
Research Paper

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A Functional Analysis of UK House of Lords Reform

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House of Lords Reform: A Functional Analysis

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Executive Summary

This paper investigates the challenges and obstacles facing second chamber reform in the United Kingdom, arguing that reform efforts have largely failed due to insufficient engagement with the fundamental function of the House of Lords, as opposed to its composition or powers.

It first presents a comparative analysis of bicameral systems worldwide, highlighting instances of congruence and conflict between second chamber function and composition. In chambers of 'review and reflection' and 'territorial representation', conflict often arises from attempts to reconcile two competing functions which each shape a chamber's powers and composition in their own way. This analysis establishes that a clear account of a chamber's function must precede discussions about reforming its composition.

In the United Kingdom, the success of the House of Lords as a revising chamber is often overlooked by a focus on its size and unrepresentative and undemocratic composition. Reforms to the chamber have been incremental, with major reform proposals often failing. An analysis of the Commission on the UK's Future's proposals for an Assembly of Nations and Regions in place of the Lords shows that it raises legitimate concerns about territorial representation but does not sufficiently address why the UK's second chamber should have a territorial function and how this might impact its current role as a revising chamber.

This research makes two key contributions to policy thinking. First, it reasserts the importance of identifying second chamber function before changing its composition. Second, it highlights the structural complexities that arise when second chambers are tasked with fulfilling more than one function simultaneously, an issue that must be addressed through broader constitutional design rather than piecemeal reform.



Contents

Executive Summary	3
Contents	4
Introduction	5
1. Global Context and Lessons from Overseas	6
2. Reforming the House of Lords	13
Conclusion and Recommendations	26
Authors	27



Introduction

Out of 190 national parliaments across the world, 79 consist of two chambers. Seven of the ten most populous countries have bicameral legislatures, with China, Indonesia and Pakistan the three exceptions. Political attention usually focuses on how the decisions of democratically-elected lower houses, such as the House of Commons, India's Lok Sabha, Germany's Bundestag and France's Assemblée nationale can lead to changes in national policy. However, second chambers can also play varied and important roles in the policymaking process, providing a second opinion or 'check' on the decisions of their lower houses. An analysis of how effectively second chambers are composed and operate therefore yields insights for how democratic and policymaking processes can be strengthened in different countries.

Second chambers can play a number of roles, from revising the legislation passed by lower houses to providing alternative forms of democratic, territorial and socio-cultural representation. This enables them to approach the policy issues discussed by lower houses from a different perspective. On critical policy issues such as climate change, education and health, second chambers can thus provide valuable insights that may be sidelined or ignored in the electoral politics of lower houses.

Against this background, this paper addresses issues relating to second chamber reform in the UK. It focuses on how considerations of a chamber's function shape both its composition and powers, before applying this functional analysis specifically to the challenges of reforming the House of Lords. It argues that a significant barrier to reform has been the lack of clear sequencing of reform discussions. Instead of directly engaging with the composition or powers of the House of Lords, the function of the UK's second chamber must first be specified before considering these issues. This also helps to navigate the structural complexities that arise when second chambers have multiple competing functions.



1. Global Context and Lessons from Overseas

This section examines comparative literature on second chambers worldwide to investigate where their function is congruent, or conflicts with, their composition. It will highlight difficulties from across the world in reforming second chambers, often due to a lack of clarity in respect of two factors: the relationship between competing functions they might have, and the extent to which that chamber's composition reflects and successfully reconciles those competing functions. It focuses on revising chambers and federal second chambers due to their relevance to the UK and India.

1.1 Composition and function

Literature in comparative politics and comparative constitutional law has identified different taxonomies of second chamber function. One of the most common is Lijphart's account of 'strong' and 'weak' bicameralism.¹

Strong bicameralism exists where both chambers are composed upon distinct principles yet share roughly equal powers, whereas weak bicameralism is characterised by a power imbalance between the two chambers. Lijphart treats 'strong' bicameralism as a sign of 'success', implying that the function of a second chamber is to counterbalance an elected lower house.

Bulmer sets out four categories of second chambers: chambers of review and reflection, chambers of territorial representation, chambers of socio-cultural representation, and chambers of democratic contestation.² The primary role of a chamber of review and reflection is the technical scrutiny and revision of legislation that is passed by that Parliament's lower house. Chambers of territorial representation, by contrast, ensure the representation within the 'federal' legislature of the regional sub-units that make up a territorially plural state. Members may be directly or indirectly elected by these sub-units, creating a relationship of sub-state democratic legitimacy between electors and their territorial representatives.³ Chambers of socio-cultural representation, such as Botswana's Council of Chiefs, typically represent communal, identity or tribal groups, whilst chambers of democratic contestation are usually a directly elected counterbalance to the form of democratic representation in the lower house. Bulmer outlines that good constitutional design consists of harmony between the function, composition and powers of a second chamber.

However, second chambers rarely serve a single function, operating within complex political systems where they must balance multiple roles. The challenge is therefore not only in identifying these functions,

¹ Lijphart 1999, 200-215.

² Elliot Bulmer, 'Bicameralism', *Constitution-Building Primer* (International IDEA, 2017), 12, <https://www.idea.int/publications/catalogue/bicameralism>.

³ See further Stephen Tierney, *The Federal Contract* (Oxford: Oxford University Press, 2022), ch. 9.



but examining how they coexist, and in doing so, how successfully they shape issues of composition and powers.

The remainder of this paper will focus on chambers of 'review and reflection' and 'territorial representation', owing to their relevance in the debate on House of Lords reform in the UK. It uses these categories in preference to Lijphart's taxonomy because Bulmer's categories enable a more fine-grained analysis attuned to the respective constitutional settlements of the countries surveyed.

1.2. A survey of second chambers around the world

This sub-section will survey and analyse a range of second chambers from across the world, highlighting instances of congruence and conflict between the 'review and reflection' or 'territorial representation' functions of these chambers, and their composition. It will use these examples to illustrate the importance of considering second chamber *function* as a precursor to composition in reform proposals. It also highlights that in cases where chambers have more than one function, this is especially important because of the close connection between function, composition and powers.

1.2.1. Congruence and conflict in revising chambers

The function of a revising chamber is, according to Bulmer, to "provide technical review and scrutiny of legislation, usually in a less partisan atmosphere than the lower house."⁴ Accordingly, the members of revising chambers are typically appointed – rather than elected – from political, social and administrative elites, whose expertise and experience can be deployed in scrutinising and reviewing the legislative work of the lower house. This isolates members from the party politics and electoral competition that typifies directly elected lower houses. Other than the UK's House of Lords (discussed further in section 2), the clearest examples of chambers with a 'review and reflection' function are the upper houses of Canada, the Netherlands and Italy. Nevertheless, many second chambers worldwide have a function of 'review and reflection' in addition to their primary function.

