

# House of Lords Reform Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Cabinet Office, are published separately as Bill 52 – EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

The Deputy Prime Minister has made the following statement under section 19(1)(b) of the Human Rights Act 1998:

I am unable to make a statement of compatibility under section 19(1)(a) of the Human Rights Act 1998 in respect of the House of Lords Reform Bill. This is only because of clause 6, which applies to House of Lords elections the laws on entitlement to vote at House of Commons elections, including the rules which prevent prisoners serving sentences from voting. The Government nevertheless wishes the House to proceed with the Bill.

# House of Lords Reform Bill

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**B I L L**

TO

Make provision about the membership of the House of Lords; to make provision about the disclaimer of life peerages; to abolish the jurisdiction of the House of Lords in relation to peerage claims; to make other provision relating to peerage; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**PART 1**

COMPOSITION OF THE HOUSE OF LORDS

**1 Composition of the House of Lords**

- (1) In the first electoral period the House of Lords is to consist of—
- (a) 120 elected members, 5
  - (b) 30 appointed members,
  - (c) up to 21 Lords Spiritual,
  - (d) any ministerial members, and
  - (e) the transitional members for that period.
- (2) In the second electoral period the House of Lords is to consist of— 10
- (a) 240 elected members,
  - (b) 60 appointed members,
  - (c) up to 16 Lords Spiritual,
  - (d) any ministerial members, and
  - (e) the transitional members for that period. 15
- (3) In each subsequent electoral period the House of Lords is to consist of—
- (a) 360 elected members,
  - (b) 90 appointed members,
  - (c) up to 12 Lords Spiritual, and
  - (d) any ministerial members. 20

- (4) Accordingly, no-one is a member of the House of Lords by virtue of a peerage.
- (5) In this Act “electoral period” means a period which—
- (a) begins immediately after the day of a House of Lords election, and
  - (b) ends with the day of the next House of Lords election.

## **2 Continued application of the Parliament Acts** 5

- (1) The Parliament Acts 1911 and 1949 continue to apply after the beginning of the first electoral period, despite the changes to the House of Lords made by this Act.
- (2) The preamble to the Parliament Act 1911 is repealed.

## **PART 2** 10

### ELECTED MEMBERS

#### *House of Lords elections*

## **3 House of Lords elections**

- (1) A House of Lords election is to be held whenever there is a qualifying House of Commons general election. 15
- (2) The polling day for the House of Lords election is to be the same as the polling day for the qualifying House of Commons general election.
- (3) The qualifying House of Commons general elections are—
- (a) the first House of Commons general election the polling day for which is on or after 7 May 2015, and 20
  - (b) any subsequent House of Commons general election except one whose polling day is within the period of 2 years beginning with the day of the previous qualifying House of Commons general election.
- (4) Writs for a House of Lords election are to be sealed and issued—
- (a) as soon as practicable after the dissolution, by section 3(1) of the Fixed-term Parliaments Act 2011, of the last Parliament before the election, and 25
  - (b) in accordance with the practice in relation to writs for House of Commons general elections; but this is subject to any provision made under section 7 (power to make provision about elections). 30
- (5) In this Act any reference to the day of a House of Lords election is to the polling day for the election determined in accordance with subsection (2).

## **4 Ordinary elected members and the electoral districts**

- (1) At each House of Lords election, 120 persons are to be returned as ordinary elected members. 35
- (2) Each of them is to be returned as an ordinary elected member for an electoral district.
- (3) The electoral districts are specified in Schedule 1.

- (4) Schedule 2 specifies how many of the 120 persons mentioned in subsection (1) are to be returned for each electoral district.
- (5) The returning officer for an electoral district must notify the Clerk of the Crown of –
  - (a) the name of each person returned as an ordinary elected member for that district, and
  - (b) the return day in respect of each such person.
- (6) A person returned at a House of Lords election as an ordinary elected member is such a member for the first 3 electoral periods to occur after the day of that election, excluding –
  - (a) any period before the return day, and
  - (b) the dissolution period in the last of those electoral periods.

## 5 Voting system

- (1) At a House of Lords election, an election is to be held in each of the electoral districts.
- (2) The election in an electoral district is for the total number of elected members who are to be returned at that election for that district.
- (3) That number is –
  - (a) the number of ordinary elected members specified in Schedule 2 in respect of the district, and
  - (b) such number of persons as may be required under section 8 to be returned as replacement elected members for the district.
- (4) Schedule 3 contains provision about the system of election in Great Britain (which is a list system).
- (5) The system of election in Northern Ireland is a single transferable vote system under which –
  - (a) a vote is capable of being given so as to indicate the voter’s order of preference for the candidates for election, and
  - (b) a vote is capable of being transferred to the next choice –
    - (i) when the vote is not required to give a prior choice the necessary quota of votes, or
    - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.
- (6) At a House of Lords election –
  - (a) a person may not be a candidate in more than one electoral district;
  - (b) an elected member may not be a candidate.

## 6 Entitlement to vote

- (1) At a House of Lords election, a person is entitled to vote in an electoral district if, on the day of the poll in that district –
  - (a) the person would be entitled to vote at a House of Commons election in a parliamentary constituency wholly or partly comprised in the electoral district, and
  - (b) the person has a qualifying address.

- (2) A person has a qualifying address if—
- (a) the address in respect of which the person is registered in the relevant register of parliamentary electors is within the electoral district, or
  - (b) the person’s registration in the relevant register of parliamentary electors results from an overseas elector’s declaration which specifies an address within the electoral district. 5
- (3) At a House of Lords election, a person is not entitled to vote more than once.
- (4) References in this section to voting are to voting as an elector.

## 7 Power to make provision about elections

- (1) The Minister may by order make provision about the conduct of House of Lords elections or other matters relating to such elections. 10
- (2) In particular, an order under subsection (1) may make provision—
- (a) about the registration of electors;
  - (b) about the designation of persons as returning officers, and local returning officers, for each electoral district; 15
  - (c) conferring functions on those officers;
  - (d) about the recovery of charges by those officers in respect of services rendered, or expenses incurred, by them;
  - (e) requiring local authorities to place the services of their officers or employees at the disposal of returning officers or local returning officers for the purpose of assisting them; 20
  - (f) for the combination of polls at House of Lords elections with polls at other elections or at referendums;
  - (g) about funding and expenditure, in relation to House of Lords elections, of candidates, political parties and other persons (including the provision of free postal services to candidates); 25
  - (h) for limiting the number of persons who may be nominated as candidates for election in the name of a party in an electoral district to the number of elected members to be returned for that district in the election; 30
  - (i) about the way in which the names of candidates and parties appear on the ballot paper;
  - (j) for the postponement of the poll in an electoral district due to the death of a candidate or other exceptional circumstances;
  - (k) for the allocation of seats in Northern Ireland in the case of an equality of votes; 35
  - (l) conferring on candidates a right to choose not to be returned as a replacement elected member;
  - (m) for the allocation of seats where such a choice is made or where more than one replacement elected member is to be returned; 40
  - (n) about the questioning of House of Lords elections and the consequences of irregularities.
- (3) An order under subsection (1) may—
- (a) apply, or incorporate, with or without modifications, any provision of primary or secondary legislation; 45

- (b) modify any provision made by or under the Representation of the People Acts, the Political Parties, Elections and Referendums Act 2000 or the Electoral Administration Act 2006;
  - (c) modify any provision of primary or secondary legislation which is a provision relating to a House of Commons election; 5
  - (d) modify Part 7 (disqualification);
  - (e) create criminal offences.
- (4) *An order under subsection (1) may provide for sums to be charged on, and paid out of, the Consolidated Fund in relation to –*
- (a) *the provision of training relating to functions of returning officers or local returning officers;* 10
  - (b) *the recovery of charges by such officers in respect of services rendered, or expenses incurred, by them;*
  - (c) *the provision of free postal services to candidates.*
- (5) The return of an elected member at a House of Lords election may be questioned only in accordance with provision made under this section (whether by the application or incorporation of Part 3 of the Representation of the People Act 1983 or otherwise). 15
- (6) In this section “local authority” means –
- (a) a county or district council in England; 20
  - (b) a London borough council;
  - (c) the Greater London Authority;
  - (d) the Council of the Isles of Scilly;
  - (e) a county or county borough council in Wales;
  - (f) a council constituted under section 2 of the Local Government etc (Scotland) Act 1994; 25
  - (g) a district council constituted under section 1 of the Local Government Act (Northern Ireland) 1972.

*Filling vacancies*

- 8 Interim replacement elected members and replacement elected members** 30
- (1) This section applies where, before the end of the expected term (“the expected term”) of a person returned as an elected member, the Clerk of the Parliaments certifies that –
- (a) the return is void, or
  - (b) the person has ceased to be an elected member, 35
- and, accordingly, that the member’s seat is vacant.
- (2) The seat is to be filled as follows –
- (a) subject to subsection (5) and Schedule 4, a person is to be returned in accordance with that Schedule as an interim replacement elected member for the electoral district in question, and 40
  - (b) subject to subsection (6), a person is to be returned at the next House of Lords election as a replacement elected member for the electoral district in question.
- (3) A person returned under subsection (2)(a) is an interim replacement elected member for the period – 45

- 
- (a) beginning with the day the person is declared to be returned, and  
(b) ending with the day of dissolution of the last (or only) Parliament of the electoral period in which the vacancy is certified.
- (4) A person returned under subsection (2)(b) is a replacement elected member for the period – 5  
(a) beginning with the day the person is declared to be returned, and  
(b) ending at the end of the expected term.
- (5) Subsection (2)(a) does not apply if the expected day of the next House of Lords election is within the period of 6 months beginning with the day the certificate under subsection (1) is issued. 10
- (6) Subsection (2)(b) does not apply if the day of the next House of Lords election is after the end of the expected term.
- (7) Where subsection (2)(b) applies, the returning officer for the electoral district must notify the Clerk of the Crown of – 15  
(a) the name of the person returned under that provision, and  
(b) the day the person is declared to be returned.
- (8) When allocating the seats of elected members for an electoral district following a House of Lords election, the seats for any replacement elected members are to be allocated after the seats for the ordinary elected members.
- 9 The “expected day” of the next House of Lords election** 20
- (1) For the purposes of section 8(5), the determination of the expected day of the next House of Lords election (“the expected day”) is to be –  
(a) undertaken as at the day specified in the following provisions of this section, and  
(b) made in accordance with subsection (5). 25
- (2) The expected day is to be determined as at the day the certificate under section 8(1) is issued (“the day of the certificate”); but this is subject to subsections (3) and (4).
- (3) If, on the day of the certificate –  
(a) an early House of Commons general election is to take place as provided for by section 2(1) or (3) of the Fixed-term Parliaments Act 2011 (“the 2011 Act”), but  
(b) no polling day has been appointed for that election under section 2(7) of that Act,  
the expected day is to be determined as at the day after the day that appointment is made. 35
- (4) If a motion under section 2(3)(a) of the 2011 Act (no confidence motion) is passed on or before the day of the certificate but the period mentioned in section 2(3)(b) of that Act ends after that day –  
(a) where an early House of Commons general election is to take place as a result of the motion, the expected day is to be determined as at the day after the day on which the polling day for that general election is appointed, and  
(b) otherwise, the expected day is to be determined as at the day after the day a motion under section 2(3)(b) of the 2011 Act is passed. 40 45

- (5) When determining the expected day, any possibility that the polling day for a House of Commons general election may change is to be disregarded.

## 10 Vacancies certified in dissolution periods

Where a certificate under section 8(1) is issued in a dissolution period –

- (a) for the purposes of sections 8 and 9 and Schedule 4, the certificate is to be treated as issued on the first day of the electoral period after the one in which it is actually issued, and 5
- (b) references in those provisions to the “next House of Lords election” and the “last House of Lords election” are to be read accordingly.

## PART 3

10

### APPOINTED MEMBERS

#### *House of Lords Appointments Commission etc*

## 11 The House of Lords Appointments Commission

- (1) There is to be a body corporate known as the House of Lords Appointments Commission (referred to in this Act as “the Appointments Commission”). 15
- (2) Schedule 5 makes provision about the Appointments Commission.

## 12 The Speakers’ Committee on the House of Lords Appointments Commission

- (1) There is to be a committee known as the Speakers’ Committee on the House of Lords Appointments Commission (referred to in this Act as “the Speakers’ Committee”). 20
- (2) Schedule 6 makes provision about the Speakers’ Committee.

#### *Ordinary appointed members*

## 13 Ordinary appointed members

- (1) In each electoral period, 30 persons are to be appointed as ordinary appointed members of the House of Lords. 25
- (2) The appointments are to be made by Her Majesty on the recommendation of the Prime Minister.
- (3) The Appointments Commission must, during the first 14 days of an electoral period, recommend 30 persons to the Prime Minister for appointment.
- (4) The Prime Minister must, as soon as reasonably practicable, recommend each of those persons to Her Majesty for appointment (and may not recommend any other person). 30
- (5) A person appointed under this section is an ordinary appointed member for the electoral period in which the appointment is made and the next 2 electoral periods, excluding – 35
- (a) any period before the day of the appointment, and
- (b) the dissolution period in the last of those electoral periods.

*Filling vacancies***14 Replacement appointed members**

- (1) This section applies where, before the end of the expected term of a person (“A”) appointed as an appointed member, the Clerk of the Parliaments certifies that— 5
- (a) the appointment is void, or
  - (b) A has ceased to be an appointed member.
- (2) A person is to be appointed as a replacement appointed member of the House of Lords in order to replace A.
- (3) The appointment is to be made by Her Majesty on the recommendation of the Prime Minister. 10
- (4) The Appointments Commission must, as soon as reasonably practicable, recommend a person to the Prime Minister for appointment.
- (5) The Prime Minister must, as soon as reasonably practicable, recommend that person to Her Majesty for appointment (and may not recommend any other person). 15
- (6) No appointment may be made after the end of A’s expected term.
- (7) Where—
- (a) A’s expected term is the period mentioned in section 15(3) (extended term of office), and
  - (b) the certificate under subsection (1) is issued in the electoral period in which A is appointed,
- no appointment may be made after the end of that electoral period. 20

**15 Replacement appointed member’s term of office**

- (1) A person (“R”) appointed under section 14 in order to replace another person (“A”) is a replacement appointed member for the period which— 25
- (a) begins with the day of R’s appointment, and
  - (b) ends at the end of A’s expected term.
- (2) But if—
- (a) that period begins and ends in the same electoral period, and
  - (b) R has not previously been an elected or appointed member as a result of a previous return or appointment,
- R is a replacement appointed member for the period mentioned in subsection (3).
- (3) That period— 30
- (a) begins with the day of R’s appointment, and
  - (b) ends with the day of dissolution of the last (or only) Parliament of the third electoral period after the electoral period in which R is appointed. 35

**16 Reduction in number of ordinary appointed members to be appointed**

- (1) This section applies where, at the beginning of an electoral period (“the electoral period”), there are one or more replacement appointed members to 40

whom section 15(2) (extended term of office) applies who were appointed in the previous electoral period.

- (2) Section 13(1) and (3) (number of persons to be appointed as ordinary appointed members etc) have effect in relation to the electoral period as if the number of persons mentioned there were reduced by the number of replacement appointed members referred to in subsection (1) above. 5

*Supplementary provision*

**17 Criteria and procedure for selection**

- (1) The Appointments Commission is to select persons for recommendation for appointment on the basis of fair and open competition. 10
- (2) In doing so it must take account of—
- (a) the principle that, although past or present party political activity or affiliation does not necessarily preclude selection, the role of an appointed member is to make a contribution to the work of the House of Lords which is not a party political contribution, 15
  - (b) the desirability of the appointed members collectively reflecting the diversity of the population of the United Kingdom and having a range of experience and expertise,
  - (c) a person’s integrity and commitment to the principles of public life,
  - (d) a person’s ability and willingness to contribute effectively to the work of the House of Lords, and 20
  - (e) such other matters as the Appointments Commission considers appropriate.
- (3) “The principles of public life” are the Nolan principles or such other similar principles as may be adopted by the Appointments Commission from time to time. 25
- (4) The Appointments Commission must take whatever steps it considers necessary to ensure that a diverse range of persons is considered for recommendation.
- (5) The Appointments Commission may recommend a person for appointment only if the person has declared (at the time or times required by the Commission) that— 30
- (a) the person is aware of the provisions of section 26 (disqualification) so far as they relate to appointed members, and
  - (b) to the best of the person’s knowledge and belief, the person is not disqualified from being an appointed member (whether by virtue of that section or otherwise). 35
- (6) The Appointments Commission must—
- (a) prepare a scheme setting out its criteria and procedures (which must comply with subsections (1) to (5)) for selecting persons to recommend for appointment, 40
  - (b) review the scheme regularly and revise it as appropriate, and
  - (c) publish the scheme and any revision to it.

- (7) The Minister may by order amend subsection (2) or (3); but that power is exercisable only on, and in accordance with, a recommendation of the Appointments Commission.

## 18 Withdrawal of recommendations

- (1) A recommendation under section 13 or 14 must be withdrawn if, before it is acted upon, it appears to the person who made it that the recommended person is disqualified from being an appointed member. 5
- (2) Where a recommendation is withdrawn, the Appointments Commission must, as soon as reasonably practicable, recommend another person to the Prime Minister for appointment (“the new recommendation”). 10
- (3) For the purposes of this Act (including this section) the new recommendation is to be treated as made—
- (a) under section 13(3), where the withdrawn recommendation was made under section 13;
  - (b) under section 14(4), where the withdrawn recommendation was made under section 14. 15
- (4) For the purposes of subsection (1)—
- (a) a recommendation by the Appointments Commission to appoint a person is acted upon when the Prime Minister recommends the person to Her Majesty for appointment; 20
  - (b) a recommendation by the Prime Minister to appoint a person is acted upon when the person is appointed by Her Majesty.

## PART 4

### LORDS SPIRITUAL

*Named Lords Spiritual* 25

## 19 Named Lords Spiritual

- (1) A person who holds a named office is a member of the House of Lords for the period for which the person holds that office.
- (2) In this Act “named office” means—
- (a) Archbishop of Canterbury, 30
  - (b) Archbishop of York,
  - (c) Bishop of London,
  - (d) Bishop of Durham, or
  - (e) Bishop of Winchester.
- (3) In this Act “named Lord Spiritual” means a person who is a member of the House of Lords by reason of holding a named office. 35
- (4) The Secretary General must, as soon as reasonably practicable, notify the Clerk of the Crown of the appointment of a person to a named office.
- (5) In this Act the “Secretary General” means the Secretary General of the General Synod of the Church of England. 40

*Ordinary Lords Spiritual*

**20 Ordinary Lords Spiritual**

- (1) For each electoral period the Church of England may select bishops who do not hold a named office to be members of the House of Lords as ordinary Lords Spiritual. 5
- (2) The maximum number that may be selected is—
  - (a) for the first electoral period, 16,
  - (b) for the second electoral period, 11, and
  - (c) for each subsequent electoral period, 7.
- (3) The Secretary General must notify the Clerk of the Crown— 10
  - (a) before each electoral period, of the persons selected for that period (or that no persons have been selected before that period), and
  - (b) of any selection made during an electoral period, as soon as reasonably practicable after it is made.
- (4) A person selected for an electoral period is an ordinary Lord Spiritual for that period, excluding— 15
  - (a) any period before the day of the selection, and
  - (b) the dissolution period in that electoral period.
- (5) For provision about ordinary Lords Spiritual for the first and second electoral periods, see section 21. 20

**21 Ordinary Lords Spiritual for the first and second electoral periods**

- (1) Any selection under section 20 for the first or second electoral period must be made before the beginning of that period.
- (2) A person may be selected under that section as an ordinary Lord Spiritual for the first electoral period only if, at the beginning of the day of the first House of Lords election, the person is entitled by virtue of being a bishop to receive writs of summons to attend the House of Lords. 25
- (3) In determining whether a person is entitled as mentioned in subsection (2), section 427 of the Insolvency Act 1986 (no entitlement to writs of summons during bankruptcy etc) is to be disregarded. 30
- (4) A person may be selected under section 20 as an ordinary Lord Spiritual for the second electoral period only if the person is an ordinary Lord Spiritual at the beginning of the day of the second House of Lords election.
- (5) But if the number of persons eligible for selection under subsection (4) is less than 7, so many persons as will bring the number of ordinary Lords Spiritual for the second election period up to 7 may be selected from among the other bishops who do not hold a named office. 35
- (6) Section 20(4) applies in relation to a person selected under section 20 for the first or second electoral period as if section 20(4)(b) were omitted.

