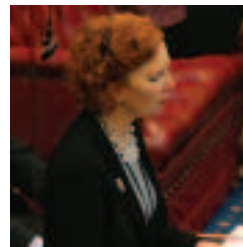
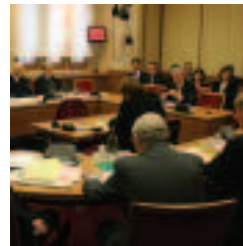
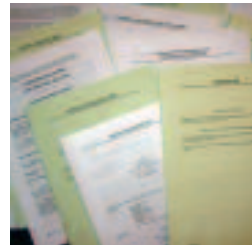
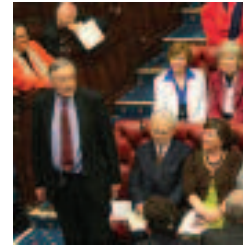
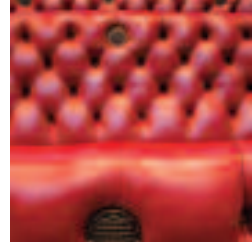




HOUSE OF LORDS



# The Work of the House of Lords

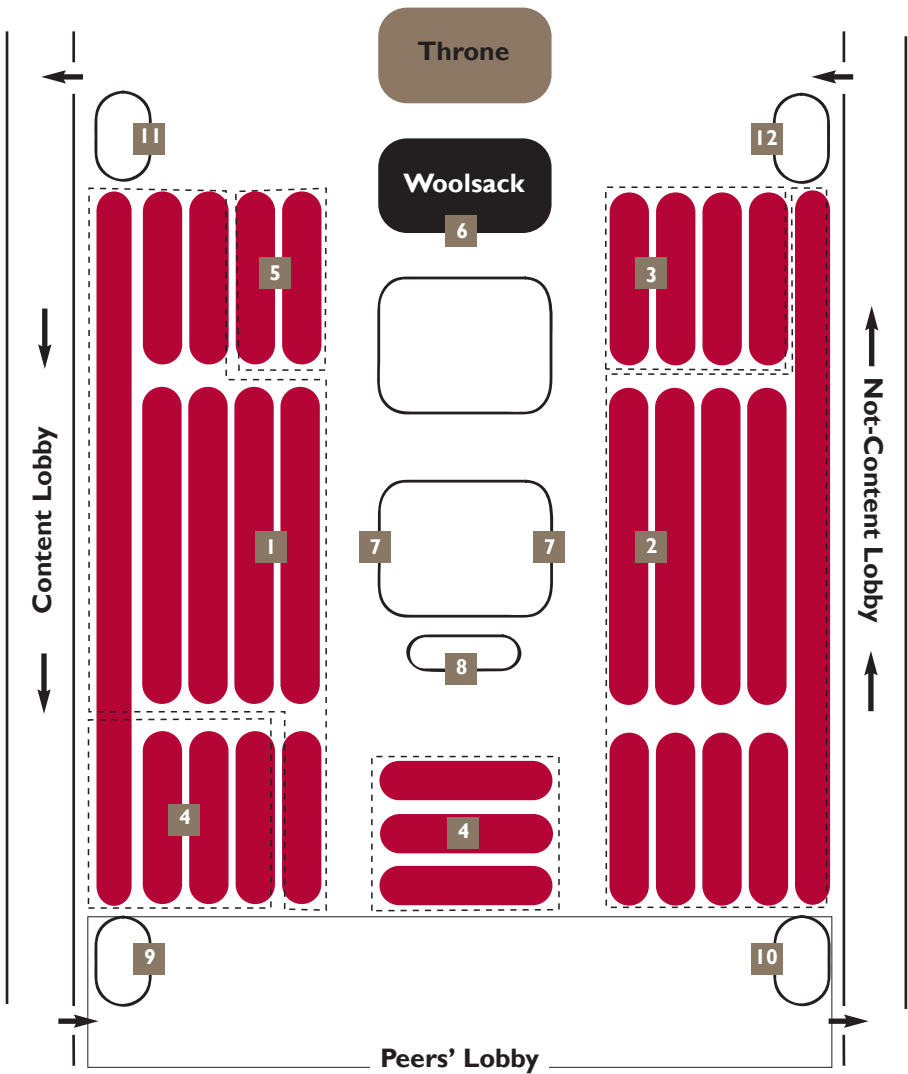
2008–09

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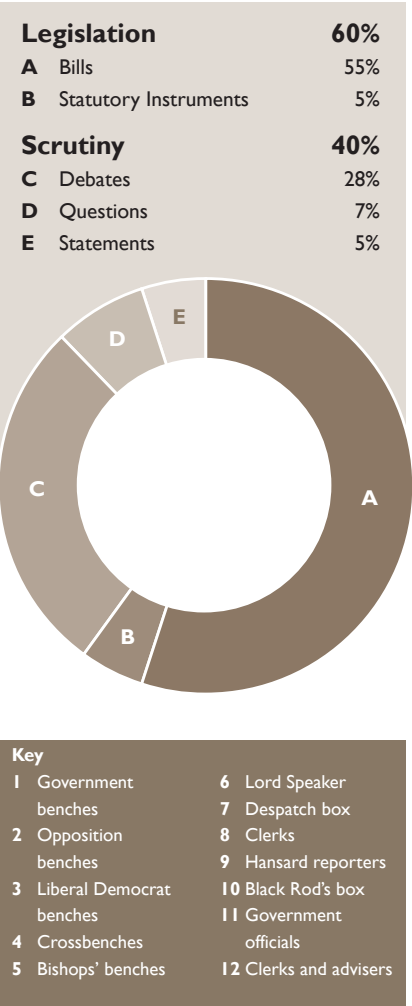
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# The Chamber



## How time is spent





# The work of the House of Lords

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## The House of Lords as the second Chamber of Parliament:

- makes laws
- holds Government to account
- is a forum of independent expertise
- was until October 2009 the UK's highest court.

Its work complements that of the House of Commons and this booklet illustrates examples of that work from the 2008–09 session, 3 December 2008 to 12 November 2009.

### Key statistics 2008–09

Bills handled	47
Bills receiving Royal Assent	26
Amendments tabled	6,363
Amendments passed	1,824
Oral questions	484
Written questions	5,655
Statements	66
General debates	54
Short debates	56
Debates on committee reports	17
Average length of sittings	6:46hrs
Average daily attendance	400
Sitting days	134
Sittings after 10pm	37

# Making laws

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Ensuring laws are well drafted and work effectively is a key function of the House of Lords.



# Law-making in the Lords

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Law-making is one of the most important functions of Parliament. The role is shared between the Commons and the Lords – each bringing a different perspective to the process.

Draft legislation is considered by both Houses in a series of stages (see page 39). There are important procedural differences between the two Houses. In the Lords:

- the committee stage in the Chamber or Grand Committee can involve all Members
- there is no selection of amendments and every Member is entitled to table and speak to their amendments
- there are no time limits
- amendments can be made at third reading.