Canada

Canada has a bicameral parliament based on the Westminster system. It is divided into the elected House of Commons, and the unelected Senate. The Canadian Senate fulfils a function of review and reflection congruently with its composition. Members of the Senate are appointed by the Prime Minister based on their knowledge and expertise. This makes Senate Members well-placed to conduct legislative scrutiny. Although each province or provincial region has a specific allocation of seats in the Senate, Members do not represent

⁴ Elliot Bulmer, 'Bicameralism', 12.



the sub-state units whose seats with which they are associated.⁵ This has sparked criticism on the grounds that the Senate is undemocratic,⁶ and that there is a clash between its functions as a chamber of review and reflection and as a chamber of territorial representation.⁷

The Supreme Court of Canada confirmed in its *Senate Reference*⁸ of 2014 that the official purpose of the Senate is to act as a chamber of review and reflection.⁹ Therefore, even though Canada has a federal constitution, it does not follow either that composing the Senate from Members associated with specific regions has a function of instituting territorial pluralism, nor that any federally-constituted state *must* have a federal second chamber.

This suggests that the function of a second chamber can be deliberately and consciously 'hived off' from the purposes and principles of the rest of a constitutional settlement. The example of Canada thus highlights not only congruent composition, but the analytical importance of formal constitutional statements by courts or in the text of the constitution of second chamber function; to some extent, criticism that Canada's Senate is not territorially representative or democratically constituted is by the by, as this is not its function. The need for that function must first be established before arguments of this kind are made in reform processes.

The Netherlands

The Netherlands also has an upper house called the Senate (the Eerste Kamer) which supplements its proportionally elected lower house, the House of Representatives (the Tweede Kamer). It has 75 members, elected by members of the Provincial Councils (provincial legislative assemblies). This process of indirect election resembles that for a chamber of territorial representation, on account of the involvement of directly elected state legislators. However, the purpose of this indirect election appears to be to insulate Senate members from the pressures of party politics; members of the Senate are part-time, they lack the right to amend bills and parties in the Senate are not bound by the government's programme. Moreover, the Netherlands is considered a unitary state, but one where power over some policy areas is decentralised to the provincial level. The Senate can either accept or reject legislation, and the threat to use its veto can trigger informal adjustments to legislation from the House of Representatives. Whilst Knippenberg has highlighted that the Senate as a strong position within the legislative process,¹⁰ van den Braak raises the question of whether it is always justified that an indirectly elected upper house can

⁵ Erika Arban, 'Discussing a Reform of the Senate: A Comparison between Italy and Canada Essays', *Italian Law Journal* 1, no. 2 (2015): 299.

⁶ See Erika Arban, 284.

⁷ Erika Arban, 284.

⁸ *Reference re Senate Reform* 2014 SCC 32.

⁹ *Reference re Senate Reform*, para 15.

¹⁰ E.T.C. Knippenberg, 'De Senaat : Rechtsvergelijkend Onderzoek Naar Het House of Lords, de Sénat, de Eerste Kamer En de Bundesrat' (Maastricht university, 2002), doi:10.26481/dis.20020628ek.



overrule decisions taken by a directly elected lower house.¹¹ The Netherlands' Senate is thus an example of conflict between function and composition: its function is to review and reflect upon the legislation passed by the House of Representatives, but its composition arguably makes it over-powered for this role.

Italy

Italy's second chamber (the Senate) also has a primary function of review and reflection. Nevertheless, it presents a unique example of 'perfect bicameralism', in which the legislative powers of the upper house and the lower house (the Chamber of Deputies) are coequal. The Senate is smaller than the Chamber of Deputies, with 200 members (as of the constitutional changes of 2020 and 2021) to the latter's 400. 74 members are elected by plurality vote to represent single-member constituencies, with a further 122 elected by proportional representation for regional multi-member constituencies. There are 4 seats for overseas constituencies. The Italian Senate is an example of where perfect bicameralism can work against a function of 'review and reflection'. Whilst it does give the revising chamber significant democratic legitimacy, the formal equality in legislative powers can hinder the passing of legislation. The example of the Italian Senate thus highlights the need for congruency between function, composition *and legislative powers* in order that the chosen function can be exercised effectively.

1.2.2. Congruence and conflict in chambers of territorial representation

The function of a chamber of territorial representation is to ensure the representation of the constituent units of a territorially plural state. Typically, members are either directly elected by the voters of that sub-state unit or indirectly elected by members of the sub-state legislatures. Because there is no singular pattern that characterises all territorially plural or federal states, issues of congruence between this function and the chamber's composition require careful consideration of context. Territorial second chambers can unite a polity, minimise the dangers of fragmented decision-making and encourage the formation of common policy positions amongst territorial sub-units.¹² Second chambers may give equal representation to all constituent territories irrespective of population, as in the US Senate, whilst others take account of population to varying extents into seat allocations, as in the German Bundesrat.

Germany

The Bundesrat is a notable example of congruence between the function of territorial representation in a second chamber and its composition. Bundesrat members are appointed from those who have

¹¹ Bert Van Den Braak, 'The Vitality of the Dutch Senate', in *Reforming Senates*, 1st edn (London: Routledge, 2019), 185, doi:10.4324/9780429323119-16.

¹² Meg Russell, 'The Territorial Role of Second Chambers', *The Journal of Legislative Studies* 7, no. 1 (March 2001): 109, doi:10.1080/714003852.



a seat and a vote in one of the state governments.¹³ The number of seats is allocated to each state is based on its population. As Russell points out, there is strong congruence between function and composition here, because the Länder are directly represented at national level, allowing state-level concerns to be given national attention.¹⁴ It is thus designed to promote and protect regional differences, aiming to achieve integration rather than policy diversity across the country.¹⁵ Nevertheless, Russell highlights that the Bundesrat's effectiveness is hampered by its inability to meet regularly, and whilst its composition creates a strong, legitimising link to the states, it has been composed in the specific political and historical context of German federalism, which does not make it a useful model for other federal constitutions.¹⁶

USA

The US Senate has two features that distinguish it from other territorial second chambers: Senators are directly elected by voters, and all of the 50 states are equally represented irrespective of their population or contribution to national GDP. As in the Bundesrat, there is thus a strong direct link to the constituent territories, though here it is directly to the state electorate rather than to the state legislature. However, the formally equal representation of all states leads to the over-representation of smaller, rural states with respect to population and economic contribution vis-à-vis larger states with urban centres. Thus, although there is congruence on paper, this would be an overly formalistic assessment that engages only with the state as a demotic unit. In practice, how each state is impacted by or contributes to federal policy issues will vary according to its demographics and economic resources.

Spain

Whilst Spain does not formally have a federal constitution, its Senate was designed to provide territorial representation to its autonomous communities, albeit with mixed success. There is a mix of directly and indirectly elected Senators for each province, and the number of Senators is determined according to the population of each autonomous region, such that there is no disproportionate balance towards the smaller regions. Considering Spain's history of nationalist movements – predominantly in Catalonia and the Basque Country – this is potentially incendiary, as the Senate's structure may be perceived as insufficiently recognising Spain's territorial plurality. However, Russell has pointed out that the Senate has had no effective role in ensuring national unity or diffusing separatism.¹⁷ It is questionable, therefore, whether the Senate fulfils its territorial function because of its composition.

¹³ Basic Law, Art 51(1).

