

House of Lords (Cessation of Membership) Bill

[HL]

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Make provision for peers to cease to be members of the House of Lords by way of retirement or in the event of non-attendance or criminal conviction.

BE 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:—

1 Retirement

- (1) A peer may retire as a member of the House of Lords by giving notice in writing to the Clerk of the Parliaments.
- (2) The notice must specify a date from which the retirement is to take effect.
- (3) At the beginning of that date the peer ceases to be a member of the House of Lords. 5
- (4) Retirement may not be rescinded.

2 Non-attendance

- (1) A peer who does not attend the House of Lords during a Session ceases to be a member of the House at the end of the Session (subject to subsections (2) and (3)). 10
- (2) Subsection (1) does not apply —
 - (a) to a peer who has leave of absence in respect of the Session, in accordance with Standing Orders of the House, or
 - (b) in respect of a Session that is less than six months long. 15
- (3) Subsection (1) is to be taken to apply to a peer in respect of a Session if, and only if, the Lord Speaker certifies that the peer —
 - (a) did not attend at any time during the Session, having regard to attendance records kept by officials of the House, and
 - (b) did not have leave of absence in respect of the Session. 20

- (4) In this section a reference to attendance is a reference to attending the proceedings of the House (including proceedings in a Committee of the House or a Joint Committee of the two Houses).
- (5) This section applies in respect of the first Session beginning after Royal Assent, and later Sessions. 5

3 Conviction of serious offence

- (1) A peer who is convicted of a serious offence ceases to be a member of the House of Lords (subject to subsections (2) to (5)).
- (2) A peer is to be treated as having been convicted of a serious offence if, and only if, the Lord Speaker certifies that the peer has been— 10
- (a) convicted of a criminal offence by a court in the United Kingdom or elsewhere, and
 - (b) sentenced or ordered to be imprisoned or detained indefinitely or for more than one year.
- (3) A certificate takes effect on the day on which it is issued. 15
- (4) If the Lord Speaker decides that subsection (2)(a) and (b) no longer apply to a peer by reason of a successful appeal against or challenge to conviction or sentence—
- (a) the Lord Speaker must issue a further certificate to that effect, and
 - (b) the original certificate under subsection (2) shall be treated for the purposes of this Act as never having had effect. 20
- (5) The Lord Speaker shall not issue a certificate under subsection (2) in respect of a conviction outside the United Kingdom if the House of Lords resolves that subsection (1) should not apply to the conviction by reason of special circumstances. 25

4 Effect of ceasing to be a member

- (1) This section applies where a peer (whether life or hereditary) ceases to be a member of the House of Lords in accordance with this Act.
- (2) The peer becomes disqualified from attending the House of Lords (which includes sitting and voting in the House, and attending proceedings in any Committee of the House or Joint Committee of the two Houses). 30
- (3) Accordingly, the peer shall not receive a writ to attend the House (whether under section 1 of the Life Peerages Act 1958 or by virtue of a hereditary peerage; and a hereditary peer ceases to be excepted from exclusion under section 2 of the House of Lords Act 1999); and the peer may not attend the House in pursuance of a writ already received. 35
- (4) The peer is not, by virtue of being a peer, disqualified for—
- (a) voting at elections to the House of Commons, or
 - (b) being, or being elected as, a member of that House.

5 Certificate of Lord Speaker

- (1) A certificate of the Lord Speaker under this Act shall be conclusive for all purposes, and shall not be questioned in a court of law. 40

(2) A certificate may be issued on the Lord Speaker's own initiative.

6 Commencement

This Act comes into force on Royal Assent.

7 Extent

This Act extends to the United Kingdom.

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8 Short title

This Act may be cited as the House of Lords (Cessation of Membership) Act 2012.

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To make provision for peers to cease to be members of the House of Lords by way of retirement or in the event of non-attendance or criminal conviction.

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Enquiries to The National Archives, Kew, Richmond, Surrey, TW9 4DU;

email: psi@nationalarchives.gsi.gov.uk

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