

centage of the Lords' workload devoted to deliberative activities has declined since 1980; from over 25% in 1979 to barely 14% in 1988.<sup>44</sup> This could be construed as an indication that the upper house has become less enamoured with its reflective role in recent years, but it may also be due to rather more practical pressures.

### Revision of legislation

The reduction in the percentage of Lords' time spent on general debate has been more than matched by an increase in attention devoted to its purely legislative role. By 1989, 60% of the house's sitting hours were consumed by the revision of legislation, the overwhelming majority of which originated in the Commons.<sup>45</sup> We have already considered the (now limited) circumstances in which the Lords might reject a Bill. In quantitative terms, the Lords' revisionary role is primarily concerned with constructive rather than destructive amendment.

The lower profile of party loyalty and greater procedural flexibility in the Lords supposedly enables the upper house to do a better job of revising proposed legislation than the Commons. Peers are assumed to be less firmly wedded to party ideology, and so more willing to accept that Bills may contain technical flaws. The presence of a substantial number of cross-bench peers reinforces this assumption. Relatedly, the growing breadth of experience and expertise among life peers make it likely that the upper house can muster an informed audience for even the most esoteric of government legislative proposals.

Superficially, a Bill's passage through the Lords mirrors that in the Commons. There are however certain important differences. The house does not have a guillotine procedure: rather it relies on peers themselves to ensure that their spoken contributions are pertinent and concise. Perhaps more importantly, the Lords traditionally did not have a standing committee structure: the committee stage is generally taken on the floor of the house. The committee stage is presided over by the Chairman of Committees, a salaried post, to which a peer is appointed by the house each parliamentary session. During this period, the Chairman must detach her/himself from any party political activities.

The committee stage has latterly accounted for almost half of the time the upper chamber has given to its legislative functions.<sup>46</sup> The Lords has conducted sporadic experiments with standing committees in the past forty years, but none were regarded as a success.<sup>47</sup> In 1993/94, the Lords made a further effort in this regard, by considering five relatively uncontroversial Bills under the so-called 'Jellicoe procedure'. Pressure on time is further increased, almost comically, by the physical process of walking through division lobbies whenever a vote on an amendment is taken: forty hours were spent simply on voting in the 1985–1986 session.<sup>48</sup>

Table 6.7 charts the apparently substantial growth in the Lords' activities. One should not read too much into workload statistics, for crude figures often conceal vast variations in the complexity or importance of nominally equivalent subject matter. Many amendments may be introduced at the government's request, to remedy defects which escaped the Commons' attention. While this may be a valuable function for the upper house to fulfill, it raises the danger of the Lords becoming a convenient dumping ground for dealing with legislative minutiae which the Commons is unwilling to address.<sup>49</sup> A related

<sup>44</sup> Griffith and Ryle *op cit* p 473.

<sup>45</sup> Griffith and Ryle *op cit* p 473.

<sup>46</sup> Griffith and Ryle *op cit* p 483.

<sup>47</sup> Shell (1992) *op cit* pp 140–142; Borthwick R (1973) 'Public Bill Committees in the House of Lords' *Parliamentary Affairs* 440.

<sup>48</sup> Adonis (1993) *op cit* p 241.

<sup>49</sup> Adonis (1993) *op cit* pp 240–242.

# Rights Critical Introduction

**Siddappa N.Byrareddy**



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