¹⁴ Meg Russell, 'The Territorial Role of Second Chambers', 114.

¹⁵ Stephen Tierney, *The Federal Contract*, 222.

¹⁶ Meg Russell, 'The Territorial Role of Second Chambers', 116.

¹⁷ Meg Russell, 114.



1.3 Congruence and conflict in chambers of territorial representation

Second chambers, whilst subject to political scrutiny, have proved remarkably resilient to reform. Despite longstanding criticisms and demonstrated instances of conflict between function and composition, attempts at meaningful structural change under democratic stability have routinely faltered.¹⁸

In chambers with a primary function of review and reflection, reforms have tended to focus on enhancing the expertise and legitimacy of the chamber. A key concern has been how to strengthen their capacity to scrutinise legislation effectively while remaining distinct from party politics of the lower house. This issue arose in the context of a 2017 state commission on the parliamentary system in the Netherlands, which explored whether the Senate should have a formal right of amendment.¹⁹ Though there was some support for the measures, it was recognised there was no need for fundamental changes unless there was an issue of persistent political stagnation between the two chambers.²⁰ The Senate was viewed as performing its revising role adequately, and had steadily adapted to changes in its wider constitutional context. The limited history of contemporary reforms to revising chambers suggests that this is a global pattern: revising chambers can maintain legitimacy through small adjustments to their practice, especially where these reforms improve public understanding of a chamber's expertise. This underscores the importance of a clear articulation of the function of a second chamber in any reform efforts.

Reform efforts for territorial second chambers have often sought to strengthen links to either to sub-state legislatures or the regional electorate. The pressure to do so is amplified where the pace of devolution has outstripped that of second chamber reform, yet it may not always be possible to successfully build these evolving links into second chamber structures.²¹ For example, the reforms to the Belgian upper house in 1993 altered the Senate's composition in response to federalisation, but left it as a hybrid chamber that was ill-equipped to perform either its territorial or revising functions effectively.²² This example also demonstrates that well-meaning reforms to enhance one function of a second chamber can counteract its ability to fulfil its other function(s).

Efforts to reform second chambers can also occur as part of broader packages of constitutional reform. The failed 2016 referendum on Senate reform in Italy highlights how reforms adjacent to second

¹⁸ Meg Russell and Mark Sandford, 'Why Are Second Chambers so Difficult to Reform?', *The Journal of Legislative Studies* 8, no. 3 (September 2002): 80, doi:10.1080/714003926.

¹⁹ 'Staatscommissie Parlementair Stelsel', Rijksoverheid, n.d., [https://www.rijksoverheid.nl/onderwerpen/parlement/staatscommissie.StaatsCommittee on the Parliamentary System](https://www.rijksoverheid.nl/onderwerpen/parlement/staatscommissie.StaatsCommittee%20on%20the%20Parliamentary%20System) 2017.

²⁰ Bert Van Den Braak, 'The Vitality of the Dutch Senate', 185.

²¹ Meg Russell, 'The Territorial Role of Second Chambers', 115.

²² Patricia Popelier, 'Bicameralism in Belgium: The Dismantlement of the Senate for the Sake of Multinational Confederalism', *Perspectives on Federalism* 10, no. 2 (June 2018): 219, doi:10.2478/pof-2018-0024.



chamber composition can impact upon how effectively that second chamber is thought to fulfil its functions. The proposal to repurpose the Senate from a chamber of review and reflection into one of territorial representation occurs, as Baldi discusses, against a background of wider efforts to strengthen executive authority. Voters thus interpreted the composite package of reform as an encroachment upon pluralism.²³ Had this reform passed, it may well have weakened the Senate's power as a revising chamber without significantly improving its federal functions. This emphasises the need to consider second chamber function and composition in the context of other ongoing constitutional reforms, which may have an unwanted impact on a chamber's ability to fulfil its functions.

1.4 Conclusion: The Significance of Function

Two recurring themes can be drawn from this comparative survey. First, conflict between a second chamber's function and its composition is most likely to arise where the chamber is expected to fulfil multiple roles. Second, reform efforts tend to be unsuccessful where these primary and secondary functions are not clearly articulated. This is because there is no single model of second chamber function, and many chambers around the world serve more than one. A multiplicity of roles creates design challenges, as illustrated in the cases of Italy, Belgium and Spain. In these states, attempts to reform the upper house without clearly outlining the relationship between revising and territorial functions have produced institutional ambiguity. Moreover, where there is a lack of clarity about a second chamber's function, reform efforts can risk worsening both the legitimacy of the chamber and its effectiveness in fulfilling that function.

These examples highlight that clear understanding and articulation of second chamber function must precede discussion relating to a chamber's composition and powers.

²³ Brunetta Baldi, 'Second Chamber Reform in Italy: Federalism Left Behind', *South European Society and Politics* 23, no. 3 (July 2018): 397, doi:10.1080/13608746.2018.1518067.



2. Reforming the House of Lords

This section uses the account of second chamber function set out in section 1 to examine efforts to reform the House of Lords in the UK. It sets out the current composition and function of the House of Lords and demonstrates its recent success as a revising chamber as context, before considering the contemporary reasons offered for Lords reform and how these relate to its function. The proposals of the Commission on the Future of the UK in 2022 to reform the upper house into an Assembly of Nations and Regions are examined in detail. The analysis highlights the elision between issues of function and composition in ongoing discussions about reform, including the role of the upper house in safeguarding the UK's devolution settlement.

2.1 Current composition and function

The House of Lords is one of the oldest parliamentary chambers in the world. It is steeped in tradition and the Westminster system has inspired governmental structures worldwide. Unlike other states which have experienced huge shifts in sovereignty after independence or the abolition of monarchy, changes to the British parliamentary system have been gradual, mirroring the slow decline in power of the ruling classes. The composition and function of the House of Lords has similarly changed little over this time.

As of July 2025, there are 859 members of the House of Lords, with 835 eligible to attend proceedings. Of those eligible, there are 573 men and 262 women. Table 1 sets out the current composition of the Lords; party balance is roughly in line with the House of Commons, reflecting the last decade of Conservative governance. A proportion of crossbenchers with no political affiliation ensures a breadth of non-political expertise in the chamber. The chamber is wholly appointed and comprised of 719 life peers, 86 excepted hereditary peers and the Lords Spiritual.

The House of Lords is a chamber of expertise and experience, with members usually appointed for leading their field or having held high office. Their membership brings a different perspective to that of members of the elected chamber, allowing greater depth of scrutiny.²⁴

Peerage appointments are managed by the House of Lords Appointments Commission (HOLAC), which recommends crossbench life peers and vets nominations from the Prime Minister. The legislative scrutiny conducted in the Lords generally happens outside media attention, and there is greater opportunity for in-depth exploration of concerns with expert input.²⁵ The presence of crossbenchers is crucial

²⁴ Philip Norton, 'Adding Value? The Role of Second Chambers', *Asia Pacific Law Review* 15, no. 1 (June 2007): 10, doi:10.1080/10192557.2007.11788164.

