

# The House of Lords and Devolution: Already a Chamber of the Nations and Regions?

ADAM EVANS

## Abstract

When it published its report in 2022, one of the main recommendations of the Brown Commission, established by the Labour Party to examine the future governance of the UK, was for the replacement of the House of Lords with an ‘assembly of the nations and regions’. This was the most detailed contribution to a long-running debate about Lords reform which has suggested giving a more territorial focus and/or guaranteed representation in the second chamber. However, there has been less focus on the extent to which the House of Lords as it currently stands already acts as a chamber for, if not of, the nations and regions. This article explores the extent to which the Lords can currently be said to act as a chamber with a commitment to, and expertise in, the UK’s territorial constitution post-devolution.

**Keywords:** constitutional reform, devolution, UK parliament, House of Lords, Lords reform, British politics

## Introduction

IN DECEMBER 2022, a commission established by the Labour Party, under the chairmanship of the former Prime Minister Gordon Brown (and referred to in this article as ‘the Brown Commission’), published a lengthy and wide-ranging report on the future governance of the United Kingdom.<sup>1</sup> Among the most eye-catching of the Brown Commission’s recommendations were its proposals for the reform of the House of Lords, principally the replacement of the upper chamber with a ‘new second chamber of Parliament: an assembly of the nations and regions’.<sup>2</sup> The Brown Commission’s proposals were the latest in a long line of attempts to envisage a reformed second chamber, many of which have included a focus on the potential role for such a chamber in the oversight, or guardianship, of the UK’s territorial constitution.

This article does not offer a detailed critique of the Brown Commission’s proposals, but, rather, seeks to address the extent to which the House of Lords might already be said to

act as a chamber of the nations and regions. It will look at the focus which the Lords has given to issues relating to the territorial constitution post-devolution, including in its committee system, the expertise it contains among its membership, and the commitment that the House has shown to devolution and territorial constitution-related issues, for example, in fostering stronger interparliamentary relations.

## The Brown Commission and previous proposals for a territorially focussed second chamber

The Brown Commission proposed the replacement of the House of Lords with an elected second chamber that would discharge ‘four broad functions’. The first was ‘constructive scrutiny of legislation and government policy, as the House of Lords at its best does today’. The second was to bring together ‘the voices of the different nations and regions of the UK at the centre of government’. Third, the second chamber should monitor ‘adherence to standards in public life’ and, finally—and ‘most significant of all’—it should exercise ‘new but

<sup>1</sup>*A New Britain: Renewing our Democracy and Rebuilding our Economy, Report of the Commission on the UK’s Future*, Labour Party, 2022.

<sup>2</sup>*Ibid.*, p. 17.

precisely drawn powers to safeguard the constitution of the United Kingdom and the distribution of power within it'.<sup>3</sup>

The territorial dimension is thus key to the Brown Commission's proposals for what the report called an 'assembly of the nations and regions'. This assembly would be specifically tasked with scrutinising intergovernmental relations and would take the lead in the review and development of what the Brown Commission report called 'special local legislation', a form of legislation that would apparently become 'the main vehicle for transferring new powers from the centre to different localities, authorities and partnerships in England'.<sup>4</sup> In addition, while the assembly would not have a general ability to delay normal legislation, it would, in its role protecting the constitution, have the pre-Parliament Act 1911 power to veto legislation re-established in relation to 'protected constitutional statutes' and would have the ability to exercise this 'safeguarding power' to uphold the Sewel Convention (which the Commission also proposed to entrench in legislation).<sup>5</sup>

In terms of the assembly's composition, the Brown Commission recommended that it should have 'electoral legitimacy' and be 'markedly smaller than the present Lords'. While the report was somewhat vague on the precise composition of the chamber and its method of election, it nonetheless suggested that it should be elected on 'a regional basis across the United Kingdom' and that there was a 'case for elected national and regional leaders to be able to participate in the second chamber to raise issues of pressing concern on which the voices of the nations of the UK, or of its different localities, should be directly heard'.<sup>6</sup> Despite carrying the weight of a former prime minister, these proposals were not adopted by the Labour Party ahead of the 2024 general election, nor are they likely to be returned to by the Labour government during this parliamentary term. But nor were they the first call for a reform of the House of Lords that would see the chamber repurposed with a territorial focus. This is a debate that has been ongoing for much of the post-devolution era.

