



## Chapter 12 – Composition: specific proposals and practicalities

**12.1** Several practical considerations significantly influenced the broad conclusions on the composition of the new second chamber we have set out in Chapter 11. In this chapter we explain our thinking on these points, in part to offer a rationale for those conclusions and also because it leads to some specific recommendations on the detailed implementation of our proposals.

**12.2** The practical considerations can be grouped under three headings:

- mixed membership;
- terms of membership; and
- the selection of regional members.

**12.3** We discuss the overall size of the reformed second chamber in Chapter 13. We do not believe it is necessary for the second chamber to have a fixed number of members or for there to be an upper limit on the number of its members. But, for the reasons given in Chapter 13, we would expect the new chamber to have in the region of 550 members overall, including many who would participate on a part-time basis. The specific recommendations made in the rest of this chapter are based on a membership in the region of 550.

### Mixed membership

**12.4** We referred in Chapter 10 to the importance we attach to ensuring that the reformed second chamber is a cohesive body, with none of its members regarded as having greater legitimacy or authority than any others. If some members were seen to have greater legitimacy than others, perhaps because they had been directly elected, any vote carried against the wishes of those members could, and probably would, be called into question.

**12.5** Creating a cohesive second chamber is an important requirement. Once members have arrived in the chamber, by whatever route, they should so far as possible serve the same terms, benefit from the same allowances and facilities and be treated in all respects identically. If our proposals for the composition of the reformed second chamber are accepted, the rationale which underlies them should ensure that all the members enjoy parity of esteem.

**12.6** There are, however, more practical reasons for believing that a second chamber composed along the lines we recommend will not encounter serious ‘mixed membership’ problems. First, the number of regional members we propose is not so large as to dominate the chamber or undermine its cohesiveness. Second, whereas the great majority of the votes cast by hereditary peers in the old House of Lords supported one political party, the regional members, like the directly appointed members in the reformed second chamber, will be politically balanced. Accordingly, the votes of regional members will only rarely be decisive in determining the outcome. Finally, and significantly, the political status of regional members, however they are chosen, will be on a par with that of the

party-affiliated appointed members because the party balance of the second chamber as a whole will be determined by the outcome of the preceding general election.

**Recommendation 71:** All members of the second chamber should so far as possible serve the same terms, benefit from the same allowances and facilities and be treated in all respects identically, in order to minimise the risk of ‘mixed membership’ problems. There are also more practical reasons for believing that our specific proposals would not give rise to ‘mixed membership’ problems.

## Terms of membership

**12.7** Apart from the Church of England bishops, all members of the present House of Lords – the Lords of Appeal in Ordinary, the life peers and the remaining hereditary peers – are members for life. Life membership, or something which amounted to nearly the same thing, would bring distinct benefits to the reformed second chamber. It would:

- encourage members to be independent-minded and take a long-term view;
- discourage the politically ambitious from seeking a place in the second chamber;
- contribute to a less partisan style of debate;
- allow members time to absorb the distinctive ethos of the second chamber and to learn how to contribute most effectively to its proceedings; and
- be consistent with part-time membership. If members were appointed for short terms, they might feel obliged to commit themselves to the work of the chamber full-time.

