

LORDS SPIRITUAL (WOMEN) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Lords Spiritual (Women) Bill as brought from the House of Commons on 20 January 2015.

- These Explanatory Notes have been prepared by the Cabinet Office in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- The 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 Notes might be best read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

NOTE: The format of these Explanatory Notes is different from that currently used in Notes for other Bills. Before the Government and the Parliamentary authorities decide whether to adopt this new format for all Government Bills they will take into account any feedback from readers. If you have any comments on the new format, please send them by email to goodlaw@cabinet-office.x.gsi.gov.uk as soon as possible and in any event by 31 January 2015.

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Overview of the Bill

1. The Bill has a single purpose, which is to enable vacancies among Church of England bishops in the House of Lords to be filled, for a limited period, by female bishops instead of male bishops who would otherwise have become members of the House under the current law.

Policy background

2. The two Church of England Archbishops and 24 of its other diocesan bishops are entitled to sit in the House of Lords, as the Lords Spiritual. They do so by virtue of ancient usage and statute. Five of the 26 automatically receive writs of summons to attend the House of Lords on the basis of the sees they occupy (Canterbury, York, Durham, London and Winchester; 'the five ex officio sees'). The remaining 21 are issued with writs of summons on the basis of seniority (i.e. length of tenure as a diocesan bishop) when a vacancy arises. This mechanism is set out in section 5 of the Bishops Act 1878: <http://www.legislation.gov.uk/ukpga/Vict/41-42/68/contents>.

3. On 17 November 2014 the General Synod of the Church of England enacted the final legislation necessary to allow women to become bishops. Were the arrangements under the Bishops Act 1878 to be left unchanged it would obviously take some years before a newly appointed female diocesan bishop became sufficiently senior to take a place in the House of Lords (unless she were appointed to one of the five ex officio sees). In consequence, the Archbishop of Canterbury, after consultation with the Lords Spiritual and others, has requested on behalf of the Church of England that amendments be made to the arrangements under the Bishops Act 1878 to enable the accelerated entry of female bishops to the House of Lords. The Government has welcomed the decision by the Church of England to enable women to become bishops and wishes to see female bishops represented in the House of Lords as soon as possible.

4. The Bill makes time-limited provision for vacancies among the 21 places which are normally filled by seniority to be filled as they arise by eligible female bishops if there are any available at that point (an eligible bishop is a bishop of a diocese in England who is not already entitled as such to a writ of summons). Essentially, for a period of 10 years, the most senior eligible female bishop at any time would fill a vacant Lords Spiritual seat in preference to the most senior eligible male bishop.

5. Male bishops would continue to enter the Lords, in accordance with the arrangements under the Bishops Act 1878 for determining seniority of precedence, if there were no eligible female bishops at the time a vacancy arose. After the end of the period, the provision made by the Bill would come to an end and the current arrangements under the Bishops Act 1878 for determining which bishops are to fill vacancies among the Lords Spiritual will be restored. The arrangements in relation to the five ex officio sees are left unchanged since any woman appointed to one of those sees will under the present law become a Lord Spiritual immediately.

Territorial application of the Bill in the UK

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6. Clause 2 of the Bill provides that it extends to England and Wales, Scotland and Northern Ireland, since the House of Lords is part of the Parliament of the United Kingdom; however, it relates only to bishops of the Church of England. Bills relating to the United Kingdom Parliament are not within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly, so no Legislative Consent Motions are required.

Commentary on provisions of Bill

Clause 1: Vacancies among the Lords Spiritual

7. Clause 1 applies where there is a vacancy among the Lords Spiritual other than a vacancy in connection with one of the five senior ex officio sees. If at that time there is an eligible female bishop - which is to say a bishop of a diocese in England, who is not already entitled as such to a writ of summons, and who is a woman - the vacancy is to be filled by the issue of a writ of summons to her and she will be entitled to a writ in subsequent Parliaments until she ceases to be a diocesan bishop or is appointed to one of the five ex officio sees. If there is more than one eligible female bishop then the one whose election as a bishop of a diocese was confirmed first will receive the writ (this reflects the arrangements under the Bishops Act 1878 for determining seniority of precedence). If there is no eligible female bishop the most senior male bishop will become a member of the House of Lords under the 1878 Act. The clause is time-limited and the mechanism it provides for will end 10 years after the Bill comes into force.

Commencement

8. Clause 2 of the Bill provides that it comes into force on the first day that the new parliament meets following the next general election.

