

House of Lords Act 1999 (Amendment) Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD TREFGARNE
THE EARL OF CAITHNESS

- 1★ Page 1, line 2, leave out subsection (1)
- 2★ Page 1, line 3, leave out subsection (2)
- 3★ Page 1, line 3, leave out subsections (2) and (3) and insert –
“() In section 2, after subsection (4) insert –
“(4A) Standing Orders relating to the filling of vacancies must provide that any party or group specified in the Standing Orders need not take up its entitlement to fill any vacancy among the people excepted from section 1, and that in this event the vacancy will be allocated to one of the other parties or groups specified in the Standing Orders, by a method specified in the Standing Orders, for that party or group to fill.””
- 4★ Page 1, line 3, leave out subsections (2) and (3) and insert –
“() In section 2, after subsection (4) insert –
“(4A) Standing Orders must provide that a vacancy shall not be filled if there are no peers on a register kept by the Clerk of the Parliaments who have indicated their wish to stand for the party or group within which the vacancy has occurred.””
- 5★ Page 1, line 3, leave out subsections (2) and (3) and insert –
“() In section 2, after subsection (4) insert –

Clause 1 - continued

“(4A) Standing Orders must provide that vacancies amongst the 90 excepted hereditary peers which are reserved for a political party must be filled by a method which increases the representation of the party which is most under-represented in the House comparing the proportion of politically affiliated Members of the House who are members of that party with the proportion of votes cast for that party at the most recent general election.””

6★ Page 1, line 3, leave out subsections (2) and (3) and insert –

“() In section 2, after subsection (4) insert –

“(4A) Standing Orders must provide that in any by-election to fill a vacancy for a specified party or group, the electorate shall consist of any hereditary peer (whether or not excepted under this section) who has registered with the Clerk of the Parliaments as a member or supporter of that group.””

7★ Page 1, line 3, leave out subsections (2) and (3) and insert –

“() In section 2, after subsection (4) insert –

“(4A) Standing Orders must provide that any vacancy shall be open to any hereditary peer, and that the method used for the by-election to fill that vacancy, including the electors eligible to vote, shall not be based on any party political affiliation.””

8★ Page 1, line 3, leave out subsections (2) and (3) and insert –

“() In section 2, after subsection (4) insert –

“(4A) Standing Orders must provide that vacancies amongst the 90 excepted hereditary peers are filled by a method which ensures that the excepted hereditary peer is younger than the average age of Members of the House of Lords at the time the vacancy occurs.””

9★ Page 1, line 3, leave out subsections (2) and (3) and insert –

“() In section 2, after subsection (4) insert –

“(4A) Standing Orders must provide that future vacancies must be filled using a method which ensures that over time excepted hereditary peers are elected on a basis which provides for the equitable representation of each country and region of the United Kingdom.””

10★ Page 1, line 3, leave out subsections (2) and (3) and insert –

“() In section 2, after subsection (4) insert –

“(4A) Standing Orders must provide that future vacancies must be filled using a method which ensures that over time excepted hereditary peers are elected on a basis which provides for a fair representation of Scottish peerages.””

Clause 1 - continued

11★ Page 1, line 3, leave out subsections (2) and (3) and insert –

“() For section 2(4) substitute –

“(4) Standing Orders must make provision for filling vacancies among the people excepted from section 1 through a nomination and selection process run by the House of Lords Appointments Commission.””

LORD NORTHBROOK

12★ Page 1, line 3, leave out subsections (2) and (3) and insert –

“() For section 2(3) to (5) substitute –

“() Standing Orders must provide that –

(a) the 90 people shall be excepted for the duration of a Parliament; and

(b) the Hereditary Peers Commission shall, at the beginning of each Parliament, determine which holders of hereditary peerages shall fill the 90 places provided for in subsection (2).

() Schedule (*Hereditary Peers Commission*) makes provision about the Hereditary Peers Commission.””

13★ Page 1, line 3, leave out subsections (2) and (3) and insert –

“() In section 2, after subsection (4) insert –

“(4A) Standing Orders must provide that future vacancies shall be filled using a method which ensures that over time excepted hereditary peers are elected on a basis which provides for a fair representation of hereditary peers representing Northern Ireland and Scotland, over time reaching the same proportion in relation to the total number of excepted hereditary peers as the proportion of MPs for Northern Ireland, or Scotland, in relation to the total number of MPs in the House of Commons.””