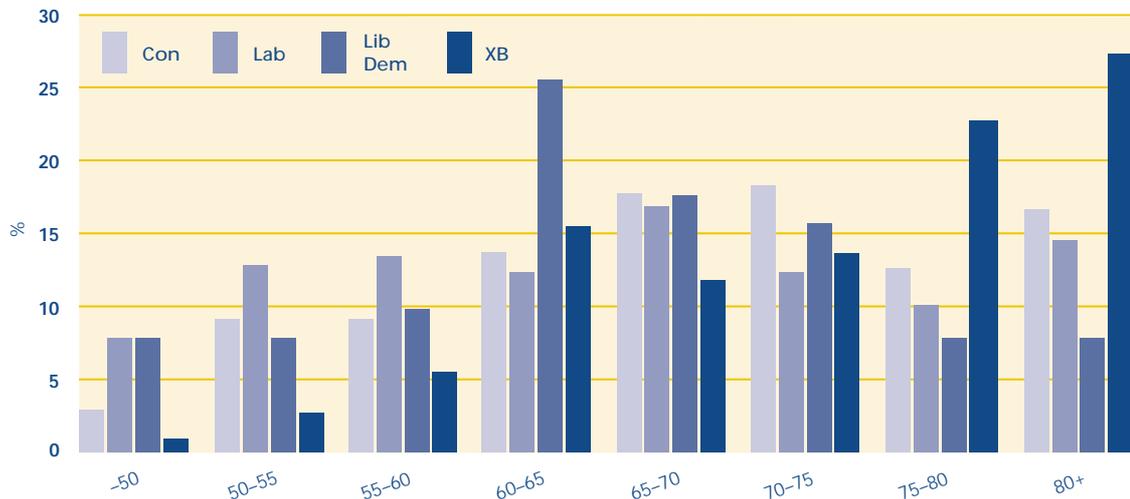
**12.8** However, the continuation of life membership for the reformed second chamber would also have disadvantages.

**12.9** Life membership for the new second chamber would result in an elderly chamber. The average age at death of members of the House of Lords in recent years has been 81.5. The departure of most of the hereditary peers has already led to an increase in the average age of the present House of Lords to 69. Given current trends in life expectancy, life membership in the second chamber would inevitably produce a continual rise in the average age of members. Younger members could, of course, be appointed to reduce the average age. But the constant compensation required for ageing life members would result in a consistent and ultimately enormous increase in the size of the second chamber. Introducing an option to retire would yield some reduction in the average age of members but probably not a large one: several life peers remain active members of the present House of Lords even though they are well into their nineties. Such an elderly chamber would not be representative of British society as a whole.

**12.10** Life membership would also significantly reduce the number of new members entering the second chamber. If, on the basis of life membership, members served for an average of 30 years (roughly the average for current life peers) instead of, say, 15 years, it would halve the number of new members who could be introduced in an average year. The Appointments Commission would find it exceedingly difficult to achieve or maintain a properly balanced chamber.

**12.11** Life membership would also be difficult to combine with any system of election, as distinct from appointment, to the reformed second chamber. Election for life is not a concept likely to find favour at the beginning of the 21st century.

**12.12** Perhaps most fundamentally, life membership could easily lead over time, as the White Paper noted, to the emergence of awkward imbalances among the parties. To illustrate this point, the following chart shows the age profiles of the existing life peers by party. Assuming average mortality rates, the consequence of these profiles is that the party balance among the existing life peers over the next 15 years will change significantly. The Appointments Commission could in theory correct party imbalances whenever they began to appear; but that might not prove at all easy in practice, especially if the rate at which new members were introduced was low. Also, a ‘see-saw effect’ could develop. New members of one party would soon have to be balanced by new members of another party, who in turn would have to be balanced by more members of the first party. The whole cycle might continue indefinitely.



Age profile of existing life peers by party

**12.13** A related consideration, already alluded to in paragraph 12.5, is that, in the interests of producing a cohesive second chamber, its members should serve for terms of similar length, however they are chosen. Taking all these considerations together, we recommend that all members of the second chamber should serve for the equivalent of three electoral cycles.

**12.14** For reasons set out below, we envisage that regional members would be selected on either general election days or European Parliament election days. Whichever option is chosen, we recommend that regional members serve for three terms. Working on the basis of post-war experience and ignoring general elections which occurred within two years of the previous election,<sup>1</sup> if regional members were chosen on general election days, three terms would mean a minimum of 10 years and a maximum of 14, with the average being 12.6 years. To achieve approximate equivalence, appointed members might therefore serve for either 12 or 15 years. If regional members were chosen on the day of European

<sup>1</sup> Obviously, if there were a succession of short Parliaments, it would be necessary to count from the previous election which was not ignored.

Parliament elections, they would, in effect, serve a fixed term of 15 years. Other members could also be appointed for 15 years.

**12.15** We did consider whether terms based on two electoral cycles, rather than three, would be long enough to secure our desired objectives. Working on the same principles as in paragraph 12.14, we calculated that, using a general election cycle, regional members would serve for between 6 and 10 years. An equivalent term for appointed members would perhaps be 9 years. Using the European Parliament electoral cycle would result in terms of 10 years for both regional and appointed members. However, having considered this option, we concluded that terms of this length would be too short for the purposes of creating the kind of second chamber which we envisage.