These factors enable thorough and detailed scrutiny of what is proposed, and contribute to the Lords’ ability and reputation for making better law – highlighting potential problems and endeavouring to ensure laws are more effective when enacted. They also provide scope to draw on the considerable specialist expertise of Members.

## The 2008–09 session

The Queen’s Speech outlines the Government’s programme for the coming session and includes proposed legislation that they hope will be passed. At the State Opening of Parliament on 3 December 2008, the Queen’s Speech outlined a number of government Bills.

The Speech does not provide an exhaustive list of Bills and allows for further legislation to deal with emergencies or unforeseen circumstances. During the session, 47 Bills were considered of which 26 received Royal Assent. In the Lords, 6,363 amendments were tabled, of which 1,824 were passed.

The House of Lords has no general power to veto legislation but its ability to delay and ask the Government and the House of Commons to think again is a valuable contribution to the legislative process.

Amendments tabled	6,363
Amendments passed	1,824
Amendments voted on	119
Of which Government lost	21

**Peers reject  
infidelity as  
a mitigation  
in murder  
trials**

**Lords reject plan to end  
'crime of passion defence'**

**Peers block parents bill**

**Beer peer calls for Bank to get  
its powers back to restore trust**

**Lords veto attempt  
to decriminalise  
soliciting by child  
prostitutes**

**Lords set to fight  
Royal Mail sell-off**

**Lords' victory for  
businesses in battle over  
backdated port rates**

**Lords' cigs vote sparks  
a worry for newsagents**

**Lords' bid to change  
law on suicide**

**Lords to  
vote on  
right to  
die issue**



# Laws fit for purpose

---

Detailed scrutiny given to draft legislation at the three stages when amendments can be made – Committee, Report and Third Reading (see table on page 6) – demonstrates the commitment of Members of the Lords to ensuring that laws are effective when implemented.

The consideration of amendments in the Chamber represents the culmination of much work and effort behind the scenes outside formal proceedings. Countless meetings take place within and between parties and other groups in the House – the independent Crossbench peers and the Bishops – as well as with counterparts in the House of Commons. In addition, outside organisations and groups with interests in a particular Bill provide valuable input with briefing material and draft amendments. This work often has to be done to a very tight timetable as intervals between stages can sometimes be limited.

## **The Coroners and Justice Bill**

The purpose of the Bill was to deliver a more effective, transparent and responsive justice and coroner service for victims, witnesses, bereaved families and the wider public.

Out of 724 amendments tabled, 254 were accepted but the Government lost six votes (figures exclude consideration of Commons amendments). These included amendments to

protect free speech in relation to the incitement of hatred on grounds of sexual orientation (which survived reversal by the Commons); one to appoint an Independent Commissioner for Terrorist Suspects to monitor detention and treatment of suspects; and another to allow intercept evidence in certain cases.

## **The Borders, Citizenship and Immigration Bill**

The purpose of this Bill was to strengthen border controls by combining customs and immigration powers and to ensure newcomers to the UK earned the right to stay.

Out of 274 tabled amendments, 63 were passed but four resulted in defeats for the Government (figures exclude consideration of Commons amendments).

Amendments included removing clauses which would have resulted in UK citizens of the Channel Islands, Isle of Man and Northern Ireland, being subject to border controls when travelling to the UK mainland and between Northern Ireland and the Republic of Ireland.

Not all amendments survive consideration by the Commons but sometimes the Government offers alternatives.

# Public legislation in 2008–09

Bills introduced in the House of Lords			
	Amendments tabled	Amendments made	Government defeats
Government Bills			
<i>Banking (No. 2)</i>	0	0	0
Borders, Citizenship and Immigration	274	63	4
Geneva Conventions and United Nations Personnel (Protocols)	0	0	0
Health	255	42	2
Local Democracy, Economic Development and Construction	975	262	0
Marine and Coastal Access	1,157	401	1
Perpetuities and Accumulations	14	8	0
Postal Services	266	39	0
Total	2,941	815	7
Private Members' Bills			
<i>Bank of England (Amendment)</i>	0	0	
<i>Cohabitation</i>	3	1	
<i>Community Amateur Sports Clubs (Support)</i>	0	0	
<i>Companies' Remuneration Reports</i>	0	0	
<i>Constitutional Reform</i>	0	0	
<i>Constitutional Renewal</i>	0	0	
<i>Disabled Persons (Independent Living)</i>	0	0	
<i>Dog Control</i>	0	0	
<i>Equal Pay and Flexible Working</i>	0	0	
<i>House of Lords</i>	3	1	
<i>House of Lords (Members' Taxation Status)</i>	1	0	
<i>Law Commission</i>	0	0	
<i>Live Music</i>	0	0	
<i>Marine Navigation Aids</i>	0	0	
<i>Online Purchasing of Goods and Services (Age Verification)</i>	0	0	
<i>Sports Grounds Safety Authority</i>	0	0	
<i>Torture (Damages)</i>	0	0	
Total	7	2	

Bills brought from the House of Commons			
	Amendments tabled	Amendments made	Government defeats
Government Bills			
Apprenticeships, Skills, Children and Learning	730	224	2
Banking	428	103	0
Business Rate Supplements	135	22	2
Consolidated Fund	0	0	0
Consolidated Fund (Appropriation)	0	0	0
Consolidated Fund (Appropriation) (No. 2)	0	0	0
Coroners and Justice	724	254	6
Corporation Tax	0	0	0
Finance	0	0	0
Industry and Exports (Financial Support)	0	0	0
Northern Ireland	20	0	0
Parliamentary Standards	136	31	0
Policing and Crime	484	103	0
Political Parties and Elections	306	134	2
Saving Gateway Accounts	68	8	0
Welfare Reform	358	112	1
Total	3,389	991	13
Private Members' Bills			
Autism	0	0	
Co-operative and Community Benefit Societies and Credit Unions	0	0	
Damages (Asbestos-Related Conditions)	0	0	
Driving Instruction (Suspension and Exemption Powers)	0	0	
Green Energy (Definition and Promotion)	0	0	
Holocaust (Return of Cultural Objects)	0	0	
Total	0	0	

These tables include proceedings in Grand Committee but exclude proceedings in consideration of Commons amendments. Bills shown in italics did not receive Royal Assent.

# Keeping a close eye on Government

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## Delegated legislation

Legislation often contains provisions which allow ministers to make laws, called 'delegated powers'. Ministers use these powers to create 'delegated' or 'secondary' legislation, usually in the form of 'statutory instruments'. These are frequently used for relatively simple or repetitive actions such as uprating social security benefit rates. Other government actions may not be so simple. Because delegated legislation is subject to much less parliamentary control, it is very important that it is kept under close scrutiny.

## The role of the House of Lords

The House of Lords has two committees that monitor and scrutinise delegated powers: the Delegated Powers and Regulatory Reform Committee and the Merits of Statutory Instruments Committee.

## Key Statistics 2008–09

Bills reported	35
Statutory instruments examined (912 negative, 199 affirmative)	1,111
Affirmative instruments reported	18
Negative instruments reported	35

## Statutory instruments and parliamentary control

There are two main types of statutory instruments: affirmative instruments and negative instruments.

