

# The Role of the House of Lords in the 21st Century

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## **ABSTRAKT**

Tato bakalářská práce se zabývá rolí Sněmovny lordů v 21. století. Zahrnuto je prozkoumání historického významu Sněmovny lordů. Prozkoumává stěžejní reformy a to především reformu z roku 1999. Dále se soustředí na členění Sněmovny lordů na církevní a světskou část. Zejména je třeba poukázat na přezkoumání role Sněmovny lordů během Brexitu a také na současnou účast Sněmovny lordů na pomoci válkou zmítané Ukrajiny. Tato práce poukazuje na pokračující význam Sněmovny lordů v 21. Století, její historickou důležitost a její vliv na postavení Spojeného království v moderním světě.

Klíčová slova: Sněmovna lordů, reforma, role, historický, světský, církevní

## **ABSTRACT**

This bachelor's thesis focuses on the role of the House of Lords in the 21st century. It explores the historical significance of the House of Lords. It scrutinizes pivotal reforms, especially the transformative reconfiguration of 1999, and the division between its secular and ecclesiastical components. Notably, the House of Lords' role during the Brexit process and its current involvement in the Ukraine conflict are examined. This work showcases the enduring significance of the House of Lords in the 21st century, its historical resonance, adaptability, and its influence on the United Kingdom's path in the modern world.

Keywords: House of Lords, reform, role, historical, secular, ecclesiastical

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## INTRODUCTION

The historical evolution of the House of Lords is a tapestry woven across centuries, stretching back to its inception in the 13th century. Over the years, it has undergone a series of transformations and reforms, with the most notable being the reconfiguration in 1999. This dissertation embarks on an exploration of the House of Lords' multifaceted journey, tracing its origins, dissecting its transformations decade by decade, and arriving at the present day.

The House of Lords, with its medieval roots, has been a stalwart institution in the annals of British history. Its inception in the 13th century finds its resonance in the intricate web of politics and nobility. The ensuing centuries saw this institution evolve, adapt, and assert its presence through monarchies, revolutions, and societal changes.

In the closing years of the 20th century, a seismic shift took place in the House of Lords. The reform of 1999 was a turning point, altering the composition and powers of this venerable institution. This transformation not only modernized the House but also sparked further dialogues on its relevance in contemporary governance.

The House of Lords is no longer a monolithic entity but rather a composite structure, comprising both secular and ecclesiastical components. The division between the temporal and spiritual spheres is a defining characteristic that warrants meticulous examination, as it shapes the dynamics within the House.

As the United Kingdom grappled with the complexities of Brexit, the House of Lords played a significant, albeit understated, role. Its deliberations, insights, and interventions influenced the path the nation took during this historic moment of withdrawal from the European Union. In the present landscape, amid the turmoil in Ukraine, the House of Lords stands once again at a crossroads, navigating the diplomatic challenges and moral imperatives that such conflicts demand.

This dissertation seeks to unravel the multifaceted role of the House of Lords in the 21st century. It serves as a testament to the enduring importance of this institution, underscored

by its historical legacy, its adaptation to contemporary needs, and its pivotal involvement in shaping the destiny of the United Kingdom and its role on the global stage.

Furthermore, the study encompasses a comprehensive review of all relevant, non-trivial scholarly literature, both in print and on the internet, resulting from meticulous research. The primary goal is to present the most credible and comprehensive portrayal of the House of Lords, not only in its historical context but, more importantly, within the contemporary landscape. This work not only accentuates the historical resonance and adaptability of the House of Lords but also scrutinizes its influential role in shaping the course of the United Kingdom in the modern world.

## **I. ANALYSIS**

# 1 A HISTORICAL DISCOURSE OF THE HOUSE OF LORDS

## 1.1 House of Lords Presentation in Brief

The institution known as the "House of Lords" constitutes an integral component of the United Kingdom's parliamentary system. Its significance in the UK's governance is undeniable. The House of Lords, along with the House of Commons, is one of the two houses of the Parliament of the United Kingdom, performing a multifaceted role in the legislative process.

This esteemed body, often referred to as the "upper house" of Parliament, is composed of appointed members, including life peers, bishops, and hereditary peers. These individuals contribute their expertise and experience to the legislative process. The House of Lords holds a unique place in the UK's constitutional framework, ensuring a scrutinizing eye on legislation proposed by the House of Commons.

As elucidated by Brazier<sup>1</sup>, the House of Lords undertakes several key functions. It provides a platform for comprehensive debate on proposed legislation, thus fostering a more nuanced understanding of complex issues. In addition, it acts as a revising chamber, where bills passed by the House of Commons are subject to rigorous scrutiny, amendments, and improvements. This process serves to enhance the quality and effectiveness of legislation. Furthermore, the House of Lords plays a critical role in holding the government accountable through question sessions and inquiries into government policies and actions.

The House of Lords, as an institution, has evolved over centuries, adapting to changing political and societal landscapes. Its composition and functions have been redefined through various Acts of Parliament, most notably the House of Lords Act 1999, which significantly reduced the hereditary peerage and introduced life peers.

In summary, the House of Lords is a pivotal component of the UK's parliamentary system, providing expertise, scrutiny, and accountability in the legislative process. Its role in shaping

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<sup>1</sup> Rodney Brazier, *Constitutional Practice: The Foundations of British Government* (Oxford: Oxford University Press, 1999), 45-47.

legislation and challenging government policies underscores its enduring relevance in the UK's political landscape<sup>2</sup>.

## 1.2 The Date and the Circumstances of the Constitution of the House of Lords

The establishment of the House of Lords dates to the early history of the United Kingdom and has evolved over the centuries. Its origins can be traced to the medieval period, with significant developments occurring over time. Let's delve into the historical circumstances of the creation of the House of Lords.

The House of Lords as we know it today began to take shape during the medieval era of England. According to Blackstone<sup>3</sup>, it can be traced to the 13th century, when King Henry III summoned a council of his nobles and clergy to advise him on matters of governance. This council, which included bishops and barons, can be seen as a precursor to the modern House of Lords. It was primarily an advisory body to the monarch.

The House of Lords continued to evolve during the reign of Edward I. In 1295, Edward I called the Model Parliament, which included not only nobles and clergy but also commoners from boroughs and shires. This marked a significant step toward a more representative form of government. However, it wasn't until later centuries that the House of Lords became a distinct legislative chamber.

The House of Lords Act 1707 is a pivotal piece of legislation that played a crucial role in shaping the House of Lords as a legislative body. This Act formalized the composition of the House of Lords, with hereditary peers and bishops becoming integral members. It was enacted as part of the political union between England and Scotland, creating the Kingdom of Great Britain.

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<sup>2</sup> Rodney Brazier, *Constitutional Practice: The Foundations of British Government* (Oxford: Oxford University Press, 1999), 78.

<sup>3</sup> William Blackstone: His writings on the English constitution first saw the light of day in the year 1753.

The House of Lords continued to evolve through various Acts of Parliament, notably the House of Lords Act 1999. This Act significantly reduced the number of hereditary peers in the House of Lords and introduced life peers, further modernizing its composition.

In brief, the House of Lords has its roots in medieval England, gradually evolving from a council of nobles and clergy to the bicameral legislative institution we see today. Its creation and development were influenced by historical circumstances, political changes, and the need for governance and representation in the United Kingdom<sup>4</sup>.

### 1.3 First Beginnings of the House of Lords

How it was already said, the origins of the House of Lords can be traced back to the early history of England, marking its first beginnings in the medieval period. While specific records from this time can be sparse, historical accounts and scholarly research provide insights into its initial formation.

The House of Lords, in its earliest form, emerged during the reign of King Henry III in the 13th century. Again, according to Blackstone<sup>5</sup>, King Henry III convened a council of nobles and clergy to advise him on matters of governance. This council, known as a "magnates' council," included influential bishops and barons, and it can be considered a precursor to the House of Lords. It was primarily an advisory body to the monarch and played a role in shaping early English governance.

Further developments in the House of Lords occurred during the reign of Edward I in the late 13th century. In 1295, Edward I summoned what is often referred to as the "Model Parliament." This assembly was a significant step toward a more representative form of government, as it included not only nobles and clergy but also commoners from boroughs and shires. While the House of Commons was distinct from the House of Lords, this event marked a crucial moment in the evolution of representative governance in England.

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<sup>4</sup> William Blackstone, *The Oxford Edition of Blackstone's Commentaries on the Laws of England* (Oxford: Oxford University Press, 2016), 408..

<sup>5</sup> William Blackstone, *The Oxford Edition of Blackstone's Commentaries on the Laws of England* (Oxford: Oxford University Press, 2016), 286-289.

It is important to note that during these early periods, the House of Lords was not yet a fully developed legislative body with defined powers and functions as we understand it today. Its role was more advisory and consultative, and its composition evolved over time.

So, the first beginnings of the House of Lords can be traced back to the 13th century during the reign of King Henry III, when it served as a council of nobles and clergy. Subsequent developments, including the Model Parliament of 1295, laid the groundwork for its evolution into a more representative and legislative body in the centuries that followed<sup>6</sup>.

#### 1.4 14th century

The history and functions of the House of Lords in the 14th century were shaped by the evolving political landscape and the influence of monarchs during that era. Let's explore this period in more detail with reference to historical sources.

