

House of Lords Reform (No. 2) Bill

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TO

Make provision for resignation from the House of Lords; and to make provision for the expulsion of Members of the House of Lords in specified circumstances.

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 Resignation

- (1) A member of the House of Lords who is a peer may retire or otherwise resign as a member of the House of Lords by giving notice in writing to the Clerk of the Parliaments.
- (2) The notice must — 5
 - (a) specify a date from which the resignation is to take effect, and
 - (b) be signed by the peer and by a witness.
- (3) At the beginning of that date the peer ceases to be a member of the House of Lords.
- (4) Resignation may not be rescinded. 10

2 Non-attendance

- (1) A member of the House of Lords who is a peer and does not attend the House of Lords during a Session ceases to be a member of the House at the beginning of the following Session.
- (2) A peer “does not attend the House of Lords during a Session” if, and only if, the Lord Speaker certifies that the peer — 15
 - (a) at no time during the Session attended the House, having regard to attendance records kept by officials of the House, and
 - (b) did not have leave of absence in respect of the Session, in accordance with Standing Orders of the House. 20

- (3) 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. 5
- (4) Subsection (1) does not apply in respect of attendance during a Session that is less than six months long.
- (5) In this section a reference to attendance is a reference to attending the proceedings of the House (including the proceedings of a Committee of the House). 10
- (6) This section applies in respect of attendance during the first Session to begin after its coming into force and subsequent Sessions.

3 Conviction of serious offence

- (1) A member of the House of Lords who is convicted of a serious offence ceases to be a member of the House of Lords. 15
- (2) A person “is convicted of a serious offence” if, and only if, the Lord Speaker certifies that the person, while a member of the House of Lords, has been –
- (a) convicted of a criminal offence, and
 - (b) sentenced or ordered to be imprisoned or detained indefinitely or for more than one year. 20
- (3) It is irrelevant for the purposes of subsection (2) –
- (a) whether the offence is committed at a time when the person is a member of the House of Lords;
 - (b) whether any of the offence, conviction, sentence, order, imprisonment or detention occurs in the United Kingdom or elsewhere; (but see subsection (9)). 25
- (4) The reference in subsection (2) to an offence is only to an offence committed on or after the day on which this section comes into force.
- (5) 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. 30
- (6) A certificate under subsection (2) takes effect when it is issued.
- (7) If a person who has ceased to be a member of the House of Lords in accordance with this section is successful on appeal – 35
- (a) the Lord Speaker must issue a further certificate to that effect, and
 - (b) on the issue of that certificate, the original certificate under subsection (2) shall be treated for the purposes of this Act as never having had effect.
- (8) 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 – 40
- (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. 5
 - (9) A certificate under subsection (2) in respect of a conviction outside the United Kingdom may be issued only if the House of Lords resolves that subsection (1) should apply; and where the House does so resolve the Lord Speaker must issue the certificate.
- 4 Effect of ceasing to be a member 10**
- (1) This section applies where a person ceases to be a member of the House of Lords in accordance with this Act.
 - (2) The person becomes disqualified from attending the proceedings of the House of Lords (including the proceedings of a Committee of the House).
 - (3) Accordingly, the person shall not be entitled to receive a writ to attend the House (whether under section 1 of the Life Peerages Act 1958, by virtue of the dignity conferred by virtue of appointment as a Lord of Appeal in Ordinary, by virtue of a hereditary peerage or as a Lord Spiritual) and may not attend the House in pursuance of a writ already received. 15
 - (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)). 20
 - (5) If the person is a peer other than a hereditary peer, the person is not, by virtue of that peerage, disqualified for –
 - (a) voting at elections to the House of Commons, or
 - (b) being, or being elected as, a member of that House. 25
 - (6) 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, 30
 which was required to be published on any date before the date on which the peer ceased to be a member. 35
 - (7) 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. 40
 - (8) Subject to section 3(7), 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.

5 Certificate of Lord Speaker

- (1) A certificate of the Lord Speaker under this Act shall be conclusive for all purposes.
- (2) A certificate may be issued on the Lord Speaker's own initiative.

6 Interpretation

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- (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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7 Short title, commencement and extent

- (1) This Act may be cited as the House of Lords Reform Act 2014.
- (2) Sections 1 and 2 of this Act shall come into force at the end of the period of three months beginning with the day on which this Act is passed.
- (3) The remaining provisions of this Act shall come into force on the day on which this Act is passed.
- (4) This Act extends to England and Wales, Scotland and Northern Ireland.

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