Financial implications of the Bill

9. There are no financial implications of this Bill.

Related documents

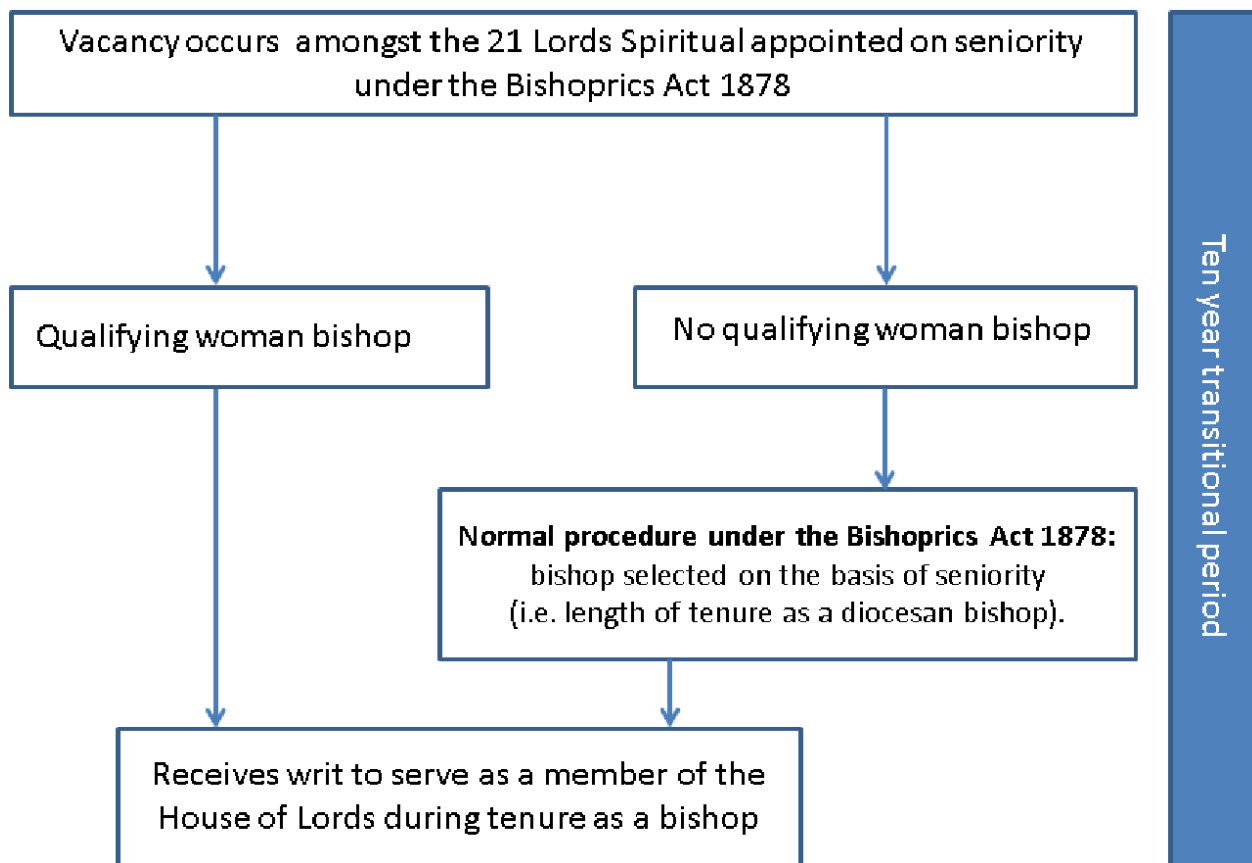
10. The following document is relevant to the Bill and is available at <https://www.gov.uk/government/collections/>:

- Memorandum of the Bill's compatibility with the European Convention on Human Rights

Annex A - Territorial application of each Clause of the Bill

Clause	England	Wales		Scotland		Northern Ireland	
		Application	Legislative Consent Motion	Application	Legislative Consent Motion	Application	Legislative Consent Motion
1 (acceleration of bishops who are women to vacancies amongst the Lords Spiritual)	In full	In full	No	In full	No	In full	No
2 (short title and commencement)	In full	In full	No	In full	No	In full	No

Annex B - Qualification Process



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These Explanatory Notes refer to the Lords Spiritual (Women) Bill as brought from the House of Commons on 20 January 2015 (HL Bill 87).

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