**22 Ordinary Lords Spiritual: vacancies**

- (1) This section applies where, before the end of the expected term (“the expected term”) of a person selected as an ordinary Lord Spiritual, the Clerk of the Parliaments certifies that—
- (a) the selection is void, or 5
  - (b) the person has ceased to be an ordinary Lord Spiritual.
- (2) The Church of England may, before the end of the expected term, select another person as an ordinary Lord Spiritual to replace the person mentioned in subsection (1).
- (3) The person selected must be a bishop who does not hold a named office. 10
- (4) The Secretary General must notify the Clerk of the Crown of any selection, as soon as reasonably practicable after it is made.
- (5) A person selected under this section is an ordinary Lord Spiritual for the expected term, excluding any period before the day of the selection.
- (6) In the first and second electoral periods, subsection (2) applies only if there will be fewer than 7 ordinary Lords Spiritual if the person is not replaced. 15

**23 Certain cases in which a person ceases to be an ordinary Lord Spiritual**

- (1) A person who is an ordinary Lord Spiritual ceases to be an ordinary Lord Spiritual if the person—
- (a) is appointed to a named office, or 20
  - (b) ceases to hold office as a bishop.
- (2) A person who is an ordinary Lord Spiritual does not cease to be an ordinary Lord Spiritual by reason of the person becoming the bishop of a different diocese (without being appointed to a named office).

**PART 5 25****MINISTERIAL MEMBERS****24 Ministerial members**

- (1) Persons may be appointed under this section as ministerial members of the House of Lords.
- (2) Appointments are to be made by Her Majesty on the recommendation of the Prime Minister. 30
- (3) A recommendation may be made only for the purpose of facilitating the performance by the recommended person of that person’s functions as a Minister of the Crown.
- (4) An appointment may be made only at a time when there are fewer than 8 ministerial members who are Ministers of the Crown. 35
- (5) A person appointed under this section is a ministerial member for the electoral period in which the appointment is made and the next 2 electoral periods, excluding—
- (a) any period before the day of the appointment, and 40

- (b) the dissolution period in the last of those electoral periods.

## PART 6

### TRANSITIONAL MEMBERS

#### 25 Transitional members

Schedule 7 makes provision about transitional members. 5

## PART 7

### DISQUALIFICATION

#### *Disqualification from membership of House of Lords*

#### 26 Disqualification from membership of House of Lords

- (1) A person is disqualified from being a member of the House of Lords if— 10
  - (a) an insolvency order or undertaking is in force in relation to the person (see section 30),
  - (b) the serious offence condition is met in relation to the person (see section 32),
  - (c) the person holds a disqualifying office (see Part 1 of Schedule 8), 15
  - (d) the person is under the age of 18 on—
    - (i) the day on which the person is nominated as a candidate to be an elected member, or
    - (ii) the day of the appointment or selection, or
  - (e) the person has previously been an elected, appointed or ministerial member as a result of a previous return or appointment (subject to subsection (6) and section 33). 20
- (2) A person holding an office specified in the first column of the table in Part 2 of Schedule 8 is disqualified from being an elected member for any corresponding electoral district specified in the second column of that table. 25
- (3) A person is disqualified from being an appointed member if the person is an elected member.
- (4) A person is disqualified from being a Lord Spiritual or transitional member if the person is an elected or appointed member.
- (5) A person is disqualified from being a ministerial member if the person is a member of any other kind. 30
- (6) For the purposes of subsection (1)(e) no account is to be taken of a person having been an elected member as a result of only one previous return if, as a result of that return, the person was—
  - (a) an interim replacement elected member, or 35
  - (b) a replacement elected member whose expected term began and ended in the same electoral period.
- (7) References in this Act to a person being disqualified from being a member of the House of Lords include a person who is incapable of being a member by virtue of— 40

- (a) section 3 of the Act of Settlement (nationality), which is qualified by section 29, or
- (b) section 160 or 173 of the Representation of the People Act 1983 (corrupt or illegal electoral practices) or any corresponding provision of primary or secondary legislation relating to elections or referendums. 5

## 27 Effect of being disqualified on return day, day of appointment etc

- (1) This section applies where –
  - (a) a person returned as an elected member is disqualified from being an elected member at any time on the return day,
  - (b) a person returned as an elected member for an electoral district is disqualified from being an elected member for that district at any time on the return day, 10
  - (c) a person appointed as an appointed or ministerial member is disqualified from being that kind of member at any time on the day of the appointment, 15
  - (d) a person who holds a named office is disqualified from being a Lord Spiritual at the time the person becomes the holder of that named office, or
  - (e) a person selected as an ordinary Lord Spiritual or transitional member is disqualified from being that kind of member at any time on the day of the selection or the day on which the person would (apart from this section) become such a member. 20
- (2) The person does not become a member of the House of Lords of the kind in question.
- (3) Any return within subsection (1)(a) or (b), appointment within subsection (1)(c) or selection within subsection (1)(e) is void. 25

## 28 Effect of becoming disqualified while a member

- (1) Where a person who is a member of the House of Lords of a particular kind becomes disqualified from being that kind of member, the person ceases to be a member of that kind; but this is subject to subsection (3). 30
- (2) Where a person who is an elected member becomes disqualified from being an elected member for the electoral district for which the person was returned, the person ceases to be an elected member.
- (3) Where a person is disqualified by virtue of –
  - (a) section 160 or 173 of the Representation of the People Act 1983 (corrupt or illegal electoral practices), or 35
  - (b) any corresponding provision of primary or secondary legislation relating to elections or referendums,
 the person ceases to be a member when required to vacate the person's seat in the House of Lords under the provision in question. 40
- (4) For provision about the resumption of membership in certain cases, see section 43.

## 29 Nationality of members

- (1) Despite section 3 of the Act of Settlement –

- (a) a qualifying Commonwealth citizen or citizen of the Republic of Ireland may be a member of the House of Lords, and
  - (b) a Commonwealth citizen may be a transitional member.
- (2) “Qualifying Commonwealth citizen” means a Commonwealth citizen who—
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or 5
  - (b) is such a person but has (or is by virtue of primary or secondary legislation to be treated as having) indefinite leave to remain within the meaning of that Act.
- (3) But a person who does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases) is not a qualifying Commonwealth citizen by virtue of subsection (2)(a). 10

### 30 Meaning of “insolvency order or undertaking”

- (1) In this Act “insolvency order or undertaking” means— 15
- (a) a bankruptcy restrictions order or undertaking (but not an interim order) under—
    - (i) Schedule 4A to the Insolvency Act 1986,
    - (ii) section 56A or 56G of the Bankruptcy (Scotland) Act 1985, or
    - (iii) Schedule 2A to the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)), or 20
  - (b) a debt relief restrictions order or undertaking (but not an interim order) under Schedule 4ZB to the Insolvency Act 1986.
- (2) References in this section to orders and undertakings include orders made, and undertakings accepted, before this section comes into force. 25

### 31 Notification of making of insolvency order etc

- (1) A court or sheriff which makes an order listed in subsection (2) in relation to a member of the House of Lords must notify the Speaker of the House of Lords.
- (2) The orders are—
- (a) a bankruptcy restrictions order or interim order under— 30
    - (i) Schedule 4A to the Insolvency Act 1986,
    - (ii) section 56A of the Bankruptcy (Scotland) Act 1985, or
    - (iii) Schedule 2A to the Insolvency (Northern Ireland) Order 1989, or
  - (b) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986. 35
- (3) Where a person mentioned in the first column of the following table accepts an undertaking mentioned in the second column made by a member of the House of Lords, the person must notify the Speaker of that House.

<i>Person</i>	<i>Undertaking</i>	
Secretary of State	Bankruptcy restrictions undertaking under Schedule 4A to the Insolvency Act 1986 Debt relief restrictions undertaking under Schedule 4ZB to that Act	5
Accountant in Bankruptcy	Bankruptcy restrictions undertaking under section 56G of the Bankruptcy (Scotland) Act 1985	
Department of Enterprise, Trade and Investment in Northern Ireland	Bankruptcy restrictions undertaking under Schedule 2A to the Insolvency (Northern Ireland) Order 1989	10

**32 Serious offence condition**

- (1) The serious offence condition is met in relation to a person if—
- (a) the person is imprisoned or detained in pursuance of a sentence or order (or would be if the person were not unlawfully at large), 15
  - (b) the sentence or order is for imprisonment or detention for more than one year or for an indefinite period, and
  - (c) the sentence or order was passed or made in respect of an offence for which the person has been convicted.
- (2) Any reference in subsection (1) to— 20
- (a) imprisonment or detention includes imprisonment or detention outside the United Kingdom,
  - (b) a sentence or order includes one passed or made by a court outside the United Kingdom, and
  - (c) an “offence” includes any act punishable under the law of a country or territory outside the United Kingdom (however it is described in that law). 25
- (3) References in subsection (1) to offences, convictions, sentences and orders include those occurring before this section comes into force.

**33 Exception to disqualification under section 26(1)(e)** 30

- (1) This section applies if—
- (a) a person is returned as an elected member or is appointed as an appointed or ministerial member,
  - (b) the person has not previously been an elected, appointed or ministerial member as a result of a previous return or appointment, 35
  - (c) before the electoral period in which the person’s expected term ends, the person becomes disqualified and accordingly ceases to be an elected, appointed or ministerial member, and
  - (d) subsequently—
    - (i) a qualifying event occurs in relation to the disqualification in question, or 40

- (ii) a qualifying resolution is passed in respect of that disqualification.
- (2) For the purposes of section 26(1)(e) (disqualification because of previous membership) no account is to be taken of the person having been an elected, appointed or ministerial member as mentioned in subsection (1). 5
- (3) A “qualifying event” means, in the case of a disqualification by virtue of a provision mentioned in the first column of the following table, an event mentioned in the second column.

<i>Disqualification</i>	<i>Qualifying event</i>	
Section 26(1)(a)	The annulment of the insolvency order or undertaking	10
Section 26(1)(b)	The quashing of the conviction, or the sentence or order being changed so that it does not meet the requirements of that provision	15
Section 160 of the Representation of the People Act 1983 or any corresponding provision	The overturning of the report of the election court referred to in that provision that the person has been proved to have been guilty of a corrupt or illegal practice	
Section 173 of that Act or any corresponding provision	The quashing of the conviction	20

- (4) In the table, the reference to the annulment of an insolvency order or undertaking is to—
- (a) a bankruptcy restrictions order within section 30(1)(a) being annulled on an appeal against the making of the order, 25
- (b) a bankruptcy restrictions order or undertaking within section 30(1)(a) being annulled under—
- (i) paragraph 9(3)(a) or 10 of Schedule 4A to the Insolvency Act 1986,
- (ii) section 56E(3)(a), 56G(5)(a) or 56J of the Bankruptcy (Scotland) Act 1985, or 30
- (iii) paragraph 9(3)(a) or 10 of Schedule 2A to the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)),
- (c) a debt relief restrictions order within section 30(1)(b) being annulled on an appeal against the making of the order, 35
- (d) a debt relief restrictions order or undertaking within section 30(1)(b) being annulled by a direction under paragraph 10 of Schedule 4ZB to the Insolvency Act 1986, or
- (e) a debt relief restrictions undertaking within section 30(1)(b) being annulled under paragraph 9(3)(a) of Schedule 4ZB to that Act. 40
- (5) A “qualifying resolution” is a resolution under section 34 or 35 (relief from disqualification etc) in relation to which section 34(5) or 35(6) applies (resolution passed after vacancy certified).

- (6) In this section “corresponding provision” means a corresponding provision of primary or secondary legislation relating to elections or referendums.

*Relief from disqualification etc*

**34 Relief from disqualification: age, disqualifying office or nationality**

- (1) The House of Lords may resolve that any disqualification incurred by a person on a ground within any of the following provisions is to be disregarded – 5
- (a) section 26(1)(c) or (d) or (2) (disqualifying office or age);
  - (b) section 3 of the Act of Settlement (nationality) as qualified by section 29.
- (2) It may do so only if it appears to the House of Lords – 10
- (a) that on the day on which it is passed –
    - (i) in the case of the ground within section 26(1)(d) (age), the person is aged 18 or over, or
    - (ii) in any other case, the ground no longer applies (or does not apply), and
  - (b) that it is proper to disregard any disqualification so incurred. 15
- (3) The effect of a resolution is, except where subsection (5) applies, that the disqualification is treated as never having been incurred.
- (4) For the effect of resolutions in respect of certain elected or appointed members in cases where subsection (5) applies, see section 33.
- (5) This subsection applies where a resolution is passed in respect of an elected or appointed member or an ordinary Lord Spiritual after a certificate relating to the person in question has been issued under – 20
- (a) section 8(1) (elected members: vacancies),
  - (b) section 14(1) (appointed members: vacancies), or
  - (c) section 22(1) (ordinary Lords Spiritual: vacancies). 25
- (6) A resolution does not –
- (a) affect any proceedings on an election petition, or
  - (b) enable the House of Lords to disregard any disqualification which has been established in such proceedings.
- (7) “Election petition” means – 30
- (a) an election petition presented in pursuance of Part 3 of the Representation of the People Act 1983 as applied by or incorporated in an order under section 7 or under paragraph 11 of Schedule 4 (powers to make provision about elections or the return of interim replacement elected members), or 35
  - (b) any procedure under such an order which is similar to such a petition.

**35 Relief from disqualification: serious offence condition**

- (1) The House of Lords may resolve that any disqualification incurred by a person under section 26(1)(b) (serious offence condition) by virtue of a sentence or order given or made outside the United Kingdom is to be disregarded. 40
- (2) It may do so only if it appears to the House of Lords that it is proper to disregard any disqualification so incurred.

- (3) The effect of a resolution is, except where subsection (6) applies, that the disqualification is treated as never having been incurred.
- (4) Where that subsection applies, in relation to any time after the passing of the resolution the person is treated as not disqualified by virtue of the sentence or order. 5
- (5) For the further effect of resolutions in respect of certain elected or appointed members in cases where subsection (6) applies, see section 33.
- (6) This subsection applies where a resolution is passed in respect of an elected or appointed member or an ordinary Lord Spiritual after a certificate relating to the person in question has been issued under – 10
  - (a) section 8(1) (elected members: vacancies),
  - (b) section 14(1) (appointed members: vacancies), or
  - (c) section 22(1) (ordinary Lords Spiritual: vacancies).
- (7) A resolution does not – 15
  - (a) affect any proceedings on an election petition, or
  - (b) enable the House of Lords to disregard any disqualification which has been established in such proceedings.
- (8) “Election petition” has the same meaning as in section 34.

*Disputes*

- 36 Jurisdiction of Privy Council as to disqualification** 20
- (1) A person may apply to Her Majesty in Council for –
    - (a) a declaration that a person purporting to be a member of the House of Lords of a particular kind is, or has at any relevant time been, disqualified from being a member of that kind by virtue of – 25
      - (i) section 26(1)(c) or (d) of this Act, or
      - (ii) section 3 of the Act of Settlement as qualified by section 29 of this Act, or
    - (b) a declaration that a person purporting to be an elected member for an electoral district is, or has at any relevant time been, disqualified under section 26(2) from being an elected member for that district. 30
  - (2) “Relevant time” means – 35
    - (a) any time on or after the return day,
    - (b) any time on or after the day of the appointment,
    - (c) any time on or after the time the person becomes the holder of a named office, or
    - (d) any time on the day of selection as an ordinary Lord Spiritual or transitional member or any time on or after the day the person becomes (or purportedly becomes) that kind of member.
  - (3) An application under this section must be made in accordance with such rules as Her Majesty may by Order in Council prescribe. 40
  - (4) Section 3 of the Judicial Committee Act 1833 (reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council) applies to an application under this section as it applies to an appeal to Her Majesty in Council from a court.

- 
- (5) The person in respect of whom the application is made is to be the respondent.
- (6) Where an application is made under this section, the applicant must give such security for the costs of the proceedings as the Judicial Committee may direct.
- (7) The amount of the security may not exceed £5,000.
- (8) The Minister may by order substitute a different amount for the amount for the time being specified in subsection (7). 5
- (9) No declaration is to be made under this section in respect of a person in relation to a ground if –
- (a) in the case of an elected member, the ground subsisted at any time on the return day and an election petition is pending or has been tried in which the person’s disqualification on that ground is or was an issue, or 10
- (b) a resolution of the House of Lords under section 34 requires that any disqualification incurred by the person on that ground is to be treated as never having been incurred.
- (10) “Election petition” has the same meaning as in section 34. 15
- 37 Power to direct an appropriate court to try issues of fact**
- (1) For the purpose of determining any issue of fact arising on an application under section 36, the Judicial Committee may direct the issue to be tried in the appropriate court.
- (2) Where the application is in respect of a person purporting to be an elected member for an electoral district, “the appropriate court” is, according to where the electoral district is situated – 20
- (a) the High Court in England and Wales,
- (b) the Court of Session, or
- (c) the High Court in Northern Ireland. 25
- (3) In the case of any other application, “the appropriate court” is such of the courts mentioned in subsection (2) as the Judicial Committee considers appropriate.
- (4) Where a direction is given under subsection (1), the decision of the appropriate court is final. 30

*Disqualification from sitting or voting*

- 38 Holders of certain judicial offices disqualified from sitting or voting**
- (1) A transitional member within paragraph 3 of Schedule 8 (holders of disqualifying judicial offices) is disqualified from sitting or voting in the House of Lords or a committee of the House of Lords. 35
- (2) Subsection (1) does not affect any entitlement of the transitional member to receive a writ of summons to attend the House of Lords, but any such writ is subject to that subsection.

*Restrictions on membership of the House of Commons*

**39 Members of the House of Lords disqualified from being MPs**

In section 1(1) of the House of Commons Disqualification Act 1975 (disqualification for membership of the House of Commons) for paragraph (za) substitute—

“(za) is a member of the House of Lords;”.

5

**40 Bar on standing for election to both Houses at the same time**

- (1) A person may not be both—
- (a) a candidate at a House of Lords election to be an elected member for an electoral district, and
  - (b) a candidate at the relevant House of Commons general election to be the Member of Parliament for a parliamentary constituency.

10

- (2) The relevant House of Commons general election is the House of Commons general election the polling day for which is the same as the day of the House of Lords election.

15

- (3) Amend the Representation of the People Act 1983 as follows.

- (4) In section 65A(1A) (making false statements in candidate’s consent to nomination a corrupt practice)—

- (a) omit the “or” after paragraph (b), and
- (b) after paragraph (c) insert “, or
- (d) a statement that he is not a candidate at a House of Lords election the day of the poll for which is to be the same as the day of the poll for the election to which the consent relates.”

20

- (5) In paragraph 8(3) of Schedule 1 (declarations to be made by candidate on consenting to nomination for election) after paragraph (c) insert—

25

“(d) shall state that he is not a candidate at a House of Lords election the day of the poll for which is to be the same as the day of the poll for the election to which the consent relates.”

**41 Restriction on former members being elected as MPs**

- (1) A former member of the House of Lords is disqualified from being elected to the House of Commons at an election if the day of the poll is in the disqualification period.

30

- (2) The disqualification period is the period of 4 years and 1 month beginning with the day on which the person ceased (or last ceased) to be a member of the House of Lords.

35

- (3) This section does not apply in relation to membership of the House of Lords as a Lord Spiritual.

