



HOUSE OF LORDS

Role and Work



The House of Lords is an essential part of the UK Parliament. One of Parliament's main jobs is to examine bills and approve new laws. The Lords plays a crucial role in the process, debating the main principles, scrutinising their content line by line and suggesting improvements.

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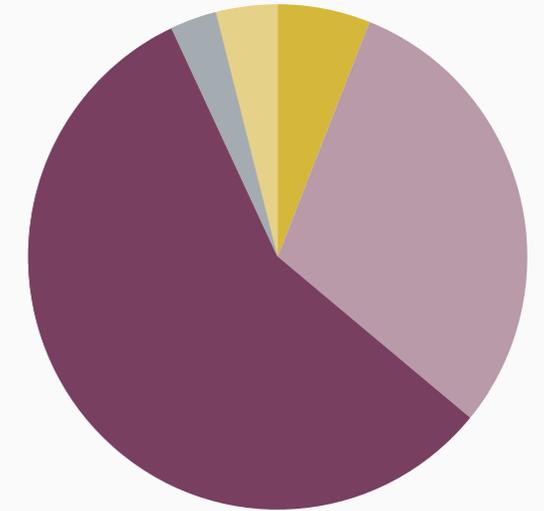
Role and work

The House of Lords has three main functions within the UK Parliament:

- to question and challenge the work of the government
- to work with the Commons to shape laws
- to investigate issues through committees and debates.

How the House spends its time in the chamber

Members spend over 50 per cent of their time in the House considering bills (draft laws). Their work helps to ensure all new laws are well drafted, effective and workable.



Legislation 57%

Debating policy issues 30%

Questioning government 6%

Statements 4%

Other* 3%

Source: House of Lords sessional statistics 2015-16

* Includes member introductions, daily prayers, adjournments and other formal business

Scrutinising and challenging

The Lords holds the government to account for its decisions and actions through questions and debates in the chamber, where government ministers must respond. If a particular event is happening, like a foreign war or health crisis, the Lords can ask government what they propose to do.

Questions

Every sitting day the Lords has the opportunity to question government on their actions and decisions. A 30-minute question time takes place at the start of business in the chamber from Monday to Thursday. A maximum of four questions are posed by members, the fourth question is usually a topical one. These can be on any subject – local, national or international – for which the government is responsible. Once the government spokesperson has answered there is then a chance for a short exchange of related, or 'supplementary', questions. The government spokesperson must answer each one.

Questions are also asked in writing and the government must respond within two weeks.

Statements

The government announces important policy initiatives and reports on national and international issues in the chamber. Statements are usually made in both Houses and are followed in the Lords by an opportunity for members to ask questions and make observations.

Debates

Members hold debates on public policy and specialist issues most days. Debates allow members to put their experience to good use by drawing the government's attention to particular concerns. The breadth and diversity of membership is reflected in the huge range of subjects considered.



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Shaping laws

Parliament checks and approves bills affecting a broad range of people and policy areas. The House of Lords plays its part by scrutinising the bills carefully and using its powers to persuade the government and the Commons to agree to a variety of changes.

Making a difference

In recent years, the House has persuaded the government to make policy changes on a diverse range of issues.

These include:

- delaying cuts to tax credits until protections for low paid workers are in place
- relocating unaccompanied refugee children from Europe to the UK
- safeguards for immigration-related detention of vulnerable people, particularly pregnant women
- electronic voting for industrial action ballots
- protecting landlord and tenant money in a client money protection scheme for property agents
- banning smoking in cars that carry children
- ensuring that children with special educational needs are afforded the same legal protection in academies as in other mainstream schools.