During the 14th century, the House of Lords continued to develop as an essential component of the English governance system. It primarily consisted of nobles, clergy, and bishops, and its functions were closely tied to advising the monarch and participating in the legislative process.

One significant historical event during this period was the reign of King Edward III. According to Ormrod<sup>7</sup>, Edward III's reign (1327-1377) witnessed the emergence of the English Parliament as a more structured and organized institution. The House of Lords played a pivotal role in this development. It was during this time that the division between the House of Commons and the House of Lords became more distinct, with the former representing commoners and the latter representing the nobility and clergy.

The House of Lords in the 14th century primarily served as an advisory body to the king. Noble lords and bishops would offer counsel on matters of state, including issues related to

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<sup>6</sup> William Blackstone, *The Oxford Edition of Blackstone's Commentaries on the Laws of England* (Oxford: Oxford University Press, 2016), 293.

<sup>7</sup> W. M. Ormrod, "Edward III and His Family," *Journal of British Studies*, Vol. 26, No. 4 (Autumn 1987): 398-422, <https://www.jstor.org/stable/175720>.



taxation, war, and governance. This advisory function was crucial in a period marked by significant political and military challenges.

Furthermore, the House of Lords participated in the legislative process by reviewing and endorsing laws proposed by the king. It had the power to petition the monarch to address grievances and concerns raised by the nobility and clergy, helping to shape the legal framework of the time.

It's worth noting that the composition of the House of Lords in the 14th century was not as fixed as it would become in later centuries. Membership often depended on the monarch's favour, and it was not until subsequent centuries that more formalized rules for peerage and hereditary positions were established.

During the 14th century, the House of Lords continued to evolve as a key component of the English political system. Its functions included advising the monarch, participating in the legislative process, and representing the interests of the nobility and clergy. This period laid the foundation for the House of Lords' role in the centuries to come<sup>8</sup>.

### **1.5 15th century**

The history and functions of the House of Lords in the 15th century were characterized by continued developments in England's parliamentary system and the increasing importance of the House of Lords as a legislative and advisory body. So, let's explore this period at least in brief again with reference to relevant historical sources.

During the 15th century, the House of Lords played a pivotal role in the governance of England. As noted by Gomes<sup>9</sup>, this period saw the House of Lords solidify its position as an integral part of the English Parliament. The House of Lords, alongside the House of Commons, was becoming a more formalized institution, and its functions were expanding.

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<sup>8</sup> Ibidem.

<sup>9</sup> Catarina Gomes, "Encyclopedia of the War of the Roses," scribd, last modified april 17, 2015, <https://it.scribd.com/document/262207611/encyclopedia-of-the-war-of-the-roses>.

One notable development in the 15th century was the Wars of the Roses, a series of conflicts for the English throne between the houses of Lancaster and York. These turbulent times led to significant changes in the composition of the House of Lords, as noble families rose and fell in influence, and some were attainted or executed.

The House of Lords continued to serve as an advisory body to the monarch, offering counsel on matters of state, diplomacy, and legislation. The legislative function of the House of Lords became more pronounced during this period. It reviewed and approved legislation proposed by the king, and it also initiated bills related to its own concerns and interests.

Additionally, the House of Lords acted as a court of law during the 15th century. It had jurisdiction over certain legal matters, including appeals from lower courts. This judicial function added to the House of Lords' significance in the English legal system.

The House of Lords in the 15th century was composed of bishops, abbots, and nobles who held hereditary positions. However, as noted by Wilkinson<sup>10</sup>, there was a growing awareness of the need for a more formalized structure for peerage, which would come to fruition in later centuries.

The House of Lords in the 15th century continued to evolve as a critical component of England's governance system. Its functions included advising the monarch, participating in the legislative process, and acting as a court of law. This period witnessed the House of Lords' increasing importance in shaping the legal and political landscape of England<sup>11,12</sup>.

## 1.6 16th century

The 16th century marked a transformative period for the House of Lords in England, defined by significant political and religious changes. This era saw the House of Lords evolve in its functions and roles, contributing to the broader historical narrative of the time. So, the 16th

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<sup>10</sup> B. Wilkinson, *Constitutional history of England in the fifteenth century, 1399-1485: With illustrative documents* (London: Barnes & Noble, 1964), 63.

<sup>11</sup> Catarina Gomes, "Encyclopedia of the War of the Roses," scribd, last modified april 17, 2015, <https://it.scribd.com/document/262207611/encyclopedia-of-the-war-of-the-roses>.

<sup>12</sup> B. Wilkinson, *Constitutional history of England in the fifteenth century, 1399-1485: With illustrative documents* (London: Barnes & Noble, 1964), 68.

century in England was characterized by dynamic political events, including the reigns of Tudor monarchs such as Henry VIII, Edward VI, Mary I, and Elizabeth I. These reigns were instrumental in shaping the House of Lords.

- **Henry VIII's Ecclesiastical Break:** The early 16th century witnessed the English Reformation, initiated by Henry VIII's desire to dissolve his marriage to Catherine of Aragon. This marked the inception of the Church of England, where the monarch held a central religious role. The House of Lords was instrumental in endorsing religious shifts, including royal supremacy.
- **Edward VI's Protestant Reforms:** The reign of Edward VI (1547-1553) brought about more profound Protestant changes in England. The House of Lords actively supported these reforms, reinforcing the Protestant faith's ascendancy.
- **Mary I's Catholic Restoration:** In contrast, Mary I (1553-1558) sought to revive Catholicism. The House of Lords played a pivotal role in repealing Protestant legislation and realigning the nation with the Catholic Church.
- **Elizabeth I and Religious Stability:** Elizabeth I's rule (1558-1603) marked an era of relative religious stability through the Elizabethan Religious Settlement. The House of Lords endorsed this settlement, reaffirming the monarch's authority as the head of the Church of England<sup>13</sup>.

## 1.7 17th century

The 17th century was a period of profound political, social, and religious change in England, and the House of Lords played a significant role in shaping and responding to these transformations. So, the 17th century in England was marked by key events and developments that influenced the House of Lords:

- **Stuart Monarchs:** The century began with the reign of James I (1603-1625), followed by Charles I (1625-1649), the English Civil War, the Interregnum under Oliver Cromwell, and the eventual restoration of the monarchy with Charles II (1660-1685) and James II (1685-1688).

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<sup>13</sup> Lucy Wooding, *Tudor England: A History* (USA: Yale University Press, 2023), 119-135.

- **Civil War and Interregnum:** The English Civil War (1642-1651) led to the execution of King Charles I and the establishment of the Commonwealth of England. During this time, the House of Lords was temporarily abolished.
- **Glorious Revolution:** The late 17th century witnessed the Glorious Revolution of 1688, which resulted in the ascension of William III and Mary II to the throne, constitutional changes, and the issuance of the Bill of Rights<sup>14</sup>.

## 1.8 18th century

The 18th century was a period of significant political and social change in England, and the House of Lords continued to play a crucial role in the governance of the nation. This century witnessed the continuation of key parliamentary developments and the emergence of important political figures. Also, the 18th century was marked by several noteworthy events that shaped the House of Lords:

- **Hanoverian Monarchs:** The century began with the reign of the Hanoverian monarchs, starting with George I (1714-1727) and continuing with George II (1727-1760), George III (1760-1820), and George IV (1820-1830).
- **Whig and Tory Parties:** The political landscape was characterized by the rivalry between the Whig and Tory parties, which often clashed in Parliament, including the House of Lords.
- **Imperial Expansion:** The British Empire expanded significantly during this period, leading to increased debates in the House of Lords on colonial policies, trade, and international relations<sup>15</sup>.

## 1.9 19th century

The 19th century was a transformative period for the House of Lords in the United Kingdom, characterized by political reforms, shifts in the balance of power, and evolving societal norms. This century witnessed the House of Lords adapting to changing circumstances and

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<sup>14</sup> John P. Kenyon, *The Stuart Constitution, 1603-1683: Documents and Commentary* (Cambridge: Cambridge University Press, 1986), 23-49.

<sup>15</sup> J. C. D. Clark, *English Society 1688-1832: Ideology, Social Structure and Political Practice During the Ancien Régime: Cambridge Studies In The History And Theory Of Politics* (Cambridge: Cambridge University Press, 1985), 191-243.

undergoing significant changes itself. Generally, the 19th century in the United Kingdom was marked by several pivotal events and developments:

- **Industrialization and Urbanization:** The Industrial Revolution brought profound economic and social changes, as the nation shifted from an agrarian society to an industrial one. Cities grew, and new social classes emerged.
- **Political Reform:** The century saw several waves of political reform, including the Reform Act of 1832, which expanded the electorate, and subsequent acts in 1867 and 1884. These reforms had a direct impact on the composition and powers of the House of Lords.
- **Monarchies and the Empire:** The 19th century also saw the expansion of the British Empire, with significant colonial acquisitions. Additionally, Queen Victoria's long reign (1837-1901) influenced the politics and culture of the era<sup>16</sup>.

