

House of Lords (Hereditary Peers) (Abolition of By-Elections) Bill [HL]

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD NORTHBROOK

Page 1, line 2, leave out subsections (1) to (3) and insert—

“(1) The House of Lords Act 1999 is amended as follows.

(2) At the end of section 1 (exclusion of hereditary peers) insert “, except a person who fulfils the requirements of subsection (2).

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

- (a) there is a vacancy amongst the 90 hereditary peers excepted under this Act;
- (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 at least five elected hereditary peers representing that degree of the peerage”.

Page 1, line 2, leave out subsections (1) to (3) and insert—

“(1) The House of Lords Act 1999 is amended as follows.

(2) At the end of section 1 (exclusion of hereditary peers) insert “, except a person who fulfils the requirements of subsection (2).

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

- (a) there is a vacancy amongst the 90 hereditary peers excepted under this Act;
- (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”.

Clause 1 - continued

LORD NORTHBROOK
THE EARL OF CAITHNESS
LORD TREFGARNE

Page 1, line 4, leave out subsections (2) and (3) and insert –

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

“(4A) Standing Orders must provide for future vacancies to 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.””

Page 1, line 4, leave out subsections (2) and (3) and insert –

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

“() Standing Orders must provide for –

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

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

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

Page 1, line 5, leave out from “than” to end of line 6 and insert “90 people at any one time shall be excepted from section 1; but anyone excepted as holder of the office of Earl Marshal or as performing the office of Lord Great Chamberlain shall not count towards that limit.”

THE EARL OF CAITHNESS
LORD TREFGARNE

Page 1, line 7, leave out subsection (3) and insert –

“(3) After subsection (4) insert –

“(4A) In the event of a by-election to fill any vacancy arising from the death, retirement, resignation or expulsion of any person excepted from section 1, Standing Orders must make provision for all members of the House of Lords to be entitled to vote in that by-election”.”

LORD NORTHBROOK
THE EARL OF CAITHNESS
LORD TREFGARNE

Page 1, line 12, at end insert –

“() After Schedule 1 insert –

Clause 1 - continued

“SCHEDULE 1A

HEREDITARY PEERS COMMISSION

- 1 The Hereditary Peers Commission (“the Commission”) is to comprise two persons nominated by the leader of each political party which gained more than 5% of the share of the vote at the previous general election.
- 2 The Clerk of the Crown in Chancery is to be the secretary of the Commission and must provide it with necessary resources.
- 3 The secretary must maintain a register of hereditary peers who wish to be members of the House of Lords.
- 4 The Commission must meet –
 - (a) for the first time, within one week of the passing of this Act; and
 - (b) every time thereafter, within one week of the proclamation of the summoning of a new Parliamentto 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 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.
- 7 The Commission may allocate membership by any means of its own choosing, including election, lottery and party lists.”

Clause 2

LORD NORTHBROOK
THE EARL OF CAITHNESS
LORD TREFGARNE

Page 1, line 16, at end insert –

- “(3) Section 1 comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (4) A statutory instrument containing regulations under subsection (3) may not be made unless the House of Lords has resolved that the Prime Minister has implemented paragraphs 53 and 55 of the Burns Report (mechanism for appointments).
- (5) In this section, the “Burns Report” means the Report from the Lord Speaker’s committee on the size of the House of Lords, published on 31 October 2017.
- (6) This section comes into force on the day on which this Act is passed.”

Clause 2 - continued

Page 1, line 16, at end insert—

- “(3) This Act ceases to have effect after the period of five years beginning with the day on which this Act is passed, unless the condition in subsection (4) is met.
- (4) 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, under arrangements to be made by the Clerk of the Parliaments, that this Act should remain in force.”

After Clause 2

LORD NORTHBROOK
THE EARL OF CAITHNESS
LORD TREFGARNE

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:”

House of Lords (Hereditary Peers) (Abolition of By-Elections) Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

15 March 2018