**PART 8**

## GENERAL PROVISION ABOUT MEMBERSHIP

*Writs of summons***42 Writs of summons**

- |     |   |    |
|-----|---|----|
| (1) | A person who is a member of the House of Lords is entitled to receive a writ of summons to attend the House of Lords in relation to each Parliament which meets while the person is a member. | 5  |
| (2) | This is subject to any provision made by or under this Act or other primary legislation.  |    |
| (3) | No person is entitled to receive a writ of summons otherwise than under subsection (1).   | 10 |
| (4) | A writ of summons issued to any of the following has no effect –  |    |
|     | (a) a person whose return as an elected member is void;   |    |
|     | (b) a person whose appointment as an appointed or ministerial member is void;   | 15 |
|     | (c) a person whose selection as an ordinary Lord Spiritual or transitional member is void;  |    |
|     | (d) a named Lord Spiritual within section 27(1)(d) (disqualified when becomes the holder of a named office).  |    |
| (5) | Where a person ceases to be a member of a particular kind, any writ of summons issued to the person by virtue of being that kind of member has no further effect.                             | 20 |

*Certification of vacancies etc***43 Certification of vacancies etc**

- |     |   |    |
|-----|---|----|
| (1) | In this section “certificate” means a certificate under –   | 25 |
|     | (a) section 8(1) (elected members: vacancies),  |    |
|     | (b) section 14(1) (appointed member: vacancies), or   |    |
|     | (c) section 22(1) (ordinary Lords Spiritual: vacancies).  |    |
| (2) | The issue by the Clerk of the Parliaments of a certificate is to be in accordance with standing orders of the House of Lords.   | 30 |
| (3) | The standing orders may provide that, in specified cases, where at any time the Clerk of the Parliaments becomes aware of matters which, in the opinion of the Clerk, justify the issuing of a certificate, a certificate may not be issued until after the end of such period beginning with that time as the standing orders provide. | 35 |
| (4) | As soon as reasonably practicable after issuing a certificate, the Clerk of the Parliaments must give a copy of the certificate to the Clerk of the Crown.  |    |
| (5) | As soon as reasonably practicable after receiving a certificate, the Clerk of the Crown must give a copy of it to –   |    |

- (a) in the case of a certificate under section 8(1), the returning officer for the electoral district in question;
  - (b) in the case of a certificate under section 14(1), the Appointments Commission;
  - (c) in the case of a certificate under section 22(1), the Secretary General. 5
- (6) A disqualified person who has ceased to be a member of the House of Lords under section 28 (effect of becoming disqualified while a member) may resume membership if a qualifying event occurs in respect of the disqualification.
- (7) But subsection (6) –
- (a) does not entitle a person to resume membership after the Clerk of the Parliaments has issued a certificate relating to the person, and 10
  - (b) does not affect section 173(6) of the Representation of the People Act 1983 or any corresponding provision.
- (8) “Qualifying event” and “corresponding provision” have the same meanings as in section 33. 15

*Expulsion, suspension and resignation*

**44 Expulsion and suspension**

- (1) Standing orders of the House of Lords may make provision under which the House of Lords may by resolution –
- (a) expel a member of the House of Lords, or 20
  - (b) suspend a member of the House of Lords for the period specified in the resolution.
- (2) A person expelled by virtue of this section ceases to be a member.
- (3) A person suspended by virtue of this section remains a member during the period of suspension, but during that period the person –
- (a) is not entitled to receive writs of summons to attend the House of Lords, and 25
  - (b) despite any writ of summons previously issued to the person, is disqualified from sitting or voting in the House of Lords or a committee of the House of Lords. 30
- (4) A resolution passed by virtue of subsection (1) must state that, in the opinion of the House of Lords, the conduct giving rise to the resolution –
- (a) occurred after the relevant time, or
  - (b) occurred before the relevant time and was not public knowledge before that time. 35
- (5) “The relevant time” means –
- (a) in the case of an elected member, the beginning of the polling day for the election at which the person was returned;
  - (b) in the case of an appointed or ministerial member, the beginning of the day of the appointment; 40
  - (c) in the case of a named Lord Spiritual, the time at which the person became the holder of the named office in question;
  - (d) in the case of an ordinary Lord Spiritual or a transitional member, the beginning of the day of the selection.

**45 Resignation**

- (1) A person who is a member of the House of Lords other than a named Lord Spiritual may at any time resign from being a member by notifying the Clerk of the Parliaments.
- (2) The notice of resignation must be signed by the person and two witnesses. 5
- (3) On receipt of the notice, the Clerk of the Parliaments must do the following as soon as reasonably practicable—
  - (a) sign a certificate of receipt, and
  - (b) send a copy of the certificate to the person and the Clerk of the Crown.
- (4) The person ceases to be a member of the House of Lords on signature of the certificate. 10

*Pay, allowances etc***46 Pay and allowances**

- (1) In the Parliamentary Standards Act 2009, after section 7 insert—
 

*“Pay and allowances for members of the House of Lords* 15

**7A Pay of members of the House of Lords**

- (1) *Elected, appointed and ministerial members of the House of Lords are to be paid.*
- (2) *Pay is payable by the IPSA, on a monthly basis in arrears.*
- (3) The IPSA must make a determination as to the level of pay under this section. For more about determinations, see sections 7B and 7C. 20
- (4) The amount of a member’s pay for a month is the amount calculated in accordance with that determination in respect of the member for that month.
- (5) In a Parliament, no payment is to be made to a member before the member has made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation). 25
- (6) The IPSA’s duty to pay a member is subject to anything done in relation to the member in the exercise of the disciplinary powers of the House of Lords. 30
- (7) A person who is being paid a salary under the Ministerial and other Salaries Act 1975 is not entitled to pay under this section.

**7B Determination of pay of members of the House of Lords**

- (1) This section is about determinations under section 7A(3).
- (2) A determination must ensure that there is a relationship between— 35
  - (a) the amount of a member’s pay for a month, and
  - (b) the participation of the member in the work of the House of Lords in that month.
- (3) A determination may —

- (a) make provision about what counts as participation in that work for these purposes,
    - (b) make different such provision for different cases, and
    - (c) make provision about the way in which the participation of members is to be ascertained. 5
  - (4) A determination must ensure that the amount of a member’s pay in any 12 month period does not exceed the amount of an MP’s salary for that period.  
This limit does not apply where the member receives higher pay in that period by virtue of subsection (6). 10
  - (5) For the purposes of subsection (4) an MP’s salary for a period is the amount payable under section 4 in respect of that period to a member of the House of Commons who does not fall within section 4A(2).
  - (6) A determination may provide for higher pay for members who hold an office or position specified for the purposes of this subsection in a resolution of the House of Lords. 15
  - (7) A determination made by virtue of subsection (6) may make different provision for different offices, positions or other cases (and may include exceptions).
  - (8) A determination may include a formula or other mechanism for adjusting pay from time to time. 20
  - (9) A determination may have retrospective effect.
- 7C Determination of pay: duty to review and procedure**
- (1) This section is about determinations under section 7A(3).
  - (2) The IPSA must review the current determination (and make a new determination as appropriate) – 25
    - (a) in the first year after each House of Lords election (other than the first House of Lords election);
    - (b) at any other time it considers appropriate.
  - (3) In reviewing a determination (and before making the first determination) the IPSA must consult – 30
    - (a) the Review Body on Senior Salaries,
    - (b) persons appearing to the IPSA to represent persons likely to be affected by the determination or the review,
    - (c) the Minister for the Civil Service, 35
    - (d) the Treasury, and
    - (e) any other person the IPSA considers appropriate.
  - (4) After making a determination, the IPSA must publish in a way it considers appropriate – 40
    - (a) the determination, and
    - (b) a statement of how it arrived at the determination.
  - (5) If the IPSA reviews the current determination but decides not to make a new determination, it must publish in a way it considers appropriate a statement of how it arrived at that decision.

- (6) The IPSA may delegate to the Review Body on Senior Salaries its function of reviewing a determination (but not its function of deciding whether or not to make a new determination).

#### 7D House of Lords allowances scheme

- (1) *Allowances are to be paid by the IPSA, in accordance with the House of Lords allowances scheme, to the following kinds of members of the House of Lords –* 5  
 (a) *elected members,*  
 (b) *appointed members,*  
 (c) *Lords Spiritual, and*  
 (d) *ministerial members.* 10
- (2) In this Act “the House of Lords allowances scheme” means the scheme prepared under this section as it is in effect for the time being.
- (3) The IPSA must –  
 (a) prepare the scheme;  
 (b) review the scheme regularly and revise it as appropriate. 15
- (4) In preparing or revising the scheme, the IPSA must consult –  
 (a) the Speaker of the House of Lords,  
 (b) the Committee on Standards in Public Life,  
 (c) the Leader of the House of Lords,  
 (d) any committee of the House of Lords nominated by the Speaker of the House of Lords, 20  
 (e) members of the House of Lords,  
 (f) the Review Body on Senior Salaries,  
 (g) Her Majesty’s Revenue and Customs,  
 (h) the Treasury, and 25  
 (i) any other person the IPSA considers appropriate.
- (5) The Speaker of the House of Lords must lay the scheme (or revision) before the House of Lords.
- (6) The IPSA must publish in a way it considers appropriate –  
 (a) the scheme (or revision), and 30  
 (b) a statement of its reasons for adopting that scheme (or making that revision).
- (7) The scheme (or revision) comes into effect on the day specified in the scheme (or revision).
- (8) The scheme may, for example – 35  
 (a) provide for allowances to be payable in respect of specified kinds of expenditure or in specified circumstances;  
 (b) provide for allowances to be payable only on specified conditions (such as a condition that claims for allowances must be supported by documentary evidence); 40  
 (c) impose limits on the amounts that may be paid.
- (9) The scheme may not provide for an allowance to be payable to an elected member in respect of expenditure incurred in connection with maintaining an office in the electoral district for which the member was returned. 45

- (10) The scheme may provide for allowances to be payable in connection with a person’s ceasing to be a member of the House of Lords; and in relation to any such allowances, references in this Act to a member of the House of Lords include a former member of the House of Lords.
- (11) Any duty of the IPSA to pay an allowance to a member is subject to anything done in relation to the member in the exercise of the disciplinary powers of the House of Lords. 5

**7E Dealing with claims under the scheme**

- (1) No allowance is to be paid to a member of the House of Lords under the House of Lords allowances scheme unless a claim for the allowance has been made to the IPSA. 10
- (2) The claim must be made by the member (except where the scheme provides otherwise).
- (3) On receipt of a claim, the IPSA must – 15
- (a) determine whether to allow or refuse the claim, and
  - (b) if it is allowed, determine how much of the amount claimed is to be allowed and pay it accordingly.
- (4) The House of Lords allowances scheme may include – 20
- (a) further provision about how claims are to be dealt with;
  - (b) provision for deducting repayable amounts from allowances payable under the scheme or pay under section 7A;
  - (c) provision about how such deductions, and deductions under paragraph 5 or 12 of Schedule 4, are to be made.
- (5) A “repayable amount” is an amount which a member (under section 9(8) or otherwise) has agreed to repay, in respect of an amount paid to the member under the House of Lords allowances scheme that should not have been allowed. 25
- (6) The scheme may provide for an allowance to which a member is entitled under the scheme to be paid to another person at the member’s direction; and references in this Act to the payment of an allowance to a member are to be read accordingly. 30
- (7) The IPSA must publish such information as it considers appropriate in respect of – 35
- (a) each claim made under or by virtue of this section, and
  - (b) each payment of an allowance by the IPSA under or by virtue of this section.
- (8) The IPSA must publish the information at times it considers appropriate and in a way it considers appropriate.
- (9) The IPSA must determine procedures to be followed by the IPSA in relation to publication of the information, and in doing so must consult – 40
- (a) the Speaker of the House of Lords,
  - (b) the Leader of the House of Lords,
  - (c) the House of Lords Committee for Privileges and Conduct,
  - (d) the Compliance Officer, and 45
  - (e) any other person the IPSA considers appropriate.

**7F Review of determination under section 7E**

- (1) This section applies if –
- (a) the IPSA determines under section 7E(3) that a claim is to be refused or that only part of the amount claimed is to be allowed, and 5
  - (b) the member (after asking the IPSA to reconsider the determination and giving it a reasonable opportunity to do so) asks the Compliance Officer to review the determination (or any altered determination resulting from the IPSA’s reconsideration). 10
- (2) The Compliance Officer must –
- (a) consider whether the determination (or the altered determination) is the determination that should have been made, and
  - (b) in light of that consideration, decide whether or not to confirm or alter it. 15
- (3) The Compliance Officer must give the IPSA a statement of any decision under subsection (2)(b), and may include a statement of the Compliance Officer’s findings about the way in which the IPSA has dealt with the claim. 20
- (4) The IPSA must make any payments or adjustments necessary to give effect to the Compliance Officer’s decision; but it must not do so until –
- (a) it is no longer possible for there to be a relevant appeal, and
  - (b) all relevant appeals have been withdrawn or determined.
- (5) A relevant appeal is – 25
- (a) an appeal under subsection (6) brought before the end of the period mentioned in subsection (7), or
  - (b) a further appeal in relation to the Compliance Officer’s decision which –
    - (i) is brought before the end of the usual period for bringing such an appeal, and 30
    - (ii) is an appeal against the determination of an appeal which was itself a relevant appeal.
- (6) The member may appeal to the First-tier Tribunal against a decision of the Compliance Officer under subsection (2)(b). 35
- (7) The appeal must be brought before the end of the period of 28 days beginning with the day on which notice of the decision is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).
- (8) The appeal is by way of a rehearing. 40
- (9) On an appeal under subsection (6) the Tribunal may –
- (a) allow the appeal in whole or in part, or
  - (b) dismiss the appeal.
- (10) If the Tribunal allows the appeal (in whole or in part) it may – 45
- (a) order the IPSA to make any payments or adjustments necessary to give effect to that decision;

- (b) make any other order it thinks fit.
- (11) If the Tribunal dismisses the appeal it may make any other order it thinks fit.
- (12) The Compliance Officer must notify the IPSA of the Tribunal’s decision (and the result of any further appeal). 5

**7G Information and guidance for members of the House of Lords**

- (1) The IPSA must –
  - (a) prepare guidance for members of the House of Lords about –
    - (i) pay under section 7A (including what counts as participation in the work of the House for those purposes), and 10
    - (ii) making claims under the House of Lords allowances scheme;
  - (b) review the guidance regularly and revise it as appropriate;
  - (c) publish the guidance in a way the IPSA considers appropriate; 15
  - (d) provide to any member on request such further advice about pay or making claims as the IPSA considers appropriate.
- (2) The IPSA must provide to members of the House of Lords –
  - (a) details of any general information or guidance about taxation issues published by HMRC that it considers they should be aware of, and 20
  - (b) any other general information or guidance about taxation issues that it considers appropriate (consulting HMRC for this purpose as it considers appropriate).
- (3) “Taxation issues” means – 25
  - (a) issues about the taxation of pay under section 7A and allowances payable under the House of Lords allowances scheme, and
  - (b) any other issues about taxation arising in connection with that pay or those allowances. 30
- (4) “HMRC” means Her Majesty’s Revenue and Customs.”
- (2) Schedule 9 makes further amendments to the Parliamentary Standards Act 2009, and related provision.

**47 Power to require IPSA to consider pension scheme**

- (1) Where this section applies, IPSA must prepare and publish a report on whether there should be a House of Lords pension scheme. 35
- (2) This section applies if an order has been made by the Minister under this section and, before it is made, a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (3) “House of Lords pension scheme” means a scheme which provides for the payment of pensions or other benefits to or in respect of persons with service as elected, appointed or ministerial members. 40
- (4) An order under this section –
  - (a) must require the report to be completed by a specified date;

- (b) may provide that, in preparing the report, IPSA must consider specified proposals or other specified matters;
  - (c) may provide that, in preparing the report, IPSA must not consider specified proposals or other specified matters;
  - (d) may require IPSA to consult specified persons or bodies in connection with the preparation of the report. 5
- “Specified” means specified in the order.

#### 48 Tax status of members

- (1) *A person who is a member of the House of Lords for any part of a tax year is to be treated for the purposes of income tax, capital gains tax and inheritance tax as resident, ordinarily resident and domiciled in the United Kingdom for the whole of that tax year.* 10
- (2) For the purposes of this section a person is to be treated as becoming a member of the House of Lords when (having received a writ of summons to attend the House of Lords) the person makes and subscribes the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation). 15
- (3) For the purposes of this section a person is to be treated as ceasing to be a member of the House of Lords –
  - (a) when the Parliament to which the writ relates is dissolved, or
  - (b) (if earlier) when the person ceases to be a member of the House of Lords. 20
- (4) In relation to a transitional member, in subsection (1) the reference to any part of a tax year excludes any part of the year during which the member is disqualified from sitting or voting in the House of Lords under section 38 (holders of certain judicial offices).
- (5) This section applies in relation to – 25
  - (a) the tax year in which the first meeting of the House of Lords in the first electoral period takes place, and
  - (b) subsequent tax years.
- (6) “Tax year”, in relation to inheritance tax, means a year beginning on 6 April and ending on the following 5 April. 30

### PART 9

#### MISCELLANEOUS AND GENERAL

##### *Parliamentary privilege*

#### 49 Parliamentary privilege

- Nothing in this Act – 35
- (a) affects the application of any enactment or rule of law preventing the freedom of speech and debates or proceedings in Parliament being impeached or questioned in any court or place out of Parliament, or
  - (b) otherwise affects the scope of the exclusive cognisance of Parliament.

*Peerages*

**50 Peers not disqualified from voting or from membership**

- (1) A person who holds a peerage is not by virtue of that peerage disqualified from voting at elections to either House of Parliament.
- (2) A person who holds a peerage is not by virtue of that peerage disqualified from membership of either House of Parliament. 5

**51 Power to disclaim life peerage**

- (1) A person who holds a life peerage may at any time disclaim that peerage by notifying the Lord Chancellor.
- (2) The notice of disclaimer must be signed by the person and two witnesses. 10
- (3) On receipt of the notice, the Lord Chancellor must do the following as soon as reasonably practicable—
  - (a) sign a certificate of receipt, and
  - (b) send a copy of the certificate to the person.
- (4) The disclaimer takes effect on signature of the certificate. 15
- (5) The disclaimer divests the person (and any spouse or children of the person) of all right to or interest in the peerage and all titles, rights, offices, privileges and precedence attaching to it.
- (6) The Lord Chancellor must—
  - (a) keep a register containing the particulars of any disclaimer of a peerage under this section, and
  - (b) make arrangements under which the public may inspect the register. 20
- (7) In this section “life peerage” means a peerage under the Life Peerages Act 1958 or the Appellate Jurisdiction Act 1876.

**52 Peerage claims 25**

- (1) Any peerage claim is to be made to Her Majesty in Council.
- (2) A claim under this section must be made in accordance with such rules as Her Majesty may by Order in Council prescribe.
- (3) Section 3 of the Judicial Committee Act 1833 (reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council) applies to a claim under this section as it applies to an appeal to Her Majesty in Council from a court. 30
- (4) The Judicial Committee may require an applicant to give such security for the costs of the proceedings as the Judicial Committee may direct.
- (5) The jurisdiction of the House of Lords in relation to peerage claims is abolished. 35
- (6) “Peerage claim” includes a claim to a peerage in abeyance.

*General***53 Consequential, transitory and transitional provision and savings**

- (1) Schedule 10 contains minor and consequential amendments (including the repeal of provisions which are spent or obsolete).
- (2) The Minister may by order make such provision modifying any provision of primary or secondary legislation as the Minister considers necessary or expedient –
  - (a) in consequence of any provision made by virtue of section 7 (power to make provision about elections),
  - (b) in consequence of the amendment made by paragraph 1(2) of Schedule 10 (amendment to the definition of “parliamentary election” in the Interpretation Act 1978), or
  - (c) in consequence of any other provision made by or under this Act.
- (3) Where the provision mentioned in subsection (2)(a) is made by virtue of section 7(3)(d) (power to modify Part 7), the reference in subsection (2) to primary legislation includes this Act.
- (4) An order under subsection (2)(b) may not modify any provision of primary or secondary legislation passed or made after the Session in which this Act is passed.
- (5) Schedule 10 is subject to provision made by virtue of –
  - (a) subsection (2)(a) or (b), or
  - (b) section 7.
- (6) Schedule 11 makes transitional and transitory provision and savings.
- (7) The Minister may by order make such other transitional and transitory provision and savings as the Minister considers necessary or expedient in connection with the commencement of any provision made by this Act.

**54 Orders and directions**

- (1) Orders made by a Minister of the Crown under this Act are to be made by statutory instrument.
- (2) A statutory instrument containing an order under any of the following provisions may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament –
  - (a) section 7 (power to make provision about elections);
  - (b) section 17(7) (power to amend the matters the Appointments Commission must take into account);
  - (c) section 53(2) (power to make consequential provision);
  - (d) paragraph 11 of Schedule 4 (power to make provision about the return of interim replacement elected members);
  - (e) paragraph 16 of Schedule 9 (power to transfer staff etc to IPSA).
- (3) Any other statutory instrument made under this Act, except one containing only an order made under a provision listed in subsection (4), is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Those provisions are –

- (a) section 59 (commencement);
  - (b) paragraph 4 of Schedule 2 (implementation of Electoral Commission’s recommendation);
  - (c) paragraph 9 of Schedule 8 (power to amend disqualifying offices).
- (5) Orders made by a Minister of the Crown under this Act (except one under section 59) and Orders in Council under this Act may – 5
- (a) make different provision for different cases, purposes or areas;
  - (b) make provision which applies generally or subject to specified exemptions or exceptions or only in relation to specified cases;
  - (c) make supplementary, incidental, consequential, transitional, transitory or saving provision. 10
- (6) Section 26 of the Welsh Language Act 1993 (power to prescribe Welsh version) applies in relation to an order under section 7 or under paragraph 11 of Schedule 4 as it applies in relation to Acts of Parliament.
- (7) A direction under a provision of this Act may be varied or revoked by a further direction under that provision. 15
- (8) This section does not apply to an order made under section 47 (power to require IPSA to consider pension scheme).

