HOUSE OF LORDS REFORM (NO. 2) BILL

Dan Byles

Clause 1, page 1, line 2, after ‘A’ insert ‘member of the House of Lords who is a’.

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Clause 1, page 1, line 2, after ‘or’ insert ‘otherwise’.

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Clause 1, page 1, line 5, leave out ‘retirement or’.

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Clause 1, page 1, line 10, leave out ‘Retirement or resignation’ and insert ‘Resignation’.

Clause, as amended, agreed to.

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Clause 2, page 1, line 12, leave out ‘peer who’ and insert ‘member of the House of Lords who is a peer and’.

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Clause 2, page 1, line 14, leave out ‘Subsection (1) applies’ and insert ‘A peer “does not attend the House of Lords during a Session”’.

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Clause 2, page 1, line 15, leave out ‘did not attend at any time during the Session’ and insert ‘at no time during the Session attended the House’.
Clause 2, page 1, line 18, at end insert—

Subsection (1) does not apply to a peer in respect of attendance during a Session if—

(a) the peer was disqualified from sitting or voting in the House, or suspended from its service, for the whole of the Session, or

(b) the House resolves that subsection (1) should not apply to the peer by reason of special circumstances.

Clause 2, page 1, line 19, after ‘of’ insert ‘attendance during’.

Clause 2, page 2, line 4, leave out ‘from’ and insert ‘in respect of attendance during’.

Clause 2, page 2, line 4, at end insert ‘and subsequent Sessions’.

Clause 3, page 2, line 8, leave out ‘is to be treated as having been convicted of a serious offence’ and insert ‘“is convicted of a serious offence”’.

Clause 3, page 2, line 9, after ‘person’ insert ‘, while a member of the House of Lords,’.

Clause 3, page 2, line 13, leave out subsection (3) and insert—

Subsection (1) does not apply to an offence committed on or after the day on which this section comes into force.

Subsection (2) does not apply to a peer in respect of attendance during a Session if—

(a) the peer was disqualified from sitting or voting in the House, or suspended from its service, for the whole of the Session, or

(b) the House resolves that subsection (1) should not apply to the peer by reason of special circumstances.
Clause 3, page 2, line 17, at end insert—

‘( ) The reference in subsection (2) to a person being sentenced or ordered to be
imprisoned or detained indefinitely or for more than one year does not include
such a sentence or order where the sentence or order is suspended.’.

Clause 3, page 2, line 18, leave out ‘takes effect on the day on which’ and insert
‘under subsection (2) takes effect when’.

Clause 3, page 2, line 19, leave out from ‘If’ to end of line 21 and insert ‘a person
who has ceased to be a member of the House of Lords in accordance with this section is
successful on appeal—’.

Clause 3, page 2, line 23, at beginning insert ‘on the issue of that certificate,’.

Clause 3, page 2, line 24, at end insert—

‘( ) A person who has ceased to be a member of the House of Lords in accordance
with this section “is successful on appeal” if, and only if, the Lord Speaker
certifies that—

(a) the conviction certified under subsection (2)(a) has been quashed, or
(b) the sentence or order certified under subsection (2)(b) has been—

(i) varied so that it is no longer a sentence or order that the person
be imprisoned or detained indefinitely or for more than one year
within the meaning of subsection (2)(b), or
(ii) replaced with another sentence or order that is not a sentence or
order that the person be so imprisoned or detained.’.

Clause, as amended, agreed to.

Clause 4, page 2, line 33, after ‘not’ insert ‘be entitled to’.

Clause 4, page 2, line 34, after ‘Life Peerages Act 1958,’ insert ‘by virtue of the
dignity conferred by virtue of appointment as a Lord of Appeal in Ordinary,’.

Clause 4, page 2, line 37, leave out subsection (4) and insert—
‘(4) If the person is a hereditary peer who is excepted from section 1 of the House of Lords Act 1999 by virtue of section 2 of that Act, the person ceases to be excepted from section 1 of that Act (and accordingly section 3 of that Act applies (removal of disqualification on voting in parliamentary elections or being an MP)).’.

Clause 4, page 2, line 39, leave out from beginning to ‘disqualified’ and insert ‘If the person is a peer other than a hereditary peer, the person is not, by virtue of that peerage,’.

‘( ) In relation to a peer who ceases to be a member of the House of Lords in accordance with this Act, any reference in section 1(3) or (4)(b) of the Representation of the People Act 1985 to a register of parliamentary electors is to be read as including—

(a) any register of local government electors in Great Britain, and
(b) any register of local electors in Northern Ireland, which was required to be published on any date before the date on which the peer ceased to be a member.’.

‘( ) The Standing Orders of the House required by section 2(4) of the House of Lords Act 1999 (filling of vacancies) must make provision requiring the holding of a by-election to fill any vacancy which arises under this Act among the people excepted from section 1 of that Act in consequence of an election.’

‘( ) Subject to section 3(5), a person who ceases to be a member of the House of Lords in accordance with this Act may not subsequently become a member of that House.’

Clause, as amended, agreed to.

Clause 5, page 3, line 3, leave out ‘, and shall not be questioned in a court of law’.

Clause, as amended, agreed to.

Clause 6 agreed to.
NEW CLAUSE

Interpretation

Dan Byles

To move the following Clause:—

‘(1) For the purposes of this Act a person is a member of the House of Lords if the person is entitled to receive writs of summons to attend that House.

(2) In determining whether a person is so entitled, ignore—

(a) section 2 of the Forfeiture Act 1870 (disqualification on conviction of treason);

(b) sections 426A and 427 of the Insolvency Act 1986 (disqualification on insolvency);

(c) regulation 4 of the European Parliament (House of Lords Disqualification) Regulations 2008 (S.I. 2008/1647) (disqualification where MEP).

(3) In this Act “peer” includes a person upon whom a dignity has been conferred by virtue of appointment as a Lord of Appeal in Ordinary.’.

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Title, line 1, leave out ‘retirement’ and insert ‘resignation’.

Agreed to 28

Bill, as amended, to be reported.