LORD TREFGARNE

THE EARL OF CAITHNESS

14★ Page 1, line 5, at end insert “or a person holding the office of Earl Marshal”

15★ Page 1, line 5, at end insert “or a person performing the office of the Lord Great Chamberlain”

16★ Page 1, line 5, at end insert “or a person holding the office of Earl Marshal or performing the office of the Lord Great Chamberlain”

17★ Page 1, line 5, at end insert “, unless that person was recorded as voting in support of the passing of the House of Lords Act 1999”

18★ Page 1, line 5, at end insert “, and except a person who is elected in accordance with Standing Orders of the House to serve as a Deputy Speaker”

Clause 1 - continued

- 19★ Page 1, line 5, at end insert “, and except a person who is elected in accordance with Standing Orders of the House to serve in any office that the House may require”

LORD NORTHBROOK

- 20★ Page 1, line 5, at end insert “and the child who succeeds to the person's peerage, on the death of that person”

- 21★ Page 1, line 5, at end insert “and, in addition, the person holding the office of Earl Marshal and the person performing the office of Lord Great Chamberlain, if the holder of a hereditary peerage which, before the passing of the House of Lords Act 1999, would have entitled the holder to a writ of summons to Parliament”

- 22★ Page 1, line 5, at end insert “and, in addition, any holder of a hereditary peerage who is styled His or Her Royal Highness”

- 23★ Page 1, line 5, at end insert “or a person who fulfils the requirements of subsection (2A).

(2A) A person fulfils the requirements of this subsection if –

- (a) there is a vacancy amongst the 90 hereditary peers excepted under the House of Lords Act 1999;
- (b) one of the degrees of the peerage is unrepresented amongst the remaining excepted hereditary peers; and
- (c) the person is elected in accordance with Standing Orders of the House of Lords, by an electorate consisting of hereditary peers of that degree of the peerage, to fill the vacancy as an elected hereditary peer representing that degree of the peerage.”

- 24★ Page 1, line 5, at end insert “or a person who fulfils the requirements of subsection (2A).

(2A) A person fulfils the requirements of this subsection if –

- (a) there is a vacancy amongst the 90 hereditary peers excepted under the House of Lords Act 1999;
- (b) one of the degrees of the peerage is represented by fewer than five excepted hereditary peers amongst the remaining excepted hereditary peers; and
- (c) the person is elected in accordance with Standing Orders of the House of Lords, by an electorate consisting of hereditary peers of that degree of the peerage, to fill the vacancy as one of the five elected hereditary peers representing that degree of the peerage.”

LORD TREFGARNE
THE EARL OF CAITHNESS
LORD NORTHBROOK

- 25★ Page 1, line 6, leave out subsection (3)

Clause 1 - continued

LORD MANCROFT

26★ Page 1, line 6, at end insert –

“() Any hereditary peer holding the office of Earl Marshal, or performing the office of Lord Great Chamberlain, shall be a member of the House of Lords by virtue of their office.”

LORD TREFGARNE

27 Page 1, line 7, leave out subsection (4)

28 Page 1, line 10, leave out subsection (5)

29 Page 1, line 13, leave out subsection (6)

LORD GROCOTT

30 Page 1, line 14, leave out “of the”

LORD NORTHBROOK

31★ Page 1, line 16, at end insert –

“(7) After Schedule 1 insert –

“SCHEDULE 1A

HEREDITARY PEERS COMMISSION

- 1 The Hereditary Peers Commission (“the Commission”) shall comprise two people nominated by the leader of each political party which gained more than 10% of the share of the vote at the previous general election.
- 2 The Clerk of the Crown in Chancery shall be the secretary of the Commission and shall provide it with necessary resources.
- 3 The secretary shall maintain a register of hereditary peers who wish to be members of the House of Lords.
- 4 The Commission must meet within one week of the proclamation of the summoning of a new Parliament to decide which hereditary peers will be members of the House of Lords for the duration of that Parliament.
- 5 The Commission must take into account the following factors –
 - (a) party balance;
 - (b) age;
 - (c) interests and expertise; and
 - (d) commitment to participate.
- 6 In exercising its functions, the Commission must ensure that, at the outset of a Parliament, the party balance amongst the hereditary peers who are to be members of the House of Lords for the Parliament helps to ensure that the overall party balance in the House of Lords reflects the share of vote secured by the main political parties at the general election.

Clause 1 - continued

- 7 The Commission may allocate membership by any means of its own choosing, including election, lottery and party lists.””

LORD TREFGARNE
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The above-named Lords give notice of their intention to oppose the Question that Clause 1 stand part of the Bill.

Clause 2

LORD TREFGARNE
THE EARL OF CAITHNESS

- 32★** Page 1, line 18, leave out “the whole of the United Kingdom” and insert “England and Wales”
- 33★** Page 1, line 18, leave out “the whole of the United Kingdom” and insert “England and Wales and Northern Ireland”
- 34★** Page 1, line 19, leave out from “force” to end of line 20 and insert “two months after the condition in subsection (2A) is met.
(2A) The condition in this subsection is that—
(a) the Secretary of State has commissioned an independent review of the benefits that hereditary peers bring to Parliament, and has laid the report of that review before each House of Parliament; and
(b) each House of Parliament has passed a resolution agreeing with the report.”
- 35★** Page 1, line 19, leave out from “force” to the end of line 20 and insert “two months after the condition in subsection (2A) is met.
(2A) The condition in this subsection is that the coming into force of section 1 is approved by a vote of excepted hereditary peers.”
- 36★** Page 1, line 19, leave out from “force” to the end of line 20 and insert “two months after the condition in subsection (2A) is met.
(2A) The condition in this subsection is that the coming into force of section 1 is approved by a vote of all hereditary peers, whether or not excepted under the House of Lords Act 1999.”
- 37★** Page 1, line 19, leave out from “force” to end of line 20 and insert “two months after the condition in subsection (2A) is met.
(2A) The condition in this subsection is that the coming into force of section 1 is approved by votes of the excepted hereditary peers who are members of each party or group specified in Standing Orders of the House making provision about excepted hereditary peers.”

