2.11 The Comparative Powers of the Commons and Lords, and Lords Reform

Total Marks

EDEXCEL 9PL0 · about 60 minutes · Write-in edition

Name: _____ Date: ____ / ____ / _____

Answer ALL questions. Short answer questions may be brief phrases; the two levels-marked questions require full sentence answers and developed argument. The source-based 12-mark question must be answered using the material in the source provided within the prompt.

1 This question concerns the Parliament Act 1949 and how it modified the legislative delay allowed to the House of Lords. State how the Parliament Act 1949 changed the legislative delay allowed to the House of Lords.

(Total for Question 1 is 1 mark)

2 This question concerns the Salisbury Convention and its practical effect on the House of Lords since the post-war period.

(Total for Question 2 is 2 marks)

3 This question asks you to explain how the Parliament Acts procedure allows the House of Commons to bypass the Lords for most public bills once timing requirements are met.

(Total for Question 3 is 6 marks)

4 Evaluate the view that the House of Lords should be replaced with a fully elected chamber.

(Total for Question 4 is 30 marks)

5 This question concerns one argument against a fully elected second chamber based on the need for a revising, not rival, chamber. Explain one argument against a fully elected second chamber based on the need for a revising, not rival, chamber.

(Total for Question 5 is 6 marks)

6 Source for question 6: Extract from a parliamentary briefing note, 2023, summarising arguments on electing the Lords. 'Proponents of an elected second chamber argue that election would enhance democratic legitimacy and accountability, making the chamber answerable to voters, while critics warn that an elected chamber could produce competing democratic mandates and increase confrontation with the House of Commons. Some suggest a hybrid model, combining appointment for expertise with elections for democratic input.' Using this source and your knowledge of UK practice, evaluate the claim that electing the House of Lords would necessarily improve democratic legitimacy without increasing conflict with the House of Commons. Refer to the source in your answer.

(Total for Question 6 is 12 marks)

Mark scheme · 2.11 The Comparative Powers of the Commons and Lords, and Lords Reform

Question 1

states that the 1949 Act reduced the Lords suspensive delay from two years to one year **B1**

Answer: It reduced the Lords suspensive delay from two years to one year for most public bills.

Question 2

states that the Salisbury Convention means the Lords will not block government manifesto commitments **B1**

briefly explains it was an informal convention arising after 1945 to respect the Commons electoral mandate **B1**

Answer: The Salisbury Convention is the informal agreement that the Lords will not block legislation implementing the governing party's manifesto commitments, developed after 1945 to respect the Commons electoral mandate.

Question 3

Level 0 No relevant content. **0**

Level 1 Basic, limited description of the Parliament Acts process with inaccuracies or missing steps. **1-2**

Level 2 Clear description of the main stages and timing required under the Parliament Acts, but with limited analysis of implications. **3-4**

Level 3 Detailed, accurate explanation of the procedure and its implications for Commons-Lords relations, including timing, types of bills excluded, and practical consequences. **5-6**

Indicative content:

- Under the Parliament Acts the Commons can present the same public bill in two successive sessions without the Lords consenting; if the Lords still refuses, the bill can be presented for Royal Assent without the Lords' consent after the required interval.
- Timing specifics: following the 1949 Act, the delay is effectively one parliamentary session in practice, meaning a bill rejected by the Lords in one session can be reintroduced and, if passed again, sent for Royal Assent the next session, subject to specified notice and procedure.
- Money bills are treated differently: a money bill certified by the Speaker can become law if not passed by the Lords within one month, reflecting Commons financial privilege.
- The Acts exclude certain types of bills, for example, bills extending the life of Parliament beyond five years are excluded, and the Acts do not apply to private bills.
- Implications: the mechanism preserves Commons primacy while allowing the Lords a revising and delaying role; in practice the Acts are used rarely because the threat of use influences Lords behaviour and because political costs of forcing a bill without Lords' consent can be high.

Question 4

Level 0 No relevant content. **0**

Level 1 Basic, limited knowledge of the debates about Lords reform. Argument is mainly descriptive and lacks clear analysis or evaluation. **1-7**

Level 2 Clear knowledge of arguments for and against a fully elected chamber with some analysis; evaluation is present but may be uneven or one sided. Some relevant examples or reform proposals are used. **8-15**

Level 3 Detailed and accurate knowledge used to construct a sustained analysis that weighs advantages and disadvantages of a fully elected second chamber. Evaluation engages with constitutional implications and reaches a supported judgement. **16-23**

Level 4 Sophisticated, wide-ranging knowledge of reform proposals and consequences used to produce a tightly argued, balanced evaluation. Precise examples, comparative evidence and consideration of design options are used to reach a well-substantiated and nuanced judgement. **24-30**