The Royal Commission on the Reform of the House of Lords in its 2000 report said that one of the four main functions of a reformed second chamber should be to 'provide a voice for the nations and regions of the United Kingdom at the centre of public affairs'. To do so, the Royal Commission recommended that the membership of a reformed Lords should include 'a significant minority' of 'regional members' to provide a direct voice for the nations and regions of the United Kingdom at the centre of national affairs. These 'regional members' would not be drawn from the devolved administrations, but, by virtue of representing regional constituencies, 'should be able to speak for each national or regional unit of the United Kingdom'. The commission did not offer a unanimous proposition for how these regional members would be elected, but, rather, identified three different models. Two of these would have entailed the use of 'partially' open-list proportional representation (PR) to elect regional members at the same time as European elections and the other would have used the general election vote share in each region to allocate a share of second chamber regional seats to each party (parties would publish a list of potential regional members ahead of each general election).

While not unanimous, a 'substantial majority' of commissioners preferred a system whereby eighty-seven regional members would be elected via PR at polls held alongside each European election, with a third of seats determined at each such contest. Unlike the later Brown Commission, the Royal Commission clearly hoped that the inclusion of regional members in a reformed Lords would be sufficient by itself to bring a stronger regional focus by their very presence—although it did suggest that a reformed Lords might wish to establish a committee, perhaps as a subcommittee of a future constitution committee, to examine devolution issues.<sup>7</sup>

Following the publication of the Royal Commission's report, in 2001 the UK government published a White Paper proposing a 600-member House of Lords and, while a majority of its membership would be

<sup>3</sup>Ibid., p. 139.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid., pp. 140–41.

<sup>6</sup>Ibid., p. 143.

<sup>7</sup>Royal Commission on the Reform of the House of Lords, *A House for the Future*, UK Government, CM 4534, 2000, pp. 58–65, 121–29.

appointed, 120 members would be ‘directly elected to represent the nations and regions’ using the same constituencies and electoral system as for European parliamentary elections.<sup>8</sup> The 2001 White Paper failed to attract sufficient political or public support and, in 2002, a joint committee on House of Lords reform was established to consider further the subject and present options for the composition and powers of the Lords.<sup>9</sup> In the course of its inquiry, the committee received a joint submission from the presiding officers of the Scottish Parliament and the Welsh and Northern Irish assemblies—all of whom at that time were also members of the Lords—suggesting that, in a reformed Lords, the presiding officers of the devolved legislatures should be *ex officio* members. While the joint committee declined to endorse this proposal, it concluded ‘that a reformed House should contain an appropriate number of members from all parts of the country’. The joint committee did not produce detailed proposals on securing a regional composition within the Lords as its work was overtaken by the failure of peers and MPs to agree on a preferred composition of the House when a series of options were put before both Houses to vote upon in 2003.<sup>10</sup>

The then-government in its 2007 White Paper, *The House of Lords: Reform*, set out a number of principles for a reformed second chamber. One of these was that a reformed second chamber should be more representative than the current composition of the House of Lords. Referring to the Royal Commission’s proposals for ‘regional members’, the government argued that a reformed House of Lords should ensure that ‘representation of the nations and regions is inbuilt, serving the interests of the whole of the United Kingdom, no matter what method of

composition is chosen’.<sup>11</sup> While the 2007–2010 Brown government failed to progress any further proposals for Lords reform, its successor administration, the 2010–2015 Conservative-Liberal Democrat coalition, brought forward a House of Lords Reform Bill in 2012. The Bill, which failed to make progress beyond second reading after the government struggled to secure support for a programme motion for the Bill, did not propose a specific ‘nations and regions’ focus for a reformed second chamber, but would have provided for an 80 per cent elected chamber using the same regionalised (and, in the devolved nations cases, national) constituencies used for European elections.