**55 Meaning of the “expected term” of a member**

- (1) In this Act the “expected term” of a member of a description in the first column of the following table is the term for which the person would be a member if the person were a member for the term provided for by the provision specified in the second column of that table. 20

<i>Description of member</i>	<i>Relevant provision</i>	
ordinary elected member	section 4(6)	25
interim replacement elected member	section 8(3)	
replacement elected member	section 8(4)	
ordinary appointed member	section 13(5)	
replacement appointed member	section 15(1) or (3)	
ordinary Lord Spiritual selected under section 20	section 20(4)	30
ordinary Lord Spiritual selected under section 22	section 22(5)	
ministerial member	section 24(5)	

- (2) Where –
- (a) a person is returned as an elected member, appointed as an appointed or ministerial member, or selected as an ordinary Lord Spiritual, but
  - (b) the return, appointment or selection is void,
- the person’s expected term is to be determined as if it were not void. 35

**56 Interpretation**

## (1) In this Act –

- “appointed member” means an ordinary appointed member or replacement appointed member;
- “the Appointments Commission” has the meaning given by section 11(1); 5
- “bishop” means the bishop of a diocese of the Church of England that is wholly or partly in England;
- “Clerk of the Crown” means Clerk of the Crown in Chancery;
- “dissolution period” means a period –
- (a) beginning immediately after the day of dissolution of the last (or only) Parliament of an electoral period, and 10
- (b) ending at the end of that electoral period;
- “elected member” means an ordinary elected member, interim replacement elected member or replacement elected member;
- “electoral period” has the meaning given by section 1(5); 15
- the “expected term” of a member has the meaning given by section 55;
- “insolvency order or undertaking” has the meaning given by section 30;
- “IPSA” means the Independent Parliamentary Standards Authority;
- “Lord Spiritual” means a named Lord Spiritual or ordinary Lord Spiritual;
- “the Minister” means the Lord President of the Council or the Secretary of State; 20
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- “modify” includes amend, repeal or revoke (and related terms are to be read accordingly); 25
- “named Lord Spiritual” has the meaning given by section 19(3);
- “named office” has the meaning given by section 19(2);
- “Nolan principles” means the seven general principles of public life set out in the First Report of the Committee on Standards in Public Life (Cm 2850); 30
- “peerage” means –
- (a) a hereditary peerage (including the principality of Wales and the earldom of Chester),
- (b) a peerage under section 1 of the Life Peerages Act 1958, or
- (c) the dignity conferred by virtue of appointment as a Lord of Appeal in Ordinary, 35
- and “peer” is to be read accordingly;
- “primary legislation” means –
- (a) an Act of Parliament,
- (b) an Act of the Scottish Parliament, 40
- (c) an Act or Measure of the National Assembly for Wales, or
- (d) Northern Ireland legislation;
- and, subject to any express provision to the contrary, includes such Acts, Measures or legislation whenever passed or made;
- “registered party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000; 45
- “the return day”, in relation to an elected member of any kind, means the day the person was declared to be returned as that kind of elected member;

“secondary legislation” means an instrument made under primary legislation; and, subject to any express provision to the contrary, includes an instrument whenever made;

“Secretary General” has the meaning given by section 19(5);

“the Speakers’ Committee” has the meaning given by section 12(1). 5

(2) Any reference in this Act to the “day” of a House of Lords election is to be read in accordance with section 3(5).

(3) A requirement or power under this Act to notify is a requirement or power to give notice in writing.

(4) Any provision of this Act as to the term for which a person is a member of the House of Lords of a particular kind is subject to the person ceasing to be a member of the House of Lords before the end of that term by virtue of any provision made by or under this Act or other primary legislation. 10

## 57 Financial provisions

*There is to be paid out of money provided by Parliament – 15*

(a) *any expenditure incurred by a Minister of the Crown by virtue of this Act, and*

(b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

## 58 Extent

(1) This Act extends to England and Wales, Scotland and Northern Ireland. 20

(2) But an amendment, repeal or revocation by this Act has the same extent as the provision to which it relates.

## 59 Commencement

(1) Sections 54 to 60 come into force on the day on which this Act is passed.

(2) The other provisions of this Act come into force on such day as the Minister may by order appoint. 25

(3) Different days may be appointed for different purposes.

## 60 Short title

This Act may be cited as the House of Lords Reform Act 2012.

## SCHEDULES

## SCHEDULE 1

Section 4

## ELECTORAL DISTRICTS

- 1 The electoral districts for House of Lords elections are – 5
- (a) the districts listed in the first column of the following table, which comprise the areas specified in the second column,
- (b) Scotland,
- (c) Wales, and
- (d) Northern Ireland.
- 2 In the second column of the table, a reference to an area is – 10
- (a) except in the case of Greater London and the Isles of Scilly, a reference to the county of that name, and
- (b) a reference to the area as it is for the time being.
- 3 A change in a specified area has effect only in relation to elections occurring after that change. 15

<i>Name of electoral district</i>	<i>Area included</i>	
East Midlands	Derby Derbyshire Leicester Leicestershire Lincolnshire Northamptonshire Nottingham Nottinghamshire Rutland	20 25
Eastern	Bedford Cambridgeshire Central Bedfordshire Essex Hertfordshire Luton Norfolk Peterborough Southend-on-Sea Suffolk Thurrock	30 35

<i>Name of electoral district</i>	<i>Area included</i>	
London	Greater London	
North East	Darlington Durham Hartlepool Middlesbrough Northumberland Redcar and Cleveland Stockton-on-Tees Tyne and Wear	5      10
North West	Blackburn with Darwen Blackpool Cheshire East Cheshire West and Chester Cumbria Greater Manchester Halton Lancashire Merseyside Warrington	15      20
South East	Berkshire Brighton with Hove Buckinghamshire East Sussex Hampshire Isle of Wight Kent The Medway Towns Milton Keynes Oxfordshire Portsmouth Southampton Surrey West Sussex	25        30



<i>Name of electoral district</i>	<i>Number of ordinary elected members</i>	
Eastern	11	
London	14	
North East	5	
North West	14	5
South East	16	
South West	11	
West Midlands	11	
Yorkshire and the Humber	10	
Scotland	10	10
Wales	6	
Northern Ireland	3	

*Review of allocation of ordinary elected members after every third House of Lords election*

- 2 (1) In each review period, the Electoral Commission must—
  - (a) carry out a review of the number of ordinary elected members that are to be returned for each electoral district at a House of Lords election, and
  - (b) send a report of its conclusions to the Minister.

15
- (2) “Review period” means the period of 12 months which begins with the day after the day of every third House of Lords election.
 

20
- (3) In carrying out a review, the Commission must consider whether the arrangements then in place achieve the same result as the allocation method set out in paragraph 3.
- (4) If those arrangements do not achieve the same result as that method, the Commission must include in its report a recommendation specifying the number of ordinary elected members that should be returned for each electoral district at a House of Lords election in order to achieve the result produced by that method.
 

25
- (5) The report must be published by the Commission and laid before Parliament by the Minister.
 

30
- 3 (1) The allocation method referred to in paragraph 2(3) is as follows.
  - (2) The number of ordinary elected members to be allocated between the electoral districts is 120.
  - (3) Three ordinary elected members are to be allocated to each electoral district.

- (4) Each subsequent ordinary elected member is to be allocated, in turn, to the electoral district for which the following formula gives the largest number –

$$\frac{E}{2N + 1}$$

where –

- E is the number of electors in an electoral district, and 5  
N is the number of ordinary elected members already allocated to that district.

- (5) Where the number given by sub-paragraph (4) is the same for two or more electoral districts, the ordinary elected member is to be allocated to the electoral district for which E is smaller or smallest. 10

#### *Implementation of Electoral Commission's recommendation*

- 4 (1) This paragraph applies where a recommendation is made under paragraph 2(4).
- (2) As soon as may be after the publication of the report, the Minister must – 15  
(a) consult the Electoral Commission, and  
(b) having done so, lay before Parliament a draft of an order giving effect to the recommendation by amending any of the numbers specified in the table in paragraph 1.
- (3) Where – 20  
(a) the Commission has made a recommendation under paragraph 2(4) (but no draft under sub-paragraph (2) has been laid in relation to the recommendation),  
(b) the Commission notifies the Minister that the recommendation is to have effect with specified modifications, and  
(c) the Commission submits to the Minister a statement of the reasons 25  
for those modifications,  
the draft under sub-paragraph (2) is to give effect to the recommendation with those modifications.
- (4) If the draft under sub-paragraph (2) is approved by a resolution of each House, the Minister must make an order in the terms of the draft. 30
- (5) For the purposes of sub-paragraph (4) an order is made in the terms of a draft order if it contains no material changes to the provisions of the draft order.
- (6) Where an order under this paragraph makes consequential, transitional or saving provision by virtue of section 54(5), that provision may modify this Act or secondary legislation made under it. 35

#### *Meaning of "electors" in a district*

- 5 (1) This paragraph applies for the purposes of paragraph 3.
- (2) A person is an "elector" in an electoral district if – 40  
(a) the person's name appears on the relevant day in the register of parliamentary electors for a constituency which is wholly or partly comprised in the electoral district, and  
(b) the person has a qualifying address.

- (3) A person has a qualifying address if—
- (a) the address in respect of which the person is registered in the relevant register of parliamentary electors on the relevant day is within the electoral district, or
  - (b) the person’s registration in the relevant register of parliamentary electors on the relevant day results from an overseas elector’s declaration which specifies an address within the electoral district.
- (4) “Relevant day” means the most recent 1 December before the beginning of the review period in question.

SCHEDULE 3

Section 5

10

VOTING SYSTEM IN GREAT BRITAIN

*Introduction*

- 1 This Schedule contains provision about the system of election at a House of Lords election, in electoral districts in Great Britain.

*Party lists*

15

- 2 (1) A single registered party that has been nominated for an election in an electoral district may, in accordance with provision made under section 7, submit a list of candidates standing for election in that district in the name of the party (a “party list”).
- (2) At a House of Lords election, a person may not be on more than one party list.

20

*How vote may be cast*

- 3 (1) A vote may be cast for—
- (a) a party which has submitted a party list for the election in the electoral district in question,
  - (b) a candidate on such a list (a “party candidate”), or
  - (c) a candidate who is not on such a list (an “independent candidate”).
- (2) A vote for a party candidate is treated for the purposes of paragraph 4 as a vote for the candidate’s party.

25

*Allocation of seats to parties or independent candidates*

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- 4 (1) The allocation of seats in an electoral district to parties and independent candidates is to be undertaken in the following way.
- (2) The first seat is to be allocated to the party or the independent candidate with the largest number of votes.
- (3) The second and subsequent seats are to be allocated in the same way, except that the number of votes given for a party to which one or more seats have already been allocated is to be divided by the number of seats already allocated to that party plus one.

35

- (4) Fractions are to be taken into account for the purposes of sub-paragraph (3).
- (5) In allocating the second or any subsequent seat there is to be disregarded –
- (a) any votes given for a party to which there has already been allocated a number of seats equal to the number of candidates on its party list, and
  - (b) any votes given for an independent candidate to whom a seat has already been allocated.

5

*Allocation under paragraph 4: special rules for cases involving equality of votes*

- 5 (1) If, on the application of paragraph 4(2) or on any application of paragraph 4(3), the largest number of votes is the number of votes of two or more parties, the provision in question applies to each of them (so they are each allocated a seat). 10
- (2) However, if sub-paragraph (1) would mean that more than the full number of seats for the electoral district were allocated, paragraph 4(2) or (3) does not apply until the number of votes for each of those parties is increased by one. 15
- (3) If, after that, the application of paragraph 4(2) or (3) together with sub-paragraph (1) would mean that more than the full number of seats were allocated, the returning officer must decide by lots between the parties to whom sub-paragraph (1) would otherwise require seats to be allocated. 20
- (4) In this paragraph references to a party include an independent candidate.

*Allocation of party candidates to the seats allocated to the party*

- 6 (1) Seats allocated in an electoral district to a party are to be allocated to its candidates in the following order –
- (a) qualifying candidates, in order of the votes given for each candidate (largest number of votes first); 25
  - (b) other candidates, in the order in which they appear on the party list.
- (2) A candidate is a “qualifying candidate” if the number of votes given for the candidate is at least 5% of the number of votes given for the party as determined for the purposes of paragraph 4(2). 30
- (3) As between qualifying candidates with an equal number of votes, seats are to be allocated in the order in which they appear on the party list.

SCHEDULE 4

Section 8

INTERIM REPLACEMENT ELECTED MEMBERS

PART 1

INTRODUCTION

<i>Application of Schedule</i>	5
1 This Schedule applies where, under section 8(2)(a), a person is to be returned as an interim replacement elected member in order to fill the seat of another person (“E”).	
2 In this Schedule – Part 2 applies where the relevant electoral district is in Great Britain; Part 3 applies where the relevant electoral district is Northern Ireland; Part 4 contains supplementary provisions.	10
<i>Interpretation</i>	
3 In this Schedule – “independent candidate” – (a) in relation to an electoral district in Great Britain, is to be read in accordance with Schedule 3; (b) in relation to the electoral district of Northern Ireland, means a person who stood when elected otherwise than in the name of a party;	15 20
the “nominating officer”, in relation to a party, means the person registered as the party’s nominating officer under section 24 of the Political Parties, Elections and Referendums Act 2000;	
“party candidate” – (a) in relation to electoral districts in Great Britain, is to be read in accordance with Schedule 3; (b) in relation to the electoral district of Northern Ireland, means a person who stood when elected in the name of a party;	25
“party list” is to be read in accordance with Schedule 3;	
“the previous elected member” means – (a) E, unless E was an interim replacement elected member; (b) if E was an interim replacement elected member, the person who was last returned as an ordinary elected member or replacement elected member at a House of Lords election to fill E’s seat;	30 35
“the relevant electoral district” means the electoral district for which E was returned as an elected member;	
“the returning officer” means the returning officer for the relevant electoral district.	

## PART 2

## ELECTORAL DISTRICTS IN GREAT BRITAIN

*Procedure for filling vacancy*

- 4 (1) The returning officer must take such steps as the officer considers reasonable to contact the person determined under paragraph 5, to ask that person to – 5
- (a) make the necessary declaration (see paragraph 10), and
  - (b) deliver it to the officer.
- (2) If the procedure under sub-paragraph (1) (including that procedure undertaken by virtue of this sub-paragraph) is unsuccessful in respect of a person, the procedure must be repeated. 10
- (3) On the second or any subsequent application of sub-paragraph (1), any person in relation to whom the officer has already taken steps under sub-paragraph (1) in respect of the vacancy is a “disregarded person” for the purposes of paragraph 5.
- (4) The procedure in sub-paragraph (1) is unsuccessful in respect of a person if – 15
- (a) within such period as the returning officer considers reasonable, the officer decides that the steps which the officer has taken under that sub-paragraph to contact the person have been unsuccessful,
  - (b) within such period as the returning officer considers reasonable, the officer has not received the necessary declaration made by the person, or 20
  - (c) the person states in writing that the person is not willing or able to make the necessary declaration.

*Person to be contacted* 25

- 5 (1) If the previous elected member was a party candidate, the person to be contacted is –
- (a) the person on the relevant party list who, in accordance with paragraph 6 of Schedule 3, would be allocated a seat first, or
  - (b) if there is no person on that list (or there is no such list), the person to whom a seat would have been allocated at the last House of Lords election if, in the relevant electoral district, there had been an additional seat to allocate. 30
- (2) “The relevant party list” is the party list submitted at the last House of Lords election for the relevant electoral district by the party for which the previous elected member stood when elected. 35
- (3) If the previous elected member was an independent candidate, the person to be contacted is the person to whom a seat would have been allocated at the last House of Lords election if, in the relevant electoral district, there had been an additional seat to allocate. 40
- (4) For the purposes of applying paragraph 6 of Schedule 3 (allocation of party candidates to party seats) by virtue of sub-paragraph (1) or (3) any disregarded person is to be disregarded.

- (5) For the purposes of applying paragraph 4 of Schedule 3 (allocation of seats to parties or independent candidates) by virtue of sub-paragraph (1)(b) or (3) there is to be disregarded –
- (a) any votes given for a party where all of the candidates on its party list are disregarded persons, and 5
  - (b) any votes given for an independent candidate who is a disregarded person.
- (6) “Disregarded person” means –
- (a) any person who was returned as an elected member at the last House of Lords election or who has been so returned since then, including any person whose return is void, 10
  - (b) any party candidate in respect of whom the nominating officer of the party in question has given notice, before the returning officer first takes steps under paragraph 4(1) in relation to the vacancy, that the party candidate is to be disregarded for the purposes of this Schedule, or 15
  - (c) any person who the returning officer knows has died.
- (7) A person to whom section 33 applies (disqualified person: change in circumstances) who would otherwise fall within sub-paragraph (6)(a) is to be treated as not falling within that provision. 20

*Return of person as interim replacement elected member*

- 6 (1) This paragraph applies where, in response to a request to a person under paragraph 4(1), the returning officer receives the necessary declaration made by the person.
- (2) The returning officer must (subject to sub-paragraph (5)) – 25
- (a) declare the person to be returned as an interim replacement elected member for the relevant electoral district, and
  - (b) if the person was a party candidate, declare that the person is so returned in the name of the party in question.
- Paragraph (b) does not apply in respect of a party that is not a registered party on the date the necessary declaration is made. 30
- (3) The declaration under sub-paragraph (2) must –
- (a) be in writing, and
  - (b) specify the date on which it is made.
- (4) The returning officer must – 35
- (a) give public notice of the declaration, and
  - (b) give a copy of it to the Clerk of the Crown.
- (5) Where –
- (a) the returning officer takes steps under paragraph 4(1) in relation to a person (“A”), 40
  - (b) the officer then takes steps under that provision in relation to another person (“B”), in respect of the same vacancy, and
  - (c) the returning officer then receives the necessary declaration made by A,

the receipt of that necessary declaration does not count for the purposes of this paragraph unless and until the procedure in paragraph 4(1) is unsuccessful in respect of B.

*Procedure where vacancy not filled*

- |   |   |    |
|---|---|----|
| 7 | (1) This paragraph applies if—  | 5  |
|   | (a) there is no person in relation to whom the returning officer may take steps under paragraph 4(1),   |    |
|   | (b) the procedure under that provision is unsuccessful in respect of each person in relation to whom steps are required to be taken, or   |    |
|   | (c) E’s seat has not been filled under this Schedule by the end of the day of dissolution of the last (or only) Parliament of the electoral period in which the vacancy is certified. | 10 |
|   | (2) The returning officer must notify the Clerk of the Crown that E’s seat has not been filled under this Schedule.   |    |
|   | (3) No person is to be returned under section 8(2)(a) to fill E’s seat.   | 15 |

PART 3

ELECTORAL DISTRICT OF NORTHERN IRELAND

*Procedure where the previous elected member was a party candidate*

- |   |  |    |
|---|--|----|
| 8 | (1) This paragraph applies where—  |    |
|   | (a) the previous elected member was a party candidate, and   | 20 |
|   | (b) the relevant party is a registered party.  |    |
|   | (2) The returning officer must ask the nominating officer of the relevant party to nominate, within the period of 28 days beginning with the day of the request, a person to be returned as an interim replacement elected member. |    |
|   | (3) If, within that period, the returning officer receives—  | 25 |
|   | (a) a nomination made and signed by the nominating officer of the relevant party, nominating a person who is not disqualified from being an elected member, and  |    |
|   | (b) the necessary declaration made by the person nominated,  |    |
|   | the returning officer must declare the nominated person to be returned as an interim replacement elected member for Northern Ireland.  | 30 |
|   | (4) The declaration must—  |    |
|   | (a) be in writing, and   |    |
|   | (b) specify the date on which it is made.  |    |
|   | (5) The returning officer must—  | 35 |
|   | (a) give public notice of the declaration, and   |    |
|   | (b) give a copy of it to the Clerk of the Crown.   |    |
|   | (6) “The relevant party” means the party for which the previous elected member stood when elected.   |    |

*Procedure where vacancy not filled*

- 9 (1) This paragraph applies if—
- (a) paragraph 8 applies but paragraph 8(3) (return of person) does not apply, or
  - (b) paragraph 8 does not apply (for example, because the previous elected member was an independent candidate). 5
- (2) The returning officer must notify the Clerk of the Crown that E’s seat has not been filled under this Schedule.
- (3) No person is to be returned under section 8(2)(a) to fill E’s seat.

