

Hereditary Peerages (Succession) Bill [HL]

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Enable the succession of female heirs to hereditary peerages; and for connected purposes.

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 Female heirs to be eligible to succeed to hereditary peerages

Any hereditary peerage (“hereditary peerage”) in the peerage of England, Scotland, Great Britain or the United Kingdom (whatever the terms of the letters patent, Act of Parliament or other instrument, if any, creating, or determining the succession of, that peerage) may be succeeded by a female heir provided that the requirements of section 2 have been fulfilled.

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2 Requirements for succession by female heirs

The requirements of this section are that—

- (a) the incumbent of an hereditary peerage (“the incumbent”) has, in accordance with the requirements of section 3, petitioned the Lord Chancellor in writing for a certificate establishing future succession;
- (b) a certificate has been issued in accordance with section 4; and
- (c) any female heir succeeding to that hereditary peerage—
 - (i) has attained the age of 21 years; and
 - (ii) has satisfied the Lord Chancellor that she is the oldest surviving child legitimately born to the incumbent.

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3 Petition by the incumbent

- (1) An incumbent may petition the Lord Chancellor for a certificate under section 2 provided that he has—
 - (a) taken all reasonable steps to discuss his intention to present such a petition with any legitimate children he has; and
 - (b) sent a draft of such a petition to any such children.

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- (2) A petition under section 2 must be accompanied by –
- (a) a declaration by the incumbent of his wish to be succeeded by any female heir who would be eligible to succeed under that section;
 - (b) documentation to establish any female heir’s right to succeed to the peerage in accordance with the provisions of section 2 and a declaration of that female heir’s right to succeed to the peerage made by someone who is well acquainted with the incumbent and his family; and 5
 - (c) where the incumbent also has a son or sons, evidence that reasonable efforts have been made to inform the son or sons of the petition and to provide the son or sons with a copy of the petition and associated documents prior to its submission. 10
- (3) Any document or declaration under subsection (2) shall be endorsed by a solicitor, Justice of the Peace or a Notary Public.

4 Processing of petitions

- (1) Within one week of receipt of a petition under section 2, the Lord Chancellor shall publish the name of the petitioner and the details of the hereditary peerage that is the subject of the petition. 15
- (2) Any legitimate child of the incumbent of that peerage may lodge an objection (“an objection”) in response to that petition within 3 months of its publication.
- (3) An objection must – 20
- (a) set out the reasons for the objection; and
 - (b) provide any available documentary evidence to support the objection, including, if desired, a declaration made by someone who is well acquainted with the incumbent and his or her family, before a solicitor, Justice of the Peace or a Notary Public. 25
- (4) In considering an objection the Lord Chancellor –
- (a) may invite the persons who submitted the petition and objection or objections, and any person appointed by them to represent them, to appear in person or to submit further supporting documentation; and
 - (b) shall have regard to whether it would be grossly inequitable to allow the provisions of section 1 to apply to the peerage in question, and in particular to – 30
 - (i) the financial consequences of so doing for the child making the objection; and
 - (ii) whether or not the succession had previously been promised to the child making the objection. 35
- (5) The Lord Chancellor shall publish his decision in the case of an objection and give his reasons not later than 12 weeks after it is lodged.
- (6) Where the Lord Chancellor is satisfied that all of the conditions of section 2 have been met and no objection has been lodged under this section, or any such objection has not been upheld, the Lord Chancellor shall issue a certificate to that effect. 40
- (7) Where the Lord Chancellor upholds an objection, succession shall continue according to the letters patent, Act of Parliament or other instrument, if any, creating, or determining the succession of, that peerage. 45

- (8) In the event that an incumbent dies after a petition has been submitted, the hereditary peerage shall be vacant until the Lord Chancellor has issued a certificate or upheld an objection under this Act.
- (9) A decision by the Lord Chancellor under this section is conclusive.

5 Effects of succession under this Act

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A woman who is, under the provisions of this Act, the holder of an hereditary peerage in the peerage of England, Scotland, Great Britain or the United Kingdom shall (whatever the terms of the letters patent, Act of Parliament or other instrument, if any, creating, or determining the succession of, that peerage) shall –

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- (a) have the same right to receive writs of summons to attend the House of Lords, and to sit and vote in that House, as a man holding that peerage;
- (b) be subject to the same disqualifications in respect of membership of the House of Commons and elections to that House as a man holding that peerage; and
- (c) have all right or interest to or in the peerage, and all titles, rights offices, privileges and precedence attaching thereto, and any right, interest or power (whether arising before or after succession in accordance with the provisions of this Act) in or over any estates or other property limited or settled to devolve with that peerage.

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6 Succession: further provision

- (1) Where a female heir succeeds to a hereditary peerage under the provisions of this Act –
- (a) succession shall proceed thereafter as though section 1 applies to that peerage, and
- (b) the provisions of section 2 shall not apply, provided that any female heir succeeding to the peerage meets the requirements of section 2(c).
- (2) Nothing in this Act shall accelerate the succession to any hereditary peerage.
- (3) Where an incumbent holds more than one hereditary peerage the provisions of this Act shall apply separately to each such peerage.

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7 Short title, commencement etc

- (1) This Act may be cited as the Hereditary Peerages (Succession) Act 2012.
- (2) This Act shall come into force on the day on which it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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To enable the succession of female heirs to hereditary peerages; and for connected purposes.

Lord Lucas

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