**Recommendation 72:** Regional members, whatever the precise means of their selection, should serve for the equivalent of three electoral cycles and appointed members should serve for fixed terms of 15 years.

**12.16** One possible criticism is that terms of this length would make it hard for regional electorates or anyone else to hold members of the reformed second chamber to account. But that is precisely the point. One of our central aims is to recommend the creation of a second chamber whose members can speak and vote with a substantial degree of independence and who are in a position to take a long-term view. We want the regional members, in particular, to act as a voice for their regions. We do *not* want them to be constantly looking over their shoulders at either their electorates or their regional party organisations. Electoral accountability should, in our view, be the province of the House of Commons and be the justification for that House's supremacy.

## A minimum age

**12.17** As we want the members of the second chamber to be relatively independent of both the electorate and the political parties and we want many of them to have had extensive experience of the world outside politics before entering the chamber, we considered whether a minimum age should be set for becoming a member. A minimum age requirement higher than that set for the lower house is a common feature of second chambers overseas, especially in Latin American countries and the Caribbean, but also in the United States, Canada, Italy, France and India. We concluded, however, that a requirement of this kind would be inconsistent with our desire to achieve a broadly representative second chamber and that it should be left to the Appointments Commission to ensure that the second chamber contained sufficient members with the requisite non-political experience and expertise.

**Recommendation 73:** There should be no minimum age for members of the reformed second chamber.

## Eligibility for reselection or reappointment

**12.18** We also considered whether members of the reformed second chamber, having served for the equivalent of three electoral cycles, should be required to stand down or whether they could be eligible for reappointment or reselection. Given the relatively long terms we envisage, it may be that a large proportion of the members will, in practice, not want to serve for more than one full term. However, we imagine that some will feel able and will wish to continue. Indeed, some potential members might be reluctant to be considered for membership if they believed that, however well they performed, their membership would be limited to a single term. It would also be a pity, in our view, if the second chamber were arbitrarily to lose the services of members who were still able and willing to make a contribution. We therefore recommend that all members of the second chamber should, at the end of their term of service, be eligible for reappointment by the Appointments Commission for a further term. In the interests of flexibility, we recommend that the Appointments Commission be empowered to make such reappointments either for 15 years or for shorter periods of up to 15 years.

**12.19** We want the regional members, as well as the appointed members, to be able to act as independently as possible, without having to worry about securing renomination or reselection. We therefore recommend that regional members should not be eligible for reselection on a regional basis but should, like all other members, be eligible for reappointment by the Appointments Commission.

**Recommendation 74:** Both regional and directly appointed members should be eligible for reappointment, at the discretion of the Appointments Commission, for further periods of up to 15 years. Regional members should not be eligible for reselection on a regional basis.

## Eligibility to retire

**12.20** An assessment of the alternatives to life membership raises the question of whether members of the reformed second chamber, unlike the existing life peers, should be able to resign. Because of ill health or other reasons, members might conclude that they were no longer able to make a sufficient contribution to the chamber's work to justify continued membership. We recommend that members should be able to retire. Retirement should, in our view, be irrevocable; members should not be allowed to absent themselves but then decide they want to return at some later stage. In making this particular recommendation, we do not wish to imply that we are in favour of any particular minimum level of attendance or contribution. On the contrary, we wish to promote arrangements which will facilitate part-time membership, with a substantial proportion of members of the reformed second chamber continuing to be active in other walks of life.

**Recommendation 75:** Members of the reformed second chamber should be able to retire.

## Eligibility for election to the House of Commons

**12.21** One question which arises from this recommendation is whether a person who stands down from the reformed second chamber should be eligible for election to the House of Commons. Given the kind of membership we wish the second chamber to attract, and given the role we believe it should play in the new constitutional order, we believe that the movement of individual members from the second chamber to the House of Commons should be discouraged. Would-be career politicians should not be encouraged to see membership of the second chamber as a springboard to membership of the Commons. We recommend, therefore, that members of the second chamber should not be eligible for election to the House of Commons for ten years following the expiry of their term of membership of the second chamber, whether or not they have served the whole of that term. We have taken legal advice on the compatibility of such a provision with Article 3 of Protocol 1 to the European Convention on Human Rights and with Article 25 of the United Nations International Covenant on Civil and Political Rights, and we believe that what we propose represents a reasonable and proportionate way of achieving the important objectives it is designed to secure.