PART 4 10

SUPPLEMENTARY

*The necessary declaration*

- 10 (1) For the purposes of this Schedule a person makes “the necessary declaration” if the person makes and signs a declaration that—
- (a) states the person’s date of birth, 15
  - (b) states the date on which the declaration is made,
  - (c) gives the person’s consent to being returned as an interim replacement elected member for the relevant electoral district,
  - (d) declares that the person is aware of the provisions of section 26 (disqualification) so far as relating to elected members, and 20
  - (e) declares that to the best of the person’s knowledge and belief, the person is not disqualified from being an elected member (whether by virtue of that section or otherwise).
- (2) The declaration must also give the person’s consent to being returned as an interim replacement elected member in the name of the party in question if—
- (a) the person was a party candidate, or
  - (b) the relevant electoral district is Northern Ireland. 25
- (3) Sub-paragraph (2) does not apply in respect of a party that is not a registered party on the date the necessary declaration is made. 30

*Power to make provision about return of interim replacement elected members*

- 11 (1) The Minister may by order make provision about the return of interim replacement elected members.
- (2) The order may, in particular, make provision about the questioning of the return of an interim replacement elected member and the consequences of irregularities. 35
- (3) The order may—
- (a) modify this Schedule (other than this paragraph), but only if the modification relates to a procedural matter;
  - (b) apply, or incorporate, with or without modifications, any provision of primary or secondary legislation; 40
  - (c) create criminal offences.

- (4) The return of an interim replacement elected member may be questioned only in accordance with provision made under this paragraph (whether by the application or incorporation of Part 3 of the Representation of the People Act 1983 or otherwise).

## SCHEDULE 5

Section 11

5

### THE HOUSE OF LORDS APPOINTMENTS COMMISSION

#### *The Commissioners*

- 1 (1) The Appointments Commission is to consist of seven members (“Commissioners”) appointed by Her Majesty.
- (2) One of the Commissioners (“the chair”) is to be appointed by Her Majesty to chair the Appointments Commission. 10
- (3) Her Majesty’s powers under sub-paragraphs (1) and (2) are exercisable on the recommendation of the Prime Minister.
- (4) The Prime Minister is to select persons for recommendation on merit on the basis of fair and open competition. 15
- (5) A Minister of the Crown may not be appointed as a Commissioner.
- (6) If a Commissioner becomes a Minister of the Crown, that person ceases to be a Commissioner.

#### *Terms and conditions: general*

- 2 (1) Subject to the provisions of this Schedule, the chair and the other Commissioners hold office in accordance with the terms and conditions of their appointment. 20
- (2) Those terms and conditions are to be determined by the Speakers’ Committee.

#### *Term of office*

25

- 3 (1) The chair and the other Commissioners are to be appointed for a fixed term of 10 years.
- (2) A person who ceases to hold office as the chair also ceases to hold office as a Commissioner.
- (3) A person may not be appointed as a Commissioner more than once. 30

#### *Resignation*

- 4 (1) The chair may resign from office by notifying the Prime Minister.
- (2) The other Commissioners may resign from office by notifying the chair (or, if the office of chair is vacant, the Prime Minister).

*Removal from office*

- 5 (1) Her Majesty may remove the chair, or any of the other Commissioners, from office on an address of both Houses of Parliament.
- (2) A motion for an address under sub-paragraph (1) may be made (in either House) only if the Speakers' Committee has reported to the House that it is satisfied that one or more of the removal conditions is met. 5
- (3) The removal conditions are –
- (a) that the person is absent from 3 successive meetings of the Appointments Commission without its approval;
  - (b) that the person has been convicted (anywhere in the world) of an offence (committed anywhere); 10
  - (c) that an insolvency order or undertaking comes into force in relation to the person (see section 30);
  - (d) that the person is unfit or unable to carry out the functions of the office. 15
- (4) In sub-paragraph (3)(b) “offence” includes any act punishable under the law of a country or territory outside the United Kingdom (however it is described in that law).
- (5) For the purposes of sub-paragraph (3)(c), subsection (2) of section 30 (inclusion of pre-commencement undertakings and orders) does not apply. 20

*Remuneration*

- 6 (1) The terms and conditions on which a person is appointed as the chair or as one of the other Commissioners may provide for the Appointments Commission –
- (a) to pay remuneration and allowances to the person; 25
  - (b) to make provision for a pension to or in respect of that person.
- (2) The Appointments Commission must make the payment or provision accordingly.

*Code of conduct*

- 7 (1) The Appointments Commission must prepare, and may from time to time revise, a code of conduct for the chair and the other Commissioners. 30
- (2) The code must in particular –
- (a) incorporate the Nolan principles or such other similar principles as may be adopted by the Appointments Commission from time to time, and 35
  - (b) include provision about the disclosure of interests by the chair and the other Commissioners.
- (3) The Appointments Commission must submit the code (or revision) to the Speakers' Committee.
- (4) The code (or revision) does not come into effect until it is approved by the Speakers' Committee. 40

*Powers*

- 8 The Appointments Commission may do anything (except borrow money) which is calculated to facilitate the carrying out of its functions or is incidental or conducive to the carrying out of those functions.

*Committees etc*

5

- 9 (1) The Appointments Commission may establish committees, and any committee may establish sub-committees.

(2) All members of a committee or sub-committee must be Commissioners.

- (3) The Appointments Commission may delegate functions, other than the functions listed in sub-paragraph (5), to a committee or to one of the Commissioners.

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- (4) A committee may delegate functions (including functions delegated to it) to a sub-committee or to one of the Commissioners.

- (5) The functions which the Appointments Commission may not delegate are –

(a) the preparation of a scheme under section 17(6) (criteria and procedure for selection);

15

(b) the making of recommendations under section 17(7) (recommendations to the Minister to amend the criteria);

(c) the selection of persons to recommend to the Prime Minister for appointment;

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(d) the making of recommendations under sections 13(3) and 14(4) (recommendations for appointment);

(e) the withdrawal of recommendations under section 18;

(f) the appointment of a chief executive under paragraph 11(1).

*Procedure and proceedings*

25

- 10 (1) The Appointments Commission may determine its own procedure and the procedure of its committees and sub-committees (including quorum).

- (2) The validity of proceedings of the Appointments Commission or a committee or sub-committee is not affected by –

(a) a vacancy among its members, or

30

(b) a defect in the appointment of a member.

*Staff*

- 11 (1) The Appointments Commission must appoint a chief executive.

- (2) The Appointments Commission may appoint other staff.

- (3) The chief executive and other staff are to be appointed on terms and conditions determined by the Appointments Commission, having regard to the desirability of keeping them broadly in line with those applying to persons employed in the civil service of the State.

35

*Interim staff*

- 12 (1) The chair of the Speakers' Committee may appoint a person to act as chief executive until the first appointment under paragraph 11(1) takes effect.
- (2) A person acting under sub-paragraph (1) may incur expenditure and do other things (including appointing staff) in the name and on behalf of the Appointments Commission – 5
- (a) before the membership of the Commission is first constituted in accordance with paragraph 1, and
- (b) after that, until the Commission determines otherwise.
- (3) A person's powers under sub-paragraph (2) are exercisable subject to any directions given to the person by the chair of the Speakers' Committee. 10
- (4) The chair of the Speakers' Committee may, until the membership of the Appointments Commission is first constituted in accordance with paragraph 1, appoint other persons to the Commission's staff.

*Staff pensions*

15

- 13 (1) *In Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of the Act may apply), at the end of the list of "Royal Commissions and other Commissions" insert –*
- "House of Lords Appointments Commission."*
- (2) The Appointments Commission must pay to the Minister for the Civil Service the sums determined by the Minister in respect of any increase attributable to this paragraph in the sums payable out of money provided by Parliament under that Act. 20

*Delegation to staff*

- 14 (1) Any of the following may delegate any function (except one listed in paragraph 9(5)) to any of the Appointments Commission's staff – 25
- the Appointments Commission;  
a committee or sub-committee;  
a Commissioner;  
the chief executive. 30
- (2) The functions that may be delegated under sub-paragraph (1) include any function that has been delegated to the body or person in question.

*Delegation and contracting out of superannuation functions*

- 15 (1) Section 1(2) of the Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc.) has effect as if the reference to an officer of the Crown other than a Minister included a reference to the Appointments Commission's chief executive. 35
- (2) Any administration function conferred on the chief executive under section 1(2) of that Act (in accordance with sub-paragraph (1)) may be carried out by, or by employees of, any person authorised by the chief executive. 40

- (3) “Administration function” means a function of administering schemes made under section 1 of that Act.
- (4) Under sub-paragraph (2) the chief executive may authorise a person to carry out administration functions –
- (a) to their full extent or to a specified extent; 5
  - (b) in all cases or in specified cases;
  - (c) unconditionally or subject to specified conditions.
- (5) An authorisation under sub-paragraph (2) –
- (a) is to be treated for all purposes as given by virtue of an order under section 69 of the Deregulation and Contracting Out Act 1994 (contracting out of functions of Ministers and office-holders); 10
  - (b) may be revoked at any time by the Appointments Commission or the chief executive.

*Status*

- 16 (1) The Appointments Commission, its members and its staff are not to be regarded – 15
- (a) as the servants or agents of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The Appointments Commission’s property is not to be regarded as property of, or property held on behalf of, the Crown. 20

*Funding*

- 17 (1) *The Appointments Commission’s expenditure is to be paid out of money provided by Parliament.*
- (2) For each financial year other than its first, the Appointments Commission must prepare an estimate of its use of resources and submit it to the Speakers’ Committee. 25
- (3) The Speakers’ Committee must review the estimate and decide whether it is satisfied that the estimate is consistent with the efficient and cost-effective performance by the Appointments Commission of its functions.
- (4) If not so satisfied, the Speakers’ Committee must make such modifications to the estimate as it considers necessary for achieving that consistency. 30
- (5) Before deciding whether it is satisfied or making modifications, the Speakers’ Committee must consult the Treasury and have regard to any advice given.
- (6) After the Speakers’ Committee has reviewed the estimate and made any modifications, its chair must arrange for the estimate to be laid before the House of Commons. 35
- (7) If the Speakers’ Committee does not follow any advice given by the Treasury, or makes any modifications to the estimate –
- (a) it must prepare a statement of its reasons, and 40
  - (b) its chair must arrange for the statement to be laid before the House of Commons.

*Accounts and accounting officer*

- 18 (1) The Appointments Commission must keep proper accounting records.
- (2) The Appointments Commission must, for each financial year, prepare accounts in accordance with directions given to it by the Treasury.
- (3) The Treasury may, in particular, give the Appointments Commission directions as to— 5
- (a) the information to be contained in the accounts and how it is to be presented,
  - (b) the methods and principles in accordance with which the accounts are to be prepared, and 10
  - (c) any additional information that is to accompany the accounts.
- (4) The Appointments Commission’s chief executive is its accounting officer.

*Audit*

- 19 (1) As soon as reasonably practicable after the end of each financial year, the Appointments Commission must submit its accounts for that year to— 15
- (a) the Comptroller and Auditor General, and
  - (b) the Speakers’ Committee.
- (2) The Comptroller and Auditor General must—
- (a) examine and certify the accounts, and
  - (b) arrange for a copy of the certificate and the accounts, together with a report on them, to be laid before Parliament. 20

*Reports*

- 20 (1) As soon as reasonably practicable after the end of each financial year, the Appointments Commission must— 25
- (a) prepare a report about the performance of its functions during that year, and
  - (b) give a copy of it to the chair of the Speakers’ Committee.
- (2) The Speakers’ Committee must consider the report.
- (3) When the Speakers’ Committee has considered the report, its chair must arrange for the following documents to be laid before Parliament— 30
- (a) a copy of the report, and
  - (b) a copy of any statement produced by the Committee setting out its views on the report.
- (4) Where a statement within sub-paragraph (3)(b) is laid before Parliament, the chair of the Speakers’ Committee must give a copy of the statement to the Appointments Commission. 35
- (5) When the report has been laid, the Appointments Commission must publish it and any statement received under sub-paragraph (4).

*Documentary evidence*

- 21 (1) A document purporting to be duly executed under the seal of the Appointments Commission or signed on its behalf— 40

- (a) is to be received in evidence, and
  - (b) unless the contrary is proved, is to be taken to be executed or signed in that way.
- (2) But this paragraph does not apply in relation to a document signed in accordance with the law of Scotland. 5

*Disqualification*

- 22 (1) In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert –
- “The House of Lords Appointments Commission.” 10
- (2) In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place insert –
- “The House of Lords Appointments Commission.”

*Freedom of information* 15

- 23 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities), the entry for “The House of Lords Appointments Commission” is to be treated as a reference to the Appointments Commission.

*Public records* 20

- 24 In Schedule 1 to the Public Records Act 1958 (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert –
- “The House of Lords Appointments Commission.”

*Interpretation*

- 25 In this Schedule “financial year” means – 25
- (a) the period beginning with the day on which the Appointments Commission is established and ending with the next 31 March, and
  - (b) each successive period of 12 months.

## SCHEDULE 6

Section 12

## THE SPEAKERS’ COMMITTEE ON THE HOUSE OF LORDS APPOINTMENTS COMMISSION 30

*Members*

- 1 (1) The Speakers’ Committee is to consist of the following –
- (a) the Speaker of the House of Commons;
  - (b) the Speaker of the House of Lords;
  - (c) a Minister of the Crown with responsibilities in relation to constitutional matters who is a member of the House of Commons; 35
  - (d) four members of the House of Lords who are not Ministers of the Crown;

- (e) four members of the House of Commons who are not Ministers of the Crown;
  - (f) the person who chairs the relevant committee of the House of Lords;
  - (g) the person who chairs the relevant committee of the House of Commons. 5
- (2) Members of the Speakers’ Committee are to be appointed –
- (a) for the purposes of sub-paragraph (1)(c), by the Prime Minister,
  - (b) for the purposes of sub-paragraph (1)(d), by the House of Lords, and
  - (c) for the purposes of sub-paragraph (1)(e), by the House of Commons.
- (3) The Speakers’ Committee is to select one of its members to chair it. 10
- (4) For the purposes of sub-paragraph (1)(f) and (g), the relevant committee of the House of Lords or the House of Commons is the committee of that House concerned with constitutional matters, so far as relating to membership of the House of Lords.
- (5) Any question arising under sub-paragraph (4) is to be determined by the Speaker of the House in question. 15

*Term of office of members*

- 2 (1) In this paragraph “appointed member of the Speakers’ Committee” means a member appointed under paragraph 1(2).
- (2) Except as provided by this paragraph, an appointed member of the Speakers’ Committee is a member of the Speakers’ Committee for the remainder of the Parliament in which the person is appointed. 20
- (3) If an appointed member of the Speakers’ Committee who is a member of the House of Lords ceases to be a member of that House, that person ceases to be a member of the Speakers’ Committee. 25
- (4) If an appointed member of the Speakers’ Committee who is a member of the House of Commons ceases to be a member of that House, that person ceases to be a member of the Speakers’ Committee.
- (5) If an appointed member of the Speakers’ Committee within paragraph 1(1)(d) or (e) becomes a Minister of the Crown, that person ceases to be a member of the Speakers’ Committee. 30
- (6) An appointed member of the Speakers’ Committee ceases to be a member of the Speakers’ Committee if another person is appointed in that person’s place.
- (7) An appointed member of the Speakers’ Committee may resign from the Speakers’ Committee by notifying the Committee. 35
- (8) An appointed member of the Speakers’ Committee may be reappointed (more than once).

*Procedure*

- 3 (1) The Speakers’ Committee may establish sub-committees. 40

- (2) The functions of the Speakers' Committee under paragraph 17 of Schedule 5 (review of Appointments Commission's estimates) are to be exercised by a sub-committee which does not include any member of the House of Lords.
- (3) Subject to that, the Speakers' Committee may determine its own procedure and the procedure of its sub-committees (including quorum). 5
- (4) The validity of proceedings of the Speakers' Committee or a sub-committee is not affected by –
- (a) a vacancy among its members, or
  - (b) a defect in the appointment of a member.

## SCHEDULE 7

Section 25

10

## TRANSITIONAL MEMBERS

*Transitional members for first electoral period*

- 1 (1) A person is a transitional member for the first electoral period if –
- (a) before the beginning of that period, the person is selected as a transitional member for that period, and 15
  - (b) at the beginning of the day of the first House of Lords election, the person is a peer who is entitled to receive writs of summons to attend the House of Lords.
- (2) The maximum number of persons who may be selected under this paragraph is two thirds of the number of peers who, at the beginning of 27 June 2012, were entitled to receive writs of summons to attend the House of Lords. 20
- (3) If the number given by sub-paragraph (2) is not a whole number, it is to be rounded up to the nearest whole number.

*Transitional members for second electoral period*

25

- 2 (1) A person is a transitional member for the second electoral period if –
- (a) before the beginning of that period, the person is selected as a transitional member for that period, and
  - (b) at the beginning of the day of the second House of Lords election, the person is a transitional member. 30
- (2) The maximum number of persons who may be selected under this paragraph is one third of the number of peers who, at the beginning of 27 June 2012, were entitled to receive writs of summons to attend the House of Lords.
- (3) If the number given by sub-paragraph (2) is not a whole number, it is to be rounded up to the nearest whole number. 35

*Selection of transitional members*

- 3 (1) The selection of persons under paragraph 1 or 2 is to be made in accordance with standing orders of the House of Lords.

- (2) The standing orders may make provision for persons to be selected in any way (for example, by election or by reference to decisions made by political parties or other groups of members).
- (3) The standing orders may in particular –
- (a) make provision about a person’s eligibility for selection; 5
  - (b) make provision under which the selection of a person is void.
- (4) Anything required or permitted to be done by standing orders under this paragraph may be done when the House of Lords is adjourned, or Parliament is prorogued or dissolved; but this is subject to any provision made in the standing orders. 10
- (5) A person may be selected under paragraph 1 in accordance with standing orders made in anticipation of this paragraph being enacted or coming into force.

*Supplementary provisions*

- 4 In determining for the purposes of paragraph 1 or 2 whether a peer is entitled to receive writs of summons to attend the House of Lords, section 427 of the Insolvency Act 1986 (no entitlement to writs of summons during bankruptcy etc) is to be disregarded. 15
- 5 (1) Any question as to –
- (a) the maximum number of persons who may be selected under paragraph 1 or 2, or 20
  - (b) whether a person has been selected under paragraph 1 or 2, is to be determined by the Clerk of the Parliaments.
- (2) A certificate of the Clerk’s decision signed by the Clerk is conclusive.
- 6 Where the selection of a person as a transitional member is void, no other person is to be selected to replace that person. 25
- 7 Where a person ceases to be a transitional member, no other person is to be selected to replace that person.

SCHEDULE 8

Section 26

PERSONS DISQUALIFIED FROM MEMBERSHIP OF THE HOUSE OF LORDS 30

PART 1

DISQUALIFYING OFFICES

*Meaning of “holding a disqualifying office” etc*

- 1 (1) A person holds a disqualifying office if the person is of a description falling within any of the following paragraphs of this Part of this Schedule. 35
- (2) But in relation to membership as a transitional member, a person holds a disqualifying office only if the person is the Comptroller and Auditor General.

*Persons with functions relating to Parliament, elections etc*

- 2 A person who is any of the following –
- the Comptroller and Auditor General;
  - the Parliamentary Commissioner for Administration;
  - the Public Standards Commissioner for Scotland; 5
  - a member of IPSA;
  - the Compliance Officer for IPSA;
  - a member of the Electoral Commission;
  - a member of the Boundary Commission for England;
  - a member of the Boundary Commission for Scotland; 10
  - a member of the Boundary Commission for Wales;
  - a member of the Boundary Commission for Northern Ireland;
  - a member of the Local Government Boundary Commission for England;
  - a member of the Local Government Boundary Commission for Scotland; 15
  - a member of the Local Government Boundary Commission for Wales;
  - a Local Government Boundaries Commissioner appointed under section 50 of the Local Government Act (Northern Ireland) 1972;
  - an electoral registration officer appointed under section 8 of the Representation of People Act 1983; 20
  - a returning officer under section 25(1) of the Representation of the People Act 1983 and any deputy returning officer appointed by such a returning officer;
  - the Chief Electoral Officer for Northern Ireland; 25
  - a whole-time officer appointed under section 14A(1) of the Electoral Law Act (Northern Ireland) 1962 (assistants to Chief Electoral Officer);
  - a returning officer or local returning officer designated by virtue of provision made under section 7. 30

*Holders of certain judicial offices*

- 3 A person who is any of the following –
- judge of the Supreme Court;
  - judge of the Court of Appeal in England and Wales;
  - judge of the High Court of Justice in England and Wales; 35
  - Circuit judge;
  - district judge in England and Wales;
  - District Judge (Magistrates' Courts) (but not a Deputy District Judge (Magistrates' Courts)) in England and Wales;
  - judge of the Court of Session, or Temporary Judge appointed under the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990; 40
  - Chairman of the Scottish Land Court;
  - Sheriff Principal or Sheriff (other than Honorary Sheriff) appointed under the Sheriff Courts (Scotland) Act 1907, or Temporary Sheriff Principal or part-time sheriff appointed under the Sheriff Courts (Scotland) Act 1971; 45
  - Stipendiary Magistrate in Scotland;

judge of the Court of Appeal in Northern Ireland;	
judge of the High Court in Northern Ireland;	
county court judge or deputy county court judge in Northern Ireland;	
district judge in Northern Ireland;	
district judge (magistrates' courts) or deputy district judge (magistrates' courts) in Northern Ireland;	5
judge of the Court Martial Appeal Court;	
judge of the Upper Tribunal;	
judge of the First-tier Tribunal (including an adjudicator appointed under section 5 of the Criminal Injuries Compensation Act 1995 by the Scottish Ministers);	10
Chief or other Social Security Commissioner (not including a deputy Commissioner);	
Chief or other Child Support Commissioner for Northern Ireland or deputy Child Support Commissioner for Northern Ireland;	15
Chief or other Social Security Commissioner for Northern Ireland or deputy Social Security Commissioner for Northern Ireland;	
Adjudicator to Her Majesty's Land Registry.	

