

# HEREDITARY TITLES (FEMALE SUCCESSION) BILL

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Hereditary Titles (Female Succession) Bill as introduced to the House of Commons on 6 December 2023 [Bill 36].

- These Explanatory Notes have been prepared by Harriett Baldwin MP, the Member in charge of the Bill, in order to assist the reader. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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## Overview of the Bill

1. The Bill provides that succession to a hereditary peerage does not depend on sex. It would end the system of male preference primogeniture under which a younger son displaces an elder daughter in the line of succession to a hereditary peerage. This would enable women to succeed to hereditary peerages and therefore become eligible to stand in by-elections for membership of the House of Lords when there is a vacancy in the 92 places reserved for hereditary peers.
2. The Act would not apply where a son who is living at the time at which the Act comes into force stands to inherit the title.

## Policy background

3. The Succession to the Crown Act (2013) amended the provisions of the Bill of Rights and the Act of Settlement to end the system of male primogeniture, under which a younger son can displace an elder daughter in the line of succession to the Crown. This Bill seeks to extend this principle to hereditary peerages, with certain exemptions spelled out on the face of the Bill. This Bill would ensure that, over future generations, the 92 Hereditary places in the House of Lords would move from being almost exclusively male to being equally likely to be held by peers of either sex.

## Territorial extent and application

4. The Act extends to the whole of the United Kingdom.

# Commentary on provisions of Bill

## Clause 1: Succession to hereditary peerage not to depend on sex

5. Subsection (1) provides that succession to hereditary peerages does not depend on sex.
6. Subsection (2) provides for an exception in cases where a son who is living at the time at which the Act comes into force stands to inherit the title.

## Clause 2: Acts of Parliament, entails and trusts settling property

7. This clause provides that the Bill does not affect any Act of Parliament, settlement, will, deed, agreement or other instrument that settles land or other property upon a person or a series of persons.

## Clause 3: Interpretation

8. This clause defines the term “hereditary peerage” for the purposes of this Bill. It provides that the term includes any hereditary peerage whose holder can be exempted from section 1 of the House of Lords Act 1999 by virtue of section 2 of that Act, which makes provision for by-elections to be held to fill vacancies arising in the places reserved for hereditary peers.

## Clause 4: Application of this Act

9. This clause provides that this Bill does not affect—
  - the succession to the Crown or any other peerages or titles held by His Majesty;
  - the succession to the Duchy of Cornwall or the Dukedom of Rothesay and the Principality and Great Stewardship of Scotland Bill or any other dignities or offices and things whatsoever held by the heir to the Crown, or
  - the succession to any hereditary peerage before the provisions of the Bill come into force.

## Clause 5: Extent, commencement and short title

10. This clause provides that—
  - the Bill extends to the whole of the United Kingdom;
  - the Bill comes into force on a day appointed by the Lord Chancellor by regulations;
  - the short title of the Bill will be the Hereditary Titles (Female Succession) Bill once it becomes an Act.



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