### Affirmative instruments

There are about 200 a year. These are the most important delegations. They are subject to affirmative resolution which means they must be approved by both Houses.

### Negative instruments

There are about 1,000 a year. These can become law without debate and are only debated if a Member specifically requests it.

These instruments cannot be amended but can be rejected, although this is a rare occurrence. In addition, about 2,000 instruments are not subject to parliamentary procedure.

### **Delegated Powers and Regulatory Reform Committee**

This committee examines all Bills before they receive detailed consideration by the House of Lords to see if the powers given to ministers are appropriately delegated.

If they are not, the committee makes recommendations for change as well as seeking clarification.

The committee has earned a formidable reputation as a watchdog over the grant of ministerial power and the Government almost always accepts its recommendations.

### **Merits of Statutory Instruments Committee**

After a bill has been enacted, ministers can use the powers that have been delegated to them, usually by issuing statutory instruments.

The Merits Committee examines the policy aspects of statutory instruments and reports instruments of particular interest or concern to the House. It also occasionally conducts special inquiries.



In the 2008–09 session, the committee reported on the impact of statutory instruments on schools.

This inquiry looked at the planning and implementation of secondary legislation in schools. It was prompted by the finding that in 2006–07 schools were the subject of around 100 different sets of regulations made by the Department for Children,

Schools and Families (DCSF). In its report, the committee called for the Government to adopt a less heavy-handed approach to schools, to give teachers greater room to deliver better education. In its response to the report, the Government accepted several of the committee's recommendations around the better timing and implementation of statutory instruments – including not introducing new requirements in the middle of the school year.



# Holding the Government to account

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The House of Lords plays a significant part in scrutinising government actions and policies by:

- asking questions
- debating issues
- responding to statements.



## Questions

All questions directed to the Government as a whole (not to a specific government department as in the Commons) are asked in the first half hour of business on Mondays to Thursdays when sitting. Initial questions, followed by supplementary questions, are useful ways of scrutinising government actions.

Written questions are used increasingly to obtain information.

2008–09 Questions	
Oral questions	484
Written questions	5,655

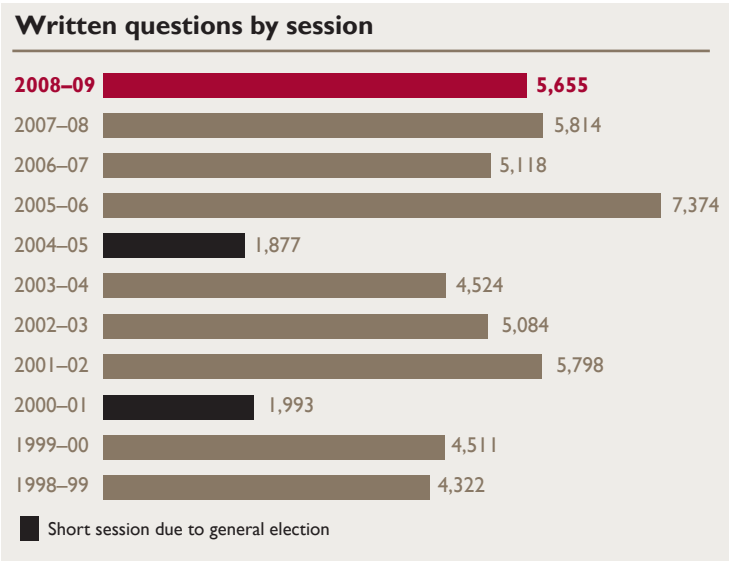


## Statements

The Government often announces important policy initiatives, reports on national and international emergencies or communicates outcomes of international meetings, by means of an oral statement to either or both Houses. Following the statement there is a time-limited opportunity for Members to question the Minister.

In the 2008–09 session there were 66 oral statements, including several on Iraq and Afghanistan, swine flu, banking and the economy, and on the G20 and the European Council meetings.

2008–09 Statements	
Oral statements	66
Written statements	1,112



# Debates

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The House of Lords is well known and respected as a debating forum. The lists on pages 16-17 show the wide-ranging, diverse and specialist subject matter of the debates held in the 2008–09 session.

When participating in debates, Members draw on their own specialist and professional expertise and knowledge. This ensures that debates provide authoritative contributions to the scrutiny of Government and the development of public policy. At the end of every debate, a minister replies on behalf of the Government.

## **Social networking**

Issues of privacy and safety were raised in a lively debate that included contributions from teachers, and technology and psychology experts. With an estimated 99 per cent of children and young people using the internet, the debate highlighted concerns such as who should be responsible for a child's protection online, what mechanisms for safety could be implemented, and how the growth in online networking can have an impact on a child's identity. The main focus of the debate was on the potential impact of social networking on young minds and it attracted widespread media attention.

## **Tax evasion**

In the build-up to the 2009 G20 summit, Members debated the role of offshore financial centres in facilitating tax evasion by British citizens and companies. The debate positioned the issue as a key subject on the agenda for the summit and illustrates the influence that debates can have in highlighting important issues. The lack of transparency, scrutiny and accountability in regulation was noted as an obstacle to addressing the issue. Speakers included a former Director of the Bank of England, a pension fund manager, a senior lawyer and tax expert, and the Financial Services Secretary to the Treasury.



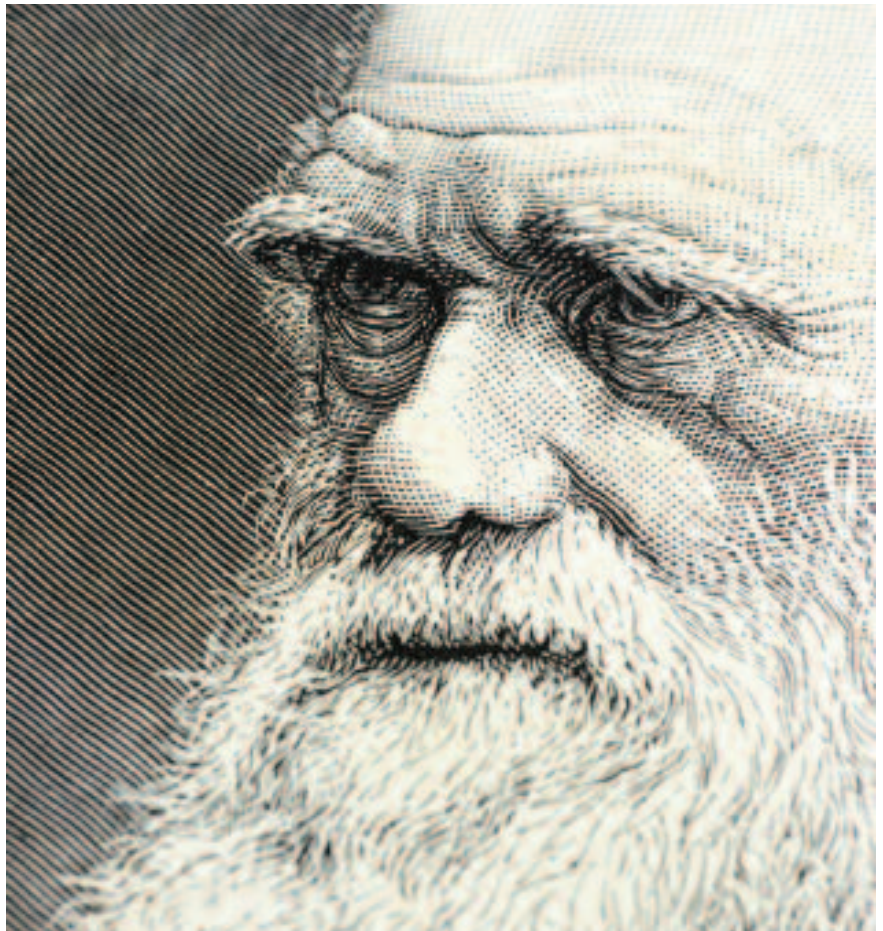
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### Civil liberties