Clause 2 - continued

- 38★** Page 1, line 19, leave out from “force” to end of line 20 and insert “on a day appointed by the Secretary of State by regulations made by statutory instrument.
- () Regulations may not be made under subsection (2) unless a draft of the statutory instrument containing the regulations has been laid before and approved by a resolution of each House of Parliament.”
- 39★** Page 1, line 19, leave out from “force” to end of line 20 and insert “on a day appointed by the Secretary of State by regulations made by statutory instrument.
- () Regulations may not be made under subsection (2) unless a draft of the statutory instrument containing them has been laid before each House of Parliament, and a period of 40 days has expired without either House passing a resolution that the regulations should not be made.”
- 40★** Page 1, line 19, leave out from “force” to end of line 20 and insert “one month after the condition in subsection (2A) is met.
- (2A) The condition in this subsection is that the House of Lords has passed a resolution approving the coming into force of section 1.”
- 41★** Page 1, line 19, leave out from “force” to end of line 20 and insert “one month after the condition in subsection (2A) is met.
- (2A) The condition in this subsection is that the House of Commons has passed a resolution approving the coming into force of section 1.”
- 42★** Page 1, line 19, leave out from “force” to end of line 20 and insert “one month after the condition in subsection (2A) is met.
- (2A) The condition in this subsection is that each House of Parliament has passed a resolution approving the coming into force of section 1.”
- 43★** Page 1, line 19, leave out from “force” to the end of line 20 and insert “when the condition in subsection (2A) is met.
- (2A) The condition in this subsection is that the proportion of female hereditary peers who are members of the House of Lords is the same as it was on the day on which the House of Lords Act 1999 was passed.”
- 44★** Page 1, line 19, leave out from “force” to end of line 20 and insert “two months after the condition in subsection (2A) is met.
- (2A) The condition in this subsection is that—
- (a) the Secretary of State has commissioned an independent review of the effect on the overall size, composition and effectiveness of the House of the House of Lords of the removal of the 92 excepted hereditary peers, and has laid the report of that review before each House of Parliament; and
- (b) each House of Parliament has passed a resolution agreeing with the report.”

Clause 2 - continued

- 45★ Page 1, line 19, leave out from “force” to end of line 20 and insert “two months after the condition in subsection (2A) is met.”
- (2A) The condition in this subsection is that—
- (a) the Secretary of State has commissioned an independent review of the effect on the age profile of the membership of the House of Lords of the 92 excepted hereditary peers, and has laid the report of that review before each House of Parliament; and
- (b) each House of Parliament has passed a resolution agreeing with the report.”
- 46★ Page 1, line 19, leave out “two months” and insert “one year”
- 47★ Page 1, line 19, leave out “two months” and insert “two years”
- 48 Page 1, line 19, leave out “two months” and insert “three years”
- 49★ Page 1, line 19, leave out “two months” and insert “four years”
- 50★ Page 1, line 19, leave out “two months” and insert “five years”
- 51★ Page 1, line 19, leave out “two months” and insert “six years”
- 52★ Page 1, line 19, leave out “two months” and insert “seven years”
- 53★ Page 1, line 19, leave out “two months” and insert “eight years”
- 54★ Page 1, line 19, leave out “two months” and insert “nine years”
- 55★ Page 1, line 19, leave out “two months” and insert “ten years”

LORD TRUE

- 56 Page 1, line 20, at end insert “, provided that on that day no political party has a higher percentage of the total number of politically affiliated peers in the House of Lords than the percentage of the votes cast for that party in the preceding general election.
- () Should the condition in subsection (2) not be fulfilled, section 1 will only come into force on the first day of the month following the date on which all political parties represented in the House fulfil that condition.”

LORD NORTHBROOK

- 57★ Page 1, line 21, at end insert—
- “(3A) This Act ceases to have effect five years after it is passed, unless the condition in subsection (3B) is satisfied.

Clause 2 - continued

- (3B) The condition in this subsection is that a majority of the hereditary peers who are members of the House of Lords by virtue of the House of Lords Act 1999 as amended by this Act have voted that the Act should remain in force.”

LORD MANCROFT

58★ Page 1, line 21, at end insert –

“(3A) This Act ceases to have effect 10 years after it is passed.

- (3B) At the end of the period of 10 years, the number of excepted hereditary peers who are members of the House of Lords shall once again be made up to 92, 90 of whom shall be elected by hereditary peers from amongst the hereditary peerage, in accordance with Standing Orders of the House.”

After Clause 2

LORD NORTHBROOK

59★

Preamble

Insert the following Preamble –

“Whereas it is no longer intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular basis:”

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7 December 2016