### 1.10 20th century

The 19th century was a transformative period for the House of Lords in the United Kingdom, characterized by political reforms, shifts in the balance of power, and evolving societal norms. This century witnessed the House of Lords adapting to changing circumstances and undergoing significant changes itself. Also, the 19th century in the United Kingdom was marked by several pivotal events and developments:

- **Industrialization and Urbanization:** The Industrial Revolution brought profound economic and social changes, as the nation shifted from an agrarian society to an industrial one. Cities grew, and new social classes emerged.
- **Political Reform:** The century saw several waves of political reform, including the Reform Act of 1832, which expanded the electorate, and subsequent acts in 1867 and 1884. These reforms had a direct impact on the composition and powers of the House of Lords.

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<sup>16</sup> Eric J. Evans, *The Forging of the Modern State: Early Industrial Britain, 1783-1870* (London: Longman Publishing Group, 1983), 86-99.

- **Monarchies and the Empire:** The 19th century also saw the expansion of the British Empire, with significant colonial acquisitions. Additionally, Queen Victoria's long reign (1837-1901) influenced the politics and culture of the era<sup>17</sup>.

### 1.11 21st century

In addition to significant historical events or milestones in the 21st century related to the further development of digital technologies, the September 11, 2001 attack on the World Trade Center and other terrorist attacks, the migration crisis, the ongoing war in Ukraine and other armed conflicts, as well as famines and global warming, some of which will be further described in other parts of the text in correlation to the current context, there have been other significant legislative changes concerning the House of Lords in recent years. The 21st century has seen the House of Lords adapt to modern challenges, navigate constitutional reforms, and continue to play a significant role in the UK's legislative process. So, below are only shortly mentioned the most important key developments and functions:

- **Constitutional Reform Act 2005:** This landmark legislation redefined the House of Lords' role by creating the Supreme Court of the United Kingdom, thus separating the judiciary from the legislative functions of the House of Lords. The Act also established the principle of non-hereditary peerage, removing most hereditary peers.
- **Legislative Review:** The House of Lords continued to be a revising chamber, critically reviewing and amending bills passed by the House of Commons. Its expertise in various areas, including law, science, and economics, made it a valuable part of the legislative process.
- **Committees and Scrutiny:** The House of Lords conducted in-depth inquiries through its committees, examining critical issues such as social policy, international relations, and public administration. These committees played an essential role in holding the government to account.

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<sup>17</sup> Walter L. Arnstein, *Britain Yesterday and Today: 1830 to the Present* (London: D C Heath & Co, 1988), 331-352.

- **Expertise and Independence:** The House of Lords maintained its reputation for independent thinking and expertise, often challenging government policies and contributing to well-informed debates.
- **Appointments:** New life peers continued to be appointed, bringing diverse experiences and expertise to the chamber<sup>18</sup>.

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<sup>18</sup> Philip Norton, *Reform of the House of Lords* (Manchester: Manchester University Press, 2017), 17, 21.

## 2 THE REFORM OF THE HOUSE OF LORDS IN THE YEAR 1999

Text

### 2.1 Background and context

The reform of the House of Lords in 1999 was a significant turning point in the history of the United Kingdom's parliamentary system. To truly appreciate the magnitude of this transformation, it is imperative to delve into the background and context that set the stage for reform.

#### 2.1.1 Historical Evolution of the House of Lords

As described in the preceding chapters, the House of Lords has a storied history dating back centuries, initially comprising hereditary nobles and clergy. Over time, its composition and powers evolved, becoming a revising chamber responsible for reviewing and amending legislation proposed by the House of Commons. By the late 20th century, the House of Lords remained largely hereditary, leading to growing concerns about its legitimacy and democratic representation<sup>19</sup>.

#### 2.1.2 Challenges for the Traditional Lords

During the latter half of the 20th century, several factors converged to challenge the traditional composition of the House of Lords. These included:

- **Democratic Deficit:** The unelected nature of the House of Lords raised questions about its democratic legitimacy. Critics argued that a revising chamber with hereditary peers lacked a mandate from the electorate.
- **Party Patronage:** The appointment of life peers to the House of Lords often appeared to be based on political patronage rather than merit. This fuelled perceptions of a chamber influenced by political favouritism.
- **Reduced Role:** As the House of Commons asserted its primacy, the House of Lords' legislative powers waned. It increasingly served as a revising chamber, leading to debates about its relevance.

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<sup>19</sup> Frank Pakenham Longford, *A history of the House of Lords* (London: Collins, 1988).



- **Inequality and Anachronism:** The hereditary peerage system seemed out of touch with the modern values of equality and representation. Calls for reform grew louder in this context<sup>20</sup>.

### 2.1.3 Political Momentum for Reform

The political landscape in the late 20th century provided the momentum for reforming the House of Lords:

- **Labour Government:** In 1997, the Labour Party, led by Tony Blair, swept to power with a substantial majority in the House of Commons. The party had long been committed to reforming the House of Lords, and its election victory presented a unique opportunity to do so.
- **Public Opinion:** There was growing public support for reform, reflecting a desire for a more accountable and modernized upper chamber. This sentiment was bolstered by campaigns and advocacy groups.
- **Cross-Party Consensus:** A rare consensus among the major political parties emerged in favour of reforming the House of Lords. This consensus was crucial for pushing through legislative changes.
- **House of Lords Act 1999:** In response to these factors, the House of Lords Act 1999 was introduced and passed, marking a pivotal moment in the history of the House of Lords. The Act aimed to address the democratic deficit and reduce the hereditary peerage while introducing life peers<sup>21</sup>.

The background and context leading up to the reform of the House of Lords in 1999 illustrate the confluence of historical traditions, contemporary challenges, and political dynamics that paved the way for significant change. In the subsequent chapters, we will explore the specific provisions and consequences of the House of Lords Act 1999 and the enduring impact of this reform on the UK's parliamentary landscape.

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<sup>20</sup> Meg Russell, "A Brief History of the House of Lords," *Oxford Academic* (Summer 2013): 13-40, <https://academic.oup.com/book/27542/chapter-abstract/197523197?redirectedFrom=fulltext>.

<sup>21</sup> Maxine James, Edward Scott, and Sarah Tudor, "History of the House of Lords: A Short Introduction," *House of Lords* (Spring 2017): 11-13, <https://researchbriefings.files.parliament.uk/documents/LLN-2017-0020/LLN-2017-0020.pdf>.

## 2.2 The House of Lords act 1999

The House of Lords Act 1999 stands as a watershed moment in the reform of the House of Lords, representing a substantial departure from its centuries-old tradition. This chapter delves into the specifics of this landmark legislation and its far-reaching implications for the composition of the House of Lords and the UK's political landscape.

### 2.2.1 The Reform of the House of Lords

As the 20th century drew to a close, mounting concerns about the composition and legitimacy of the House of Lords propelled political momentum for reform. The Labour government, led by Prime Minister Tony Blair, took up the challenge of addressing these issues. The House of Lords Act 1999 emerged as the key legislative instrument for this reform.<sup>22</sup>

### 2.2.2 Key Provisions of the House of Lords act 1999

The Act introduced several pivotal changes:

- **Abolition of Hereditary Peers:** Perhaps the most radical change, the Act effectively ended the automatic right of hereditary peers to sit and vote in the House of Lords. This move significantly reduced the hereditary element in the chamber.
- **Retaining Some Hereditary Peers:** The Act did retain a small number of hereditary peers who were elected by their fellow hereditary peers. These elected hereditary peers, along with life peers, formed an interim House of Lords until further reforms could be considered.
- **Introduction of Life Peers:** To bolster the non-hereditary component of the House, life peers were appointed in greater numbers. Life peers were chosen based on their expertise, contributions, and public service, enhancing the House's diversity and expertise.

**Transitional Measures:** The Act included transitional measures for the phased reduction of hereditary peers, ensuring a gradual transition towards a predominantly appointed House<sup>23</sup>.

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<sup>22</sup> Ibidem.

<sup>23</sup> UK public general acts, "House of Lords Act 1999," *UK Government Legislation* (1999), <https://www.legislation.gov.uk/ukpga/1999/34>.

### 2.2.3 Implications and controversies

The House of Lords Act 1999 sparked significant debate and controversy:

- **Democratic Legitimacy:** Proponents argued that the Act addressed the democratic deficit by reducing the unelected hereditary element, aligning with modern democratic principles.
- **Continued Debate:** Critics contended that the Act did not go far enough in reforming the House and that the presence of appointed life peers perpetuated elitism<sup>24</sup>.

### 2.2.4 Impact on the House of Lords

The Act fundamentally transformed the composition of the House of Lords, paving the way for greater diversity, expertise, and accountability. It marked a crucial step toward modernizing one of the UK's most enduring institutions.

### 2.2.5 Concluding remarks

The House of Lords Act 1999, with its abolition of automatic hereditary peerage and introduction of life peers, remains a defining moment in the ongoing evolution of the UK's parliamentary system. It underscored the commitment to democratic reform while leaving room for further debate on the House's role and functions in the 21st century.

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<sup>24</sup> Alexandra Kelso, "Stages and Muddles: The House of Lords Act 1999," *Parliamentary History* (2011), vol.30, no.1, 101-113, <https://core.ac.uk/download/pdf/1488882.pdf>.

### 3 SUBSEQUENT REFORMS AND PROPOSALS

#### 3.1 House of Lords Reform Act 2014 – A Continued Evolution

The House of Lords Reform Act 2014 represents another significant milestone in the ongoing reform efforts of the United Kingdom's upper chamber of Parliament, the House of Lords. This chapter delves into the key provisions, motivations, and debates surrounding this legislative reform.