There were two debates on civil liberties during the 2008–09 session. Continuing advances in science and technology raise civil liberties issues that regularly affect individuals in their daily lives, ranging from the use of CCTV footage to the DNA database and identity cards. These topics were debated by Members including a former Chief of the Defence Staff, a former Lord Chief Justice and a retired Law Lord.

### Darwin's bicentenary

Members discussed and celebrated the life and work of Darwin on the bicentenary of his birth. Direct descendents of the Darwin family and of Darwin's contemporaries took part as well as historians, environmentalists and academics including a former president of the Royal Geographic Society. The achievements of Darwin and his significance to our heritage were debated, and subjects such as the ethics of science were also discussed.



Charles Darwin

### Online piracy

Lord Lloyd-Webber introduced a debate on the potential impact of online piracy on Britain's creative talent. Lack of regulation in this area and control of bandwidth by internet service providers were cited as reasons for piracy having become so prevalent in today's creative industries. Illegal downloading and its potential impact on the British economy, such as the risk of job losses, were debated by Members with a wide-ranging collective background in the arts and creative industries including the former Director-General of the BBC.



Lord Lloyd-Webber



### Bees

The importance of Britain's bee population was highlighted in a debate about the effects of diseases including the Varroa mite. Bees play a vital role in the pollination of crops and fruit, and any decline in numbers could have major effects on food supplies and subsequent secondary effects on many other industries. Speakers included farmers and those with experience of agriculture.



# Expertise

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Veterinary Science

**Farming**

Law

**Armed Forces**

Nobel Prize Winners

Schools and Universities

Medicine

Trade Unionism

**Nursing**

Architecture

Banking

Government Ministers

**Engineering**

Film, TV and Broadcasting

Dentistry

Commerce and Industry

# General debates 2008–09

03/12/2008	Queen's Speech	12/02/2009	Good Childhood Inquiry Report	04/06/2009	Public Service Broadcasting
04/12/2008	Queen's Speech: Foreign and European Affairs, International Development and Defence	12/02/2009	Social Networking Sites	04/06/2009	Creative Industries
08/12/2008	Queen's Speech: Business and Economic Affairs	24/02/2009	<b>Health: Disease Control</b>	04/06/2009	Science, Technology and Engineering
09/12/2008	Queen's Speech: Home, Legal and Constitutional Affairs	24/02/2009	<b>Energy: Renewables</b>	08/06/2009	<b>Healthcare</b>
10/12/2008	Queen's Speech: Local Government, Equality, Transport, Agriculture and the Environment	26/02/2009	Foreign Policy	11/06/2009	Constitutional Renewal
11/12/2008	Queen's Speech: Health, Social Affairs, Education and Culture	05/03/2009	Africa: Governance and Law	11/06/2009	Public Transport
12/12/2008	<b>EU Legislation</b>	05/03/2009	Skills Development	16/06/2009	Intelligence and Security
12/12/2008	<b>Waste Reduction</b>	12/03/2009	Women: Economic Crisis	18/06/2009	Committee Annual Report
18/12/2008	India	18/03/2009	Emissions Trading Scheme	18/06/2009	Olympic Games 2012
18/12/2008	Parliament and the Public	19/03/2009	Care Services	19/06/2009	Iraq
		19/03/2009	Charles Darwin	19/06/2009	<b>Surveillance</b>
		25/03/2009	Systematics and Taxonomy	19/06/2009	<b>Schools: Statutory Instruments</b>
		26/03/2009	Offshore Financial Centres	25/06/2009	EUROPOL
		26/03/2009	Nuclear Proliferation	25/06/2009	Dementia
				25/06/2009	NHS
		02/04/2009	Data: Personal Information		
		02/04/2009	Online Piracy	15/07/2009	<b>EU: Access to EU Documents</b>
15/01/2009	Children's Services	23/04/2009	Contaminated Blood Products	21/07/2009	Law Lords
15/01/2009	Traffic	23/04/2009	Electronic Surveillance	21/07/2009	Lords of Appeal in Ordinary
22/01/2009	Drugs	30/04/2009	Armed Forces		
22/01/2009	Tourism	30/04/2009	Health		
27/01/2009	Pre-Budget Report 2008			23/10/2009	<b>Consumer Rights</b>
29/01/2009	Climate Change	07/05/2009	<b>Government Communications</b>	23/10/2009	<b>Rail Freight</b>
29/01/2009	Inequality	07/05/2009	Economy		
05/02/2009	Economy	12/05/2009	European Union: Russia	06/11/2009	Armed Forces: Future Defence Policy
05/02/2009	Violence Against Women and Children	14/05/2009	Children and Families	10/11/2009	<b>Fast-Track Legislation</b>
06/02/2009	Gaza	14/05/2009	Tourism	10/11/2009	<b>Financial Regulation</b>
09/02/2009	<b>EU Regional Policy</b>	21/05/2009	Climate Change		
		21/05/2009	Bees		



# Short debates 2008–09

13/01/2009	Retirement	20/04/2009	Racial Hatred: “Undercover Mosque”	06/07/2009	Constitutional Reform
14/01/2009	Women in Prison			14/07/2009	North-East England
19/01/2009	Car Industry	23/04/2009	Sport Grand Prix		
20/01/2009	Agriculture and Food: Research Funding	28/04/2009	United Nations	12/10/2009	Pharmacies
21/01/2009	Israel and Palestine: Gaza	12/05/2009	Privy Counsellors	20/10/2009	Credit Unions
29/01/2009	Euro	13/05/2009	Vehicles: Clamping	22/10/2009	Older Workers
		13/05/2009	St Helena	26/10/2009	Autism
		14/05/2009	World War II: Bomber Command	27/10/2009	Immigration: Migrant Workers
03/02/2009	Benefits			29/10/2009	Health: Medicines
05/02/2009	Gulf War Illness				
05/02/2009	Buses	14/05/2009	Transport: Segway	03/11/2009	Water Management
05/02/2009	Energy: Nuclear Fusion	14/05/2009	Government: Public Consultations	04/11/2009	Immigration: Detention and Deportation
24/02/2009	Human Rights: Religious Belief	14/05/2009	Rural Communities	04/11/2009	Sudan
25/02/2009	Scotland: Public Service Broadcasting	14/05/2009	National Probation Service	04/11/2009	Cerebral Palsy
				04/11/2009	Vision 2020
				04/11/2009	BBC: Humanism
02/03/2009	Financial Services Authority	01/06/2009	Government Statistics		
03/03/2009	Health: Stem Cell Therapy	09/06/2009	Armed Forces: Severely Wounded Personnel		
18/03/2009	Health: Cognitive Psychotherapy	16/06/2009	Parliament and the Public		
23/03/2009	NHS: Doctors	17/06/2009	Organophosphates		
26/03/2009	BBC: Broadcasting Remit	22/06/2009	Health: Mouth Cancer		
26/03/2009	Economy: Health and Social Care	23/06/2009	Afghanistan: Farming		
		23/06/2009	Guantanamo Bay		
26/03/2009	Benefit Payments: Dyslexia and Hidden Disability	23/06/2009	India: Investment		
		23/06/2009	Social Work		
26/03/2009	Railways: Funding	29/06/2009	Common Fisheries Policy Report		
		30/06/2009	UN: Responsibility to Protect		