*Civil servants*

4	(1) A person employed in the civil service of the State.	20
	(2) For this purpose it does not matter whether the person is employed full-time or part-time or whether the person is employed in an established capacity or not.	

*Members of the regular armed forces*

5	(1) A member of the regular forces (within the meaning of the Armed Forces Act 2006) other than—	25
	(a) a person recalled to service,	
	(b) a person who holds an emergency commission, or	
	(c) a person within sub-paragraph (2) who does not for the time being hold an appointment in the naval, military or air force service of the Crown.	30
	(2) A person is within this sub-paragraph if the person—	
	(a) is an Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force, or	
	(b) has previously been appointed to any of the following roles—	35
	(i) Chief of the Defence Staff;	
	(ii) Vice Chief of the Defence Staff;	
	(iii) Chief of the Naval Staff;	
	(iv) Chief of the General Staff;	
	(v) Chief of the Air Staff.	40

*Police officers*

6	A person employed as a full-time constable by—	
	(a) a police force maintained by a local policing body,	
	(b) the Police Service of Scotland, or	

(c) a police force maintained by the Northern Ireland Policing Board.

*Members of foreign legislatures*

- 7 A member of the legislature of a country or territory other than Ireland that is outside the Commonwealth.

*Ambassadors etc*

- 8 An ambassador, high commissioner, or permanent representative to an international organisation, representing Her Majesty's Government in the United Kingdom.

5

PART 2

OFFICES DISQUALIFYING FOR PARTICULAR ELECTORAL DISTRICTS

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<i>Office</i>	<i>Electoral district</i>	
Member of Her Majesty's Commission of Lieutenancy for the City of London	The electoral district which includes the City of London	
Her Majesty's Lord-Lieutenant or Lieutenant for Greater London	Any electoral district which includes the whole or part of Greater London	15
Her Majesty's Lord-Lieutenant or Lieutenant for a county in England and Wales	Any electoral district which includes the whole or part of the area for which the holder of the office is appointed	
Her Majesty's Lord-Lieutenant or Lieutenant for an area in Scotland	Any electoral district which includes the whole or part of the area in which the Lord-Lieutenant holds office or in which the Lord-Lieutenant or Lieutenant discharges the functions of that office	20
Her Majesty's Lord-Lieutenant or Lieutenant for the city of Aberdeen, Dundee, Edinburgh or Glasgow	Any electoral district which includes the whole or part of the city in which the Lord-Lieutenant holds office or for which the Lieutenant is appointed	25
Her Majesty's Lord-Lieutenant or Lieutenant for a county or county borough in Northern Ireland	Northern Ireland	30
Governor of the Isle of Wight	The electoral district which includes the Isle of Wight	
The High Sheriff of Greater London	Any electoral district which includes the whole or part of Greater London	35
The High Sheriff of a county in England and Wales	Any electoral district which includes the whole or part of the area for which the holder of the office is appointed	

PART 3

POWER TO AMEND SCHEDULE

- 9 (1) If each House of Parliament resolves that this Schedule (other than this paragraph) should be amended in a particular way, Her Majesty may by Order in Council amend the Schedule in that way. 5
- (2) A resolution under sub-paragraph (1) may provide that the amendments are to apply –
- (a) to all members,
  - (b) to a specified description of member, or
  - (c) to all members other than members of a specified description. 10

SCHEDULE 9

Section 46

PAY AND ALLOWANCES

PART 1

AMENDMENTS TO THE PARLIAMENTARY STANDARDS ACT 2009

- Introduction* 15
- 1 Amend the Parliamentary Standards Act 2009 as follows.
- Section 2: application of the Act to the House of Lords*
- 2 Omit section 2 (nothing in the Act affects House of Lords).
- Section 3: IPSA etc*
- 3 In section 3(5) (Speaker’s Committee for IPSA) for “Speaker’s” substitute “Speakers”. 20
- Section 3A: IPSA’s general duties*
- 4 In section 3A(2) (general duties of IPSA) after “members of the House of Commons” insert “and members of the House of Lords”.
- Section 5: MPs’ allowances scheme* 25
- 5 In section 5(4)(d) and (5) (MPs’ allowances scheme) after “Speaker” insert “of the House of Commons”.
- Section 9: investigations*
- 6 (1) Amend section 9 (investigations) as follows.
- (2) In subsection (1) – 30
- (a) the words from “a member” to the end become paragraph (a), and

- (b) after that paragraph insert “, or  
 (b) a member of the House of Lords may have been paid an amount under the House of Lords allowances scheme that should not have been allowed.”
- (3) In subsections (6)(b), (7) and (8)(a) for “MPs’ allowances scheme” substitute “relevant allowances scheme”. 5
- (4) In subsection (10) –  
 (a) the words from “to a member” to the end become paragraph (a), and  
 (b) after that paragraph insert “, and  
 (b) to a member of the House of Lords, include a former member of the House of Lords.” 10
- (5) After that subsection insert –  
 “(11) In this section the “relevant allowances scheme” means –  
 (a) in relation to an investigation under subsection (1)(a), the MPs’ allowances scheme, and 15  
 (b) in relation to an investigation under subsection (1)(b), the House of Lords allowances scheme.”

*Section 9A: procedures etc*

- 7 (1) Amend section 9A (procedures to be followed in investigations etc) as follows. 20
- (2) In subsection (5)(a) for “section 6A(3)” substitute “sections 6A(3) and 7F(3)”.
- (3) In subsection (6) after paragraph (c) insert –  
 “(ca) the Speaker of the House of Lords,  
 (cb) the Leader of the House of Lords,  
 (cc) the House of Lords Committee for Privileges and Conduct,”. 25

*Section 9B: enforcement*

- 8 In section 9B (enforcement) after subsection (2) insert –  
 “(3) The Compliance Officer may provide to the House of Lords Commissioner for Standards any information connected with an investigation under section 9 or action taken under Schedule 4 which the Compliance Officer considers may be relevant to the work of the House of Lords Commissioner for Standards.” 30

*Section 10: offence of providing false or misleading information for allowances claims*

- 9 (1) Amend section 10 (offence of providing false or misleading information for allowances claims) as follows. 35
- (2) After subsection (1) insert –  
 “(1A) A member of the House of Lords commits an offence if the member –  
 (a) makes a claim under the House of Lords allowances scheme, and 40

- (b) provides information for the purposes of the claim that the member knows to be false or misleading in a material respect.”

(3) In subsection (2) after “subsection (1)” insert “or (1A)”.

*Section 10A: relationships with other bodies etc*

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10 (1) Amend section 10A (relationship with other bodies) as follows.

(2) In subsection (1) after paragraph (a) insert –

“(aa) the House of Lords Commissioner for Standards,”.

(3) In subsection (3) after “House of Commons” insert “or the House of Lords”.

(4) In subsection (4) –

10

(a) after “a member of the House of Commons” insert “or a member of the House of Lords”, and

(b) in paragraph (b) after “the House of Commons” insert “or the House of Lords”.

(5) In subsection (5) –

15

(a) the words from “to a member” to the end become paragraph (a), and

(b) after that paragraph insert “, and

(b) to a member of the House of Lords, include a former member of the House of Lords.”

*Section 12: interpretation*

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11 (1) Amend section 12 (interpretation) as follows.

(2) In subsection (1) –

(a) after the definition of “the Compliance Officer” insert –

““the House of Lords allowances scheme” has the meaning given by section 7D(2);”, and

25

(b) after the definition of “the Leader of the House of Commons” insert –

““the Leader of the House of Lords” means the Minister of the Crown who is for the time being designated as Leader of the House of Lords by the Prime Minister;”.

30

(3) After subsection (4) insert –

“(5) In this Act –

(a) references to the House of Lords Committee for Privileges and Conduct are to the committee or committees of the House of Lords concerned with the conduct of members of the House of Lords,

35

(b) references to the person who chairs that Committee are, where there is more than one such committee, to the persons who chair those committees, and

(c) references to the House of Lords Commissioner for Standards are to the officer of the House of Lords responsible for investigations into the conduct of members of the House of Lords.

40

- (6) Any question arising under subsection (5) is to be determined by the Speaker of the House of Lords.”

*Schedule 1: IPSA*

- 12 (1) Amend Schedule 1 (IPSA) as follows.
- (2) In paragraph 1(4) and (5) for “the House of Commons” substitute “either House of Parliament” 5
- (3) In paragraph 2 –
- (a) in sub-paragraphs (1) and (2) for “the House of Commons” substitute “both Houses of Parliament”,
- (b) in sub-paragraph (3) for “only with the agreement of the Speaker” substitute “–” 10
- (a) in the House of Commons, only with the agreement of the Speaker of the House of Commons, and
- (b) in the House of Lords, only with the agreement of the Speaker of the House of Lords”, 15
- (c) in sub-paragraph (4) omit “by the Speaker” and after “competition” insert “by the Speaker of the House of Commons and the Speaker of the House of Lords”, and
- (d) in sub-paragraph (5) – 20
- (i) for “Speaker” substitute “Speakers”, and
- (ii) for “Speaker’s” substitute “Speakers”.
- (4) In paragraph 3(2) for “the Speaker” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”.
- (5) In paragraph 5(1) and (2) for “the Speaker” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”. 25
- (6) In paragraph 18 –
- (a) in sub-paragraph (1) after paragraph (c) insert –
- “(d) section 7A (payment of House of Lords pay) except subsection (3) of that section, 30
- (e) section 7D(1) (payment of House of Lords allowances), and
- (f) section 7E (dealing with House of Lords allowances claims) except subsection (9) of that section.”, and 35
- (b) in sub-paragraph (2) after paragraph (aa) insert –
- “(ab) section 7A(3) and 7B and 7C (determination of level of House of Lords pay),
- (ac) section 7D(3) and (4) (preparing and revising House of Lords allowances scheme), 40
- (ad) section 7E(9) (determining procedures for publication of allowances claims),”.
- (7) In paragraph 20(4) –
- (a) after paragraph (a) (but before the “and”) insert –
- “(aa) paying pay under section 7A,” 45

- (b) in paragraph (b) after “MPs’ allowances scheme” insert “and the House of Lords allowances scheme”, and
  - (c) in the text after that paragraph, after “function” insert “of calculating the amount of pay for a member of the House of Lords,”.
- (8) In paragraph 22 – 5
- (a) in sub-paragraph (2) for “Speaker’s” substitute “Speakers”, and
  - (b) in sub-paragraphs (6) and (7) after “Speaker” insert “of the House of Commons”.
- (9) In paragraph 25 –
- (a) in sub-paragraph (1) omit “and the Speaker must lay before each House of Parliament”, 10
  - (b) after that sub-paragraph insert –
    - “(1A) The IPSA must send the report to the Speaker of the House of Commons and the Speaker of the House of Lords.
    - (1B) The Speaker of the House of Commons must lay the report before the House of Commons, and the Speaker of the House of Lords must lay the report before the House of Lords.”, and 15
  - (c) in sub-paragraph (2) for “the Speaker lays” substitute “the Speakers lay”. 20
- (10) In paragraph 27(2) –
- (a) in paragraph (b) for “, and” substitute “of the House of Commons”, and
  - (b) after paragraph (c) insert –
    - “(d) the Leader of the House of Lords, 25
    - (e) the Speaker of the House of Lords, and
    - (f) the House of Lords Committee for Privileges and Conduct.”
- (11) In paragraph 29(2) omit the definition of “the Speaker” (and the “and” before it). 30

*Schedule 2: Compliance Officer for IPSA*

- 13 In paragraph 8 of Schedule 2 (Compliance Officer’s annual report) –
- (a) in sub-paragraph (2) for “, who must lay it before each House of Parliament” substitute “and the Speaker of the House of Lords”,
  - (b) after that sub-paragraph insert – 35
    - “(2A) The Speaker of the House of Commons must lay the report before the House of Commons, and the Speaker of the House of Lords must lay the report before the House of Lords.”, and
  - (c) in sub-paragraph (3) for “the Speaker lays” substitute “the Speakers lay”. 40

*Schedule 3: Speaker’s Committee for IPSA*

- 14 (1) Amend Schedule 3 (Speaker’s Committee for IPSA) as follows.

- (2) In the heading to the Schedule, for “Speaker’s” substitute “Speakers”.
- (3) In paragraph 1 –
- (a) for “Speaker’s” substitute “Speakers”,
  - (b) in paragraph (d) for “five” substitute “three”,
  - (c) omit “and” at the end of that paragraph, 5
  - (d) after that paragraph insert –
    - “(da) the Speaker of the House of Lords,
    - (db) the Leader of the House of Lords,
    - (dc) the person who chairs the House of Lords Committee for Privileges and Conduct, 10
    - (dd) three members of the House of Lords who are not Ministers of the Crown, appointed by the House of Lords, and”, and
  - (e) in paragraph (e) for “the House of Commons” substitute “each House of Parliament”. 15
- (4) After that paragraph insert –
- “1A The Committee is to select one of its members to chair it.”
- (5) In paragraph 2(1) –
- (a) after “paragraph 1(d)” insert “or (dd)”, and
  - (b) in paragraph (b) after “House of Commons” insert “or a member of the House of Lords (as the case may be)”. 20
- (6) In paragraph 2A –
- (a) in sub-paragraph (2) for “only with the agreement of the Speaker of the House of Commons” substitute “–
    - (a) in the House of Commons, only with the agreement of the Speaker of the House of Commons, and 25
    - (b) in the House of Lords, only with the agreement of the Speaker of the House of Lords.”,
  - (b) in sub-paragraph (3) for “the Speaker” substitute “the Speaker of the House of Commons and the Speaker of the House of Lords”, and 30
  - (c) in sub-paragraph (8) –
    - (i) after “Speaker of the House of Commons” insert “and the Speaker of the House of Lords”, and
    - (ii) for “Speaker” substitute “Speakers”. 35
- (7) In paragraph 3 –
- (a) for sub-paragraph (1) substitute –
    - “(1) The Committee may establish sub-committees.
    - (1A) The functions of the Committee under paragraph 22 of Schedule 1 (review of IPSA’s estimates) are to be exercised by a sub-committee of the Committee which does not include any member of the House of Lords. 40
    - (1B) Subject to that, the Committee may determine its own procedure and the procedure of its sub-committees (including quorums).”, and 45
  - (b) in sub-paragraph (2) after “Committee” insert “or a sub-committee”.

*Schedule 4: enforcement*

- 15 (1) Amend Schedule 4 (enforcement) as follows.
- (2) In paragraph 1 –
- (a) in sub-paragraph (1)(a) for “section 9” substitute “section 9(1)(a) or a member of the House of Lords under section 9(1)(b)”, 5
  - (b) in sub-paragraphs (1)(b) and (3) after “MPs’ allowances scheme” insert “or the House of Lords allowances scheme”, and
  - (c) in sub-paragraph (8) the words from “to a member” to the end become paragraph (a), and after that paragraph insert “, and  
(b) to a member of the House of Lords, include a former member of the House of Lords.” 10
- (3) In paragraph 5 –
- (a) in sub-paragraph (3) for “The” substitute “Where the repayment direction was given following an investigation under section 9(1)(a), the”, and 15
  - (b) after that sub-paragraph insert –
    - “(3A) Where the repayment direction was given following an investigation under section 9(1)(b), the IPSA may recover the amount by making deductions from –
    - (a) any pay payable to the member under section 7A; 20
    - (b) any allowances payable to the member under the House of Lords allowances scheme.”
- (4) In paragraph 6 –
- (a) in sub-paragraph (1) after “member of the House of Commons” insert “or a member of the House of Lords”, and 25
  - (b) in sub-paragraph (6) the words from “to a member” to the end become paragraph (a), and after that paragraph insert “, and  
(b) to a member of the House of Lords, include a former member of the House of Lords.”
- (5) In paragraph 7(5) for “the House of Commons” substitute “each House of Parliament”. 30
- (6) In paragraph 12 –
- (a) in sub-paragraph (3) for “The” substitute “Where the penalty was imposed following an investigation under section 9(1)(a), the”, and
  - (b) after that sub-paragraph insert – 35
    - “(3A) Where the penalty was imposed following an investigation under section 9(1)(b), the IPSA may recover the amount by making deductions from –
    - (a) any pay payable to the member under section 7A;
    - (b) any allowances payable to the member under the House of Lords allowances scheme.” 40
- (7) In paragraph 13(b) after “12(3)” insert “or (3A)”.

## PART 2

## TRANSFER SCHEMES

- 16 (1) The Minister may by order provide—
- (a) for the employment of persons of a specified description who are employed in connection with matters relating to allowances for members of the House of Lords to be transferred to IPSA by a scheme, 5
  - (b) for specified property, rights and liabilities which subsist wholly or mainly for the purposes of the House of Lords to be transferred to IPSA by a scheme, and 10
  - (c) for specified documents and information held by or on behalf of the House of Lords (or an officer or committee of the House of Lords) to be transferred to the Compliance Officer or IPSA.
- (2) A scheme made by virtue of sub-paragraph (1) is to be made by the Minister with the consent of the Speaker of the House of Lords. 15

## SCHEDULE 10

Section 53

## MINOR AND CONSEQUENTIAL AMENDMENTS

## PART 1

## CHANGE TO THE DEFINITION OF “PARLIAMENTARY ELECTION”

- Amendments to the Interpretation Act 1978 (c. 30)* 20
- 1 (1) Amend Schedule 1 to the Interpretation Act 1978 (words and expressions defined) as follows.
- (2) For the definition of “Parliamentary Election” substitute—  
““Parliamentary election” means a House of Commons election or an election to the House of Lords.” 25
- (3) At the appropriate place insert—  
““House of Commons election” means the election of a Member of Parliament to serve in the House of Commons for a constituency; and references to a general election or a by-election, in the context of the House of Commons, are to be construed accordingly.” 30
- (4) At the appropriate place insert—  
““Election to the House of Lords” means the election in an electoral district at a House of Lords election of persons to serve as elected members of the House of Lords for that district.” 35
- (5) In consequence of the amendment made by sub-paragraph (2), references in the following provisions to a parliamentary election (however expressed) include an election in an electoral district at a House of Lords election—  
paragraphs 21(1) and 37(1) of Schedule 12 to the Local Government Act 1972 (c. 70); 40

sections 13B, 13BA and 47(1) of the Representation of the People Act 1983 (c. 2);  
 section 20(1) of the Representation of the People Act 1985 (c. 50);  
 section 65(6) of the Local Government Finance Act 1988 (c. 41);  
 paragraph 2 of Schedule 2 to the Northern Ireland Act 1998 (c. 47); 5  
 section 22(5)(a) of the Political Parties, Elections and Referendums Act 2000 (c. 41);  
 sections 42(2), 44(5) and 69(9)(a) of the Electoral Administration Act 2006 (c. 22);  
 section 1(1)(a) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); 10  
 sections 104(8) and 106(5) of the Equality Act 2010 (c. 15).