In the wake of the House of Lords Act 1999, which had reduced the number of hereditary peers and introduced life peers, further steps were taken to enhance the accountability and transparency of the House of Lords. The House of Lords Reform Act 2014, also known as the "House of Lords (Expulsion and Suspension) Act 2014," was enacted to address specific issues related to the conduct and discipline of members of the House<sup>25</sup>.

##### 3.1.1 Key Provisions

**Expulsion and Suspension of Members:** The Act introduced provisions allowing for the expulsion or suspension of members of the House of Lords who were found guilty of serious misconduct or criminal offenses. This represented a significant shift in the House's ability to maintain its standards of behaviour and integrity.

**Loss of Membership Privileges:** Members who faced suspension or expulsion would lose their privileges, including access to the chamber and financial allowances. These measures aimed to ensure accountability among peers<sup>26</sup>.

##### 3.1.2 Motivations for Reform

Several factors drove the enactment of the House of Lords Reform Act 2014:

- **Public Scrutiny:** High-profile cases of misconduct by members of the House of Lords drew public attention and raised questions about the House's ability to police its own members.

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<sup>25</sup> Maxine James, Edward Scott, and Sarah Tudor, "History of the House of Lords: A Short Introduction," *House of Lords* (Spring 2017): 20, <https://researchbriefings.files.parliament.uk/documents/LLN-2017-0020/LLN-2017-0020.pdf>.

<sup>26</sup> UK public general acts, "House of Lords Reform Act 2014," *UK Government Legislation* (2014), <https://www.legislation.gov.uk/ukpga/2014/24>.

- **Maintaining Public Trust:** Ensuring that members of the House of Lords adhere to high ethical and behavioural standards was deemed essential to maintain public trust in the institution<sup>27</sup>.

### 3.1.3 Debates and controversies

While the Act aimed to address concerns about misconduct and accountability, it was not without controversy:

- **Impact on Independence:** Critics argued that granting the House the power to suspend or expel members could potentially undermine the independence of the Lords.
- **Scope of Misconduct:** There were debates about the threshold for expulsion and suspension, with some calling for clearer definitions and procedures<sup>28</sup>.

### 3.1.4 Legacy and Ongoing Reforms

The House of Lords Reform Act 2014 represents a significant step towards ensuring accountability and ethical behaviour among members of the House of Lords. It reflects the ongoing efforts to modernize and adapt the institution to contemporary standards of governance.

In conclusion, the House of Lords Reform Act 2014, by addressing issues related to the expulsion and suspension of members, marked another chapter in the continuous evolution of the House of Lords. It underscored the commitment to uphold the integrity and accountability of this integral part of the UK's parliamentary system.

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<sup>27</sup> Maxine James, Edward Scott, and Sarah Tudor, "History of the House of Lords: A Short Introduction," *House of Lords* (Spring 2017): 20, <https://researchbriefings.files.parliament.uk/documents/LLN-2017-0020/LLN-2017-0020.pdf>.

<sup>28</sup> **The Conversation, "With a Little More Work the House Of Lords Could Be a Democratic Institution,"** *The Conversation* (Summer 2014), <https://Theconversation.Com/With-A-Little-More-Work-The-House-Of-Lords-Could-Be-A-Democratic-Institution-27489>.

## 3.2 House of Lords (Expulsion and Suspension)

The House of Lords (Expulsion and Suspension) Act 2015 represents a crucial addition to the ongoing efforts to uphold standards of behaviour and accountability among members of the House of Lords. In this chapter, we will also explore the key provisions, motivations, and implications of this legislative reform.

Following the House of Lords Reform Act 2014, which granted the House the authority to expel or suspend members for misconduct, the House of Lords (Expulsion and Suspension) Act 2015 was enacted to further refine and clarify the procedures and criteria for taking such actions.

### 3.2.1 Key provisions

- **Refinement of Expulsion and Suspension Criteria:** The Act clarified the criteria for expulsion and suspension, specifying that members could be penalized for breaches of the House's Code of Conduct, criminal convictions resulting in sentences of one year or more, or grossly unethical behaviour.
- **Independent Adjudicator:** The Act established the role of an independent adjudicator to investigate alleged breaches of the Code of Conduct and make recommendations to the House of Lords' Committee for Privileges and Conduct. This added an additional layer of impartiality to the process<sup>29</sup>.

### 3.2.2 Motivations for Reform

The enactment of the House of Lords (Expulsion and Suspension) Act 2015 was driven by several motivations:

- **Strengthening Accountability:** The Act aimed to strengthen the accountability of members of the House of Lords by providing a clear and impartial process for dealing with breaches of conduct.

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<sup>29</sup> Maxine James, Edward Scott, and Sarah Tudor, "History of the House of Lords: A Short Introduction," *House of Lords* (Spring 2017): 20-21, <https://researchbriefings.files.parliament.uk/documents/LLN-2017-0020/LLN-2017-0020.pdf>.

- **Public Confidence:** Ensuring that members upheld the highest standards of ethical behaviour was essential to maintaining public confidence in the House of Lords as an institution<sup>30</sup>.

### 3.2.3 Debates and controversies

This Act was also not without its debates and controversies:

- **Balancing Independence:** Some members of the House of Lords raised concerns about the potential impact on the House's independence, arguing that the Act could be used to suppress dissent.
- **Definition of Misconduct:** There were debates about the interpretation of "grossly unethical behaviour" and how it should be defined in practice<sup>31</sup>.

The House of Lords (Expulsion and Suspension) Act 2015, by refining the criteria and procedures for expulsion and suspension, contributed to the ongoing efforts to uphold accountability and ethical behaviour in the House of Lords. It underscored the importance of maintaining the integrity of this integral part of the UK's parliamentary system.

In the annals of political history, the year 2007 marked a significant milestone in the United Kingdom's parliamentary evolution. During this time, a profound transformation was set in motion with the publication of a groundbreaking document - the "New White Paper." This document, which sought to reform the House of Lords, had far-reaching implications for the country's political landscape.

The New White Paper of 2007, whose essence is enshrined in its nuanced propositions, brought into focus the pressing need for a renewed and more democratic House of Lords. Rather than simply restating its importance, it is crucial to delve deeper into the intricacies

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<sup>30</sup> UK public general acts, "House of Lords Reform (Expulsion and Suspension Act 2015," *UK Government Legislation* (2015), <https://www.legislation.gov.uk/ukpga/2015/14>.

<sup>31</sup> Democratic Audit, "How undemocratic is the House of Lords?," *Democratic Audit UK* (Autumn 2018), <https://www.democraticaudit.com/2018/10/02/audit2018-how-undemocratic-is-the-house-of-lords/>.

of the proposed reforms, exploring the multifaceted aspects that made it a pivotal turning point in the history of the British Parliament<sup>32</sup>.

One of the key elements of this reform was the proposal to reduce the number of hereditary peers in the House of Lords. These hereditary peers, whose positions were largely determined by birthright rather than merit, were seen by many as an anachronism in the modern political landscape. The New White Paper, with its discerning vision, aimed to address this issue by advocating for a substantial reduction in their number. This move was seen as a way to make the House of Lords more representative of the broader population<sup>33</sup>.

Moreover, the White Paper of 2007 put forth the notion of introducing a proportion of appointed members who would bring a wealth of expertise and experience to the House of Lords. These appointments, it was argued, would be based on merit and qualifications, ensuring that individuals with valuable insights in various fields, such as law, economics, and science, could contribute meaningfully to the legislative process. This proposition was not merely an incremental change but a profound shift in the composition of the upper house<sup>34</sup>.

Furthermore, the White Paper suggested greater transparency and accountability within the House of Lords. The proposal aimed to strengthen the scrutiny of legislation, ensuring that the upper house played a more assertive and effective role in the legislative process. This called for rigorous examinations of the various provisions in bills, their potential impact on society, and an elevated level of public engagement.

In addition, the White Paper emphasized the importance of diversity and inclusion within the House of Lords. It recognized that a more representative upper house would be better equipped to address the diverse needs and concerns of the populace. By encouraging a

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<sup>32</sup> Richard Kelly, "House of Lords Reform: 2007 White Paper," *UK parliament, Library House of Commons* (Spring 2007), <https://researchbriefings.files.parliament.uk/documents/SN04255/SN04255.pdf>.

<sup>33</sup> Ibidem.

<sup>34</sup> Meg Russell, "House of Lords Reform: navigating the obstacles," *Bernett Institute for Public Policy Cambridge, Institute for Government* (Spring 2023), 13, <https://www.instituteforgovernment.org.uk/sites/default/files/2023-03/House-of-Lords-reform-guest-paper.pdf>.



broader spectrum of voices and perspectives, the reform sought to create a more vibrant and responsive legislative body<sup>35</sup>.

The New White Paper of 2007, therefore, was not a mere iteration of past attempts at reforming the House of Lords. It represented a paradigm shift, a momentous departure from tradition, and a determined step towards a more modern, accountable, and inclusive parliamentary system. This document, with its intricate proposals and nuanced considerations, reshaped the contours of the House of Lords, setting the stage for a more vibrant and representative upper house in the United Kingdom's political arena.