# Independence, experience and expertise

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House of Lords committees use Members' specialist experience and expertise to investigate wide-ranging subjects, scrutinise executive actions and shape public policy.

# Policy committees

The House of Lords appoints a number of committees to consider public policy matters. These committees have wide remits and investigate issues of both immediate and long-term importance. As well as the main investigative committees (see table), from time to time the House appoints one-off committees to look at issues which fall outside these areas.

House of Lords committee reports are influential and often have a significant impact on public policy and the political and news agenda. Lords committees draw on the high level of specialist knowledge and expertise in the House of Lords, and their membership is often made up of world-renowned experts in their fields. This expertise lends authority and credibility to the work of the committees.

In the 2008–09 session, over 160 Members served on these committees, which produced 35 reports.



“The scrutiny provided in the House of Lords EU Select Committee...has proved to be perhaps the most effective in the EU.”

**Vernon Bogdanor**, *New British Constitution*

## The committees

- Communications
- Constitution
- Economic Affairs
- European Union
- Science and Technology

**Scots get too much public money, report finds**

Bank needs new powers, say peers

Lords calls for reform of non-executive powers

Wales shortchanged for decades by Barnett Formula, say peers

Barnett Formula is 'arbitrary and unfair'

Give regulation back to Bank, Lords committee tells Brown

Barnett Formula is fair enough, minister tells Lords inquiry

**Drug addicts get 'priority access' to swine flu vaccine**

Lords report will criticise the Government's handling of crisis and blame it for failing to quell the panic that has gripped the nation

**Minister denies slow reaction to risks of swine flu pandemic**

**Peers question readiness for next stage of pandemic**

NHS isn't ready for swine flu second wave, say peers

**Lords 'concerned' about delays to NHS helpline**

**Fears over second swine flu wave**

Ministers attacked as peers warn that health service may not cope

Committee of peers attacks amount spent on farming

**Lords blast 'cobbled' expenses Bill that may harm parliament**

Peers condemn council snooping

'We must protect privacy from over-zealous state'

Peers push to compensate victims of council spying

Peers to probe film tax credit

**Pay EU hospitals to treat British patients, say Lords**

Lords' warnings on too easy science GCSEs were ignored

**Lords should give Myners proper grilling**

**Lords committee demands bank regulation overhaul**

Lords' LFA setback for upland farmers

BBC 'should be made to share licence fee to avoid monopoly'

**Darling to demand boardroom discipline with Lords' criticism ringing in his ears**

## Communications Committee

The Communications Committee considers broadcasting, communications and media issues.

### Public service broadcasting

The committee considered the future of public service broadcasting (PSB) in the context of the growing financial difficulties faced by PSB channels, ITV and Channel 4. The committee raised significant concerns that unless these broadcasters were given more support they would retreat from their PSB commitments and leave the BBC with a monopoly over the provision of services such as local news and arts programming.

To avert this crisis the committee recommended an element of contestable funding, paid for by the under-spend on digital switch-over, which public service broadcasters could bid for to fund the PSB elements of their schedule. This recommendation was later reflected in the Government's *Digital Britain* report.

## Economic Affairs Committee

The Economic Affairs Committee has a broad remit to investigate issues of UK economic policy, and appoints a sub-committee to look at technical issues in the annual Finance Bill.

### Banking supervision and regulation

This report, published in June 2009 as the impact of the credit crunch on financial institutions became clear, focused on ways to improve regulation. The committee criticised the tripartite regulatory regime of HM Treasury, the Bank of England and the Financial Services Authority for failing to provide adequate supervision of risks to the economy and the banking sector, and recommended that the Bank of England's Financial Stability Committee be given overall responsibility for macro-prudential supervision.

## Constitution Committee

The Constitution Committee looks at the constitutional aspects of public Bills and keeps the operation of the UK constitution under review. In the 2008–09 session it scrutinised 11 Bills and published six reports on constitutional issues.

### Surveillance: Citizens and the State

The Committee's inquiry into the effect of surveillance on the relationship between citizens and the state concluded that 'pervasive and routine' electronic surveillance risked undermining long-standing freedoms that defined British citizenship. In particular the Committee raised serious concerns about the operation of the National DNA Database, the widespread use of CCTV, and the inappropriate use by local authorities of powers designed for monitoring serious criminals and terrorists.

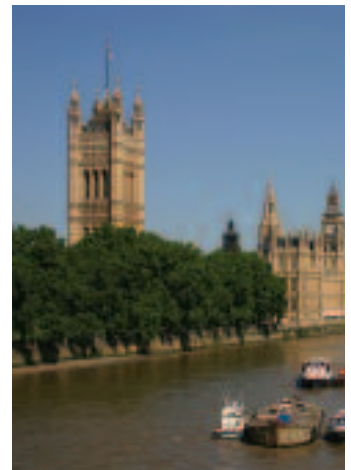
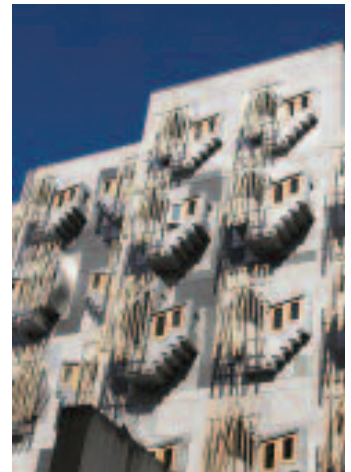




## Barnett Formula Committee

The House appointed a one-off committee, chaired by former Leader of the House, Lord Richard, to look at the operation of the Barnett Formula, which is the method used for allocating public monies between the different nations of the UK. Evidence sessions were held in the devolved administrations of Scotland, Wales and Northern Ireland.

The committee concluded that the Barnett Formula is unfair and should be replaced by a needs-based system that reflects the actual economic and social disadvantage of the UK nations. The report showed that the formula's assumptions about economic disadvantage had not changed since its inception nearly 30 years ago and were now overly generous to Scotland which had seen a significant population decline over the period. It also pointed out that the formula was only ever intended to be a temporary measure. The committee suggested a new UK Funding Commission be established to decide on a range of indicators of economic need and to undertake periodic reviews to ensure public money was being distributed more fairly than under the Barnett Formula.



