, most of England has no similar body. Such patchy and piecemeal arrangements make a typically ‘federal’ second chamber difficult to envisage. Notably, one of the most ambitious proposals came from the Kilbrandon Commission minority report in 1973, whose authors sought unsuccessfully to pursue an all-round system of devolution.

In addition, other aspects of the devolution settlement make typical federal-type arrangements difficult. UK devolution, initially in Scotland and Northern Ireland and now increasingly also in Wales, has been based on a clean separation of policy responsibilities between the UK and the devolved level. There is no clear category of ‘shared’ or ‘concurrent’ competencies such as exists in most decentralised states. Consequently there is no strong rationale for representatives of the devolved bodies to sit at Westminster and little shared policy to discuss. This can help to account for the consistently underdeveloped nature of proposals for territorial *functions* in a UK second chamber, as opposed to territorial *representation*.

This links to a fourth point: that little interest has ever been shown by the devolved bodies themselves in developing links via the UK second chamber. Partly a product of the lack of shared powers, this also reflects key features of the UK party system. In the early years of devolution Labour controlled the UK government, and the administrations in Scotland, Wales and London, allowing negotiations to operate through intra-party mechanisms. Subsequently the primary challenge to Labour (particularly in Scotland) has come from nationalist/separatist parties, which have no desire strengthen the bonds at the



UK centre. Unionist parties, meanwhile, do not wish to construct a stronger national platform for such voices. Similar tensions are seen in Spain and Canada, where separatist parties resist dealing with the shortcomings of the second chamber as a truly territorial body (Russell 2001).

Finally, Russell and Sandford (2002) note that second chamber reform can fail due to becoming entangled in other constitutional and political arguments – most obviously, over the nature of federalism or decentralisation. In the UK this entanglement has barely existed or been an obstacle. Instead the dynamic has almost operated in reverse – debates about territorial representation in the second chamber have been eclipsed by fundamental disagreements over the role of elections to such a body, and questions of democratic legitimacy. This polarised debate – between proponents and opponents of direct election – has squeezed out discussion of other models (such as indirect election or ex officio membership) which could have linked the second chamber to the devolved institutions.

7. Conclusions

The British case hence holds some lessons for the design of territorial second chambers in general, but also has its own unique features. The piecemeal nature of devolution in the UK, and in particular the lack of uniform devolved institutions in England, alongside the extensive powers devolved to other areas, have presented real challenges for the design of a meaningful ‘second chamber of the nations and regions’. Even those who have seen the merits in principle of such a body have struggled to set out a convincing blueprint.

Some moments in the debate over the last century might in retrospect be seen as missed opportunities. The Bryce report of 100 years ago did not – despite the high resonance of ‘home rule’ debates at the time – propose any very convincing form of territorial representation, and ultimately anyway failed to result in change. The Kilbrandon Commission of the 1970s took a pragmatic and demand-led approach to devolution, focusing on Scotland and Wales, which ultimately set the path for the uneven devolution of the 1990s. Had its minority report been implemented, an all-round system of devolution might have been cemented through a strongly territorial second chamber. However the approach of the majority report was less idealistic and ambitious, and far more in line with the British way. Another 25 years on, the Royal Commission on the Reform of the House



of Lords was less bold than it could have been, but was faced with a difficult environment, where devolution was incomplete and there was no bottom-up demand for strong territorial representation in the second chamber from the devolved areas themselves.

A final question is whether implementation of any of these schemes might have helped to stabilise UK territorial politics. Although derided for caution at the time, even the Royal Commission's small proportion of directly elected second chamber members might have had some impact. Like the elected members of the Australian Senate, they would have injected greater territorial diversity into the Westminster party groups – perhaps most obviously strengthening the Scottish and Welsh Conservatives. Post-2015, Scottish representation in the House of Commons under the 'first past the post' system has resulted in overwhelming dominance by the SNP. Even a modest sprinkling of second chamber members from other parties could perhaps have made Scottish politics feel less detached from the rest of UK politics than it currently appears – particularly in the context of 'Brexit'. The recent revived interest in territorial solutions seeks to heal these divides, but could prove to be too little too late.

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^I Members of the House of Lords are appointed on a national basis and have no form of 'constituency', although their titles do indicate a notional geographical affiliation (e.g. 'Lord Jones of Birmingham'). The exception in terms of members with any more formal territorial link are the bishops, each of whom represents a diocese. But even they collectively all represent the Church of England as a whole, and indeed see themselves as representing people of faith more generally.

^{II} The restrictions on the House of Lords' power over ordinary legislation apply only to bills beginning their passage in the House of Commons. Around one third of bills (usually less controversial measures) begin their passage in the House of Lords, where the veto continues to exist.

^{III} There were also a very small number of 'life peers' appointed under the Appellate Jurisdictions Act 1876 for their judicial expertise, in order to contribute to the House of Lords' function as the UK's highest court (which ended in 2005, when a Supreme Court was established).

^{IV} For a broader and more general analysis of reform proposals over this period, beyond the territorial aspect, see Russell (2013).

^V The Liberal Party was a precursor to the current Liberal Democrats, which in turn resulted from a merger between it and the Social Democratic Party in 1988. Lord Steel is also a former Presiding Officer of the Scottish Parliament, and appears as a proponent of a territorial second chamber later in the paper.

^{VI} The Commission put forward three slightly differing models, each comprising a different proportion of elected members. Its preferred option was for 87 regional members in a chamber of 550 (15.8%).

^{VII} The Liberal Democrats, and their predecessor parties, had a long-standing commitment to regional representation in a directly elected second chamber. For example the Liberal Party manifesto of 1979 pledged that 'The House of Lords should be replaced by a new, democratically chosen, second chamber which includes representatives of the nations and regions of the United Kingdom, and UK members of the European Parliament'. The 1987 Liberal-Social Democratic Party Alliance manifesto stated that 'The Alliance will work towards a reform of the second chamber linked with our devolution proposals so that it will include members elected from the nations and regions of Britain and will phase out the right of hereditary peers to vote in the Lords' (quoted in Steel 2013).

^{VIII} For more detailed discussion see Russell (2013).



^{ix} Only William Hay, Presiding Officer of the Northern Ireland Assembly 2007-14 has subsequently been appointed.

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