

The role of the House of Lords

The unelected Lords has two important tasks. It is there to provide detailed scrutiny of legislation to see if improvements can be made given the purpose and political context of the Bill provided by the government with its Commons majority. It is also there to ask the Commons to think again about its political judgements where it thinks the whole idea of a Bill or policy is misjudged. In this second role the Lords could persuade the government or the Commons to cancel a measure or amend it substantially.

There is a long standing convention that the Lords does not ask the Commons to think again about a Bill or measure that was in the governing party's Manifesto. That makes sense, as such an idea has been well tested by the exertions of election debate as well as in subsequent Commons exchanges. It has been directly voted for by the electorate who voted in the case of a prominent pledge, or has gained the implied consent of the electorate for a lesser pledge which probably avoided prolonged attention because it did meet with general approval.

Yesterday the Lords broke their Salisbury Convention again by pressing for a second reconsideration of the Conservative Manifesto pledge on press freedom. The Commons rejected the Lords revised amendment by 301 to 289, so I expect that will be the end of the matter. This vote also is of interest because it casts light on the progress of the EU Withdrawal Bill. I trust it will give the government the confidence to have an early debate and vote on the unhelpful amendments the Lords have put through to the EU Bill.

This Bill is a central Manifesto Bill of the Conservatives and the DUP. Those peers who say the Salisbury convention no longer applies because the Conservatives fell just short of a Commons majority have to acknowledge that the Coalition does have a majority and the Bill featured in the manifesto of both parties. On that basis Salisbury should apply. For that matter it also was in the Labour Manifesto, so an overwhelming majority of MPs were elected on the pledge to carry through the necessary legislation for our exit. There is also the point that a well supported nationwide referendum should also be an override against the Lords seeking a different outcome.

Some peers try to argue that their amendments to the EU Bill were "improvements" not designed to prevent Brexit. It is difficult to interpret some of them in this favourable light. Removing the date of exit means their Bill would leave us plunged into legal uncertainty on the day we leave the EU under international law in accordance with the Article 50 letter. It is most important the parallel UK Bill comes into effect at the same time. Wanting us to stay in the Customs Union or single market is a denial of what was clearly voted for in the referendum, when both sides agreed leaving the EU meant leaving both the single market and the Customs Union. Some of those peers who have urged these amendments on the Lords have made no secret of their opposition to the whole policy of Brexit which was freely chosen by voters in the referendum and then again in the results of the General Election.

I trust just as the Commons has twice now voted to uphold a Manifesto promise of the governing party against Lords amendment over press issues, so we will do the same to the amendments to the EU Withdrawal Bill that seek to slow down, water down or prevent Brexit.