“ The House of Lords is packed with peers who know their science, many appointed after illustrious careers in the field.

Other peers with a love of science have served capably and knowledgeably as science ministers. Their understanding brings an extra dimension to Parliament. ”

**Mark Henderson**, *Eureka* (Times supplement), 8 October 2009

## Science and Technology Committee

2009 marked the 30th anniversary of the Science and Technology Committee.



The committee's first Chairman, Lord Todd, was a Nobel Prize winner. Its reports have covered issues as diverse as antibiotic resistance, the impact of air travel on health, the science of nature conservation, pandemic influenza and internet security.

The 1998 report on antibiotic resistance alerted medical professionals and the public to the dangers of over-prescribing antibiotics, warning that an over reliance on antibiotics would lead to diseases with increased resistance to their use.

The committee's 2000 report on air travel and health sparked a national debate on the health effects of recycled air and cramped conditions in long-haul flights. Airlines now provide more information and several have increased the leg room in economy class.

### Genomic medicine

This report focused on the likely impact that our increasing knowledge of the human genome would have on health service provision. It called for a new government White Paper on genomic medicine to set out the risks and opportunities it presents, and to develop a roadmap for the increased use of genomic

medicine by the NHS. The committee also criticised the lack of regulation for ‘at home’ genetic tests available on the internet.

### **Pandemic flu**

Lords committees regularly return to subjects they have reported on to investigate how the situation has changed and whether their recommendations have been acted upon. The swine flu outbreak prompted the committee to follow up its report on Pandemic Flu (2005).

The committee gave the Government a mixed review for its handling of the swine flu outbreak. They praised aspects of the Government’s handling but criticised delays in setting up the National Flu Helpline and the failure to undertake sufficient ‘whole system testing’ of how the NHS would cope with a flu pandemic prior to the outbreak – something they had recommended in their 2005 report.

## **European Union Committee**

The European Union Committee and its seven sub-committees have over 80 members. The sub-committees focus on a range of policy areas and scrutinise the vast majority of EU policy documents. The committee scrutinised 800 EU documents, of which 360 were considered in detail by the committee or its sub-committees.

### **EU Consumer Rights Directive: Getting it right**

The committee, concerned about the possible reduction in key consumer rights (such as the right to reject), recommended that the Government should withhold agreement from the proposal until the European Commission had provided a more complete impact assessment. However, the committee recognised that, if got right, the legislation could benefit business and consumers alike.

The Government were largely supportive of the report’s conclusions and the committee took the opportunity, during a debate on the floor of the House, to press outstanding matters such as information for consumers.

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### **Money laundering and the financing of terrorism**

A report on Money Laundering and the Financing of Terrorism raised concerns about the links between the proceeds of piracy in West Africa and terrorist funding. The committee recommended that organisations paying a ransom to pirates should be required to seek consent from their Government before a ransom is paid and to make clear to the relevant authorities how much they are paying and to whom the money is going.

The committee criticised the Government's "indefensible" failure to sign the Warsaw Convention on Money Laundering and Terrorist Financing which would allow cross-border sharing of information about suspicious bank accounts.



### **The future of EU financial supervision and regulation**

This report focused on EU efforts to introduce new regulation of the European financial services industry following the near-collapse of the banking sector and the credit crunch. While the committee praised the EU for attempting to tackle the problem, they criticised the apparent rush to introduce new legislation and the consequent lack of consultation.

The report recognised the concerns of the City of London that the EU was in danger of regulating alternative investment vehicles such as hedge funds out of the EU completely, which would cause considerable damage to the UK economy. The committee recommended that the European Commission should adhere to their own "better regulation principles" and conduct proper consultation, impact assessments and risk analysis before introducing new regulation.

## 2008–09 Committee reports

### Communications

**Jan 09**

- Government Communications

**Apr 09**

- Public Service Broadcasting: Short-term crisis, long-term future?

### Constitution

**Feb 09**

- Surveillance: Citizens and the State

**Apr 09**

- Pre-Legislative Scrutiny in the 2007-08 Session

**May 09**

- Banking Act 2009: Supplementary report on retrospective legislation

**Jun 09**

- Analysis of the Government's Response to Surveillance: Citizens and the State

**Jul 09**

- Fast-track Legislation: Constitutional implications and safeguards
- Parliamentary Standards Bill: Implications for Parliament and the courts

### Economic Affairs

**Jun 09**

- Banking Supervision and Regulation
- Finance Bill 2009

### European Union

**Dec 08**

- EU Legislative Initiatives in Response to the Financial Turmoil

**Feb 09**

- Enhanced Scrutiny of EU Legislation with a United Kingdom Opt-in
- After Georgia The EU and Russia: Follow-up report
- Healthcare Across EU Borders: A safe framework

**Mar 09**

- Mobile Phone Charges in the EU: Follow-up report
- Civil Protection and Crisis Management in the European Union
- The United Kingdom Opt-in: Problems with amendment and codification

**May 09**

- Procedural Rights in EU criminal Proceedings: An update

**Jun 09**

- Recast of the First Rail Freight Package
- European Contract Law: The Draft Common Frame of Reference
- The Review of the Less Favoured Areas Scheme
- The Future of EU Financial Regulation and Supervision
- Access to the EU Documents

**Jul 09**

- The EU's Renewable Energy Target and the Revision of the Emissions Trading System: Follow-up report
- Codecision and National Parliamentary Scrutiny
- EU Consumer Rights Directive: Getting it right
- Money Laundering and the Financing of Terrorism
- The EC Budget 2010
- Green Paper on the Brussels I Regulation

**Nov 09**

- Revision of the EU Directive on the Protection of Animals used for Scientific Purposes
- Annual Report 2009
- The Stockholm Programme: Home affairs

### Science and Technology

**Jul 09**

- Genomic Medicine
- Pandemic Influenza: Follow-up report

### One-off Committee

**Jul 09**

- Barnett Formula

## Judicial work

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**From Appellate Committee  
to Supreme Court**



# The last Law Lords

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Centuries of legal history came to an end on 30 July 2009 when the final judgments of the Law Lords were delivered in the Chamber of the House of Lords.

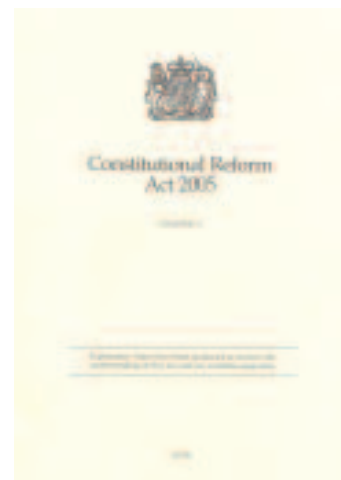
The House of Lords, the highest court in the land since the 13th century, was the final court on points of law for the UK in civil cases and for England, Wales and Northern Ireland in criminal cases. Its decisions were binding on all lower courts.