²⁵ Meg Russell, 'Why Abolishing the House of Lords Is Not the Answer', *Prospect Magazine*, November 2022, <https://www.prospectmagazine.co.uk/politics/60267/why-abolishing-the-house-of-lords-is-not-the-answer>.



House of Lords Reform: A Functional Analysis

Pravar Petkar and Amy Wonnacott

here and gives the House of Lords 'independence of thought' outside party politics.²⁶

Party	Seats
Conservative	286
Labour	211
Crossbench	182
Liberal Democrat	76
Other	56
Bishops (Lord Spiritual)	24

Table 1: composition of the House of Lords by party or designation (July 2025).

Unlike in the House of Commons, where members are elected to represent the interests of a specific constituency, peers have no obligation to represent the interests of the region of their registered dwelling. Nevertheless, the available data on primary residency, population estimates, and regional distribution of GDP reveals that the House of Lords may be more representative than imagined.

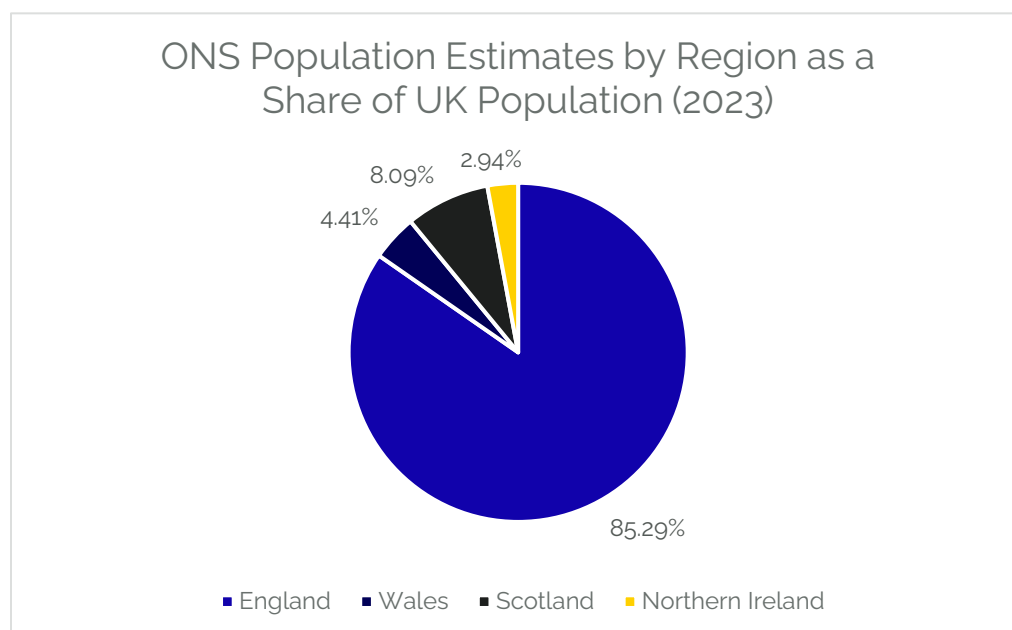


Figure 1: ONS population estimates by region of the UK, as a share of the total estimated UK population (2023)

Figure 1 above highlights the proportion of the UK's total residents in each of its four constituent regions.

²⁶ 'Diverse Experience', accessed 23 July 2025, <https://www.parliament.uk/business/lords/whos-in-the-house-of-lords/members-and-their-roles/diverse-experience/>.



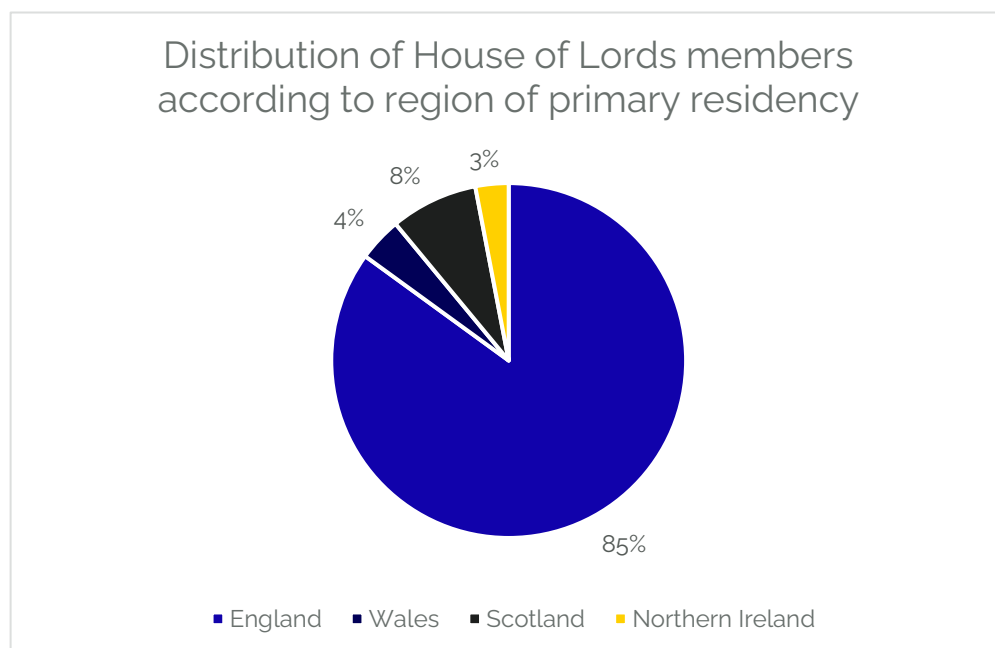


Figure 2: proportion of members of the House of Lords whose registered dwelling is in each of the UK's four constituent regions (2023 House of Lords Appointment Commission Annual Report).

Comparing Figure 1 with Figure 2 highlights that based on primary residency, the distribution of House of Lords members across the UK is broadly consistent with the distribution of the population as a whole.

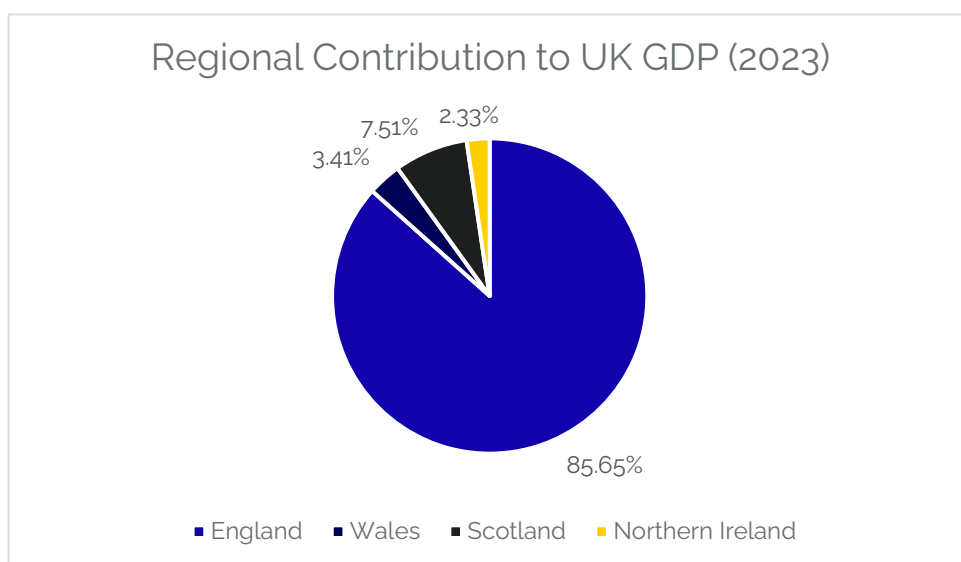


Figure 3: the contribution of each of the UK's constituent regions to its overall GDP, based on the ONS Regional Economic Activity survey 2023.