Since 2012, much of the rhetoric around Lords reform has focussed much more specifically on a reformed second chamber as a chamber for ‘the nations and regions’. The Labour Party’s 2015 general election manifesto committed to replace the ‘House of Lords with an elected senate of the nations and regions’ alongside a pledge to establish a constitutional convention.<sup>12</sup> While this commitment was vague in terms of policy detail, these commitments were reiterated in the party’s 2017 and 2019 manifestos.<sup>13</sup> The Brown Commission’s proposals represent the latest, albeit the most detailed, of a long-running series of proposals aimed at reforming the second chamber in such a manner that would enhance its representation of—and/or focus on—the different regions and nations of the United Kingdom.<sup>14</sup> The purpose of the next section of this article is to examine the extent to which the second

<sup>11</sup>HM Government, *The House of Lords: Reform*, p. 28.

<sup>12</sup>*Britain Can Be Better: The Labour Party Manifesto 2015*, Labour Party, 2015, pp. 63–4.

<sup>13</sup>R. Reid and P. Dunleavy, ‘Is a British senate any closer now? Or will the House of Lords still go on and on?’, *LSE British Politics and Policy Blog*, London School of Economics, 7 May 2015; M. 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*, vol. 10, no. 2, 2018, pp. 268–99; *For the Many Not the Few: The Labour Party Manifesto 2017*, Labour Party, 2017, pp. 101–2; *It’s Time For Real Change: The Labour Party Manifesto 2019*, Labour Party, 2019, pp. 81–2.

<sup>14</sup>M. Russell, ‘The Brown commission’s proposals on reform of the House of Lords’, *The Constitution Unit Blog*, The Constitution Unit, 1 March 2023.

<sup>8</sup>*The House of Lords: Completing the Reform*, UK Government, CM 5192, 2001, pp. 3, 12.

<sup>9</sup>HM Government, *The House of Lords: Reform*, The Stationery Office, CM 7027, 2007, p. 15.

<sup>10</sup>Joint Committee on House of Lords Reform, *House of Lords Reform: First Report*, First Report of the Session 2002–2003, HC 171, HL Paper 17, 9 December 2002, paras. 17–18; Joint Committee on House of Lords Reform, *House of Lords Reform: Second Report*, Second Report of the Session 2002–2003, HC 668, HL Paper 97, 29 April 2003, paras. 9–13.

chamber can already be said to operate, at least in part, as a chamber for the nations and regions.

## The House of Lords and devolution

### *Expertise of membership*

The Lords represents a significant reservoir of expertise on the UK's territorial politics and territorial constitution. As of June 2025, the Lords contained eleven former members of the Scottish Parliament (MSPs), seven members who had served in the Senedd Cymru/Welsh Parliament (MSs), twelve former members of the Northern Ireland Assembly (MLAs), eleven members who have served as members of the London Assembly (AMs) and forty current or former council leaders. In total, there are some eighty-one peers with frontline experience in the nations and regions of the United Kingdom.<sup>15</sup>

While the First Minister of Wales Baroness Eluned Morgan of Ely is, at the time of writing, on a leave of absence from the Lords, she is the first peer to head a devolved administration since Lord Brookeborough and she has served as a peer since 2011. The membership of the House of Lords includes several former first ministers: Lord Carwyn Jones of Penybont (first minister of Wales 2009–18), Baroness Arlene Foster of Aghadrumsee (first minister of Northern Ireland 2016–17 and 2020–21) and Lord Jack McConnell of Glenscorrodale (first minister of Scotland 2001–7). In recent memory, the late Lord David Trimble (first minister of Northern Ireland 1998–2002) was also a member of the upper house, serving from 2006 until his death in 2022, as was the late Lord Ian Paisley (first minister of Northern Ireland 2007–8). At the metro mayor level, Lord Ben Houchen of High Leven has served as a peer since 2023 and has been the Tees Valley mayor since the office was established in 2017.

