

HOUSE OF LORDS

(EXPULSION AND SUSPENSION) BILL [HL]

EXPLANATORY NOTES

Introduction

1. These explanatory notes relate to the House of Lords (Expulsion and Suspension) Bill [HL] introduced on 5th June 2014. They have been prepared by Baroness Hayman, who introduced the bill, to assist the reader and help inform the debate on it. These notes do not form part of the Bill and have not been endorsed by Parliament.
2. These notes should be read in conjunction with the Bill. They are not meant to be a comprehensive description of the Bill and where part of a clause does not seem to require explanation or comment, none is given.

Summary and Background

3. This Bill is a Private Member's Bill which was introduced into the House of Lords by Baroness Hayman on 5th June 2014. It contains provisions empowering the House of Lords to make arrangements to expel or suspend members of that House.
4. Similar provisions to those in the Bill were contained in the Constitutional Reform and Governance Bill in 2010 but were subsequently withdrawn, and in the House of Lords Reform Bill in 2012 which was withdrawn in its entirety after second reading in the House of Commons.

Overview of the structure of the Bill

5. The Bill has three clauses.
6. Clause 1 provides that the House of Lords may make provision in its Standing Orders whereby it may by resolution expel or suspend a member of that House.
7. Clause 2 by reference to section 4 of the House of Lords Reform Act 2014 sets out the effect of ceasing to be a member of the House of Lords where a person is expelled in accordance with Clause 1.
8. Clause 3 contains provisions covering extent, commencement and short title.

Territorial extent

9. The Bill extends to the whole United Kingdom. Its subject matter is not devolved.

Commentary on Clauses

Clause 1: Expulsion and suspension

10. The House of Lords at present has no power to expel a member. The House has a power to suspend a member temporarily, but this power is considered to be limited to suspension for a period no longer than the duration of the Parliament within which the power is exercised. This clause provides the House with both an enhanced power of suspension for any specified period irrespective of the duration of a parliament, and a power of expulsion which it currently does not have.
11. Subsection (1) enables the House of Lords to make provision in its Standing Orders whereby it may by resolution of the House expel a member or suspend a member for a period to be specified in the resolution.
12. Subsection (2) provides that a person expelled by virtue of this clause ceases to be a member of the House permanently.
13. Subsection (3) provides that a person suspended by virtue of this clause continues during the period of suspension to be a member of the House but it also removes entitlement to receive further writs of summons during the suspension and causes any writ of summons already issued to have no effect. Accordingly a suspended member will not be able to sit or vote in the House of Lords or any committee of the House of Lords for the period of suspension.

Clause 2: Effect of ceasing to be a member

14. Clause 2 applies the provisions of section 4 of the House of Lords Reform Act 2014 to a person who is expelled in accordance with clause 1. (In the case of the House of Lords Reform Act 2014, these provisions apply to a person who ceases to be a member of the House of Lords by virtue of resignation, non-attendance or conviction of a serious offence.) The provisions of section 4 of the House of Lords Reform Act which would also apply to an expelled member are as follows:
15. Subsection 4(2) of that Act confirms that the departing member will be disqualified from attending the proceedings of the House and its Committees.
16. Subsection 4(3) of that Act confirms that a departing member, whatever their type of membership, is not entitled to receive a writ of summons to attend the House and that an existing writ ceases to have effect.
17. Subsection 4(4) of that Act provides that where the departing person is an “excepted” hereditary peer in accordance with section 2 of the House of Lords Act 1999, section 1 of that act will apply to them and they will not be entitled to membership of the House of Lords as a hereditary peer. As a result, section 3 of that Act will apply and that person

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as introduced on 5th June 2014 [HL Bill 7]*

will no longer be disqualified from voting at elections to the House of Commons or being elected as a member of that House.

18. Subsection 4(5) of that Act removes the parliamentary disqualification from departing peers other than hereditary peers.
19. Subsection 4(6) of that Act enables a departing member to be an overseas elector. Eligibility to vote in a parliamentary election as an overseas elector depends on the voter having previously been on the register of parliamentary electors. Members of the House of Lords are disqualified from voting in a parliamentary election and so will not be on that register. They are however entitled to vote in a local government election and do appear on registers of local government electors. The subsection provides that the requirement for an overseas elector to have been on a register of parliamentary electors is met, in the case of a departing member, if they have been on a register of local government electors.
20. Subsection 4(7) requires that the Standing Orders of the House of Lords be amended so as to provide for the holding of a by-election to replace any departing member who was one of the 92 hereditary members excepted from section 1 of the House of Lords Act 1999 as a result of being elected.
21. Subsection 4(8) provides that a departing member may not subsequently become a member of the House.

Clause 3: Short title, commencement and extent

22. Subsection (2) provides that the provisions in the bill will come into force at the end of the period of three months beginning with the day on which the Bill is passed.

Financial and other effects

23. The Bill will have no noteworthy financial impact; no noticeable effect on public service manpower; nor any direct impact on business or the third sector.

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