

# Equality (Titles) Bill [HL]

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**B I L L**

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Make provision for the succession of female heirs to hereditary titles; for husbands and civil partners of those receiving honours to be allowed to use equivalent honorary titles to those available to wives; 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:—

**1 Female heirs to be eligible to succeed to hereditary peerages or hereditary titles**

Any 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) (“hereditary peerage”) or hereditary title may be succeeded by a female heir provided 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 a hereditary peerage or hereditary title (“the incumbent”) has, in accordance with the requirements of section 3, petitioned the Lord Chancellor in writing for a certificate establishing future succession; 10
- (b) a certificate has been issued in accordance with section 4; and
- (c) any female heir succeeding to that hereditary peerage or hereditary title— 15
  - (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.

### 3 Petition by the incumbent

- (1) An incumbent may petition the Lord Chancellor for a certificate under section 2 provided that he has taken all reasonable steps –
  - (a) to discuss his intention to present such a petition with any legitimate children he has; and 5
  - (b) sent a draft of such a petition to any such children.
- (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 or title in accordance with the provisions of section 2 and a declaration of that female heir’s right to succeed to the peerage or title made by someone who is well acquainted with the incumbent and his family; and 10
  - (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 submissions. 15
- (3) Any document or declaration under subsection (2) shall be endorsed by a solicitor, Justice of the Peace or a Notary Public. 20

### 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 or hereditary title that is the subject of the petition.
- (2) Any legitimate child of the incumbent of that peerage or title may lodge an objection (“an objection”) in response to that petition within three months of its publication. 25
- (3) An objection must –
  - (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. 30
- (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 35
  - (b) shall have regard to whether it would be grossly inequitable to allow the provisions of section 1 to apply to the peerage or title in question, and in particular to – 40
    - (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.
- (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. 45

- (6) Where the Lord Chancellor is satisfied that all the conditions of section 2 have been met and no objection has been lodged under section 3, or any such objection has not been upheld, the Lord Chancellor shall issue a certificate to that effect.
- (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 or title. 5
- (8) In the event that an incumbent dies after a petition has been submitted, the hereditary peerage or title shall be vacant until the Lord Chancellor has issued a certificate or upheld an objection under this Act. 10
- (9) A decision by the Lord Chancellor under this section is conclusive.

## 5 Effects of hereditary peerage succession under this Act

A woman who is, under the provisions of this Act, the holder of a 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) – 15

- (a) have the same right to receive writ 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; 20
- (c) have all right or interest to or in the peerage, and all titles, rights, offices, privileges and precedence attaching thereto; and
- (d) have 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. 25

## 6 Effects of hereditary title succession under this Act

A woman who is, under the provisions of this Act, the holder of a hereditary title shall – 30

- (a) have all right or interest to or in the title, and all rights, offices, privileges and precedence attaching thereto; and
- (b) have 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 title. 35

## 7 Succession: further provision

- (1) Where a female heir succeeds to a hereditary peerage or hereditary title under the provisions of this Act –
- (a) succession shall proceed thereafter as though section 1 applies to that peerage or title, and 40
- (b) the provisions of section 2 shall not apply, provided that any female heir succeeding to the peerage or title meets the requirements of section 2(c).

- (2) Nothing in this Act shall accelerate the succession to any hereditary peerage or hereditary title.
- (3) Where an incumbent holds more than one hereditary peerage or hereditary title, the provisions of this Act shall apply separately to each such peerage or title.

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## 8 Provision for special remainder

- (1) An incumbent may apply to the Lord Chancellor for a special remainder.
- (2) Special remainders under subsection (1) may be granted for the hereditary peerage or hereditary title to not be passed to the eldest child but to the eldest son.
- (3) Special remainders under this section may only be applied by the incumbent on the date on which this Act is passed.  
Future holders of a hereditary peerage or hereditary title may not apply for a special remainder under this section.

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## 9 Entitlement of husband of women holding certain titles to the title “The Honourable”

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Any man who is, or who has been at any time (before or after the passing of this Act) the husband of any woman who holds a title as a peer, baronetess or dame shall be entitled to use the courtesy title “The Honourable”.

## 10 Entitlement of civil partner of man or woman holding certain titles to the title “The Honourable”

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Any person who is, or who has been at any time (before or after the passing of this Act) the civil partner of any man or woman who holds a title as a peer, baronet, baronetess, knight or dame shall be entitled to use the courtesy title “The Honourable”.

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## 11 Interpretation

In this Act—

- “hereditary titles” refer to baronet, baronetess and any other hereditary title within the United Kingdom;
- references to a “peer”, “baronet”, “baronetess”, “knight” or “dame” are references to peerage and other titles conferred within the United Kingdom or of any of its constituent parts or a title within the peerage of Ireland;
- “husband” and “civil partner” refer to husbands or civil partners recognised under the law of any part of the United Kingdom.

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## 12 Short title, commencement and extent

- (1) This Act may be cited as the Equality (Titles) Act 2013.
- (2) This Act shall come into force on the day on which it is passed.
- (3) This Act extends to the United Kingdom.

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To make provision for the succession of female heirs to hereditary titles; for husbands and civil partners of those receiving honours to be allowed to use equivalent honorary titles to those available to wives; and for connected purposes.

*Lord Lucas*

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