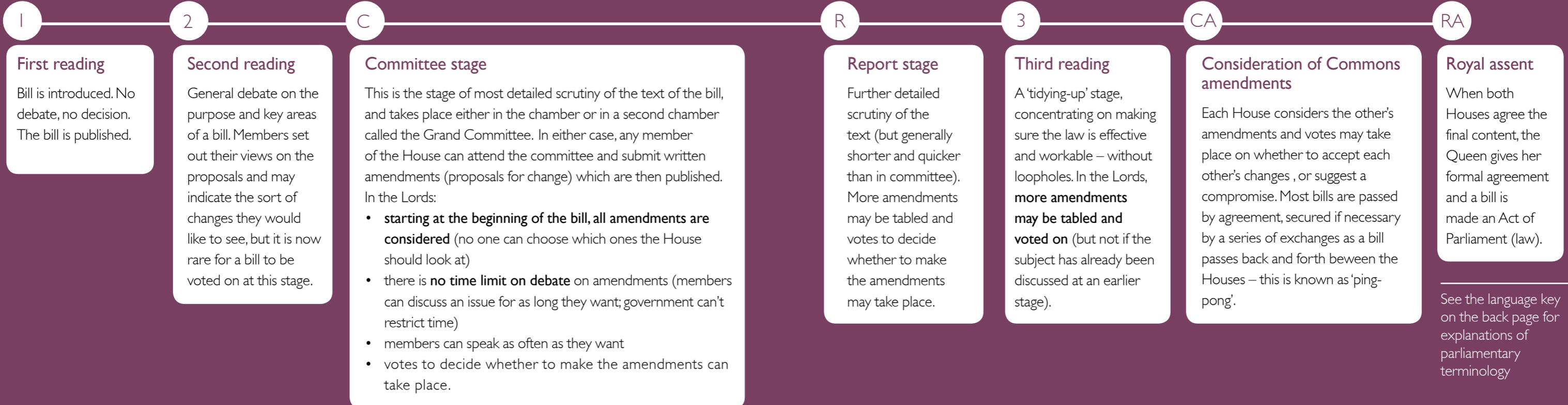


Law making stages in the Lords

Bills can start in either House of Parliament but must be agreed by both to become law. The stages of examining bills are the same in both Houses, but the rules and the way each House works during these stages are different – this is what happens in the House of Lords.

Quick guide to amendments (proposals for change)

- Any member may table an amendment.
- They can be debated at three stages: committee, report and third reading.
- Amendments are numbered and placed on the 'marshalled list'. This document lists each amendment in the order it affects the text of a bill.
- Amendments may be grouped by theme before the debate to save time.
- The House debates whether to accept or reject an amendment.
- If the government resists an amendment, the member who put it forward can either withdraw it or call a division (vote).
- Members vote on amendments by walking through either the 'content' or 'not content' lobby.



See the language key on the back page for explanations of parliamentary terminology

Types of bills

There are three different types of bills: public, private and hybrid. Bills can be introduced by the government, individual Lords and MPs, and private individuals or organisations.

Public bills

These are bills which relate to public policy. Public bills may start in either House. The title of a bill which starts in the Lords is followed by the initials '[HL]'.

Most major bills are introduced by ministers on behalf of the government and are outlined in the Queen's Speech which sets out the government's plans for each parliamentary session.

Public bills introduced by a backbench member are called private members' bills (and should not be confused with private bills). Members of the Lords have an unrestricted right to introduce these bills; however, because time is limited, only a small number may be debated and only bills which command general support in both Houses will succeed in becoming law.

Private bills

These bills are promoted by bodies outside Parliament, such as local authorities or Transport for London, who are seeking special powers. They contain provisions which explicitly apply to a particular group rather than the public as a whole, eg regulation of toll bridge tolls.

Private bills may begin in either House. Procedure is broadly the same in each. Almost all of their consideration takes place off the floor of the House, where those whose interests are affected can make their representations to a select committee.

Hybrid bills

These are private bills sponsored by the government, for example to deliver major infrastructure projects. A hybrid bill initially goes through the same procedures as a private bill where, if petitions opposing the bill are presented, it is then sent to a select committee. After this stage it is then treated as a public bill.