**Recommendation 76:** Members of the reformed second chamber should not be eligible for election to the House of Commons until ten years after their term of membership ends, whether or not they serve out their full term.

## The selection of regional members

**12.22** The method of selecting the members who are to give a voice to the nations and regions in the reformed second chamber constitutes a key part of our report. The choice that is made between the various available options could determine the extent to which all our other recommendations on the roles, powers and functions of the second chamber achieve their goals. The wrong choice could undermine the authority and the cohesion of the second chamber. It could also lead to a degree of tension between the members of the two Houses of Parliament which would damage the prospects of achieving a constructive and complementary relationship between the two.

**12.23** For the reasons set out in Chapters 6 and 11, we recommend not only that a proportion of the members of the reformed second chamber should provide a voice for the nations and regions but also that they should be selected on a basis which accurately reflects the party balance among the regional electorates. The questions which therefore arise are:

- what method of selection should be used;
- which of the two electoral cycles mentioned above – general election or European Parliament election – should it be associated with; and
- how many regional members should there be, and what proportion of the new second chamber should they constitute?

All these questions are interrelated and all are affected by the other considerations discussed in this chapter.

## Method of selection

**12.24** We present three possible models for the selection of regional members. Each model has the support of different members of the Commission. Model B has the support of a substantial majority of the Commission.

**12.25** The three models we propose have a number of important features in common and are all based on the assumption that:

- the selection of regional members will take place, as it were, in the ‘margins’ of other electoral contests. Candidates for the second chamber will not be required to engage in extensive personal electioneering;
- for the purpose of selecting the new regional members, the nations and the English regions will be taken to be coterminous with the large constituencies already used in connection with elections to the European Parliament. No new constituencies or electoral districts will be required;
- the electorate’s votes, as cast directly at elections in these large constituencies, will by one means or another determine the party balance among the regional members of the second chamber;
- the number of members selected in each of these large constituencies will accurately reflect the balance of voting for the various parties in those constituencies. That is, the selection system used, whatever its other characteristics, will be a proportional one, not one based on first-past-the-post; and
- there will be no new round of elections. However regional members of the reformed second chamber are selected, the choice will be made on the same day as the election of members to either the House of Commons or the European Parliament.