In 1876, the Appellate Jurisdiction Act established the modern day judicial functions of the House of Lords and created Lords of Appeal in Ordinary (the Law Lords) to undertake judicial work. These were professional, full-time, salaried judges and were, in effect, the first Life Peers. Although full Members of the House of Lords, they decided not to take part in the legislative work of the House in 2000.

In 2003, the Government announced far-reaching constitutional changes to:

- establish a new, independent Supreme Court
- remove the Law Lords from the legislature
- reform the office of the Lord Chancellor
- create an independent Judicial Appointments Commission.

The 2005 Constitutional Reform Act gave effect to these changes.



**Nurses unfairly  
blacklisted,  
law lords rule**

**Law lords  
support  
banned nurses  
in rights ruling**

**M&S wins  
£5m teacake  
fight**

**Lords rule  
against  
BBC on  
release of  
bias report**

**OUT OF CONTROL**  
Terror orders sunk by Lords

**Law lords back deportation  
of cleric linked to al-Qaeda**

**Law lords give  
go-ahead to  
deport preacher  
of hate on terror  
charges**

**'Unfair' bank charge claims  
on hold as case set for Lords**

**It gives me my life back,  
says right-to-die victor**  
Law Lords pave the way for  
'compassionate' assisted suicide

**Lords to rule on control  
orders as man appeals  
to PM for his release**

**Terror  
suspects win  
Lords appeal**

**Yorkshire campaigner wins  
historic right-to-die ruling**

Lords back appeal for law to be spelt out

**Calls for reform  
of terror control  
orders after ruling**

**MS victim in suicide 'victory'**  
Law Lords rule DPP must 'clarify'

**I'VE GOT MY LIFE BACK**

**Law lords ban use of secret evidence**

**Calls for reform of terror  
control orders after ruling**

**Terror law in turmoil  
as lords back suspects'  
fight against house arrest**

**Life and Death**

The Law Lords ruling on assisted suicide makes the need for a new law imperative. The Government cannot duck an issue of increasing public concern

**Suicide-right fight goes to the Lords**

# Appeals and hearings in 2009

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In the case of *AF*, a terrorist suspect with both UK and Libyan nationality, the Law Lords held that a control order, which significantly restricted his liberty, was invalid. The order had been made under a procedure that denied him knowledge of some of the secret evidence against him, and so violated his right to a fair hearing guaranteed by article 6 of the European Convention on Human Rights, in conjunction with the UK Human Rights Act 1998.

In an appeal involving the radical preacher Abu Qatada – the alleged spiritual leader of al-Qaida terrorist plotters – the Law Lords found that he could be deported to face trial in Jordan, because there were no reasonable grounds for believing that a criminal trial there would have such significant defects as to amount to a total denial of the right to a fair trial.

In the case of *Wright and others*, the Law Lords decided that safeguards designed to protect children and vulnerable adults from abuse in care homes, unlawfully infringed the human rights of NHS staff. Staff considered to pose a risk had been placed on a blacklist without being given a proper opportunity to answer the allegations against them.

In an appeal involving Marks and Spencer and the Inland Revenue, the Law Lords had referred to the European Court of Justice (ECJ) the question whether a marshmallow teacake was a cake or a biscuit. Marks and Spencer argued that it was a cake and therefore exempt from VAT. The Law Lords gave effect to the ECJ ruling in favour of Marks and Spencer, who received a full tax refund.



# The final judgments

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## **Fisher v Brooker**

The song 'Whiter Shade of Pale' has been an enormous and continuing hit since 1967. Mr Fisher composed the familiar organ solo at the beginning of the work and the organ melody which is a counterpoint throughout most of the four minutes during which the work lasts. In 2005, he claimed a share of the musical copyright of the work from that date onwards. The Law Lords upheld his claim.



**Procol Harum  
organist wins  
fight to right  
over Whiter tune**

## **Debbie Purdy**

Debbie Purdy is 45 and suffers from progressive multiple sclerosis (MS) for which there is no known cure. When her continuing existence becomes unbearable, she wishes to end her life, but by that stage she will be too frail to do this without help. So she will want to travel to a country where assisted suicide is lawful, probably Switzerland. Her husband is willing to help her to make this journey, but runs the risk of prosecution because it is an offence in the UK to aid a person to commit suicide.

The Law Lords decided to allow her appeal and require the Director of Public Prosecutions to promulgate an offence-specific policy identifying the facts and circumstances which he will take into account in deciding, in a case such as hers, whether or not to consent to a prosecution.



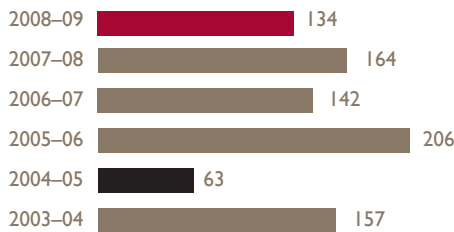


# Facts and figures

## Sitting days

The unit which defines Parliament’s work is a session. It varies in length but, whether calculated by session, calendar or financial year, the working year averages around 150 sitting days for both houses.