A recent example of a hybrid bill is the Crossrail Bill. Introduced in May 2005, the proposal to build a new east to west rail link through central London affected a large number of private interests. The Crossrail Bill became law in July 2008. In November 2013, the High Speed Rail (London – West Midlands) Bill was introduced into Parliament which is also hybrid. The Bill provides for a new, north-south railway to run between London, Birmingham and the West Midlands.

Powers of the House of Lords

As the second chamber of the UK Parliament, the House of Lords does not have the same powers as the House of Commons, but it retains the right to scrutinise the government's actions, supplying a crucial check on the power of the executive.

The Parliament Acts

The Parliament Acts 1911 and 1949 are rarely invoked but provide a legislative framework and a means of solving disagreements between the Commons and the Lords. The acts define the powers of the House of Lords in relation to public bills, including money bills (those dealing with raising and spending money).

Money bills – start in the Commons and can become law within one month of being sent to the Lords, even if not passed by the Lords. A recent example was the Finance Bill 2013.

Other public bills – the Lords can no longer veto other Commons bills permanently but instead can delay them for at least a year from the date they were originally given a second reading in the Commons.

Certain bills are not subject to the Parliament Acts. These are:

- bills which start in the Lords
- bills prolonging the length of Parliament beyond five years
- private bills
- bills sent up to the Lords less than a month before the end of a session.

Since 1949, four acts have become law under the provisions of the Parliament Acts:

- War Crimes Act 1991
- European Parliamentary Elections Act 1999
- Sexual Offences (Amendment) Act 2000
- Hunting Act 2004.

The Salisbury Convention

This convention ensures that government bills which have appeared in election manifestos can get through the Lords – even when the government has no majority in the second chamber. The convention emerged from the working arrangements reached during the Labour government of 1945-51 (when the Marquess of Salisbury was Leader of the Conservative opposition in the Lords).

Considering the small print

Delegated legislation – also known as secondary or subordinate legislation – fills in the gaps in Acts of Parliament, providing many of the specific details and practical measures that make a law complete and enforceable. These details are provided in regulations, orders or rules, known generally as statutory instruments (SIs).

How delegated legislation works

The power to make delegated legislation is, as the name suggests, delegated to ministers, so SIs are subject to considerably less parliamentary control than bills. For this reason, it is particularly important that delegated legislation is kept under close scrutiny.

The House of Lords has two committees dedicated to this, each focusing on a different stage in the legislative process:

- Delegated Powers and Regulatory Reform Committee
- Secondary Legislation Scrutiny Committee (formerly the Merits Committee).

There is also a joint committee with members from both Houses which scrutinises the legal aspects of SIs.

Levels of delegation

The Act sets out its level of control over the exercise of a delegated power. These are the main levels of parliamentary scrutiny:

None at all

Sometimes Parliament may decide that it does not need any control over the exercise of a power, eg over the closing of a main road for roadworks.

Negative instruments

The minister's proposals become law without a debate or formal decision in Parliament, but can be opposed and, are occasionally rejected.

Affirmative instruments

The most important delegations of power are subject to affirmative resolution. Normally, they cannot come into effect until both Houses have formally approved them. There are some affirmative SIs that come into effect immediately, but cease to have effect unless both Houses approve the SI within a certain period of time.

Before an Act is made: checking delegated powers

The Delegated Powers and Regulatory Reform Committee examines the text of all bills before they receive detailed consideration in the House of Lords to ensure that the level of delegated power to make SIs is appropriate and will receive the right level of scrutiny. If it is not, the committee reports to the House to recommend changes or seeks clarification of the government's intent.

This committee has earned a formidable reputation as a 'watchdog' over the granting of ministerial power and the government almost always accepts its recommendations.

After an Act is made: checking delegated legislation

The Secondary Legislation Scrutiny Committee (formerly the Merits Committee) considers all SIs laid before the House to assess whether they seem likely to achieve their stated policy objective.