*Specific modifications of Acts of Parliament*

- 2 (1) In the Acts or, as the case may be, the provisions of the Acts listed in subparagraph (2) for the words in the first column (in each place) substitute the words in the corresponding entry in the second column— 15

<i>Old words</i>	<i>New words</i>	
“parliamentary election”	“House of Commons election”	
“parliamentary elections”	“House of Commons elections”	
“parliamentary or local government election”	“House of Commons or local government election”	20
“parliamentary or local government elections”	“House of Commons or local government elections”	
“parliamentary general election”	“House of Commons general election”	25
“parliamentary general elections”	“House of Commons general elections”	
“parliamentary by-election”	“House of Commons by-election”	

A reference falls within the first column regardless of whether any of the words in question starts with a capital letter. 30

- (2) The Acts or provisions of Acts are—
- section 4(4) of the Agricultural Marketing Act 1958 (c. 47);
  - section 219(6) of the Local Government Act 1972 (c. 70);
  - paragraph 1(3) of Part 5 of Schedule 1 to the Ministerial and other Salaries Act 1975 (c. 27); 35
  - section 108(1) of the Judicature (Northern Ireland) Act 1978 (c. 23);
  - section 142(1) of the Senior Courts Act 1981 (c. 54);
  - the Representation of the People Act 1983, except sections 13B, 13BA and 47(1);
  - the Elections (Northern Ireland) Act 1985 (c. 2); 40
  - the Representation of the People Act 1985, except section 20(1);

- 
- the Parliamentary Constituencies Act 1986 (c. 56);  
 section 2(1) of the Elected Authorities (Northern Ireland) Act 1989 (c. 3);  
 section 264(1) of the Taxation of Chargeable Gains Act 1992 (c. 12);  
 sections 12(4) and 12A(4) of the Scotland Act 1998 (c. 46);  
 section 12(1) and (2) of, and Schedule 4 to, the Representation of the  
 People Act 2000 (c. 2); 5  
 sections 9HE(3) and 44(3) of the Local Government Act 2000 (c. 22);  
 the Political Parties, Elections and Referendums Act 2000 (c. 41), except  
 section 22(5)(a);  
 section 4 of, and the Schedule to, the Elections Act 2001 (c. 7); 10  
 sections 6(5A), 7(3) and 8(2) of the European Parliamentary Elections  
 Act 2002 (c. 24);  
 section 67(2) of the Finance Act 2003 (c. 14);  
 sections 34(1), 44(8) to (11) and 46(3)(a) of the Electoral Administration  
 Act 2006 (c. 22); 15  
 section 13(5)(d) of the Government of Wales Act 2006 (c. 32);  
 sections 13B(3)(b), 223B(3)(b) and 223D(7)(b) of the National Health  
 Service Act 2006 (c. 41);  
 section 4(5) of the Parliamentary Standards Act 2009 (c. 13);  
 section 15(1) of, and paragraph 2(8) of Schedule 1 to, the Constitutional  
 Reform and Governance Act 2010 (c. 25); 20  
 section 11(1)(a) of the European Union Act 2011 (c. 12);  
 sections 54(1) and (5) and 58(7) of the Police Reform and Social  
 Responsibility Act 2011 (c. 13);  
 the Fixed-term Parliaments Act 2011 (c. 14). 25
- (3) This paragraph applies only in so far as the reference is in the context of an  
 election to the Parliament of the United Kingdom.
- (4) This paragraph does not apply if the reference is amended by any of the  
 following provisions of this Schedule.
- 3 In the following provisions for “general election” (in each place) substitute 30  
 “House of Commons general election” –  
 paragraph 3(3)(a) of Schedule 1 to the House of Commons  
 (Administration) Act 1978 (c. 36);  
 paragraph 2(3)(a) of Schedule 1 to the National Audit Act 1983 (c. 44);  
 section 24(2) of the Inheritance Tax Act 1984 (c. 51); 35  
 section 170(3) of the Criminal Justice and Public Order Act 1994 (c. 33).
- 4 (1) Amend the Representation of the People Act 1983 as follows.
- (2) In section 31 (polling districts at local government elections) –
- (a) in subsection (3) for “parliamentary” (in each place) substitute 40  
 “House of Commons”, and
- (b) after subsection (3) insert –
- “(3A) For the purposes of subsection (3) –  
 “House of Commons polling district” means a polling  
 district designated for the purpose of House of  
 Commons elections under section 18A; 45

“House of Commons polling place” means a polling place designated for such a district under section 18B.”

- (3) In the following for “parliamentary” substitute “House of Commons” – 5
- (a) the heading immediately before section 49;
  - (b) the heading to section 68;
  - (c) section 73(3).
- (4) In section 202(1) (general provisions as to interpretation) – 10
- (a) omit the definition of “parliamentary election petition”,
  - (b) at the appropriate place insert – 15
    - ““House of Commons election petition” means an election petition questioning a House of Commons election or return;”,
    - (c) omit the definition of “parliamentary elections rules”, and
    - (d) at the appropriate place insert – 15
      - ““House of Commons elections rules” means the House of Commons elections rules in Schedule 1 to this Act;”.
- (5) In the Appendix of Forms at the end of Schedule 1, in the form of writ – 20
- (a) for “general election” (in each place) substitute “House of Commons general election”, and
  - (b) for “Member to serve in Parliament” substitute “Member of Parliament to serve in the House of Commons”.
- (6) In that Appendix, in the form of nomination paper for “Parliament” substitute “the House of Commons”. 25
- 5 In the heading to section 5 and to section 15 of the Representation of the People Act 1985 for “parliamentary” substitute “**House of Commons**”.

*General modifications of other legislation*

- 6 (1) In so far as is appropriate in consequence of the amendment made by paragraph 1(2), a reference (however expressed) in primary or secondary legislation, or in an instrument or other document, to an expression in the first column is to be read as a reference to the expression in the corresponding entry in the second column – 30

<i>Old expression</i>	<i>New expression</i>
parliamentary election	House of Commons election
parliamentary general election	House of Commons general election
parliamentary by-election	House of Commons by-election
parliamentary election petition	House of Commons election petition
parliamentary elections rules	House of Commons elections rules

- (2) This paragraph applies only – 40

- (a) in so far as the reference is in the context of an election to the Parliament of the United Kingdom, and
  - (b) if the legislation is passed or made, or the instrument or document is issued, before paragraph 1 comes into force.
- (3) This paragraph does not apply if the reference – 5
- (a) is in an Act of Parliament,
  - (b) is in the short title of other primary legislation,
  - (c) is in the title of secondary legislation, or
  - (d) is contained in the amendment made by paragraph 23 to the Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I.15)). 10

### *Supplementary*

- 7 (1) Where legislation (A) which is passed or made before paragraph 1 comes into force amends other legislation (B), the amendments are to be treated for the purposes of this Part as part of legislation B and not part of legislation A. 15
- (2) That is the case whether or not the amendments are in force; and where they are not in force, legislation B is to be treated for the purposes of this Part as including both the text which is in force and the amended text.
- (3) Sub-paragraphs (1) and (2) are subject to express provision to the contrary.

## PART 2 20

### OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

#### *House of Lords Precedence Act 1539 (c. 10)*

- 8 Omit section 1, sections 3 to 8, and section 10 of the House of Lords Precedence Act 1539 (seating in the House of Lords and the Privy Council).

#### *Bill of Rights (1 Will. & Mar. Sess. 2 c. 2)* 25

- 9 In section 1 of the Bill of Rights (acceptance of the Crown etc) for “House of Peeres in the presence of the lords and commons” substitute “House of Lords in the presence of the members of the House of Lords and the members of the House of Commons”.

#### *Union with Scotland Act 1706 (c. 11) and Union with England Act 1707 (c.7)* 30

- 10 The Union with Scotland Act 1706 and the Union with England Act 1707 have effect subject to this Act.

#### *Parliamentary Privilege Act 1737 (c. 24)*

- 11 In section 4 of the Parliamentary Privilege Act 1737 (claims on behalf of the Crown not to be subject to parliamentary privilege) – 35
- (a) for the words from “peer or lord” to “House of Commons of Great Britain” substitute “member of the House of Commons or House of Lords”, and
  - (b) after “by or upon any such” insert “suit”.

*Parliamentary Privilege Act 1770 (c. 50)*

- 12 In section 1 of the Parliamentary Privilege Act 1770 (legal proceedings against members of either House of Parliament) –
- (a) in the heading for “peers” substitute “**members of the House of Lords**”, and 5
  - (b) for “peer or lord of Parliament of Great Britain” substitute “member of the House of Lords”.

*Union with Ireland Act 1800 (c. 67)*

- 13 (1) Amend Article Fourth of the Union with Ireland Act 1800 as follows.
- (2) Omit – 10
- (a) the paragraph beginning “That any person holding” (which provides that peers of Ireland may be MPs),
  - (b) the paragraph beginning “That it shall be lawful” (power to create and promote peers of Ireland), and
  - (c) the paragraph beginning “That if any peerage shall” (provision about peerages in abeyance etc). 15
- (3) In the paragraph beginning “That when his Majesty” (which provides for the issue of a proclamation) –
- (a) for “commons” or “Commons” (in each place) substitute “members of the House of Commons”, and 20
  - (b) for “lords spiritual and temporal and” substitute “members of the House of Lords and the”.
- (4) In the final paragraph (which makes provision about the rights and privileges of peers of Ireland and Great Britain etc) omit the words from “, the right and privilege of sitting in the House of Lords” to the end. 25

*Act of Union (Ireland) 1800 (c. 38)*

- 14 (1) Amend Article Fourth of the Act of Union (Ireland) 1800 as follows.
- (2) Omit –
- (a) the paragraph beginning “That any person holding” (which provides that peers of Ireland may be MPs), 30
  - (b) the paragraph beginning “That it shall be lawful” (power to create and promote peers of Ireland), and
  - (c) the paragraph beginning “That if any peerage shall” (provision about peerages in abeyance etc).
- (3) In the paragraph beginning “That when his Majesty” (which provides for the issue of a proclamation) – 35
- (a) for “commons” or “Commons” (in each place) substitute “members of the House of Commons”, and
  - (b) for “lords spiritual and temporal and” substitute “members of the House of Lords and the”. 40
- (4) In the final paragraph (which makes provision about the rights and privileges of peers of Ireland and Great Britain etc) omit the words from “, the right and privilege of sitting in the House of Lords” to the end.

*Parliamentary Oaths Act 1866 (c. 19)*

- 15 (1) Amend the Parliamentary Oaths Act 1866 as follows.
- (2) In section 3 (time and manner of taking Parliamentary oath) for “House of Peers” (in both places) substitute “House of Lords”.
- (3) In section 5 (penalty for voting or sitting without taking oath) – 5
- (a) for “House of Peers” (in both places) substitute “House of Lords”,
  - (b) omit “as a peer”, and
  - (c) after “High Court” insert “and in addition to such penalty, shall cease to be a member of that House”.

*Forfeiture Act 1870 (c. 23)* 10

- 16 In section 2 of the Forfeiture Act 1870 (persons convicted of treason disqualified from membership of Parliament) for “either House of Parliament” substitute “the House of Commons”.

*Bishoprics Act 1878 (c. 68)*

- 17 The Bishoprics Act 1878 is repealed. 15

*Welsh Church Act 1914 (c. 91)*

- 18 In section 2 of the Welsh Church Act 1914 (ecclesiastical corporations and bishops) omit subsections (2) and (3).

*Life Peerages Act 1958 (c. 21)*

- 19 In section 1 of the Life Peerages Act 1958 (power to create life peerages carrying right to sit in House of Lords) omit – 20
- (a) paragraph (b) of subsection (2) (and the “and” before it),
  - (b) subsection (4), and
  - (c) in the heading “carrying right to sit in the House of Lords”.

*Peerage Act 1963 (c. 48)* 25

- 20 (1) Amend the Peerage Act 1963 as follows.
- (2) In section 1(2) (instruments of disclaimer) omit from “and no such instrument” to the end.
- (3) Omit section 4 (Scottish peers entitled to receive writs of summons).
- (4) Omit section 6 (peeresses in own right entitled to receive writs of summons). 30

*Equal Pay Act (Northern Ireland) 1970 (N.I. c. 32)*

- 21 In section 1A(b) of the Equal Pay Act (Northern Ireland) 1970 (definition of “political office”) after “1958,” insert “the office of an appointed member of the House of Lords,”.

*Recess Elections Act 1975 (c. 66)* 35

- 22 (1) Amend the Recess Elections Act 1975 as follows.

- (2) In section 1 (issue of warrants by Speaker for making out writs) –
- (a) in subsection (1)(a) omit “or become disqualified as a peer for membership of the House of Commons”,
  - (b) in subsection (2), in paragraph (a) of the definition of “certificate of vacancy” omit “, become disqualified as a peer for membership of the House of Commons”, and 5
  - (c) in that subsection, in the definition of “disqualifying office” –
    - (i) omit from “, other than” to “Northstead”, and
    - (ii) at the end insert “other than –
      - (a) the office of steward or bailiff of Her Majesty’s three Chiltern Hundreds of Stoke, Desborough and Burnham or of the Manor of Northstead, or 10
      - (b) the office of member of the House of Lords.”
- (3) In Schedule 1 (certificate of vacancy) omit “[that Member of Parliament for has become disqualified as a peer for membership of the House of Commons;]”. 15

*Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))*

- 23 (1) Amend the Sex Discrimination (Northern Ireland) Order 1976 as follows.
- (2) In Article 13A(3)(b) (offices to which Article 13B does not apply) after “1958,” insert “the office of an appointed member of the House of Lords,”. 20
  - (3) In Article 43A(4) (selection of election candidates) after “Article” insert “ –
    - (a) “parliamentary election” has the same meaning as in Schedule 1 to the Interpretation Act 1978;
    - (b) ”. 25

*Senior Courts Act 1981 (c. 54)*

- 24 In section 142(1) of the Senior Courts Act 1981 (selection of judges for trial of election petitions) for “members of the House of Lords” substitute “transitional members of the House of Lords”.

*British Nationality Act 1981 (c. 61)* 30

- 25 In Schedule 7 to the British Nationality Act 1981 (consequential amendments) in the entry relating to the Act of Settlement (see section 47 of the Constitutional Reform and Governance Act 2010), at the end insert –
- “Nothing in this entry applies in relation to membership of the House of Lords.” 35

*Representation of the People Act 1983 (c. 2)*

- 26 (1) Amend the Representation of the People Act 1983 as follows.
- (2) In section 7B(7)(a) (declaration of local connection) omit “by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections or”.
  - (3) In section 15(5)(a) (service declaration) omit “by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections, or”. 40

- 
- (4) In section 160(4) (persons reported personally guilty of corrupt or illegal practices) –
- (a) in paragraph (a) at the end of sub-paragraph (ii) (but before the “or”) insert –
- “(iia) being a member of the House of Lords (whether an elected member or otherwise),”,  
and
- (b) in paragraph (b) for “or holding any such office, shall vacate the seat or office” substitute “a member of the House of Lords, or the holder of an elective office, shall vacate the seat in the House of Commons or the House of Lords or the elective office”.
- (5) In section 173 (incapacities on conviction of corrupt or illegal practice) –
- (a) in subsection (1)(a) at the end of sub-paragraph (ii) (and after the “or”) insert –
- “(iia) being a member of the House of Lords (whether an elected member or otherwise), or”,
- (b) in subsection (1)(b) for “or holding any such office, shall vacate the seat or office” substitute “a member of the House of Lords, or the holder of an elective office, shall vacate the seat in the House of Commons or the House of Lords or the elective office”,
- (c) after subsection (7) insert –
- “(7A) If a person convicted of a corrupt or illegal practice is a member of the House of Lords, the person shall (in addition to being subject to the incapacities mentioned in subsection (1)(a) above) be treated as a person suspended by virtue of section 44 of the House of Lords Reform Act 2012 for the period of suspension specified in subsection (8) below.”,
- (d) in subsection (8) after “(7)” insert “and (7A)”, and
- (e) in subsection (9) for “or (7)” substitute “, (7) or (7A)”.

*Repatriation of Prisoners Act 1984 (c. 47)*

- 27 (1) Amend the Schedule to the Repatriation of Prisoners Act 1984 (operation of certain legislation in relation to the prisoner) as follows.
- (2) In paragraph 7 –
- (a) after “1981” insert “or section 32 of the House of Lords Reform Act 2012”, and
- (b) after “Commons” insert “or the House of Lords”.
- (3) In the heading immediately before paragraph 7 after “1981” insert “and the House of Lords Reform Act 2012”.

*Representation of the People Act 1985 (c. 50)*

- 28 (1) Amend the Representation of the People Act 1985 as follows.
- (2) Omit section 3 (extension of the franchise for European Parliamentary elections to peers resident outside the UK).
- (3) In section 27(2) (interpretation) for “to 3” substitute “and 2”.

*Insolvency Act 1986 (c. 45)*

- 29 (1) Amend the Insolvency Act 1986 as follows.
- (2) In section 426A (disqualification from Parliament: England and Wales) –
- (a) in subsection (1) omit paragraphs (b) and (c),
  - (b) omit subsection (4), 5
  - (c) in subsections (5) and (6) omit “or the House of Lords”, and
  - (d) in the heading for “**Parliament**” substitute “**House of Commons**”.
- (3) In section 427 (disqualification from Parliament: Scotland and Northern Ireland) –
- (a) omit subsection (1)(a), 10
  - (b) in subsection (1)(c) for “either House” substitute “that House”,
  - (c) omit subsection (3),
  - (d) in subsection (5) omit “lord of Parliament or” and “to the Speaker of the House of Lords or, as the case may be,” and
  - (e) in the heading for “**Parliament**” substitute “**House of Commons etc**”. 15

*Local Government Finance Act 1988 (c. 41)*

- 30 In section 65(7) of the Local Government Finance Act 1988 (owners and occupiers) for the words from “shall” to the end substitute “ –
- (a) in the case of a House of Commons election, is to be construed in accordance with section 24 of the Representation of the People Act 1983; 20
  - (b) in the case of an election to the House of Lords, is to be construed in accordance with provision made under section 7 of the House of Lords Reform Act 2012;
  - (c) in the case of a local government election, is to be construed in accordance with section 35 of the Representation of the People Act 1983.” 25

*Caldey Island Act 1990 (c. 44)*

- 31 In section 1(3) of the Caldey Island Act 1990 (elections) for “parliamentary polling district” substitute “polling district for the purpose of House of Commons elections”. 30

*Ministerial and other Pensions and Salaries Act 1991 (c. 5)*

- 32 (1) Amend the Ministerial and other Pensions and Salaries Act 1991 as follows.
- (2) In section 4 (grants on ceasing to hold ministerial and other offices) –
- (a) after subsection (3A) insert – 35
- “(3B) The annual amount of the salary paid to a person in respect of the office of Chairman of Committees of the House of Lords or Deputy Chairman of Committees of the House of Lords is the difference between –
- (a) the total amount paid to the person under section 7A of the Parliamentary Standards Act 2009 for the period of 12 months ending at the material time, and 40

(b)	the total amount that would have been paid to the person for that period if the determination under section 7A(3) of that Act had not provided for higher pay for members holding that office.”, and	
(b)	in subsection (6)(d) for “a salary” substitute “pay”.	5
(3)	Omit section 5 (allowances for certain office holders in House of Lords).	
(4)	Omit section 8(2) (financial provision relating to section 5 allowances).	
<i>Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)</i>		
33	In section 72(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 (restriction on use of funds for political objects) in the definition of “political office” for “member of Parliament,” substitute “Member of Parliament, elected member of the House of Lords,”.	10
<i>Disability Discrimination Act 1995 (c. 50)</i>		
34	In section 4C(5)(b) of the Disability Discrimination Act 1995 (offices to which sections 4D and 4E do not apply) after “1958,” insert “the office of an appointed member of the House of Lords,”.	15
<i>Reserve Forces Act 1996 (c. 14)</i>		
35	In section 125(a) of the Reserve Forces Act 1996 (absence for voting) after “Member of Parliament,” insert “an elected member of the House of Lords,”.	
<i>Juries (Northern Ireland) Order 1996 (S.I. 1996/1141 (N.I. 6))</i>		
36	In Schedule 3 to the Juries (Northern Ireland) Order 1996 (persons excusable from jury service as of right), for the entry relating to peers and peeresses substitute—  “Members of the House of Lords.”	20
<i>Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6))</i>		
37	In Article 72ZA(10)(b)(ii) of the Race Relations (Northern Ireland) Order 1997 (definition of “political office”) after “1958,” insert “the office of an appointed member of the House of Lords,”.	
<i>Scotland Act 1998 (c. 46)</i>		
38	(1) Amend the Scotland Act 1998 as follows.	30
	(2) In section 16(1) (disqualification from membership of Scottish Parliament) for the words from “because” to the end substitute “because the person is disqualified from being elected to the House of Commons by section 41 of the House of Lords Reform Act 2012 (temporary disqualification of former members of the House of Lords).”	35
	(3) In section 126(1) (interpretation) in the definition of “parliamentary” omit “, elections”.	
	(4) In section 127 (index) in the entry relating to ““parliamentary”” omit “, elections”.	

- (5) In Section B3 of Part 2 of Schedule 5 (reserved matters) after “House of Commons,” insert “the House of Lords,”.