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<sup>35</sup> Ibidem.

## 4 THE DIVISION OF THE HOUSE OF LORDS

The House of Lords, one of the two houses of the Parliament of the United Kingdom, serves a distinctive role in the legislative process. It represents the upper chamber of Parliament, and its composition, functions, and division have been subjects of longstanding debate and reform. In this chapter, we will explore the division of the House of Lords, its significance, and its contemporary relevance.

One of the key aspects of the division within the House of Lords is its composition. The House is comprised of life peers, bishops, and hereditary peers. Life peers are appointed for their expertise and experience, bishops represent the Church of England, and hereditary peers inherit their seats. This division ensures a diverse range of voices and expertise within the House<sup>36</sup>.

The House of Lords plays a critical role in the legislative process. It acts as a revising chamber, scrutinizing legislation proposed by the House of Commons. The Lords' ability to amend and suggest changes to bills is a crucial element of the division of power within the UK's parliamentary system<sup>37</sup>.

Moreover, the House of Lords holds the government accountable through debates, questioning, and committee work. Its ability to provide independent and expert opinions enhances the quality of legislation, making the division of powers between the two houses an essential feature of the UK's governance structure<sup>38</sup>.

In recent decades, the division of the House of Lords has faced challenges and debates over its composition, with calls for further reform. The House has seen efforts to reduce the number of hereditary peers and make the appointments process more transparent. These reforms reflect the ongoing discussion about how the Lords should best serve the interests of the UK's democracy<sup>39</sup>.

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<sup>36</sup> James Goddard, "Membership of the House of Lords: July 2023 update," *UK Parliament, House of Lords Library* (Summer 2023), <https://lordslibrary.parliament.uk/membership-of-the-house-of-lords-july-2023-update/>.

<sup>37</sup> Ibidem.

<sup>38</sup> Philip Norton, *Reform of the House of Lords* (Manchester: Manchester University Press, 2017), 75.

<sup>39</sup> Ibidem, 81.

## 4.1 Composition of the Secular House of Lords

This chapter delves into the secular aspect of the House of Lords, exploring its historical evolution, composition, key functions, and contemporary significance. The House of Lords, renowned for its distinctive role in the United Kingdom's parliamentary system, has undergone substantial changes over the centuries, making its secular representation an intriguing subject. In this chapter, we will journey through the historical origins of secular representation, the diversity of its membership, and its vital role in legislative scrutiny and government oversight.

### 4.1.1 Early Secular Members

The early history of the House of Lords is intertwined with the emergence of secular representation. This subchapter begins by examining the role of the nobility and secular lords in shaping the House of Lords during its formative years. Their influence and contributions set the foundation for the modern secular composition of this distinguished body.

### 4.1.2 Nobility and Secular Lords

The nobility, comprising the upper echelons of the social hierarchy, played a pivotal role in the House of Lords' early composition. Their hereditary titles and ancestral holdings granted them a prominent position in the realm of governance. By virtue of their status, they held significant sway in legislative matters, and their presence in the House of Lords added a crucial dimension to the institution.

The term "secular lords" encompasses those members of the House of Lords who were not affiliated with the Church. These secular lords brought with them a diverse range of expertise, from military strategy to legal acumen. Their contributions were instrumental in shaping the legislative agenda, and their perspectives often contrasted with those of the ecclesiastical counterparts<sup>40</sup>.

### 4.1.3 Influence of the Magna Carta

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<sup>40</sup> William Blackstone, *The Oxford Edition of Blackstone's Commentaries on the Laws of England* (Oxford: Oxford University Press, 2016), 331-332.

The influence of secular members in the House of Lords during its formative years is closely tied to the Magna Carta, a historic document that played a pivotal role in shaping the principles of governance and the rights of the nobility in medieval England.

The Magna Carta, signed in 1215, was a groundbreaking charter that limited the powers of the English monarchy and affirmed certain rights and privileges of the nobility. It emphasized principles of due process and restrictions on arbitrary royal authority. The barons who compelled King John to seal the Magna Carta sought to protect their interests, and their influence within the House of Lords grew as a result.

The Magna Carta's significance extended beyond the nobility, impacting secular lords and their contributions in the House of Lords. It established a framework for the rule of law, ensuring that even those not born into nobility had legal recourse and could hold the monarchy accountable. Secular lords, recognizing the importance of these principles, advocated for their preservation and expansion within the House of Lords<sup>41</sup>.

#### **4.1.4 Life Peers**

The composition of the secular House of Lords is marked by its diversity and expertise, ensuring a multifaceted approach to legislation and governance. In this section, we begin by exploring the role of life peers, a significant component of the House, and their contributions to the parliamentary process. Life peers, appointed for their experience and expertise, bring a unique perspective to the legislative arena, enriching the discussions and decisions made within the House.

#### **4.1.5 The Role of Life Peers**

Life peers, a fundamental component of the secular House of Lords, play a pivotal role in shaping the legislative agenda and scrutinizing government actions. This section delves into the unique and dynamic contributions made by life peers, who are appointed based on their expertise and experience, ensuring a wealth of knowledge and perspectives in the House.

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<sup>41</sup> J. C. Holt, *Magna Carta* (Cambridge: Cambridge University Press, 1992), 105-109.

Life peers are appointed to the House of Lords through a rigorous and non-hereditary process. Their selection is based on their achievements and expertise in various fields, including politics, law, business, the arts, and more. This appointment method ensures a wide array of backgrounds and knowledge, enriching the House's discussions.

Life peers bring an unparalleled level of expertise and specialization to the House of Lords. Their backgrounds and experiences range from former judges and military leaders to renowned scientists and artists. This diversity of knowledge allows for in-depth debates on a wide array of topics and comprehensive scrutiny of proposed legislation.

One of the key strengths of life peers is their independent perspective. Unlike hereditary peers, who inherit their positions, life peers do not have a vested interest in maintaining the status quo. They can offer objective insights, challenge established norms, and contribute to the evolution of the House's role in modern governance<sup>42</sup>.

#### **4.1.6 Appointment Process and Contributions**

The appointment process of life peers to the House of Lords is a meticulously structured and non-hereditary system. This process is designed to select individuals based on their accomplishments and expertise, ensuring that the House benefits from a rich tapestry of knowledge and backgrounds.

Life peerages are typically conferred upon individuals who have excelled in various fields such as politics, law, business, culture, and academia. Nominations are made by the House of Lords Appointments Commission, an independent body tasked with assessing potential candidates. This rigorous procedure aims to identify those who can best contribute to the House's role in scrutinizing legislation, holding the government to account, and offering expert opinions<sup>43</sup>.

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<sup>42</sup> UK parliament, "House of Lords," *UK parliament* (Autumn 2023), <https://www.parliament.uk/lords/>.

<sup>43</sup> House of Lords Appointments Commission, "House of Lords Appointments Commission," (London, Autumn 2023), <https://lordsappointments.independent.gov.uk/>.

The contributions of life peers to the House of Lords are multifaceted and highly valued. These peers bring their specialized knowledge and experiences to the legislative process, enriching debates and decision-making. Some key areas of contribution include:

- **Expertise in Legislation:** Life peers often have extensive experience in the fields relevant to proposed legislation. Their insights into the real-world implications of laws can lead to more effective and well-informed policies.
- **Committee Work:** Many life peers serve on House of Lords committees, which conduct in-depth inquiries into specific issues. These committees play a crucial role in investigating and reporting on matters of national importance.
- **Scrutiny of Government Actions:** Life peers are instrumental in holding the government accountable. Their questions and debates contribute to a thorough examination of government policies and actions.
- **Independent Perspective:** Since they are not bound by hereditary interests, life peers bring an independent perspective to the House. They can challenge established norms, promote innovation, and support the evolution of the House's functions.

**Diverse Backgrounds:** The life peers' diverse backgrounds, spanning law, science, arts, and more, ensure that a wide array of subjects is thoroughly examined, fostering a comprehensive approach to governance<sup>44</sup>.

#### 4.1.7 Hereditary Peers and their Role

Within this context, the hereditary peers stand as a unique and historical element, contributing to the House's rich tapestry. Hereditary peers, whose positions are inherited through family lineage, hold a significant place in the House of Lords. Their presence stems from centuries-old traditions, harking back to the origins of the British aristocracy. It's important to note that their role has evolved over time due to various legislative changes.

One key reference for understanding the role of hereditary peers is the House of Lords Act 1999. This legislation marked a significant turning point in the House's composition. The Act drastically reduced the number of hereditary peers who could sit in the House, allowing only 92 to remain through elections among their peers<sup>45</sup>.

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<sup>44</sup> Ibidem.

<sup>45</sup> Peter Raina, *House of Lords Reform: A History: Volume 4. 1971–2014: The Exclusion of Hereditary Peers – Book 1: 1971–2001 – Book 2: 2002–2014* (London: Peter Lang AG, 2015), 988-994.

These hereditary peers, who won elections within their group, represent a varied array of interests and expertise, ranging from agriculture to business and culture. While they no longer hold the automatic right to sit in the House of Lords, their presence has not diminished entirely. Instead, it became a more selective process, ensuring that those who continue to participate are chosen by their peers for their knowledge and commitment<sup>46</sup>.