The committee reports weekly, drawing to the attention of the House those SIs which it judges to be either interesting or flawed. See examples on the Committee's webpage <http://parliament.uk/seclegscrutiny>.

Find out about examples of how the House of Lords makes a difference, including the Secondary Legislation Scrutiny Committee's work on tax credits, in *Work of the House of Lords*.

www.lordspublications.parliament.uk

Investigating issues

The House of Lords examines important areas of UK public policy through debates and in its select committees. Members use their professional experience to carry out investigative, subject-focused work – committees are a valuable way for members to provoke discussion outside Parliament and make recommendations to government.

What are committees?

Committees are small groups of members, appointed by the House to conduct certain tasks on its behalf, which meet outside the chamber. They consider specific policy areas or issues – ranging from short, narrowly focused investigations to broad, long-term inquiries – and usually produce reports on their findings. In addition, some committees are appointed jointly with the House of Commons, for example to conduct pre-legislative scrutiny (looking at a bill and making recommendations on how to improve it, before it is introduced in either House).

One-off, or 'ad-hoc', committees are set up if the House decides to investigate a subject outside these areas. Recent examples include committees on the long-term sustainability of the NHS and financial exclusion.

Recent reports called the government to account on:

- the impact of Scottish devolution on the UK
- the UK's exit process from the EU
- making the most of the UK's status as a world leader in GM insects research.

How committee work happens

Investigations usually run for between three months and a year (depending on the subject). Once formed, a committee:

- decides on a subject to investigate
- issues a 'call for evidence' – asking any interested people or organisations for input in writing
- holds public meetings to hear from people (and sometimes visits places and organisations)
- meets to discuss and study the 'evidence' gathered
- drafts and considers a report
- agrees and publishes a report
- debates the report in the chamber – any member of the House of Lords may take part
- follows up the government's response.

See Guide to Work in Committees for more information

House of Lords investigative committees

While their membership changes, most Lords committees are longstanding. Their remits are broad, allowing them to look at both long-term and urgent issues. They may also revisit subjects covered in previous inquiries to assess the impact of their recommendations.

- **Communications Committee**
Investigates public policy areas related to the media, communications and creative industries and highlights issues to the House.
- **Constitution Committee**
Investigates matters relating to the constitution to ensure that any changes are scrutinised and properly thought through, and considers the constitutional implications of all government bills.
- **Economic Affairs Committee**
Reviews the performance of the economy, investigates current economic issues and reports to the House, making recommendations for government action.
- **International Relations Committee**
The House's newest permanent committee considers the UK's international relations.
- **European Union Committee**
The committee considers key EU policies, examines draft EU laws and keeps a check on government action at EU level. In the wake of the EU referendum in June 2016, its focus has moved towards scrutiny of the UK's EU withdrawal.
- **Science and Technology Committee**
Investigates public policy towards science, areas which are, or ought to be, informed by scientific research and technological challenges and opportunities. It reports to the House with recommendations for government action.

Find out more about committee work in briefings on the investigative committees: www.lordspublications.parliament.uk



Language key

Act of Parliament	Law
Amendment	Proposal for change
Bill	Draft law
Committee of the whole House	A sitting at committee stage in the chamber; votes may take place
Content/not content	Agree/disagree
Division	Vote
Grand committee	A sitting at committee stage in a room outside the chamber; no votes take place but any member can take part
Legislation	Laws and the process of making them
Money bill	Bills that deal with national taxation, public money or loans and their management
Public bill	Bills which relate to public policy
Private bill	Bills which mostly apply to specific groups or individuals rather than the public as a whole
Private member's bill	A public bill introduced by an individual peer or MP
Statutory instruments	A form of legislation which allows the provisions of an Act to be later brought into force or altered without Parliament having to pass a new Act. They are used to provide many of the specific details and practical measures that make a law complete and enforceable.
To table	Propose, or put forward (an amendment, for example)

Find out more

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