Other former devolved parliamentarians who currently serve as peers include: Lord Alderdice (former leader of the Alliance Party of Northern Ireland and the speaker of the Northern Ireland Assembly 1998–2002), Lord

Hay of Ballyore (formerly a long-serving DUP MLA and speaker of the Northern Ireland Assembly 2007–14), Lord Steel of Aikwood (a prominent pre-devolution politician and the first presiding officer of the Scottish Parliament 1999–2003), Lord Wallace of Tankerness (deputy first minister of Scotland 1999–2005) and Lord German (deputy first minister of Wales 2000–3). In addition to Lord Wallace and Lord Alderdice, both of whom were party leaders at the devolved level, other former party leaders in the Lords include: Lord Elliott of Ballinamallard (UUP leader 2010–12), Lord Empey (UUP leader 2005–10), Baroness Ritchie (SDLP leader 2010–11), Lord Wigley (Plaid Cymru's leader from 1981–84 and 1991–2000, in the latter capacity serving as the first leader of the opposition in what was then the National Assembly for Wales) and Lord Bourne of Aberystwyth (leader of the Conservative group in the National Assembly for Wales 1999–2011 and leader of the opposition in the National Assembly for Wales 2007–11). Among the current party leaders in the Lords, Lord Purvis of Tweed, the Liberal Democrat leader in the House of Lords, was an MSP from 2003 until 2011.

In addition to peers who have previously served as cabinet ministers with responsibility closely tied to the territorial management of the United Kingdom as a whole or who were territorial secretaries of state are two former prime ministers of the United Kingdom. These two served during periods of considerable drama and tensions in the UK's territorial management: Lord Cameron of Chipping Norton—who served as prime minister from 2010 to 2016, a period which saw further devolution to Scotland and Wales, the 2014 Scottish independence referendum and the 2016 European Union referendum—and Baroness May of Maidenhead, who served as prime minister from 2016 to 2019. Among his many roles in government during the 2010–24 period of Conservative governance, Lord Gove served as minister for intergovernmental relations and secretary of state for levelling up, housing and communities from 2022 to 2024, while Lord Murphy, Lord Hain, Lord Reid, Lord Jack, Lord Brown, Baroness Liddell, Lord Forsyth, Lord Lang and Lord Hunt all bring experience of having served as territorial secretaries of state.

<sup>15</sup>E.C. Merritt, 'Who is in the House of Lords? Members with backgrounds and professional experience in public life', *House of Lords Library*, 13 June 2025.

## House of Lords committees

The Lords does not just have considerable expertise of territorial politics on its benches, but can also be seen to have given proactive focus to this through the work of its committee system—principally through the work of the Constitution Committee, but also through a number of other scrutiny committees.

One of the recommendations of the Royal Commission on the Reform of the House of Lords was the establishment of a House of Lords committee to ‘scrutinise the constitutional implications of all legislation and to keep the operation of the constitution under review’.<sup>16</sup> On 17 July 2000, peers voted to establish such a committee and it was appointed for the first time in February 2001. The committee, in its first report, situated the ‘union state’ (in short, the territorial constitution) as one of the ‘five basic tenets of the United Kingdom constitution’ around which it would focus its work.<sup>17</sup>

Since 2001, the committee has undertaken numerous inquiries into issues relating to the United Kingdom’s territorial constitution. These inquiries range from detailed scrutiny of specific legislative proposals or responses to immediate events which have significance to the territorial constitution to more expansive examinations into the way in which the UK’s territorial constitution operates post-Brexit. In the process, the committee has taken oral and written evidence from senior politicians, civil servants and academics from across the devolved nations of the United Kingdom, and has developed a sustained expertise in the subject of devolution (Table 1).

The UK’s withdrawal from the European Union has also acted as a motor of additional territorial constitution-related activity in the Lords’ committee system. For example, the Common Frameworks Scrutiny Committee was established by the Lords in 2020 to scrutinise and consider matters relating to

common frameworks.<sup>18</sup> Common frameworks are a mechanism established following the UK’s decision to leave the EU whereby the UK and devolved governments could cooperate on managing policy areas which were previously harmonised by the EU, but which could be the subject of divergence as a result of policy responsibilities being repatriated post-Brexit. In short, these are attempts to enable policy accommodation and to manage areas of divergence.<sup>19</sup>

This committee produced two reports. Its first, in 2021, looked at the progress to-date in establishing frameworks and making recommendations for the continued operation of the framework process. The committee’s final report, published in 2022, reiterated its earlier conclusion that frameworks offered a ‘unique potential to strengthen the union’, but lamented that they risked being a ‘missed opportunity’—in particular as a result of the intergovernmental tensions that arose following the then-UK government’s decision to bring in the United Kingdom Internal Market Act.<sup>20</sup> The committee ended in 2023, but during its brief existence it took evidence from senior government ministers from the two functioning devolved administrations, the UK government and from academics and civic society organisations from across the UK.