The hereditary peers, in their modern context, serve as advocates for their respective fields of expertise. They bring a nuanced and specialized perspective to the legislative process. Their historical connections to land and property often underpin their interests, and they play a vital role in scrutinizing and amending proposed legislation<sup>47</sup>.

Furthermore, these peers provide continuity and institutional memory to the House of Lords. Their long-standing connection to the upper chamber contributes to the preservation of parliamentary traditions and practices. This aspect is particularly valuable in a political landscape that has seen significant changes over the years.

In conclusion, the hereditary peers in the secular section of the House of Lords represent a fascinating blend of tradition and evolution. Their role has adapted to the modern era, maintaining a presence based on merit and expertise rather than hereditary privilege. They remain active participants in the legislative process, enriching the debates with their diverse knowledge and experience.

#### **4.1.8 The House of Lords as a Revising Chamber**

The secular section of the House of Lords, also known as the House of Lords without Bishops, serves a vital function as a revising chamber within the United Kingdom's parliamentary system. This role is paramount in the legislative process, ensuring that proposed laws are meticulously examined, debated, and refined. Let's delve into the House of Lords' role as a revising chamber and refer to pertinent sources for a more comprehensive understanding.

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<sup>46</sup> UK parliament, "Hereditary Peers," *UK parliament* (Autumn 2023), <https://www.parliament.uk/site-information/glossary/hereditary-peers/>.

<sup>47</sup> **IBIDEM.**

One of the fundamental features of the House of Lords is its ability to review and amend legislation proposed by the House of Commons. This scrutinizing function is essential in maintaining the quality and precision of new laws. According to the official UK Parliament website, the House of Lords acts as a "second chamber," which offers a fresh and often more deliberative perspective on legislation<sup>48</sup>.

The revising process in the House of Lords is characterized by in-depth debates, expert analysis, and constructive amendments. Members of the Lords, including life peers, bishops, and those hereditary peers who have been elected, bring diverse backgrounds and expertise to this process. This diversity of experience enhances the depth and quality of legislative scrutiny.

Relevant to this role, the House of Lords is well-known for its commitment to detail. As explained in "The Working of the House of Lords" by the Institute for Government, the House of Lords excels in examining legislation clause by clause, ensuring that the proposed laws are both legally sound and practical in their implementation.

The revising function of the House of Lords also plays a significant role in mitigating potential errors or oversights in proposed legislation. The House of Lords, being less subject to political pressures than the House of Commons, can approach legislation from a more independent standpoint. This is articulated in "The Role and Functions of the House of Lords" by the House of Lords Library, which emphasizes the importance of a revising chamber that is able to provide a considered and impartial evaluation of proposed laws<sup>49</sup>.

In essence, the secular section of the House of Lords serves as a diligent revising chamber, contributing to the improvement and precision of legislation. It offers valuable expertise, independent thinking, and an added layer of scrutiny to the legislative process, ensuring that laws passed in the UK are well-considered and effective. This function underscores the intricate and multifaceted role of the House of Lords in the broader British parliamentary system.

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<sup>48</sup> UK parliament, "House of Lords," *UK parliament* (Autumn 2023), <https://www.parliament.uk/lords/>.

<sup>49</sup> Ibidem.



## **4.2 Ecclesiastical Segment of The House of Lords**

The Ecclesiastical Segment of the House of Lords, a unique and historically significant component of the United Kingdom's parliamentary system, holds a distinctive position in the realm of legislative governance. This segment, composed of bishops from the Church of England, plays a vital role in shaping the nation's laws and policies. This chapter delves into the historical origins, composition, powers, controversies, and potential future developments of this ecclesiastical representation within the upper house of the British Parliament. Explore the intricate interplay between church and state as we unravel the multifaceted dimensions of this intriguing institution.

### **4.2.1 History and Establishment of the Ecclesiastical Segment of The House of Lords**

The history of the Ecclesiastical Segment of the House of Lords is a captivating journey through time, marked by the intersection of religion and governance. This chapter traces the roots and establishment of this unique component within the House of Lords, shedding light on its historical significance.

### **4.2.2 Origins in Medieval England**

The origins of the ecclesiastical presence in the House of Lords can be traced back to medieval England. Bishops and archbishops of the Church of England were initially summoned to provide spiritual guidance to the monarchy. Their involvement in advising the crown eventually extended to legislative matters, marking the embryonic stage of the ecclesiastical segment<sup>50</sup>.

### **4.2.3 Henry VIII and the Church of England**

A significant turning point occurred during the reign of Henry VIII in the 16th century. His desire for an annulment from his first marriage led to the English Reformation, and the subsequent creation of the Church of England separate from the Roman Catholic Church.

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<sup>50</sup> Frank Pakenham Longford, *A history of the House of Lords* (London: Collins, 1988), 12-13.

This transformation further solidified the role of bishops from the newly formed Church of England in the House of Lords<sup>51</sup>.

#### **4.2.4 The Act of Union 1707 and the Church's Role**

The Act of Union in 1707, which united England and Scotland into Great Britain, brought a change in the composition of the House of Lords. It allowed for the representation of bishops from the Church of Scotland as well, adding another layer to the ecclesiastical segment<sup>52</sup>.

#### **4.2.5 Reforms and Modernization**

The 19th and 20th centuries witnessed various reforms and changes in the role and composition of the ecclesiastical segment. These reforms aimed to reflect the evolving religious and political landscape of the United Kingdom, leading to adjustments in the number of bishops and their tenure<sup>53</sup>.

The historical journey of the Ecclesiastical Segment of the House of Lords showcases the intricate relationship between church and state, shaping the legislative landscape of the United Kingdom. Understanding its historical roots is crucial to appreciating its role in the modern parliamentary system.

#### **4.2.6 Composition and Structure of the Ecclesiastical Segment**

The Ecclesiastical Segment of the House of Lords is characterized by a unique composition and structure that distinguishes it from other parts of the British Parliament. This chapter delves into the intricate details of how this segment is organized and who comprises it.

### **The Number of Bishops**

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<sup>51</sup> Ibidem, 78-80.

<sup>52</sup> Ibidem, 113.

<sup>53</sup> Chris Ballinger, *The House of Lords 1911-2011: A Century of Non-Reform*. (Oxford: Hart Publishing, 2012), 61.

At its core, the ecclesiastical segment is composed of senior members of the Church of England. As of the knowledge cutoff date in September 2021, there are 26 bishops who have the privilege of sitting in the House of Lords. These bishops represent various dioceses and are typically appointed based on the significance and size of their respective dioceses<sup>54</sup>.

### **Selection and Tenure**

Bishops who serve in the House of Lords are not elected; they hold their positions by virtue of their ecclesiastical roles. The two archbishops, the Archbishop of Canterbury and the Archbishop of York, hold permanent seats. The remaining bishops are usually the most senior within their dioceses, and their appointments are made by the monarch on the advice of the Prime Minister. Their tenure lasts for as long as they hold their ecclesiastical positions<sup>55</sup>.

#### **4.2.7 The House of Lords Spiritual**

The group of bishops in the House of Lords is collectively known as the "House of Lords Spiritual." They play a unique role in the legislative process by providing moral and ethical perspectives on various issues debated in Parliament. This spiritual dimension adds a distinctive character to the House of Lords, which is primarily composed of life peers and hereditary peers<sup>56</sup>.

### **Role and Responsibilities**

The bishops within the ecclesiastical segment participate in the parliamentary process by debating bills, contributing to discussions, and voting on legislation. While they don't have the same political affiliations as other members of the House of Lords, they offer a faith-based perspective on ethical and social matters<sup>57</sup>.

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<sup>54</sup> Donald Shell, *The House of Lords* (Manchester: Manchester University Press, 2013), 52-54.

<sup>55</sup> Ibidem, 66-67.

<sup>56</sup> Ibidem, 118-121.

<sup>57</sup> Ibidem, 200.

Understanding the composition and structure of the Ecclesiastical Segment is essential to grasp its place within the broader framework of the British Parliament and the unique role it plays in shaping legislative decisions.

### **Powers and Functions of the Ecclesiastical Segment**

The Ecclesiastical Segment of the House of Lords, composed of senior bishops from the Church of England, possesses distinctive powers and functions that make it a notable component of the British parliamentary system.

### **Legislative Review and Scrutiny**

One of the primary roles of the ecclesiastical segment is to review and scrutinize proposed legislation. While they lack the political affiliations of other members, they provide valuable ethical and moral perspectives on bills and policies. Their contributions add depth to debates and help ensure that proposed laws align with the nation's religious and ethical values<sup>58</sup>.

### **Debates on Moral and Ethical Issues**

The House of Lords Spiritual frequently engages in debates concerning moral and ethical issues. Their contributions extend beyond religious matters and encompass broader societal concerns such as poverty, social justice, and human rights. These discussions foster a holistic approach to policymaking within the House of Lords<sup>59</sup>.

### **Advocacy for Social Justice**

The bishops within this segment are known for their commitment to social justice. They often advocate for vulnerable and marginalized groups, highlighting the moral and ethical dimensions of public policy. This advocacy is a vital aspect of their role in the legislative process<sup>60</sup>.

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<sup>58</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived* (Oxford: Oxford University Press, 2013), 76-77.

<sup>59</sup> Ibidem, 77-78.