### By session



### By calendar year



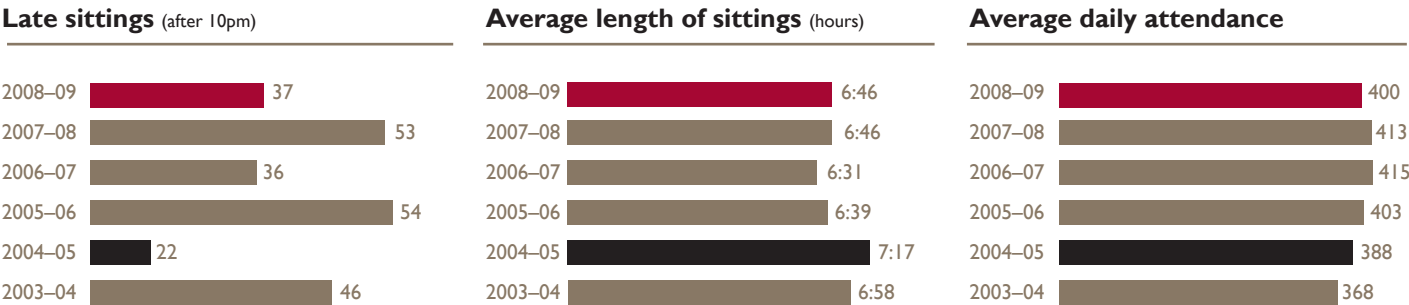
### By financial year



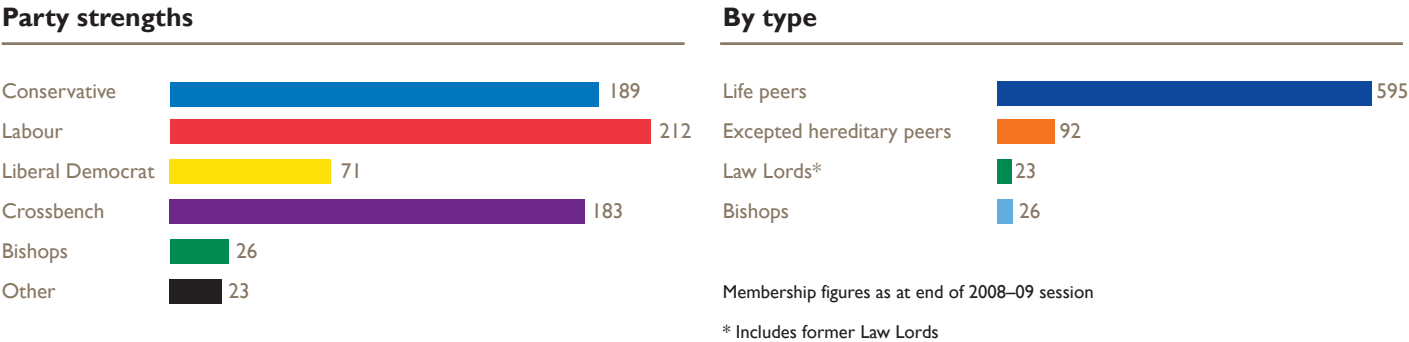
■ Short session due to general election



Working patterns



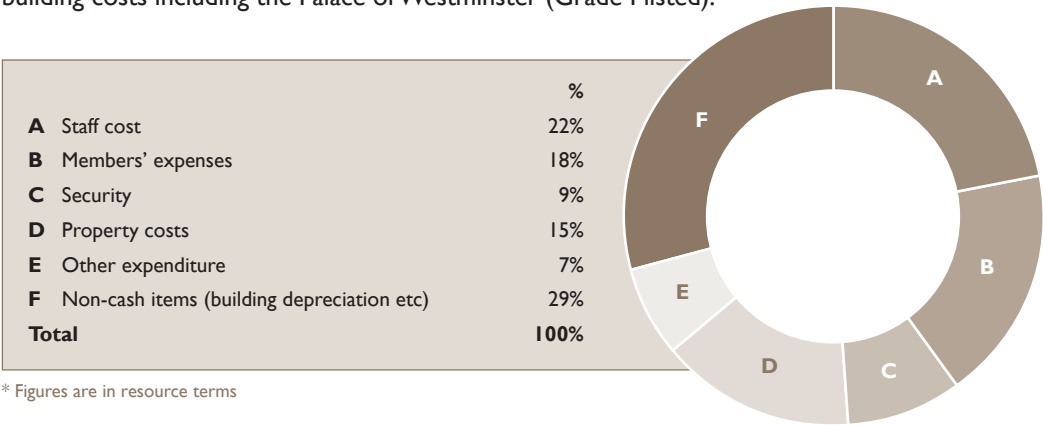
Members



Costs

Expenditure in the 2008/09 financial year

Total costs in 2008/09 amounted to £103.9 million\*. This includes work expenditure (which covers the House of Lords’ share of all accommodation), maintenance and building costs including the Palace of Westminster (Grade I listed).



\* Figures are in resource terms

Total costs (millions)	£103.9
Cost per taxpayer	£3.36 <sup>†</sup>
<sup>†</sup> Based on an estimated 30.9 million income tax payers in 2008/09 (source: HM Revenue & Customs)	

# Further information

## Online

### [www.parliament.uk/lords](http://www.parliament.uk/lords)

- Daily and future business
- Progress of Bills
- Membership
- Committee work
- Judicial business
- Hansard – the official report of proceedings.

### [www.parliamentlive.tv](http://www.parliamentlive.tv)

- Video and audio site, carrying live and archived coverage of debates and committee proceedings.

### [www.parliament.uk/education](http://www.parliament.uk/education)

- Provides learning materials and activities.

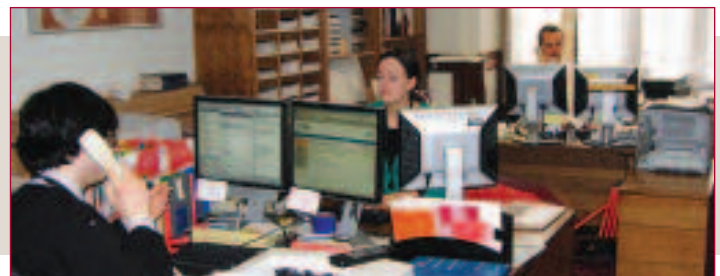
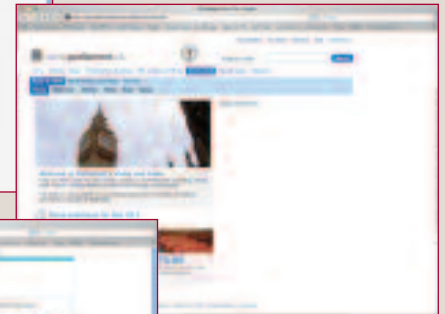
### [www.lordswhips.org.uk](http://www.lordswhips.org.uk)

- Lists of speakers and groupings of amendments.

## House of Lords Enquiry Service

### For information about business and Members

- 020 7219 3107
- [hinfo@parliament.uk](mailto:hinfo@parliament.uk)



# Lords amendments 2008–09

	Amendments tabled	Amendments made	Government defeats
<b>Committee of the Whole House</b>			
Lords Bills (Government)	1,223	258	0
Lords Bills (Private Members' Bills)	7	2	0
Commons Bills (Government)	1,656	291	4
Commons Bills (Private Members' Bills)	0	0	0
<b>Total</b>	<b>2,886</b>	<b>551</b>	<b>4</b>
<b>Grand Committee</b>			
Lords Bills (Government)	747	47	0
Lords Bills (Private Members' Bills)	0	0	0
Commons Bills (Government)	476	71	0
Commons Bills (Private Members' Bills)	0	0	0
<b>Total</b>	<b>1,223</b>	<b>118</b>	<b>0</b>
<b>Special Public Bill Committee</b>			
Lords Bills (Government)	14	8	0
<b>Report</b>			
Lords Bills (Government)	760	265	6
Lords Bills (Private Members' Bills)	0	0	0
Commons Bills (Government)	1,032	488	9
Commons Bills (Private Members' Bills)	0	0	0
<b>Total</b>	<b>1,792</b>	<b>753</b>	<b>15</b>
<b>Third Reading</b>			
Lords Bills (Government)	246	240	1
Lords Bills (Private Members' Bills)	0	0	0
Commons Bills (Government)	176	138	0
Commons Bills (Private Members' Bills)	0	0	0
<b>Total</b>	<b>422</b>	<b>378</b>	<b>1</b>
<b>Consideration of Commons Amendments etc</b>			
Lords Bills (Government)	13	7	0
Lords Bills (Private Members' Bills)	—	—	—
Commons Bills (Government)	13	9	1
Commons Bills (Private Members' Bills)	—	—	—
<b>Total</b>	<b>26</b>	<b>16</b>	<b>1</b>
<b>Total</b>	<b>6,363</b>	<b>1,824</b>	<b>21</b>

# The passage of a Bill

A Bill can start in either House but goes through similar stages in each House. There are differences within those stages – this diagram gives an overview of those differences and the process. Bills must have the approval of both Houses to become Acts of Parliament (laws).