In 2020, the House of Lords Liaison Committee recommended the establishment of a new European Affairs Committee with the power to create a subcommittee on the Protocol on Ireland/Northern Ireland. The predecessor European Union Committee had been a key pillar of the Lords’ committee system

<sup>18</sup>House of Lords Common Frameworks Scrutiny Committee, *Common Frameworks: Building a Cooperative Union*, First Report of Session 2019–2021, HL Paper 259, 31 March 2021, para. 2.

<sup>19</sup>K. Andrews, ‘A new style of committee for a post-Brexit UK: the common frameworks scrutiny committee’, *Hansard Society*, 7 October 2022.

<sup>20</sup>House of Lords Common Frameworks Scrutiny Committee, *Common Frameworks: An Unfulfilled Opportunity?*, First Report of Session 2022–2023, HL Paper 41, 15 July 2022, paras. 20, 31, 51.

<sup>16</sup>Royal Commission, *A House for the Future*, p. 4.

<sup>17</sup>House of Lords Constitution Committee, *Reviewing the Constitution: Terms of Reference and Method of Working*, First Report of Session 2001–2002, HL 11, 2001, para. 10.

**Table 1: territorial politics-focussed inquiries by the Constitution Committee since 2002**

Session	Inquiry
2024–2026	The Governance of the Union: Consultation, Co-operation and Legislative Consent
2022–2023	Levelling-up and Regeneration Bill
2022–2023	Identity and Language (Northern Ireland) Bill
2022–2023	Northern Ireland Protocol Bill
2022–2023	Northern Ireland Troubles (Legacy and Reconciliation) Bill
2021–2022	Respect and Co-operation: Building a Stronger Union for the Twenty-First Century
2019–2021	Brexit legislation: constitutional issues
2019–2021	United Kingdom Internal Market Bill
2017–2019	Northern Ireland (Executive Formation) Bill
2017–2019	Northern Ireland (Executive Formation and Exercise of Functions) Bill
2016–2017	English Votes for English Laws
2016–2017	Wales Bill
2016–2017	The Union and Devolution
2015–2016	Scotland Bill
2014–2015	Intergovernmental relations in the United Kingdom
2014–2015	Proposals for the devolution of further powers to Scotland
2014–2015	Draft Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.) Order 2015
2013–2014	Scottish independence: constitutional implications of the referendum
2012–2013	The Agreement on a Referendum on Independence for Scotland
2010–2012	Referendum on Scottish Independence
2010–2012	Scotland Bill
2010–2012	The Government's Constitutional Reform Programme
2008–2009	The Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009
2008–2009	The National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009 (relating to Carers)
2008–2009	Northern Ireland Bill
2007–2008	Scrutiny of Welsh Legislative Competence Orders
2005–2006	Government of Wales Bill
2003–2004	Devolution: Its Effect on the Practice of Legislation at Westminster
2002–2003	Regional Assemblies (Preparations) Bill
2002–2003	Devolution: Interinstitutional Relations in the United Kingdom

since its establishment in the 1970s.<sup>21</sup> The new European Affairs Committee was established a year later, as was a subcommittee on the Protocol. This subcommittee was tasked with considering all matters related to the Protocol, 'including scrutinising EU legislation applying to Northern Ireland under the Protocol, the Protocol's overall socio-economic and

political impact on Northern Ireland, and inter-parliamentary dialogue, notably with the Northern Ireland Assembly'. The subcommittee's membership included a former secretary of state for Northern Ireland, a long-serving former senior adviser on Northern Irish affairs for the Conservative Party and several high-profile Northern Irish politicians (including former leaders of the UUP and SDLP and a former deputy leader of the DUP), its membership acting as a testament to the breadth of territorial expertise found within the House of Lords. The subcommittee—which was renamed the Windsor Framework Subcommittee in 2023 following the Sunak government's renegotiation and rebranding of the Northern Ireland Protocol with the EU—undertook major inquiries into the Windsor

<sup>21</sup>J. Connolly, et al., 'Institutions ignored: a history of select committee scrutiny in the House of Lords, 1968–2021', *Parliamentary History*, vol. 41, no. 3, 2022, pp. 463–90; House of Lords Liaison Committee, *Review of Investigative and Scrutiny Committees Strengthening the Thematic Structure Through the Appointment of New Committees*, Fifth Report of Session 2019–2021, HL Paper 193, 15 December 2020, paras. 23, 27.