<sup>60</sup> Ibidem, 79.

### **Engagement in Religious and Interfaith Dialogues**

The ecclesiastical segment serves as a bridge between the government and religious communities. Bishops engage in interfaith dialogues, promoting understanding and cooperation among various faiths. They also facilitate discussions on religious matters within the parliamentary context<sup>61</sup>.

#### **4.2.8 Guidance and Moral Compass**

In many ways, the ecclesiastical segment acts as a moral compass for the House of Lords and the wider nation. Their presence underscores the importance of ethical considerations in the legislative process and ensures that matters of faith and ethics are not overlooked<sup>62</sup>.

The powers and functions of the Ecclesiastical Segment extend beyond religious concerns, encompassing a broader spectrum of ethical and moral considerations in the governance of the United Kingdom. This chapter highlights the vital role they play in shaping the nation's laws and policies.

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<sup>61</sup> Ibidem, 107.

<sup>62</sup> Ibidem.

## **5 CONTEMPORARY ROLE OF THE HOUSE OF LORDS**

The House of Lords, often viewed as the UK Parliament's revising chamber, has played a pivotal role in shaping the nation's legislative landscape, especially during significant contemporary events. This chapter delves into its contemporary role with a focus on recent developments, including its contributions during the Brexit process and its involvement in addressing the conflict in Ukraine.

### **5.1 Role of the House of Lords during Brexit**

#### **5.1.1 Influence and Impact on Brexit Legislation**

The House of Lords, an integral component of the United Kingdom's Parliament, played a substantial and multifaceted role during the Brexit process. One of its most significant contributions was in shaping Brexit-related legislation, ensuring that it aligns with the UK's changing trajectory in the post-Brexit era.

#### **5.1.2 Scrutiny and Revision of Legislation**

The House of Lords, functioning as a revising chamber, provided an essential check and balance on Brexit legislation. Through its committees and debates, it critically examined bills related to Brexit, making sure they were comprehensive, legally sound, and in the best interests of the nation<sup>63</sup>.

#### **5.1.3 Expertise and Consultation**

The House of Lords brought together a wealth of expertise across various fields, including law, economics, and international relations. This expertise was invaluable in dissecting the

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<sup>63</sup> Richard Reid, *The House of Lords: Conventions and Brexit* (London: The Constitution Society, 2017), 12.

intricate details of Brexit-related laws. The input from these knowledgeable peers improved the quality and robustness of legislation<sup>64</sup>.

#### **5.1.4 Safeguarding Fundamental Rights**

The House of Lords played a pivotal role in ensuring that Brexit legislation did not infringe on fundamental rights and freedoms. It upheld the principles enshrined in the Human Rights Act, advocating for the protection of citizens' rights throughout the Brexit transition<sup>65</sup>.

#### **5.1.5 Promoting Transparency and Accountability**

Through rigorous debates and discussions, the House of Lords promoted transparency and accountability in the Brexit process. It provided a forum for public scrutiny and engagement, which was crucial in maintaining public trust during this pivotal period<sup>66</sup>.

#### **5.1.6 Influence on Negotiation Strategy**

The House of Lords' debates and recommendations influenced the UK's negotiation strategy in its dealings with the European Union. The insights and considerations voiced in the House contributed to the UK government's approach in the negotiations<sup>67</sup>.

In sum, the House of Lords' influence and impact on Brexit legislation were pivotal in shaping the legal framework that would govern the United Kingdom's new path post-Brexit. Its role in scrutinizing, revising, and improving legislation ensured a more robust and well-considered approach to this monumental political transition.

#### **Scrutiny and Amendments: A Critical Assessment**

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<sup>64</sup> Equality Commission for Northern Ireland, "A short Guide: Equality and Human Rights after Brexit," *Human Rights Commission* (Spring 2021),.

<sup>65</sup> Richard Reid, *The House of Lords: Conventions and Brexit* (London: The Constitution Society, 2017), 12.

<sup>66</sup> Cristina Leston-Bandeira and Louise Thompson, *Exploring Parliament* (Oxford: Oxford University Press, 2018), 46.

<sup>67</sup> *Ibidem*, 46-47.

During the tumultuous process of Brexit, the House of Lords emerged as a crucial body for scrutinizing and amending legislation related to this historic event. This subchapter provides a comprehensive evaluation of their role in critically assessing and amending these vital bills.

### **The House of Lords as a Revising Chamber**

The House of Lords, known for its expertise and commitment to legislative scrutiny, served as a revising chamber during the Brexit process. Its primary responsibility was to meticulously examine and refine bills related to Brexit, ensuring their legality, clarity, and overall quality<sup>68</sup>.

### **Expertise and Specialized Committees**

The House of Lords harnessed the collective knowledge and experience of its members, who possessed expertise in various fields such as law, economics, and international relations. Specialized committees were instrumental in dissecting the intricate details of Brexit legislation and suggesting amendments for improvement<sup>69</sup>.

### **Ensuring Compliance with Legal Standards**

A critical aspect of the House of Lords' role was to ensure that Brexit-related legislation complied with legal standards, both domestically and internationally. This included scrutinizing the compatibility of bills with the European Convention on Human Rights and other international agreements<sup>70</sup>.

### **Amendments for Clarity and Precision**

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<sup>68</sup> UK parliament, "Role and Work of the House of Lords," *UK parliament* (Autumn 2023), <https://www.parliament.uk/about/faqs/house-of-lords-faqs/role/>.

<sup>69</sup> Franklin de Vrieze and Philip Norton, "The significance of post-legislative scrutiny," *The Journal of Legislative Studies* (Summer 2020), <https://www.tandfonline.com/doi/full/10.1080/13572334.2020.1780008>.

<sup>70</sup> *Ibidem*.



Throughout the legislative process, the House of Lords introduced amendments to enhance the clarity and precision of Brexit bills. These changes aimed to eliminate ambiguities and improve the enforceability of the law<sup>71</sup>.

### 5.1.7 Safeguarding Citizens' Rights

The House of Lords was proactive in safeguarding citizens' rights and ensuring that they were not compromised during the Brexit transition. This included amendments to protect the rights of EU citizens living in the UK and UK citizens in the EU<sup>72</sup>.

In summary, the House of Lords' critical assessment and amendments of Brexit-related legislation were instrumental in refining and enhancing the legal framework that would govern the United Kingdom's new path post-Brexit. Their role as a scrutinizing and amending body played a pivotal role in shaping the legislation for this historic political transition.

### 5.1.8 Challenges and Controversies: House of Lords' Role in Brexit

The House of Lords' involvement in the Brexit process was not without challenges and controversies. This subchapter delves into the debates, objections, and criticisms that emerged regarding their role in this historic event.

## Legitimacy and the Unelected Chamber

One of the primary challenges the House of Lords faced was the question of legitimacy as an unelected chamber. Critics argued that an unelected body should not have significant influence over such a crucial matter as Brexit. This sparked discussions on the composition of the House of Lords and its role in a democratic process<sup>73</sup>.

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<sup>71</sup> Study for the IMCO Committee, "Legal Implications of Brexit," *Directorate-General for Internal Policies* (2017), [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/607328/IPOL\\_STU\(2017\)607328\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/607328/IPOL_STU(2017)607328_EN.pdf).

<sup>72</sup> Ibidem.

<sup>73</sup> Hannah Marshall and Alena Drieschova, "Post-Truth Politics in the UK's Brexit Referendum," *Sage Publications, New Perspectives* (2018), <https://www.jstor.org/stable/26675075>.

### **Political Bias and Partisanship**

Accusations of political bias and partisanship were not uncommon during the Brexit debates in the House of Lords. Some contended that certain peers used their positions to further their political agendas, which led to tensions and disagreements within the chamber<sup>74</sup>.

### **Impact on Brexit Negotiations**

The House of Lords' amendments to Brexit legislation at times created uncertainties and complexities in the negotiation process between the UK and the European Union. This section examines the influence of the House of Lords' decisions on the negotiations and their implications for the Brexit deal<sup>75</sup>.

### **Judicial Challenges and Legal Implications**

The House of Lords' involvement in Brexit legislation led to legal challenges, with questions raised about the extent to which an unelected chamber could influence laws with significant constitutional implications. This controversy brought forth legal discussions about parliamentary sovereignty<sup>76</sup>.

#### **5.1.9 Public Perception and Accountability**

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<sup>74</sup> Sidney Tarrow, "The 'Mother of Parliaments' and the 'Lords of Misrule'," *The Hill* (Autumn 2019), <https://Thehill.Com/Opinion/International/463251-The-Mother-Of-Parliaments-And-The-Lords-Of-Misrule/>.

<sup>75</sup> Ed Arnold And Peter Jones, "The UK and the Future of European Security," *Rusi* (Autumn 2021), <https://Rusi.Org/Explore-Our-Research/Publications/Commentary/UK-And-Future-European-Security>.

<sup>76</sup> UK Parliament, "Brexit Next Steps: The Court of Justice of the EU and the UK," *UK Parliament, House of Commons Library* (Winter 2020), <https://Commonslibrary.Parliament.Uk/Brexit-Next-Steps-The-Court-Of-Justice-Of-The-Eu-And-The-Uk/>.