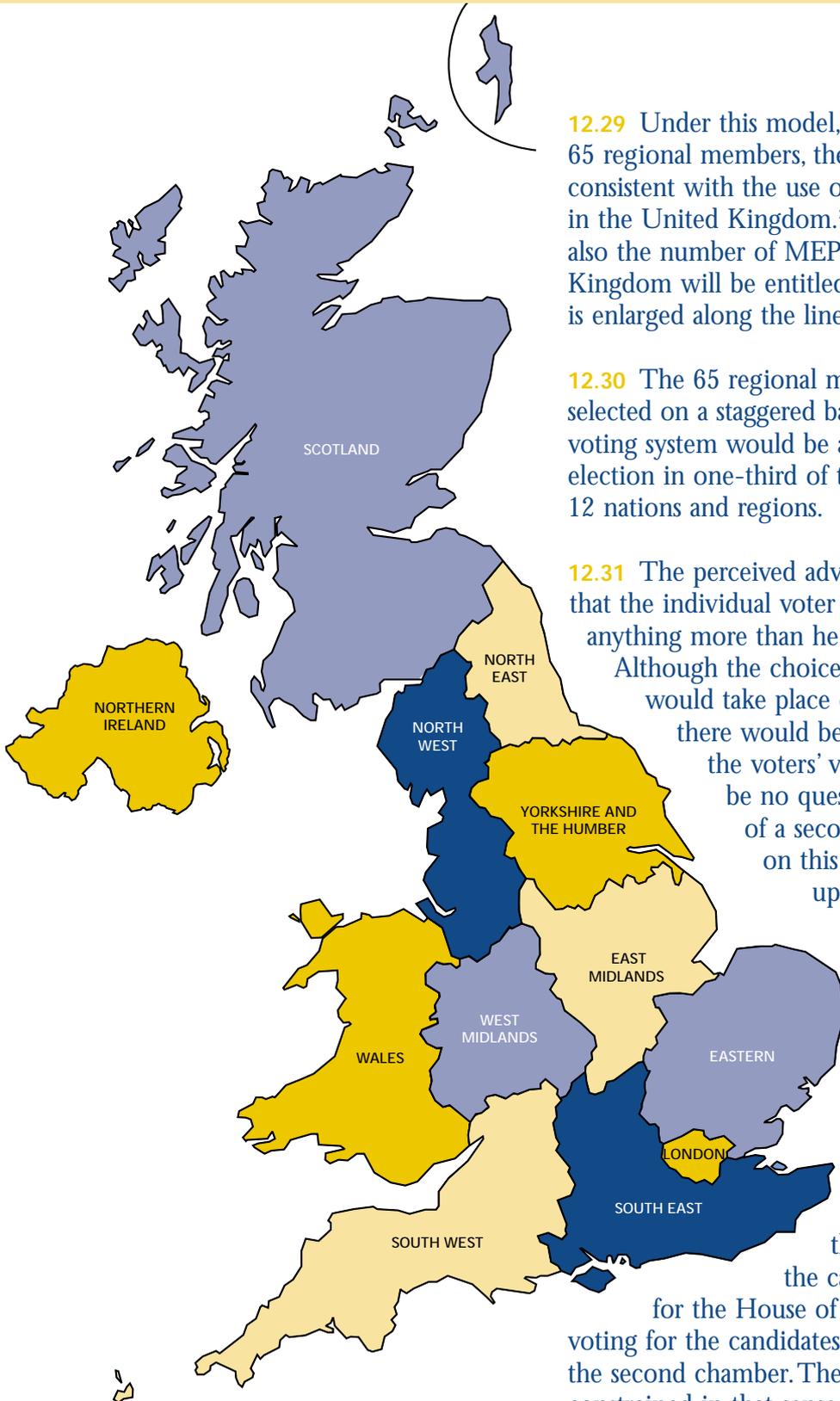
In considering what follows, these common assumptions need constantly to be borne in mind.

### Model A

**12.26** Under this model, which we have dubbed ‘complementary voting’, voters would go to the polls, as usual, on general election day. They would cast their ballot for the person they wished to be their member of the House of Commons in the normal way. They would not be voting, directly, for anyone else. Up to this point, nothing, so far as the voters were concerned, would have changed.

**12.27** However, under the complementary voting system, the political parties, prior to election day, would have drawn up and published their lists of nominees for the new second chamber. These lists could be posted at the voting stations.

**12.28** When the voters had cast their ballots for members of the House of Commons, their votes would then be totalled on a party basis within each region. Each party would be awarded regional members of the second chamber in direct proportion to the share of the votes it had received in each region in the elections for the House of Commons.



Regional constituencies currently used for European Parliament elections

**12.29** Under this model, there would be 65 regional members, the smallest number consistent with the use of a proportional system in the United Kingdom.<sup>2</sup> As it happens, this is also the number of MEPs to which the United Kingdom will be entitled if the European Union is enlarged along the lines currently envisaged.

**12.30** The 65 regional members would be selected on a staggered basis. The complementary voting system would be applied at each general election in one-third of the United Kingdom's 12 nations and regions.

**12.31** The perceived advantages of Model A are that the individual voter would not have to do anything more than he or she does at present. Although the choice of regional members would take place on general election day, there would be no ambiguity about the voters' verdict, and there could be no question of the members of a second chamber selected on this basis setting themselves up as challengers to the authority of the directly elected House of Commons. Turnout would be guaranteed to be high.