Indicative content:

- Arguments in favour: a fully elected chamber would have clear democratic legitimacy and accountability to voters, improving democratic credentials and public trust; electoral competition could make peers more accountable for scrutiny and representation.
- Arguments in favour continued: elections could diversify representation and potentially correct perceived biases in the appointed Lords; a fixed term and electoral cycle could professionalise the chamber and clarify mandates.
- Arguments against: a fully elected chamber risks creating competing democratic mandates with the Commons, threatening Commons primacy and producing legislative deadlock, particularly if different parties control each chamber.
- Arguments against continued: elected peers might behave politically like MPs, reducing the independence and expertise that appointed or crossbench peers provide; the revising, specialist role of the Lords could be weakened.
- Design and mitigation: hybrid models or limited electoral reforms (part-elected chamber, staggered terms, different electoral system, no power to veto but only to delay) can attempt to combine legitimacy with non-rivalry, but bring complexity and unclear political consequences.
- Practical considerations: the scale of reform, transitional arrangements, cost, and impacts on conventions such as the Salisbury Convention; the existing presence of hereditary peers and bishops raises questions about representativeness that a full election would resolve but at the cost of tradition.
- Comparative evidence: some bicameral democracies with two elected chambers experience inter-chamber conflict; overall institutional design and political culture matter more than the simple fact of election.
- Judgement guidance: a balanced conclusion might accept that election would improve legitimacy but argue that it should not be implemented without safeguards to protect the Commons primacy and the chamber's revising function; alternatively, conclude that a carefully designed hybrid could offer a better balance than full election.

Question 5

identifies the argument that an appointed or partly appointed chamber can act as an independent revising body	**B1**
explains that an elected chamber might claim a popular mandate and seek to rival the Commons	**B1**
develops the consequence, eg increased inter-chamber conflict and legislative gridlock	**B1**
gives an example or clarification, eg concerns about a second chamber making competing manifesto claims	**B1**
identifies a constitutional safeguard that might be lost, eg the Salisbury Convention loses force with an elected chamber	**B1**
links to the Commons primacy principle, noting potential tensions	**B1**

Answer: One argument against a fully elected second chamber is that the Lords should be a non-rival revising body. If it were fully elected it might claim its own popular mandate and seek to challenge the Commons, increasing inter-chamber conflict and legislative gridlock, and undermining conventions like the Salisbury Convention that rely on the Lords accepting the Commons electoral mandate. This could weaken the principle of Commons primacy instead of providing collegial scrutiny.

Question 6

Level 0 No relevant content.	**0**
Level 1 Basic, limited use of the source and weak or inaccurate knowledge about Lords reform. Points, if present, are descriptive and not evaluated.	**1-3**
Level 2 Use of the source combined with some accurate knowledge; describes arguments for and against electing the Lords but with limited analysis of whether election would both improve legitimacy and avoid conflict.	**4-6**
Level 3 Good use of the source and wider knowledge to analyse the claim; considers both how election could increase legitimacy and how it might create competing mandates, offering some evaluation.	**7-9**
Level 4 Excellent, well-developed evaluation using the source and strong, relevant knowledge; balances reasons why election could enhance legitimacy against realistic risks of increased Commons-Lords conflict, and reaches a substantiated judgement that addresses the 'necessarily' in the question.	**10-12**

Indicative content:

- The source correctly identifies the main arguments: election would improve democratic legitimacy because voters could sanction or reward second chamber members, increasing accountability.
- Electing members could increase democratic legitimacy by reducing critiques that the chamber is elitist or unrepresentative, and by giving the public a clearer mechanism to hold peers to account.
- However, election also risks creating competing democratic mandates: an elected second chamber might claim legitimacy in areas of policy and assert the right to block Commons decisions, increasing conflict.
- Historical and comparative evidence: bicameral systems with two elected chambers, such as some US states or federal systems, often experience inter-chamber tension; the UK principle of Commons primacy could be tested by an elected Lords.
- A hybrid model might mitigate trade offs by retaining appointed experts to ensure quality of scrutiny while introducing elected elements for democratic input, but hybrids bring complexity and potential tensions over selection and mandate.
- Practical design matters: electoral system, term lengths, whether the Lords could block or only delay legislation, and whether conventions like the Salisbury Convention would survive; these can reduce or exacerbate conflict.
- The word 'necessarily' is important: election could improve legitimacy, but it does not necessarily avoid conflict. Whether conflict increases depends on design choices and on political culture and restraint by the chambers.
- A balanced judgement: electing the Lords is likely to raise democratic legitimacy, but unless carefully designed to protect Commons primacy and manage mandates, it is likely to increase inter-chamber conflict; therefore the claim that election would necessarily improve legitimacy without increasing conflict is not supported.