Figure 3 highlights that the distribution of House of Lords members is also largely consistent with the contribution of each region to the UK's

GDP.²⁷ As a result, though the Lords is not intended in its structure and modes of appointment to be geographically or economically representative, it happens to have been so in the recent past.

The functions of the House of Lords are making laws, conducting in-depth consideration of public policy and holding government to account.²⁸ The Lords has power to propose amendments and delay certain pieces legislation by up to one year,²⁹ but cannot ultimately veto a bill. The chamber has fulfilled this function as a revising chamber since its inception and does have a track record of success.

2.2 Success as a revising chamber

Comparative literature frequently cites the House of Lords as a successful example of a second chamber of review and reflection, deriving legitimacy from its expertise and non-partisan scrutiny. Norton and Russell³⁰ both highlight the Lords' capacity to provide a distinct, informed perspective on legislation, thanks to broad crossbench membership consisting of former ministers, academics, judges, and professionals across sectors. This enhances its function without challenging the primacy of the House of Commons.

Government defeats in the House of Lords are the most visible indicator of Lords' influence, reflecting the Lords' role as the check on government power and demonstrating capacity to shape legislation through amendments.³¹ Research published by the Institute for Government shows an increase in the number of government defeats in the House of Lords from 2015 onwards, suggesting the Lords' greater willingness to use their powers of review on certain pieces of legislation. This data is displayed in Table 2 below.³²

²⁷ Charley Coleman, 'Regional Representation in the House of Lords' (House of Lords Library Briefing, January 2020), <https://researchbriefings.files.parliament.uk/documents/LLN-2020-0007/LLN-2020-0007.pdf>.

²⁸ 'What Does the House of Lords Do?', accessed 23 July 2025, <https://www.parliament.uk/business/lords/work-of-the-house-of-lords/what-the-lords-does/>.

²⁹ This only applies to legislation enacted under the terms of the Parliament Acts 1911-49, as specified in the Introductory Text of that legislation. This procedure has been used infrequently: see Alice Lilly, 'The Parliament Acts', Institute for Government, May 2023, <https://www.instituteforgovernment.org.uk/explainer/parliament-acts>.

³⁰ Philip Norton, 'Adding Value?'; Meg Russell, 'A Stronger Second Chamber? Assessing the Impact of House of Lords Reform in 1999 and the Lessons for Bicameralism', *Political Studies* 58, no. 5 (December 2010): 866-885, doi:10.1111/j.1467-9248.2009.00810.x.

³¹ Meg Russell, 'A Stronger Second Chamber? Assessing the Impact of House of Lords Reform in 1999 and the Lessons for Bicameralism', 872.

³² Jess Sargeant and Jack Pannell, 'The Legislative Process: How to Empower Parliament' (London: Institute for Government, December 2022), 11, <https://www.instituteforgovernment.org.uk/publication/legislative-process-empower-parliament>.



House of Lords Reform: A Functional Analysis

Pravar Petkar and Amy Wonnacott

Parliamentary Session	Frequency of Govt Defeats
2010 – 2015 (average)	1 defeat per 5-20 sitting days
2014-2016	2 defeats every 5 sitting days
2017-2019	1 defeat every 5 sitting days
2019-2021	1 defeat every 2 sitting days

Table 2: frequency of Government defeats in the House of Lords. Source: Institute for Government (2022).

An examination of specific legislative examples contextualises the number of defeats in relation to the total number of divisions held on a Bill, retrieved from the Votes in Parliament database.

Bill	Year	Government	Divisions	Defeats
Data (Use and Access) Bill	2025	Labour	16	14
Safety of Rwanda (Asylum and Immigration) Bill	2024	Conservative	25	24
Illegal Migration Bill	2023	Conservative	34	29
UK Internal Markets Bill	2020	Conservative	19	16
European Union (Withdrawal) Bill	2018	Conservative	17	15

Table 3: a list of the divisions in recent Government defeats in the House of Lords on politically significant legislation.

These examples evidence that the House of Lords has defeated the Government on a majority of divisions of voting on some politically significant legislation. It thus shows that the Lords has the scope and ability to challenge the work of the House of Commons, even if these defeats do not always change the outcome of the Bill; the Commons will often propose its own amendments following consideration by the Lords, and both Houses must agree on the text before Royal Assent is given. This therefore illustrates that the Lords does conduct valuable work in providing 'sober second thought', especially on controversial legislation or issues with significant public salience and media focus. The practical use of powers of the Lords and its success as a revising chamber illustrates why there is little controversy about the powers of the House in delay and negotiations.³³

2.3 Reforming the House of Lords

This section will introduce the background to House of Lords reform, the most criticised aspects of the chamber and outline the history of reform over the last century. It will present and analyse the Lords Reform Bills introduced by the current Labour Government before

³³ Meg Russell, 'House of Lords Reform: Navigating the Obstacles' (London: Institute for Government, 2023), 16, <https://www.instituteforgovernment.org.uk/sites/default/files/2023-03/House-of-Lords-reform-guest-paper.pdf>.



considering the Brown Commission's reform proposals with reference to second chamber function.

2.3.1 Introducing the Reform Debate

The success of the House of Lords as a revising chamber is often – including by the Brown Commission – overlooked by a focus that is almost exclusively on its composition. Three areas attract the most criticism for the chamber: its size, the quality of its representation and its lack of a democratic mandate.

Size

The size of the House of Lords clearly inhibits its function. With over 800 eligible members, it is the second largest chamber in the world behind the National People's Congress of China. There are many Lords who do not regularly participate in the daily running of the chamber, leading to suggestions to add a mandatory participatory or voting requirement to streamline membership. Reducing and capping the size to 800, 600 and 200 members have been suggested, but not included in any Bill proposal thus far. A survey of public opinion on Lords reform by the Constitution Unit shows that support for limiting prime ministerial patronage and the size of the chamber is high.³⁴

Representation

The Lords has also been criticised for being unrepresentative of the population it serves. Women make up a third of the members of the House of Lords and it is ranked 36th out of 78 of upper chambers globally for representation of women.³⁵ There has been recent legislation to increase the presence of female bishops in the chamber, but not to increase the number of female life peers.³⁶ In addition to being societally unrepresentative, the Lords has also been accused of giving disproportionate representation to London and the South East.³⁷

³⁴ UCL Constitution Unit, 'Public Wants House of Lords Reform to Go Further: To Limit Appointments and the Size of the Chamber', The Constitution Unit, June 2025, <https://www.ucl.ac.uk/constitution-unit/news/2025/jun/public-wants-house-lords-reform-go-further-limit-appointments-and-size-chamber>.