**12.32** Possible criticisms of Model A are that voters would not be given the option of voting for the candidates of one party for the House of Commons while voting for the candidates of another party for the second chamber. Their choice would be constrained in that sense. That constraint might lead voters to modify their preference between candidates for the House of Commons, in order to affect the choice of candidates for the second

chamber. In addition, as the parties would draw up their own lists of candidates for the second chamber, and as these lists would be closed under the terms of Model A, the voter would have no opportunity to vote for the individual candidate of his or her choice.

<sup>2</sup> In practical terms, the number of regional members selected in this way could be larger than 65, but those who support this model would not favour that.

More generally, voters would find themselves casting votes to elect candidates to one chamber of Parliament, only then to find that these same votes were being used to select the members of the other chamber. In any event, individual voters would only be able to influence the choice of regional members of the second chamber once every 10–14 years.

## Model B

**12.33** Under this model, there would not be an additional election day, but voters would nevertheless participate in an additional and separate election: that for regional members of the second chamber. The election would take place, not on general election day, as under Model A, but on the day of the quinquennial elections for the European Parliament. On that day, voters would be presented with two ballot papers instead of the present one: the first for the election of their regional MEPs and the second for the election of their regional members to the second chamber. Voters would be under no compulsion to vote for the same parties in both elections.

**12.34** In our view, and because we do not want to see the number of electoral systems already in use in this country unnecessarily enlarged, if Model B were to be adopted we would wish the same electoral system to be used for elections to both the European Parliament and the reformed second chamber. It would be up to the Government and Parliament to decide which system to adopt. If Model B was accepted but the Government were then to consider altering the electoral system used in the European Parliament elections, we recommend that they should consider adopting a system which would also be appropriate for the election of regional members of the second chamber. Subject to that, a majority of those supporting this option would prefer the election of regional members to be conducted by a ‘partially open’ list system rather than the closed party-list system which was used in the 1999 European Parliament elections. The ‘partially open’ list system enables voters to vote for a party list *or* for an individual candidate on one of the party lists.<sup>3</sup> In the polling booth, the procedure is simple: each voter marks one X on the ballot paper; but (in contrast to the closed-list system) voters can, if they choose, exercise a preference for a particular candidate rather than simply endorse a party list. ‘Partially open’ list PR elections for the second chamber could therefore be held alongside any other ‘X’-voting electoral system without too much risk of confusing the voters; but the risk of confusion would be eliminated if identical systems were in use.

**12.35** Those who support this model believe there should be 87 regional members. This is the same as the number of United Kingdom members of the European Parliament. The same distribution of members between regions could be used.<sup>4</sup> But there is no necessary link between the number of regional members in the second chamber and the number of United Kingdom MEPs.

<sup>3</sup> Under a partially open list system, the candidates from each party are listed in an order determined by the parties themselves. Electors may vote either for an individual candidate *or* for the party list as presented. The votes for the individual candidates are totalled and the votes for the party list as a whole are added, to give the total for the party. This total is used to determine the number of seats won, using the d’Hondt formula. The total number of votes secured by the party is then divided by the number of seats won and compared to the votes secured by the individual candidates. Any who secured more than the quota are elected. If seats remain to be allocated, votes for the party list are added to those secured by individuals in order to achieve the quota, moving down the list in the order determined by the party. If a seat remains to be allocated when there are no longer enough votes left to bring any candidate up to the quota, the remaining candidate with the most personal votes, plus any remaining party votes, is elected.

<sup>4</sup> Again, in practical terms, the number of regional members elected under Model B could be higher or lower than 87, but those who support Model B believe that 87 regional members would provide the right balance in the second chamber.

**12.36** As in the case of Model A, the regional members would be elected on a staggered basis, with elections taking place at each round of European Parliament elections in one-third of the United Kingdom's 12 nations and regions.

**12.37** The perceived advantages of Model B as compared with Model A are that it would not complicate proceedings on the day of the main domestic electoral contest and would give more freedom to the individual voter. He or she could vote for different parties in the second chamber and European Parliament elections and also vote for a party different from the one he or she had supported at the general election. If a partially open list system of election is used, he or she could exercise a preference for an individual candidate. In addition, the elections to the second chamber under Model B would be free-standing elections, giving the members of the second chamber a separate and distinct electoral mandate. It would also be possible for smaller parties, or even independents, to secure election to the second chamber. For all these reasons, elections held under Model B would be 'proper elections'. As in the case of Model A, however, the proportion of directly elected members in the second chamber would be relatively small (87 compared with Model A's 65). An additional advantage of Model B is that, as members elected under this model would serve for fixed terms of 15 years, the appointed members of the second chamber could serve for fixed 15-year terms – that is, for terms of identical length.