Framework that encompassed not only its trade dimensions, but also the democratic and scrutiny implications of the Framework for the Northern Ireland Assembly.<sup>22</sup>

The Windsor Framework Sub-Committee was dissolved at the end of the 2019–2024 parliament. However, representations were made to the Lords Liaison Committee at the start of the current parliament to the effect that there was a ‘continued need for a House of Lords committee focused on Northern Ireland scrutiny’, highlighting the fact that the Windsor Framework was still in its implementation phase, the continuing need for scrutiny of how EU legislation applies in Northern Ireland and the sense that the European Affairs Committee’s workload would mean that it would be unable to absorb the work of scrutinising the ongoing Northern Ireland aspects of Brexit. The Lords Liaison Committee agreed and recommended the establishment of a ‘select committee on Northern Ireland scrutiny’ to take forward the work of the previous subcommittee and other ‘related matters’ arising from the Framework.<sup>23</sup> The Northern Ireland Scrutiny Committee again boasts a distinguished membership, including a former first minister of Northern Ireland, two former Northern Irish party leaders and a former secretary of state for Northern Ireland. The committee’s first report, focussing on how Northern Ireland’s voice within the structures of the Windsor Framework could be strengthened, was published in October 2025.<sup>24</sup> The operation of the committee will be reviewed in 2026.

### *Inter-parliamentary relations*

The House of Lords and its committees have also played a prominent role in the pursuit of

stronger interparliamentary relations between the UK’s legislatures. In its 2017 report, the Lords’ European Affairs Committee expressed its support for ‘strengthened’ interparliamentary engagement, post-Brexit, between Westminster and the devolved legislatures, in particular a ‘forum for interparliamentary dialogue within the post-Brexit United Kingdom’.<sup>25</sup> This resulted in the interparliamentary forum on Brexit, one of the few examples of structured interparliamentary relations between politicians post-devolution.<sup>26</sup>

The forum met for the first time on 12 October 2017, under the chairmanship of the then-deputy lord speaker (subsequently the lord speaker) and former MP for the Scottish constituency of West Dunbartonshire, Lord John McFall of Alcluith. The forum would meet a total of eight times between 2017 and 2019. Following the interruption of the Covid-19 pandemic, the forum was re-established, this time known simply as the ‘interparliamentary forum’. It met for the first time in its rebadged form in February 2022 and agreed a new terms of reference, including to ‘provide a mechanism for dialogue and cooperation’ between parliamentarians from the UK’s four parliaments and to discuss intergovernmental relations, the operation of international agreements which impact upon the devolved administrations, the operation of the UK Internal Market Act and common frameworks.

While the newly christened forum can be seen to face a number of the challenges that faced its precursor (including a lack of transparency and challenges in maintaining a consistent set of attendees), that it was brought back into operation in 2022 and continues to exist is in no small part owing to the commitment of Lord McFall as lord speaker and the senior officeholders in the Lords.<sup>27</sup> To this date, it remains the only structured forum for

<sup>22</sup>House of Lords European Affairs Committee, *Report from the Sub-Committee on the Protocol on Ireland/Northern Ireland: The Windsor Framework*, Seventh Report of Session 2022–2023, HL Paper 237, 25 July 2023.

<sup>23</sup>House of Lords Liaison Committee, *A Northern Ireland Scrutiny Committee*, Second Report of Session 2024–2026, HL Paper 26, 23 October 2024, paras. 4–11.

<sup>24</sup>House of Lords Northern Ireland Scrutiny Committee, *Northern Ireland after Brexit: Strengthening Northern Ireland’s Voice in the Context of the Windsor Framework*, First Report of Session 2024–2026, HL Paper 182, 15 October 2025.

<sup>25</sup>House of Lords European Affairs Committee, *Brexit: Devolution*, Fourth Report of Session 2017–2019, HL Paper 9, 19 July 2017, paras. 297–98.