³⁵ Inter-Parliamentary Union, 'Monthly Ranking of Women in National Parliaments', *IPU Parline: Global Data on National Parliaments* (blog), 2025, <https://data.ipu.org/women-ranking/>.

³⁶ 'New Legislation Will Increase Representation of Female Bishops in the House of Lords', GOV.UK, accessed 22 July 2025, <https://www.gov.uk/government/news/new-legislation-will-increase-representation-of-female-bishops-in-the-house-of-lords>.

³⁷ Commission on the UK's Future, 'A New Britain: Renewing Our Democracy and Rebuilding Our Economy' (Labour Party, 2022), 136, <https://labour.org.uk/updates/stories/a-new-britain-renewing-our-democracy-and-rebuilding-our-economy/>.



However, Figures 1 and 2 above highlight that this criticism may be wide of the mark. Since the start of legislative devolution³⁸ in 1999 and the spread of English administrative devolution from 2014, some have called for greater representation of the different regions of the UK within the second chamber. A more formal system of territorial representation, where Lords' members were allocated the responsibility for a specific constituency or region of the UK with which they are connected, would require significant changes both to the appointments process, and crucially, the function of the UK's second chamber.

Democratic Mandate

Reforming the democratic mandate refers to efforts to improve the democratic legitimacy of the House of Lords to conduct legislative scrutiny. This is linked to both its nature as an appointed chamber, and the appointments process itself. The existence of hereditary peers to challenge the work of elected officials is particularly contentious. In recent years there have been calls to reform the chamber into an elected one, an issue with high public salience. However, this presents a challenge of how to ensure the primacy of the Commons. A second chamber with greater democratic legitimacy than the Commons – which is impaired by its First-Past-the-Post electoral system – could be tougher when negotiating with and challenging the government. However, this might also make members of a reformed second chamber indistinguishable in their democratic credentials from members of the House of Commons. This, according to Norton, would weaken the second chamber's ability to add a new perspective when conducting legislative scrutiny.³⁹

Moreover, as Russell points out, it is overly simplistic to treat an elected chamber as legitimate, and an unelected one as illegitimate; legitimacy can be drawn from other sources.⁴⁰ Democratic legitimacy can also be improved without election; for example, the unregulated power of patronage that lies with the Prime Minister could be reformed. In recent years, the admittance of party treasurers and donors by Boris Johnson and the admittance of 32 people to the House of Lords after Liz Truss' 49-day premiership have attracted criticism.⁴¹

These leaders have used the power of patronage in a "wholly unacceptable way", ⁴² damaging the reputation of the chamber. Ultimately, the elected vs selected debate can be solved by

³⁸ Richard Cornes, 'Devolution and England: What Is on Offer?' in Peter Leyland and Nicholas Bamforth (eds), *Public Law in a Multi-Layered Constitution* (Oxford University Press 2003) 109.

³⁹ Philip Norton, 'Adding Value?', 16.Norton 2007, 16

⁴⁰ Meg Russell, 'A Stronger Second Chamber? Assessing the Impact of House of Lords Reform in 1999 and the Lessons for Bicameralism', 882.

⁴¹ Willie Sullivan, 'The UK's Shortest Serving PM Hands out Peerages to Friends and Supporters', Electoral Reform Society, January 2024, <https://electoral-reform.org.uk/the-uks-shortest-serving-pm-hands-out-peerages-to-friends-and-supporters/>.

⁴² Commission on the UK's Future, 'A New Britain: Renewing Our Democracy and Rebuilding Our Economy', 135.



House of Lords Reform: A Functional Analysis

Pravar Petkar and Amy Wonnacott

establishing what a representative's role ought to be. Legislative scrutiny requires expertise and experience, whilst territorial representation requires members who understand their electorate's needs and interests. The specific role of a representative is guided by the function of the chamber: hence the question should be whether a democratically elected chamber better facilitates review and reflection than a chamber of appointed experts. These criticisms contribute to the view that the House of Lords is outdated, ineffective and representative. However, as will be discussed below, an examination of past reform efforts demonstrates that the solutions to these perceived issues have directly confronted issues of the House of Lords' composition without first articulating its function as a second chamber.

2.3.2 History of Reform

Reforms made to the House of Lords over the last century have been very incremental. There has been no driving force for major constitutional change in the UK, and reforms to the House of Lords reflect this. A summary of key efforts, both successful and withdrawn, is below.

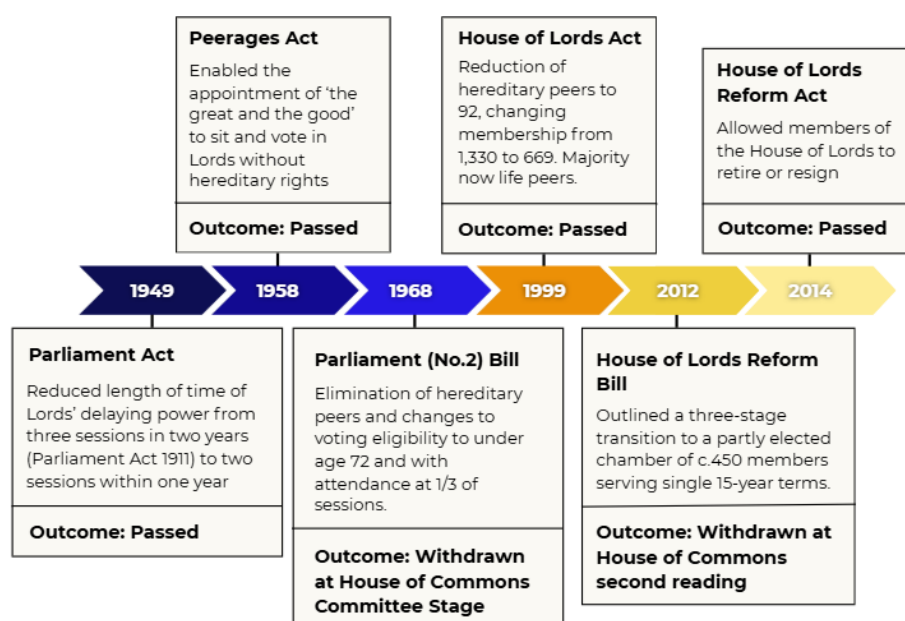


Figure 4: key reforms to the House of Lords enacted since 1949.