**12.38** One possible criticism of Model B is that, as happens in Germany and the United States, for example, holding separate elections for a second chamber could threaten to undermine the authority of the serving Government as voters use the opportunity to cast a protest vote. However, our recommendation that the overall political balance among the politically-affiliated members of the second chamber should reflect the most recent general election result is designed to answer the concern that the second chamber should not be out of step with the balance of political opinion as expressed at general elections, and would do so even if the choice of regional members was made on a day other than general election day.



This safeguard (coupled with the relatively small numbers involved) should allay fears that the selection of regional members on a day other than general election day would create the risk of a 'mid-term backlash' effect. A general criticism of Model B is that individual voters would only be able to vote for members of the second chamber at 15-year intervals. It might also be the case that second chamber elections held on the day of European Parliament elections would have a low – possibly an embarrassingly low – turnout of voters, although it is possible that interest in selecting members for the second chamber could increase turnout for the European Parliament elections. A further possible criticism of Model B is that, in principle, the issues relevant to the election of members of the second chamber of the United Kingdom Parliament are different from those which are relevant to the election of members of the European Parliament, which has a different set of responsibilities. However, in practice, such distinctions are unlikely to be drawn and there are other similarities between elections to the second chamber and elections to the European Parliament: both are essentially scrutinising and deliberative bodies.

## Model C

**12.39** This model in some respects resembles Model B. It also envisages direct and separate elections to the second chamber, which would nevertheless coincide with the quinquennial European Parliament elections.

**12.40** However, in two important respects Model C differs from Model B. First, in Model C, the directly elected component of the second chamber would be considerably larger than in Model B. If Model B were adopted, there would be only 87 directly elected members of the second chamber, with each of the nations and regions voting only once every 15 years. Model C proposes, instead, that 65 members of the second chamber should be elected on the occasion of each European Parliament election, with all the nations and regions voting every time. The result would be a directly elected component of the reformed second chamber which would eventually, after three rounds of elections, amount to a total of 195. Second, under Model C, voters would use ‘partially open’ list proportional representation to elect the regional members of the second chamber, regardless of the system used for the European Parliament elections.<sup>5</sup>

**12.41** The perceived advantages of Model C are identical to those of Model B except that, because there would be more regional members and elections to the second chamber would take place throughout the country every five years, the role of the electorate would be larger, so the second chamber would have a better claim to speak with democratic authority. Model C also reflects the widespread sense among the general public that the second chamber should have a more substantial directly elected component.

**12.42** The possible criticisms of Model C are identical to those of Model B except that many of the disadvantages outlined in paragraph 12.38 would be accentuated under Model C. Because a significant number of regional members would be elected at the time of each European Parliament election there would be a greater risk of those members claiming a more up-to-date mandate than the House of Commons. The potential threat to the Government’s authority would be correspondingly greater, as would the potential for tension between the two Houses of Parliament. And, because the political parties would control the drawing up of their lists of candidates, their influence on determining the composition of a second chamber with 195 directly elected regional members would inevitably be stronger than in the case of a second chamber, as on Model B, with only 87 such members. Finally, as with Model B, but more so, the cohesion of the second chamber in Model C might be weakened by a feeling that some of its members had a direct electoral mandate while others did not, with the former being seen as somehow more ‘legitimate’ than the latter.

<sup>5</sup> Northern Ireland might continue to use STV.

We present three possible models for the selection of regional members. Each model has the support of different members of the Commission. Model B has the support of a substantial majority of the Commission.

#### **Model A**

The regional members should be selected on the same day as a general election, using a system which we have called ‘complementary’ voting. Under this system the votes cast for the parties’ general election candidates would be accumulated at regional level and the parties would secure a number of regional members for each region proportional to their share of the vote in that region.