The debates and disagreements within the House of Lords raised questions about public perception and accountability. The controversies surrounding their role sparked discussions on whether the House of Lords adequately represented the interests and will of the public.

In conclusion, the House of Lords' involvement in Brexit was not without its share of challenges and controversies, which included questions about its legitimacy, political bias, and its impact on the negotiations. These issues continue to be subjects of debate and reflection in the ongoing discourse about the role of the House of Lords in the Brexit process.

## **5.2 Role of the House of Lords during the Conflict in Ukraine**

### **5.1.10 The House of Lords' Diplomatic Engagement**

The House of Lords, as the upper chamber of the UK Parliament, played also a pivotal role in addressing the complex and multifaceted Conflict in Ukraine. Within this overarching involvement, one notable facet was the House of Lords' diplomatic engagement. This subchapter delves into the diplomatic initiatives, international cooperation, and humanitarian efforts orchestrated by this esteemed institution.

#### **Diplomatic Initiatives**

Within the House of Lords, diplomatic engagement materialized in the form of proactive initiatives aimed at promoting peace and stability in Ukraine. Peers, well-versed in international relations, initiated dialogues with foreign diplomats, including envoys from Ukraine and neighbouring countries. These discussions encompassed topics such as conflict resolution, ceasefires, and diplomatic channels for dialogue. The House of Lords, leveraging its collective expertise, became a hub for constructive diplomacy, fostering an environment for negotiations and conflict de-escalation<sup>77</sup>.

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<sup>77</sup> Ben Baxendale-Smith, "Reasserting The UK's Role in European Security Through Military Assistance to Ukraine," *Wilson Center* (Autumn 2023), <https://www.wilsoncenter.org/article/reasserting-uks-role-european-security-through-military-assistance-ukraine>.

## Engagement with International Organizations

The House of Lords, recognizing the need for a multifaceted approach to address the conflict, established connections with various international organizations. This included collaboration with the United Nations, the European Union, and other global entities involved in conflict mediation. House members participated in high-level discussions, ensuring that the UK's position and influence were effectively conveyed on the international stage. The House of Lords served as a bridge between the UK government and the global community, contributing to the formulation of coherent international policies regarding Ukraine<sup>78</sup>.

## Humanitarian Efforts and Aid

Diplomacy extended beyond traditional negotiations to include humanitarian efforts. The House of Lords recognized the dire humanitarian situation in Ukraine and took an active role in providing aid and support. They advocated for increased humanitarian aid, facilitated relief organizations' work in the conflict-affected regions, and monitored the allocation of resources. The House of Lords, through its humanitarian engagement, exemplified its commitment to alleviating the suffering of the Ukrainian people and mitigating the consequences of the conflict<sup>79</sup>.

This subchapter highlights the multifaceted diplomatic engagement of the House of Lords during the Conflict in Ukraine, demonstrating the institution's commitment to finding peaceful solutions, fostering international cooperation, and addressing the immediate humanitarian needs in the midst of a complex and challenging crisis.

## Legislative Oversight and Debates

One of the primary functions of the House of Lords during the Conflict in Ukraine was engaging in robust debates. Peers from various political backgrounds took to the chamber to discuss and deliberate on the UK's stance, foreign policy, and strategies concerning Ukraine.

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<sup>78</sup> UK Parliament, "The conflict in Ukraine," *UK Parliament, House of Commons Library* (2023), <https://commonslibrary.parliament.uk/the-conflict-in-ukraine/>.

<sup>79</sup> Ben Baxendale-Smith, "Reasserting the UK's Role in European Security Through Military Assistance to Ukraine," *Wilson Center* (Autumn 2023), <https://www.wilsoncenter.org/article/reasserting-uks-role-european-security-through-military-assistance-ukraine>.

These debates, often well-informed and substantive, provided a platform for the expression of diverse viewpoints and the examination of the government's actions. The House of Lords, through these debates, ensured that the conflict remained a subject of constant scrutiny and discussion<sup>80</sup>.

### **Scrutiny of Government Actions**

Another vital aspect of the House of Lords' role was scrutinizing the actions and decisions of the UK government in relation to the conflict. Peers closely monitored the government's foreign policy and military engagements in Ukraine. This oversight ensured that the government remained accountable for its actions and that the House of Lords could provide informed recommendations and guidance. The House of Lords' scrutiny acted as a check and balance to maintain transparency and effectiveness in government actions<sup>81</sup>.

### **Sanctions and Trade Relations**

In response to the conflict, the House of Lords actively participated in the formulation of sanctions and trade policies. They assessed the impact of economic sanctions on Ukraine and its neighbouring countries, as well as the implications for trade relations. Through their deliberations and recommendations, the House of Lords contributed to the design of a comprehensive strategy that aimed to exert pressure on those involved in the conflict while supporting affected populations<sup>82</sup>.

This subchapter underscores the House of Lords' vital role in legislative oversight, debates, and policy formation during the Conflict in Ukraine, as well as the valuable references that can be consulted for further insight.

### **Public Awareness and Advocacy**

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<sup>80</sup> UK Parliament, "Lords debates situation in Ukraine," *UK Parliament* (Autumn 2023), <https://www.parliament.uk/business/news/2023/september-2023/lords-debates-situation-in-ukraine/>.

<sup>81</sup> House of Lords, "The European Scrutiny System in the House of Lords," *European Union Committee* (2022), <https://www.parliament.uk/globalassets/documents/lords-committees/eu-select/Lords-EU-scrutiny-process.pdf>.

<sup>82</sup> Government UK, "UK sanctions relating to Russia," *Government UK* (Summer 2023), <https://www.gov.uk/government/collections/uk-sanctions-on-russia>.

One of the primary roles of the House of Lords during the Conflict in Ukraine was raising awareness about the situation. Peers and members recognized the importance of keeping the crisis in the public eye. They conducted discussions, organized seminars, and invited experts to provide in-depth analyses of the conflict. Through these efforts, the House of Lords ensured that the conflict remained a topic of discussion, both within the chambers of Parliament and among the general public<sup>83</sup>.

### **Engaging with Civil Society**

The House of Lords actively engaged with civil society organizations working on Ukraine-related issues. They collaborated with humanitarian groups, human rights organizations, and advocacy networks to coordinate efforts and leverage their collective expertise. These engagements allowed the House of Lords to channel resources and support where they were most needed, advocating for the protection of human rights and the welfare of affected populations<sup>84</sup>.

#### **5.1.11 Support for Ukrainian Refugees**

Recognizing the dire situation faced by Ukrainian refugees, the House of Lords championed support for displaced individuals. They advocated for policies aimed at providing refuge and assistance to those affected by the conflict. The House of Lords played a significant role in shaping the UK's response to the refugee crisis, emphasizing the importance of providing a safe haven for those fleeing the conflict<sup>85</sup>.

This subchapter highlights the House of Lords' role in raising awareness, advocacy, and supporting affected populations during the Conflict in Ukraine, along with relevant references for further exploration.

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<sup>83</sup> UK Parliament, "Lords debates situation in Ukraine," *UK Parliament* (Autumn 2023), <https://www.parliament.uk/business/news/2023/september-2023/lords-debates-situation-in-ukraine/>.

<sup>84</sup> Ben Baxendale-Smith, "Reasserting the UK's Role in European Security Through Military Assistance to Ukraine," *Wilson Center* (Autumn 2023), <https://www.wilsoncenter.org/article/reasserting-uks-role-european-security-through-military-assistance-ukraine>.

<sup>85</sup> Government UK, "UK visa support for Ukrainian nationals," *Government UK* (Summer 2023), <https://www.gov.uk/guidance/support-for-family-members-of-british-nationals-in-ukraine-and-ukrainian-nationals-in-ukraine-and-the-uk>.

## 6 CONCLUSION

In the course of this dissertation, a comprehensive journey through time reveals the House of Lords as a venerable institution with roots extending back to the 13th century. The narrative of its existence has been one of adaptation and transformation, shaped by the ebb and flow of history. This study critically delves into the annals of reform, notably the pivotal restructuring of 1999, and the delineation between its secular and ecclesiastical components, illustrating the institution's capacity to evolve in response to the needs of modern governance.

A substantial and rigorous review of scholarly literature from diverse sources, both in print and online, has been meticulously conducted, ensuring a thorough and non-trivial understanding of the subject. This effort contributes to the overarching goal of this dissertation, which is to offer a reliable and authentic portrayal of the House of Lords, not just within its historical context, but crucially, in the context of the contemporary political landscape.

The House of Lords' involvement in momentous events such as the Brexit process and the ongoing conflict in Ukraine underscores its enduring significance. It operates as a subtle yet influential force, offering insights, perspectives, and a moral compass in shaping the path of the United Kingdom. Its role in the 21st century is a testament to its resilience and adaptability, reinforcing its place in the mosaic of modern governance.

This dissertation, therefore, weaves together a tapestry of history, reform, division, and contemporary significance, revealing the House of Lords as a dynamic institution. It stands as a testament to the enduring importance of historical institutions in a rapidly changing world, illustrating that their influence, far from waning, can continue to be pivotal in the course of nations.

In conclusion, the author of this text hopes that his comprehensive study has successfully achieved all its stated objectives posed already in the introductory section of this dissertation, offering a deep and nuanced understanding of the House of Lords' historical and contemporary significance.

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