This shows that smaller, less ambitious proposals are more likely to become reality than large-scale structural changes. Drastic reforms proposed in White Papers have generally not made it to the floor of Parliament. These include the 1973 Kilbrandon Commission and the 2000 Wakeham Commission, the latter of which suggested direct election of members using a Proportional Representation system, with



constituencies divided based on the regions previously used for European Parliament elections.⁴³

These small modifications to composition have nevertheless had a tangible impact on the work of the Lords as a revising chamber. Simple changes result in greater clarity of function and role, making it easier to assimilate change into the daily functioning of the chamber. This was seen after the House of Lords Act 1999, when the reduction in the number of hereditary peers strengthened the chamber against the government, giving greater assertiveness to use their powers.⁴⁴

2.3.3 Contemporary Reform Efforts

The 2024 General Election saw manifesto commitments from both Labour and the Liberal Democrats to bring greater territorial representation and a stronger democratic mandate to the House of Lords. Acting on this, Labour has proposed two bills which are making their way through Parliament at the time of writing.

Year	Title	Description	Outcome
2024	House of Lords (Hereditary Peers) Bill	Remove the right of the remaining 92 excepted hereditary peers to sit and vote in the house	HL Third Reading 21 July 2025
2024	House of Lords (Peerage Nominations) Bill	Strengthen HOLAC powers and the criteria for peerage nominations. 20% Crossbench requirement with no party majority, size at 600.	HL Committee Stage April 2025 (originated HL)

Table 4: Bills introduced in this Parliament to facilitate House of Lords reform.

These bills could do much to improve public opinion of the chamber, particularly by depoliticising the appointments process.⁴⁵ Like previous reform proposals, these changes address only the composition, and not the function of the chamber. Yet the two are not mutually exclusive. Small changes to streamline the composition of the chamber, particularly through strengthening HOLAC, would keep the wide expertise and scrutiny, but increase transparency of the appointments procedure and potentially remove strong party influence.

⁴³ Royal Commission on the Reform of the House of Lords, 'A House for the Future' (Cabinet Office, 2000), <https://www.gov.uk/government/publications/a-house-for-the-future-royal-commission-on-the-reform-of-the-house-of-lords>.
⁴⁴ Meg Russell, 'A Stronger Second Chamber? Assessing the Impact of House of Lords Reform in 1999 and the Lessons for Bicameralism', 880.
⁴⁵ Peter Dorey, 'Elected or Selected? The Continuing Constitutional Conundrum of House of Lords Reform', *The Political Quarterly* 94, no. 3 (July 2023): 402, doi:10.1111/1467-923X.13298.



2.3.4 Assembly of Nations and Regions

The Commission on the UK's Future, led by Gordon Brown (the 'Brown Commission'), reported in 2022 and proposed drastic reforms to the composition of the UK's second chamber. It strongly criticised the size of the chamber, its appointment process, and representation within it. Instead, it proposed a 200-seat elected Assembly of Nations and Regions (ANR) to serve four key purposes:⁴⁶

- Constructive scrutiny of legislation and government policy (mirroring the current role of the House of Lords);
- Bring together voices of different nations and regions of the UK;
- Monitor adherence to standards in public life;
- Powers to safeguard the UK constitution and the territorial distribution of power.

The ANR would remain secondary to the Commons, with no role in "forming or sustaining governments", and "no responsibility for decisions about public spending or taxation."⁴⁷ It would nevertheless have an "explicit power to reject legislation which related to a narrow list of defined constitutional statutes, such as aspects of the devolution settlement."⁴⁸ This includes the Sewel Convention, a political norm now codified in statute which states that the UK Parliament will not normally legislate on matters devolved to the legislatures of Scotland, Wales or Northern Ireland without their consent. The Brown Commission thus envisages the ANR to have a significant role in protecting the balance of power between the UK's 'federal' centre and its constituent territories.

This reveals what in our view is the principal drawback of the Brown Commission's proposals. It concludes, based solely on a view of over-centralisation at Westminster and Whitehall in respect of both economic policy and accountability,⁴⁹ that the composition and powers of the UK's upper house must change. In making this argument, the Commission has assumed that the function of the UK's upper house must also change to meet these needs. This is problematic for three reasons.

First, this assumption may not hold in all cases, nor is it the only means of addressing the challenges that the Commission identifies. As Tierney indicates, second chambers are not the only means of federal representation available to constitutional designers.⁵⁰ The alternatives are surveyed in section 2.4.2 below.

⁴⁶ Commission on the UK's Future, 'A New Britain: Renewing Our Democracy and Rebuilding Our Economy', 139.

⁴⁷ Commission on the UK's Future, 138.

⁴⁸ Commission on the UK's Future, 140.

⁴⁹ Commission on the UK's Future, 37–44.

⁵⁰ Stephen Tierney, *The Federal Contract*, 226, 229, 235 (on federal executives, intergovernmental forums and judicial appointments respectively).



Second, as section 1 has suggested, the apparent dual function of the ANR as a chamber of territorial representation with some role in revising legislation can create internal incoherence. It is unclear at this stage how effective the ANR, if constituted as a chamber of territorial representation, would be in fulfilling the role of the current House of Lords as a revising chamber.

Third, this implicit shift in function obscures questions of how territorial representation ought to operate in practice.⁵¹ This includes the issue of which territories ought to be represented, in what numbers, and how disproportionate size of England as compared to Scotland, Wales and Northern Ireland ought to be accommodated. This lack of specificity makes it much more difficult to accurately assess whether the ANR's putative composition and legislative powers would be congruent with its functions, and thus whether the reform would be effective in practice.

2.4 A Functional Approach

The preceding discussion has highlighted the importance of function as an analytical tool when addressing second chamber reform in the UK. Both long-standing and more recent discussions on and proposals for reform have directly confronted the issue of the composition and powers of the UK's upper house without sufficiently grounding the analysis and policy recommendations in what the chamber's function ought to be. An approach to reform that starts with the question of function would generate specific and achievable proposals which could make a meaningful difference to the chamber's operation. This section explores how this might play out in the UK context in respect of the functions of 'review and reflection' and 'territorial representation'.

2.4.1 Reforming a Revising Chamber

Strengthening the Lords' function as a revising chamber can be achieved through proposals which improve its accountability, debating power and ability to challenge government decision-making. The above analysis of government defeats in the Lords demonstrates its success as a revising chamber in the UK's contemporary political context. If this ought to remain the principal function of the Lords, then its composition and the powers that enable this can act as a useful baseline from which reform efforts can proceed. Its scrutiny function could be further enhanced by the introduction of a participation requirement for members, or eligibility criteria that ensure that those appointed to the House of Lords can augment the existing expertise of the chamber.

⁵¹ Aileen McHarg, 'The Future of the Territorial Constitution under Labour? The Report of the Commission on the UK's Future', *UK Constitutional Law Association* (blog), December 2022, <https://ukconstitutionallaw.org/2022/12/08/aileen-mcharg-the-future-of-the-territorial-constitution-under-labour-the-report-of-the-commission-on-the-uks-future/>.



In practice, this would require modifying the appointment process governed by HOLAC. Internal reforms can ensure that expertise is heard from a broad range of peers through discussion within Lords' committees. The Brown Commission itself praised the high-quality work done by committees on account of the expertise and experience of their members.⁵² Further research is required on how to ensure a broad range of cross-party expertise within these committees, including by drawing on Crossbench peers and co-opting members with field expertise on specific inquiries or issues.