There would be 65 regional members who would be selected on a ‘staggered’ basis, with the ‘complementary’ voting system being applied in one-third of the twelve nations and regions at each general election.

#### **Model B**

There should be a total of 87 regional members, elected by thirds at the same time as each European Parliamentary election (with one-third of the nations and regions voting for regional members at each European election). The system of election should be the same as that used for electing United Kingdom MEPs,<sup>6</sup> although a majority of those supporting this model would prefer the ‘partially open’ list system of proportional representation (PR).

#### **Model C**

The regional members should be directly elected on a regional basis, using a form of ‘partially open’ list PR.<sup>7</sup> Sixty-five regional members would be elected at the same time as each European Parliament election and serve for three terms, giving a total of 195 regional members in the reformed second chamber.

**12.43** There are a number of other matters affecting all three possible methods of selection which need to be considered.

**12.44** One concerns the quality of the parties’ lists under all three models and whether the parties could be counted upon to select nominees whose personal qualities were in keeping with the kind of second chamber we are recommending. Ultimately, the choice of candidates would be up to the parties, but our view is that they should be required to bear in mind the sorts of qualities we have been outlining. In particular, they should be required to conform to the gender and minority ethnic targets set for the Appointments Commission. The media – and the other political parties – can almost certainly be relied upon to scrutinise closely the qualities, and the quality, of the parties’ nominees. Parties with strong regional lists will have an electoral advantage.

<sup>6</sup> Currently ‘closed list’ PR in Great Britain and STV in Northern Ireland (which would continue to use STV under this model).

<sup>7</sup> Or STV in Northern Ireland.

**12.45** A related issue concerns whether candidates under any of our three models should be vetted – as nominees for life peerages are now vetted – on grounds of personal probity and propriety. The strongest case for such vetting can be made in connection with Model A under which voters are required, in effect, to cast a second chamber vote for the same party for which they cast their first chamber vote. But our general view is that, just as there is no prior vetting of members of the House of Commons, so there should be no prior vetting of regional members of the reformed second chamber. If, however, there is to be no such vetting, then the second chamber, like the House of Commons, needs to have some procedure whereby, under a very restricted set of circumstances, a sitting member can be expelled.

**Recommendation 77:** The reformed second chamber should establish a procedure for expelling members whose continued presence would otherwise bring the chamber into disrepute.



**12.46** The reformed second chamber, like the House of Commons, will need to have a procedure for filling vacancies among regional members. The procedure in the case of the House of Commons is the holding of by-elections. We do not favour such a procedure in the case of the second chamber: by-elections for the second chamber would further multiply the already large number of elections in this country and might attract derisory turnouts. By-elections would in any event be inappropriate as a means of filling vacancies among members selected on a proportional basis; and it would be a waste of public funds to hold a region-wide election to select a single member for the second chamber. We therefore recommend that vacancies arising within the

first electoral cycle should be filled by the next available nominee on the relevant party's list. Thereafter, because it is not realistic to expect that lower-placed candidates would continue to be available to fill vacancies more than five years ahead, consideration should be given to introducing a system of co-option.

**Recommendation 78:** Vacancies among the regional members arising within the first electoral cycle after they join the second chamber should be filled by offering the vacant place to the next person on the relevant party list. Under Models A and B, consideration should be given to introducing a system of co-option where a vacancy arises some time after the original selection.

**12.47** We see each of the three models as constituting, possibly, the first stage of a gradual evolution. For example, Model B envisages a total of only 87 regional members. If, however, the political parties consistently put forward high-quality nominees, and the second chamber seems to profit from the presence of a proportion of regional members, then it would be open to the Government and Parliament to consider, at some future time, whether the number of such members should be increased. Although the numbers of regional members vary from model to model, the proponents of each model believe that the number envisaged in each case is right for now. But we all believe that, whatever

model is selected, the arrangements for selecting regional members should be kept under review, in the light of experience and also in the light of the evolution of the other elements of the United Kingdom's constitutional settlement.

**Recommendation 79:** The arrangements for selecting regional members should be kept under review, in the light of experience and taking account of any changes which flow from devolution or from the emergence of new structures in the English regions.