<sup>26</sup>A. Evans, ‘Interparliamentary relations in the United Kingdom: devolution’s undiscovered country?’, *Parliaments, Estates and Representation*, vol. 39, no. 1, 2019, pp. 98–112.

<sup>27</sup>P. Silk and P. Evans, ‘A new structure for interparliamentary relations’, *Hansard Society*, 24 February 2023.

regular interparliamentary dialogue between the UK's parliamentarians post-devolution, other than the British-Irish Parliamentary Assembly whose remit is focussed instead on the British-Irish relationship.

## The House of Lords and devolution: already a chamber of the nations and regions?

When the Brown Commission reported in 2022, its proposal for an assembly of the nations and regions was eye-catching in terms of the detail and suggested extent of the reforms proposed to the House of Lords, yet at the same time was just the latest in a long series of calls for a reform of the Lords that would see it more explicitly serve as a territorially focussed chamber. However, while reports or individuals advocating for the Lords to become a territorial or 'union' chamber are nothing new, there has been remarkably little attention paid to the extent to which the Lords already serves as a chamber with a distinctive territorial focus and interest. This article has sought to serve as an initial step at correcting this oversight, providing a detailed focus on the number of ways in which the House of Lords has acted as a form of territorially interested, if not solely territorially focussed, second chamber.

As this article has shown, the House of Lords represents a considerable body of expertise on—and a chamber which has consistently given its time and attention to—the territorial politics of the United Kingdom. It is a chamber which boasts among its membership former first ministers (and one currently serving), presiding officers, prime ministers, cabinet ministers and parliamentarians with extensive experience of the politics of the nations and regions of the United Kingdom. Its committees, whether in the form of the Constitution Committee, the Common Frameworks Committee or the Northern Ireland Scrutiny Committee, have individually and collectively enabled the Lords to shine a forensic spotlight on territorial politics in the United Kingdom. They have also showcased its commitment to these issues and the expertise of its membership.

But does this mean that the House of Lords can already be said to function, at least in part,

as an assembly of the nations and regions? There are clearly limits on the House of Lords' ability to make such a claim. While the Lords has an impressive reservoir of experience on its benches, this level of representation is not guaranteed. Unlike many of the proposals for a reformed Lords from the Royal Commission to the Brown Commission, there is no requirement that a set percentage of peers should have experience of, or represent, the nations and regions of the United Kingdom. The process of appointment rests overwhelmingly in the hands of the prime minister of the day and, while it is true that there is at present a substantial number of peers with useful knowledge and expertise of territorial politics, such a level of experience might not exist had appointments been made differently. In making appointments to the Lords, the prime minister will take into account the balance of the chamber and representations from the other major parties, but there is no guaranteed arrangement whereby former devolved first ministers are nominated for peerages or whereby the devolved administrations can secure the appointment of a set number of peers.

As for the focus and workload of the Lords, while it is clear that the upper chamber has dedicated a consistent level of attention to issues relating to territorial politics, can this be said to be comparable to the remit that the Brown Commission, for example, proposed to give to their suggested assembly of the nations and regions? Such an assembly would have had the oversight and custodianship of the territorial constitution as a central part of its overall focus. While it is clear that the Lords takes the territorial constitution seriously, the bespoke remit and powers that the Brown Commission proposed to give to an assembly to strike down legislation that threatens the devolution settlement extend far beyond the current reality of the House of Lords.

Perhaps reality is a fitting point on which to end, for the current reality of the House of Lords is of a chamber which is not likely, in the near future, to be replaced by an assembly of the nations and regions with the powers and functions envisaged by the Brown Commission. Instead, as has long been the case, attempts by the current government to reform the Lords seem set to continue the trajectory of

modesty and incrementalism. Looking at the House of Lords as it is, rather than how it might be, we see a chamber that, notwithstanding its limitations, commands considerable expertise and knowledge of the territorial constitution and has made consistently clear its commitment to taking the territorial constitution seriously. The Lords may

not be the assembly of the nations and regions, but this article suggests that it has clearly shown itself to be a chamber for the nations and regions.

*Adam Evans* is an Honorary Research Fellow at the Wales Governance Centre at Cardiff University.