2.4.2. Introducing Territorial Representation

Should territorial representation become a function of the UK's second chamber, greater specificity regarding its mode and objective is required at an early stage within reform debates. The analysis in section 1 identifies that chambers of territorial representation can exercise their function in several ways, based on whether direct or indirect election is used and how seats are allocated between territorial sub-units. This level of specificity was lacking within the Brown Commission's proposals.

Indeed, the UK's territorial pluralism and reform of the House of Lords are, as Russell argues,⁵³ grouped in reform agendas, so are viewed by default as inter-connected issues. However, there is no conceptual reason why this should be the case. The existence of territorial plurality alone is not determinative of the need for a territorial second chamber, notwithstanding that territorial legislative representation is important in the case of "constitutionally enshrined regionalisation or decentralisation",⁵⁴ and that there have been tensions within the UK's devolution settlement in recent times around the balance of competence between the UK Parliament and devolved legislatures. Other solutions are available to address this issue. Federal second chambers are not, according to Swenden, critical for territorial representation.⁵⁵ This is reinforced by reference to the case of the Canadian Senate, discussed in section 1, which is a chamber of review and reflection within an otherwise federal constitution. Mechanisms for establishing and maintaining intergovernmental relations are critical in building relationships between sub-state units and sharing policy practice, especially where devolution is asymmetric.

The key intergovernmental forum for the UK now seems to be the Council of Nations and Regions. Established in 2024, it is comprised of

⁵² Commission on the UK's Future, 'A New Britain: Renewing Our Democracy and Rebuilding Our Economy', 141.

⁵³ Meg Russell, 'Attempts to Change the British House of Lords into a Second Chamber of the Nations and Regions: Explaining a History of Failed Reforms', *Perspectives on Federalism* 10, no. 2 (2018): 269, doi:10.2478/pof-2018-0026.

⁵⁴ Patrice Gélard, 'Report on Second Chambers in Europe: Parliamentary Complexity or Democratic Necessity?', *European Commission for Democracy Through Law*, 2006, 2.

⁵⁵ Wilfried Swenden, 'Subnational Participation in National Decisions: The Role of Second Chambers', in *Handbook on Multi-Level Governance*, ed. Henrik Enderlein, Sonja Wälti, and Michael Zürn (Edward Elgar Publishing, 2010), 119, doi:10.4337/9781849809047.00013.



national and regional leaders from across the UK and facilitates working partnerships between the UK government, devolved governments and mayoral authorities (including MCAs). This builds on the system introduced following the Review of Intergovernmental Relations in 2022, which comprised of portfolio engagement within specific policy areas, an Interministerial Standing Committee and an overarching Prime Minister and Heads of Devolved Governments Council.⁵⁶

As Walker and Kenny point out, the importance of decisions at the mayoral authority level during the Covid-19 pandemic made a system that included regional leaders necessary.⁵⁷ A more robust mechanism for intergovernmental relations may contribute to some of the objectives of territorial representation; any second chamber reform must be conducted with this evolving machinery in mind.

On a practical level, as Russell points out, one significant threshold issue is the asymmetry of devolution within the UK.⁵⁸ There is asymmetry both between England and the three territories with legislative devolution (Scotland, Wales and Northern Ireland), as well as within England, given the current patchwork nature of the Mayoral Combined Authority (MCA) structure. Although this is set to be somewhat standardised under the current Labour Government, this itself is likely to be an incremental process, as research by the Institute for Government has highlighted.⁵⁹ Given the need for a contextual approach, any proposals for territorial representation must navigate not only whether MCAs should receive the same kind of legislative representation as the three devolved territories, but also whether different MCAs should receive differing levels of representation based on the powers that have been devolved to them. Addressing these issues effectively requires a close analysis of the function of the UK's second chamber in respect of the different territories that make up the present territorially plural state.

Finally, there is the adjacent question of the legitimacy of the process of changing the function of the UK's second chamber from 'review and reflection' to that of a chamber of territorial representation.

Having a territorial second chamber provides formal constitutional recognition of the UK's four constituent territories. As Tierney notes in his discussion of constitutional change in federal settings, there is also scope to represent the constituent territories as decision-making units within processes of constitutional change.⁶⁰ For example, this might

⁵⁶ 'Review of Intergovernmental Relations (HTML)', GOV.UK, accessed 16 July 2025, <https://www.gov.uk/government/publications/the-review-of-intergovernmental-relations/review-of-intergovernmental-relations-html>.

⁵⁷ Alex Walker and Michael Kenny, 'Why the Council of the Nations and Regions Matters', *Bennett Institute for Public Policy* (blog), May 2025, <https://www.bennettinstitute.cam.ac.uk/blog/why-the-council-of-the-nations-and-regions-matters/>.

⁵⁸ Meg Russell, 'Attempts to Change the British House of Lords into a Second Chamber of the Nations and Regions', 295.

⁵⁹ Akash Paun et al., 'A New Deal for England' (London: Institute for Government, 2024), <https://www.instituteforgovernment.org.uk/sites/default/files/2024-05/How-the-next-government-should-complete-english-devolution.pdf>.

⁶⁰ Stephen Tierney, *The Federal Contract*, 79.



involve a requirement for a qualified majority in a referendum on House of Lords reform that requires a majority in each of England, Scotland, Wales and Northern Ireland as a standard of approval. With the Scottish National Party remaining opposed to the current House of Lords on the grounds that it is unelected, there is an open question as to whether there is appetite across the devolved legislatures for engaging in a 'federal' process of constitutional change. This highlights the need for careful consideration and wide public discussion before changing the function of the UK's second chamber (whether deliberately or inadvertently), because of the complex issues to which this gives rise.

Conclusion and Recommendations

This paper has argued that discussions about and proposals for House of Lords reform have erred in addressing the composition of the UK's upper house before closely engaging with its function in a changing democratic landscape. It first surveyed a range of international examples to demonstrate the importance of considering function in discussions about second chamber reform. Through this, it identified that conflict between function and composition often arises where a chamber has two functions, which each demand a distinct form of composition. This assessment of the importance of function to second chamber composition was used as an analytical tool to examine proposals for reforming the House of Lords. The analysis found that whilst the Brown Commission's proposals to introduce a federal second chamber do raise legitimate concerns about territorial representation in the UK, the prior question of what the function of the UK's upper house ought to be must first be confronted.

Based on this, we recommend the following for policy researchers, policymakers and constitutional designers.

1. Launch a Royal Commission and/or a national citizens' assembly on what the *primary* purpose of the UK's upper house ought to be, considering in particular the functions of review and reflection and territorial representation. This would serve to provide reform efforts with a clear direction.
2. Conduct further research on the short-term and medium-term reforms that can enhance the House of Lords' effectiveness as a revising chamber, including reforms to committee structures. Given the time that wholesale reform is likely to take, and the success of past incremental reforms, exploring these reforms creates the scope for a more effective House of Lords in its current form.
3. Conduct further research and consultation with officials in the devolved territories on improving representation within the UK's territorial constitution. This should include the enhancement of intergovernmental and inter-parliamentary structures and a clearer articulation of the boundaries between different levels of territorial legislative competence.



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