*Northern Ireland Act 1998 (c. 47)*

- 39 In section 36(6) of the Northern Ireland Act 1998 (disqualification from membership of Northern Ireland Assembly) for the words from “that” to the end substitute “that the person is disqualified from being elected to the House of Commons by section 41 of the House of Lords Reform Act 2012 (temporary disqualification of former members of the House of Lords).” 5

*Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))*

- 40 In Article 20A(10)(b)(ii) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (definition of “political office”) after “1958,” insert “the office of an appointed member of the House of Lords,”. 10

*House of Lords Act 1999 (c. 34)*

- 41 The House of Lords Act 1999 is repealed.

*Representation of the People Act 2000 (c. 2)*

- 42 Omit paragraph 4 of Schedule 2 to the Representation of the People Act 2000 (which substituted section 3 of the Representation of the People Act 1985). 15

*Political Parties, Elections and Referendums Act 2000 (c. 41)*

- 43 (1) Amend the Political Parties, Elections and Referendums Act 2000 as follows.
- (2) In section 5(2) (duty of Electoral Commission to report on elections) after paragraph (a) insert— 20  
“(aa) a House of Lords election;”.
- (3) In section 7(2) (Electoral Commission to be consulted on changes to electoral law) after paragraph (e) insert—
- “(ea) an order under section 7 of the House of Lords Reform Act 2012 (power to make provision about House of Lords elections); 25  
(eb) an order under paragraph 11 of Schedule 4 to that Act (power to make provision about return of interim replacement elected members);” 30
- (4) In section 8(3) (certain powers exercisable only on the Electoral Commission’s recommendation) after paragraph (d) insert—
- “(e) the making of orders under section 7 of the House of Lords Reform Act 2012 so far as relating to the variation of any financial limit set by a previous order under that section relating to the election expenses of candidates.” 35
- (5) In section 22(2) (parties to be registered in order to field candidates at elections) after “region” (in each place) insert “or district”.
- (6) In section 54(8) (permissible donors: definition of “electoral register”) omit paragraph (c) (and the “or” before it). 40

- 
- (7) In section 64 (exemptions from weekly donation reports during general election periods) –
- (a) in subsection (1) for “covers the general election in question” substitute “–
    - (a) covers the House of Commons general election in question, and 5
    - (b) where the polling day for that election is the same as the polling day for a House of Lords election, covers that House of Lords election”, 10
  - (b) in subsections (2) to (5) for “particular general election” (in each place) substitute “particular election”, 10
  - (c) in subsection (3) –
    - (i) for “parliamentary elections” substitute “House of Commons general elections or House of Lords elections (as the case may be)”, and 15
    - (ii) for “general election in question” (in each place) substitute “election in question”,
  - (d) in subsection (9) –
    - (i) for “general election” substitute “House of Commons general election”, and 20
    - (ii) for “parliamentary election rules” substitute “House of Commons elections rules”, and
  - (e) after that subsection insert –
    - “(10) For the purposes of this section and section 65 a registered party shall be taken to have a candidate at a House of Lords election if any statement published in connection with the election under any corresponding rule contains the name of a candidate standing in the name of the party. 25
    - (11) A “corresponding rule” means any provision made by an order under section 7 of the House of Lords Reform Act 2012 (power to make provision about elections) which corresponds to the rule mentioned in subsection (9).” 30
- (8) In section 65(8) (submission of donation reports to Commission) for “Section 64(9) applies” substitute “Section 64(9) to (11) apply”.
- (9) In section 71R(1) (exemption from weekly transaction reports during general election periods) for “covers the general election in question” substitute “–
- (a) covers the House of Commons general election in question, and
  - (b) where the polling day for that election is the same as the polling day for a House of Lords election, covers that House of Lords election”. 40
- (10) In section 71S(9) (submission of transaction reports to Commission) for “section 64(9)” substitute “section 64(9) to (11)”.
- (11) In section 72(6) (campaign expenditure) at the end insert “except that it does not include an election to the House of Lords”. 45
- (12) In section 85(6) (controlled expenditure by third parties) at the end insert “except that it does not include an election to the House of Lords”.

(13) Omit section 141(b) (which amended section 3 of the Representation of the People Act 1985) (and the “and” before it).

(14) In section 143(11) (details to appear on election material) at the end of the definition of “election material” insert “except that references in that provision to a relevant election are to be read as also including an election to the House of Lords”.

(15) In paragraph 1(8) of Schedule 7 (control of donations to individuals and members associations) after paragraph (a) insert –  
“(aa) elected member of the House of Lords;”.

*House of Commons (Removal of Clergy Disqualification) Act 2001 (c. 13)* 10

44 (1) Amend the House of Commons (Removal of Clergy Disqualification) Act 2001 as follows.

(2) In section 1 (removal of clergy disqualification) omit –  
(a) subsection (2), and  
(b) subsection (3)(a) (and the “and” after it).

(3) Omit Schedule 1 (consequential amendments).

*European Parliamentary Elections Act 2002 (c. 24)*

45 (1) Amend the European Parliamentary Elections Act 2002 as follows.

(2) In section 8 (persons entitled to vote) –  
(a) in subsection (1) for “any of subsections (2) to (5)” substitute “subsection (2) or (5)”, and  
(b) omit subsections (3), (4) and (7).

(3) In section 10(2) (disqualification from membership of European Parliament) –  
(a) for paragraph (a) substitute –  
“(a) he is a member of the House of Lords;”,

(b) omit paragraph (b),  
(c) omit the “or” after paragraph (c), and  
(d) after paragraph (d) insert “, or  
(e) he is disqualified from being elected to the House of Commons by section 41 of the House of Lords Reform Act 2012 (temporary disqualification of former members of the House of Lords).”

(4) In paragraph 6(1) of Schedule 1A (periodic reviews of distribution of MEPs) in the definition of “relevant register” omit paragraph (c) (but not the “and” after it).

*Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (S.R. 2003 (N.I.) No. 497)*

46 In regulation 12(10)(b)(ii) of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 (definition of “political office”) after “1958,” insert “the office of an appointed member of the House of Lords,”.

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*Constitutional Reform Act 2005 (c. 4)*

- 47 In section 137 of the Constitutional Reform Act 2005 (parliamentary disqualification) omit subsections (3) to (5).

*Electoral Administration Act 2006 (c. 22)*

- 48 Omit paragraph 17 of Schedule 1 to the Electoral Administration Act 2006 (which amended section 3 of the Representation of the People Act 1985). 5

*Government of Wales Act 2006 (c. 32)*

- 49 In section 17(1) of the Government of Wales Act 2006 (disqualification from membership of Welsh Assembly) for the words from the second “is” to the end substitute “is disqualified from being elected to the House of Commons by section 41 of the House of Lords Reform Act 2012 (temporary disqualification of former members of the House of Lords).” 10

*Employment Equality (Age) Regulations (Northern Ireland) 2006 (S.R. 2006 (N.I.) No. 261)*

- 50 In regulation 13(10)(b)(ii) of the Employment Equality (Age) Regulations (Northern Ireland) 2006 (definition of “political office”) after “1958,” insert “the office of an appointed member of the House of Lords,”. 15

*European Parliament (House of Lords Disqualification) Regulations 2008 (S.I. 2008/1647).*

- 51 The European Parliament (House of Lords Disqualification) Regulations 2008 are revoked.

*Equality Act 2010 (c. 15)* 20

- 52 In Schedule 6 to the Equality Act 2010 (excluded offices) after paragraph 3 insert—

*“Appointed members of the House of Lords*

- 4 The office of an appointed member of the House of Lords is not a personal or public office.” 25

*Constitutional Reform and Governance Act 2010 (c. 25)*

- 53 (1) Amend the Constitutional Reform and Governance Act 2010 as follows.
- (2) In the heading to Part 4 (tax status of MPs and members of the House of Lords) omit “AND MEMBERS OF THE HOUSE OF LORDS”.
- (3) In section 41 (tax status of MPs and members of the House of Lords) omit— 30
- (a) subsections (1)(b) (and the “or” before it), (5), (6), (8)(b) (and the “and” before it) and (10), and
- (b) in the heading “**and members of the House of Lords**”.
- (4) Omit section 42 (tax status of members of the House of Lords: transitional provision). 35
- (5) Omit section 52(3)(b) (commencement of section 42).

- (6) In Schedule 5 omit paragraph 2 (which amended section 2 of the Parliamentary Standards Act 2009).

*Budget Responsibility and National Audit Act 2011 (c. 4)*

- 54 In section 12 of the Budget Responsibility and National Audit Act 2011 (status of office of Comptroller & Auditor General etc) omit subsection (3). 5

*European Union Act 2011 (c. 12)*

- 55 In section 11 of the European Union Act 2011 (persons entitled to vote in referendum) omit subsections (1)(b) and (2).

*Fixed-term Parliaments Act 2011 (c. 14)*

- 56 In section 3(3) of the Fixed-term Parliaments Act 2011 (dissolution of Parliament) for the words from “the writs” to the end substitute “– 10
- (a) the writs for the House of Commons general election sealed and issued (see rule 3 in Schedule 1 to the Representation of the People Act 1983), and
  - (b) the writs for any relevant House of Lords election sealed and issued (see section 3(4) of the House of Lords Reform Act 2012). 15
- A “relevant House of Lords election” is a House of Lords election which has the same polling day as the polling day for the general election.” 20

SCHEDULE 11

Section 53

TRANSITIONAL AND TRANSITORY PROVISION AND SAVINGS

*Section 41: restriction on former members being elected as MPs*

- 1 For the purposes of section 41 (restriction on former members being elected as MPs) a person’s membership of the House of Lords on or before the day of the first House of Lords election is to be disregarded. 25

*Section 44: expulsion and suspension*

- 2 (1) This paragraph applies in the case of a member of the House of Lords if section 44 (expulsion and suspension) comes into force after what would (apart from this paragraph) be “the relevant time” in relation to that member as determined under subsection (5) of that section. 30
- (2) In the case of that member, “the relevant time” for the purposes of section 44 means the time that section comes into force.

*Section 46: saving for pay and allowances for transitional members*

- 3 Nothing in the amendments made by section 46 (pay and allowances), or in any other provision of this Act, affects the power of the House of Lords to provide by resolution for pay or allowances for transitional members. 35

*Section 50: removal of disqualification on peers voting at elections to either House*

- 4 (1) This paragraph applies if section 50(1) (peers not disqualified from voting) comes into force before the day of the first House of Lords election.
- (2) In this paragraph –
- (a) “relevant peer” means a peer who, immediately before the coming into force of section 50(1), is by virtue of that peerage disqualified from voting at elections to the House of Commons, and 5
- (b) “interim period” means the period beginning with the day on which that provision comes into force and ending immediately before the day of the first House of Lords election. 10
- (3) Section 50(1) does not remove the disqualification of a relevant peer from voting as an elector –
- (a) at an intervening House of Commons election,
- (b) at an intervening election to the European Parliament by virtue of section 8(2) of the European Parliamentary Elections Act 2002 (entitlement to vote as a parliamentary elector), or 15
- (c) at an intervening referendum under the European Union Act 2011 by virtue of section 11(1)(a) of that Act (entitlement to vote as a parliamentary elector).
- (4) An “intervening” election or referendum is an election or referendum the day of the poll for which occurs during the interim period. 20
- (5) In relation to a relevant peer, any disqualification which is preserved by subparagraph (3) is to be disregarded for the purposes of –
- (a) section 4(1)(b) of the Representation of the People Act 1983 (entitlement to be registered as a parliamentary elector), and 25
- (b) section 1(1)(b)(i) of the Representation of the People Act 1985 (entitlement to vote as an overseas elector) in so far as that provision relates to legal incapacity to vote on the relevant date (within the meaning of that section).
- 5 (1) In relation to a relevant peer, sections 1 and 2 of the Representation of the People Act 1985 (conditions as to qualification as an overseas elector) have effect with the following modifications. 30
- (2) In section 1(3) and (4)(b) any reference to a register of parliamentary electors includes –
- (a) any register of local government electors in Great Britain, and 35
- (b) any register of local electors in Northern Ireland,  
which was required to be published on any date before the day on which section 50(1) comes into force.
- (3) In section 1 after subsection (4) insert –
- “(4A) The third set of conditions is that – 40
- (a) he was last resident in the United Kingdom at a time before the day on which section 50(1) of the House of Lords Reform Act 2012 comes into force and within the period of 15 years ending immediately before the relevant date,
- (b) he was by reason only of being the holder of a peerage incapable of being included in any register of parliamentary 45

- electors in force on the last day on which he was resident in the United Kingdom, and
- (c) the address at which he was resident on that day was at a place that is situated within the constituency concerned.”
- (4) In section 2(4) – 5
- (a) omit the “and” after paragraph (b),
- (b) after paragraph (c) insert “and
- (d) in the case of the third set of conditions, specify the address in the United Kingdom at which he was resident,”, and 10
- (c) for “either set” substitute “any set”.
- (5) “Relevant peer” has the same meaning as in paragraph 4.

*Section 50: removal of disqualification on peers being elected as members of either House*

- 6 (1) This paragraph applies if section 50(2) (peers not disqualified from membership of either House of Parliament) comes into force before the day of the first House of Lords election. 15
- (2) In this paragraph “relevant peer” means a peer who, immediately before the coming into force of section 50(2), is by virtue of that peerage disqualified from membership of the House of Commons.
- (3) Section 50(2) does not remove the disqualification of a relevant peer from membership of the House of Commons as a result of being elected at a House of Commons election the day of the poll for which occurs before the day of the first House of Lords election. 20

*Schedule 5: former House of Lords Appointments Commission*

- 7 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities), the entry for the Appointments Commission includes a reference to the body known as The House of Lords Appointments Commission which was established before this Act was passed. 25

*Schedule 8: Police Service of Scotland* 30

- 8 At any time before the coming into force of section 6 of the Police and Fire Reform (Scotland) Act 2012 (establishment of the Police Service of Scotland), paragraph 6(b) of Schedule 8 is to be read as a reference to a police force within the meaning of the Police (Scotland) Act 1967.

*Schedule 9: consultation provisions relating to pay and allowances* 35

- 9 (1) This paragraph applies in relation to –
- (a) IPSA’s first determination under section 9A(1) and (5) of the PSA 2009 of procedures relating to members of the House of Lords;
- (b) the first guidance and the first scheme prepared by IPSA under paragraph 2 of Schedule 4 to that Act in relation to members of the House of Lords; 40
- (c) the first specification of matters by IPSA under paragraph 8 of that Schedule in relation to members of the House of Lords;

- (d) the first guidance prepared by IPSA under paragraph 9 of that Schedule in relation to members of the House of Lords.
- (2) Section 9A(6) of that Act applies as if paragraphs (a) to (c) were omitted.
- 10 The amendments made to section 9A(6) of the PSA 2009 by paragraph 7(3) of Schedule 9 do not affect the validity of anything which – 5
- (a) has been determined, specified or prepared under that section or any of the other provisions of that Act to which section 9A(6) is relevant, and
- (b) has effect immediately before those amendments come into force for the purpose of the provision in question. 10
- 11 The amendments made to paragraph 27(2) of Schedule 1 to the PSA 2009 by paragraph 12(10) of Schedule 9 do not affect the validity of the publication scheme which –
- (a) has been adopted by IPSA under section 19 of the Freedom of Information Act 2000, and 15
- (b) has effect immediately before those amendments come into force.

*Schedule 9: membership of IPSA and the Speakers' Committee for IPSA*

- 12 (1) The amendments made to Schedule 1 to the PSA 2009 by paragraph 12(2) to (4) of Schedule 9 do not affect a person holding office as a member of IPSA by virtue of an appointment made before the amendments come into force. 20
- (2) The amendments made to Schedule 3 to the PSA 2009 by paragraph 14 of Schedule 9 do not affect a person holding office as a member of the Speakers' Committee for IPSA by virtue of an appointment made under paragraph 1(e) of that Schedule before the amendments come into force.

*Schedule 10: saving in relation to the Bishops Acts 1878* 25

- 13 The repeal of the Bishops Act 1878 by paragraph 17 of Schedule 10 does not affect the continued operation in relation to that Act of the saving at the end of Part 2 of Schedule 1 to the Statute Law Repeals Act 1973 (which continues in force Orders in Council and schemes made under certain repealed Acts or Church Assembly Measures). 30

*Schedule 10: donations and loans etc to elected members*

- 14 (1) Sub-paragraph (2) applies if paragraph 15A of Schedule 7 to the PPERA 2000 (which is inserted by section 59(3) of the EAA 2006) has been brought into force in relation to the holders of all relevant elective offices before paragraph 43(15) of Schedule 10 (which adds elected members to the definition of "relevant elective office" in Schedule 7 to the PPERA 2000) comes into force. 35
- (2) The Minister must not make an order under section 59 bringing paragraph 43(15) of Schedule 10 into force for the purposes of paragraph 15A of Schedule 7 to the PPERA 2000 unless the Minister is informed by the Electoral Commission that they are satisfied that they will receive the information mentioned in paragraph 15A(2) of that Schedule in relation to elected members of the House of Lords. 40

- (3) If paragraph 15A of Schedule 7 to the PPERA 2000 has not been brought into force in relation to the holders of all relevant elective offices before paragraph 43(15) of Schedule 10 comes into force, section 59(4) of the EAA 2006 applies to the bringing into force of paragraph 15A of Schedule 7 to the PPERA 2000 in relation to elected members of the House of Lords. 5
- (4) In this paragraph “relevant elective office” is to be construed in accordance with Schedule 7 to the PPERA 2000.
- 15 (1) Sub-paragraph (2) applies if paragraph 16 of Schedule 7A to the PPERA 2000 (which is inserted by paragraph 99 of Schedule 1 to the EAA 2006) has been brought into force in relation to the holders of all relevant elective offices before paragraph 43(15) of Schedule 10 (which adds elected members to the definition of “relevant elective office” which applies in Schedule 7A to the PPERA 2000) comes into force. 10
- (2) The Minister must not make an order under section 59 bringing paragraph 43(15) of Schedule 10 into force for the purposes of paragraph 16 of Schedule 7A to the PPERA 2000 unless the Minister is informed by the Electoral Commission that they are satisfied that they will receive the information mentioned in paragraph 16(3) of that Schedule in relation to elected members of the House of Lords. 15
- (3) If paragraph 16 of Schedule 7A to the PPERA 2000 has not been brought into force in relation to the holders of all relevant elective offices before paragraph 43(15) of Schedule 10 comes into force, paragraph 102(1) of Schedule 1 to the EAA 2006 applies to the bringing into force of paragraph 16 of Schedule 7A to the PPERA 2000 in relation to elected members of the House of Lords. 20
- (4) In this paragraph “relevant elective office” has the same meaning as in paragraph 14. 25

*Schedule 10: tax status of members of the House of Lords*

- 16 (1) The amendments made by paragraphs 53(2) and (3) of Schedule 10 apply – 30
- (a) where the first meeting of the House of Lords in the first electoral period (“the first meeting”) takes place on the first day of a tax year, in relation to that tax year and subsequent tax years, and
- (b) otherwise, in relation to tax years after the tax year in which the first meeting takes place.
- (2) Where those amendments apply as mentioned in sub-paragraph (1)(b) – 35
- (a) in applying section 41 of the Constitutional Reform and Governance Act 2010 to the tax year in which the first meeting takes place, a person’s membership of the House of Lords after the dissolution of the last Parliament before the first House of Lords election is to be disregarded, and 40
- (b) in applying section 48 to that tax year, a person’s membership of the House of Lords on or before the day of the first House of Lords election is to be disregarded.
- (3) “Tax year” has the same meaning as in section 48.

*General*

- 17 Nothing in any provision of this Act affects the validity of anything begun before the provision comes into force (for any purpose) and completed afterwards.

*Interpretation*

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- 18 In this Schedule –  
“the EAA 2006” means the Electoral Administration Act 2006;  
“the PPERA 2000” means the Political Parties, Elections and Referendums Act 2000;  
“the PSA 2009” means the Parliamentary Standards Act 2009.

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# House of Lords Reform Bill

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## B I L L

To make provision about the membership of the House of Lords; to make provision about the disclaimer of life peerages; to abolish the jurisdiction of the House of Lords in relation to peerage claims; to make other provision relating to peerage; and for connected purposes.

*Presented by The Deputy Prime Minister,  
supported by The Prime Minister,  
Secretary William Hague,  
Mr Chancellor of the Exchequer,  
Secretary Kenneth Clarke, Mr Secretary Moore,  
Danny Alexander, Sir George Young and  
Mr Mark Harper.*

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*Ordered, by The House of Commons,  
to be Printed, 27 June 2012.*

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