

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

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

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Before Clause 1

THE EARL OF CAITHNESS

1 Insert the following new Clause—

“Overview

This Act amends section 2 of the House of Lords Act 1999 to end the process of by-elections for hereditary peers, thereby making the House of Lords a wholly appointed Second Chamber.”

Clause 1

LORD TREFGARNE
THE EARL OF CAITHNESS

2 Page 1, line 2, leave out subsection (1) and insert—

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

LORD NORTHBROOK

3 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

Clause 1 - continued

- (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.””

4 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.””

LORD TREFGARNE
THE EARL OF CAITHNESS

5 Page 1, line 4, leave out subsection (2)

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

“(2) 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.””

7 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 that a vacancy must 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.””

8 Page 1, line 4, 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.””

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

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

“(4A) In any by-election to fill a vacancy for a specified party or group, Standing Orders must provide that the electorate must 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.””

10 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 that any vacancy must 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, must not be based on any party political affiliation.””

11 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 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.””

12 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 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.””

13 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 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

- 14 Page 1, line 4, leave out subsections (2) and (3) and insert –
 “(2) 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
 THE EARL OF CAITHNESS
 LORD TREFGARNE
- 15 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.””
- 16 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.””
- 17 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.”
- 18 [*Withdrawn*]
- LORD TREFGARNE
 THE EARL OF CAITHNESS
- 19 Page 1, line 6, at end insert “, excluding a person holding the office of Earl Marshal”
- 20 Page 1, line 6, at end insert “, excluding a person performing the office of the Lord Great Chamberlain”

Clause 1 - continued

- 21 Page 1, line 6, at end insert “, excluding a person holding the office of Earl Marshal or performing the office of the Lord Great Chamberlain”
- 22 Page 1, line 6, at end insert “, excluding a person who is elected in accordance with the Standing Orders of the House to serve as a Deputy Speaker”
- 23 Page 1, line 6, at end insert “, excluding a person who is elected in accordance with the Standing Orders of the House to serve in any office that the House may require”
- 24 Page 1, line 7, leave out subsection (3)

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- 25 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 TREFGARNE
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- 26 Page 1, line 8, leave out “death,”
- 27 Page 1, line 8, leave out “retirement,”
- 28 Page 1, line 8, leave out “retirement, resignation or expulsion”
- 29 Page 1, line 8, leave out “resignation”
- 30 Page 1, line 9, leave out “expulsion”
- 31 Page 1, line 11, leave out “is not to be filled by further exception” and insert “may be filled by further exception, according to Standing Orders”

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- 32 Page 1, line 11, leave out “not to be filled by further exception” and insert “to be filled by the holding of a by-election, in which all members of the House of Lords are entitled to vote, with further provision to be made by Standing Orders”

Clause 1 - continued

LORD TRUE

33 Page 1, line 12, at end insert “, if that person is, or has been, a member of a political party group within the House of Lords which has at the time of the vacancy a higher proportion of the total membership of the House than the proportion that political party secured of the total votes cast at the preceding General Election”

33A★ Page 1, line 12, at end insert “, if, within a month of the vacancy arising, the Prime Minister has recommended to Her Majesty the conferment of a peerage under the Life Peerages Act 1958 on a person who has the same party affiliation as that of the group to which the deceased excepted peer was originally elected”

LORD NORTHBROOK
THE EARL OF CAITHNESS
LORD TREFGARNE

34 Page 1, line 12, at end insert –

“() After Schedule 1 insert –

“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 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 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 1 - continued

LORD TREFGARNE
THE EARL OF CAITHNESS

35 Leave out Clause 1 and insert the following new Clause –

“Removal of by-election system

- (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 was a member of the House of Lords on the day before the House of Lords (Hereditary Peers) (Abolition of By-Elections) Act 2018 was passed”.
- (3) Omit section 2 (exception from section 1).
- (4) In section 3(2) (removal of disqualifications in relation to the House of Commons), for “excepted from section 1 by virtue of section 2” substitute “who is a member of the House of Lords by virtue of section 1”.
- (5) In section 5(2) (commencement and transitional provision), from “who,” to the end substitute “was a member of the House of Lords on the day before the House of Lords (Hereditary Peers) (Abolition of By-Elections) Act 2018 was passed”.
- (6) In paragraph 1 of Schedule 1, for ““is excepted from section 1 of the House of Lords Act 1999 by virtue of section 2 of that Act”” substitute ““is a member of the House of Lords by virtue of section 1 of the House of Lords Act 1999””.

LORD TREFGARNE

Lord Trefgarne gives notice of his intention to oppose the Question that Clause 1 stand part of the Bill.

Clause 2

LORD TREFGARNE
THE EARL OF CAITHNESS

36 Page 1, line 14, leave out “the whole of the United Kingdom” and insert “England and Wales”

37 Page 1, line 14, leave out “the whole of the United Kingdom” and insert “England and Wales and Northern Ireland”

38 Page 1, line 14, at end insert –

“() This Act comes into force at the end of the period of five years beginning with the day on which this Act is passed.”

39 Page 1, line 15, leave out “(Abolition of By-Elections)”

THE EARL OF CAITHNESS

40 Page 1, line 16, at end insert –

“(3) Section 1 comes into force on such a day as the Secretary of State may by regulations appoint.

Clause 2 - continued

- (4) Regulations under subsection (3) may not be made until the House of Lords has approved a statutory instrument containing regulations setting out arrangements for 10% of its membership to be elected.
- (5) This section comes into force on the day on which this Act is passed.”

LORD TREFGARNE
THE EARL OF CAITHNESS

41 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) Regulations under subsection (3) may not be made until the Secretary of State has published a report outlining progress made towards the implementation of the recommendations in paragraphs 18, 19, 29, 35, 39, 41, 44, 45, 48-51, 53, 55, 66, 70, 74, 77, 81, 82, 96 and 97 of the Burns Report.
- (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.”

42 Page 1, line 16, at end insert –

- “(3) Section 1 comes into force after the period of two months beginning with the day on which the condition in subsection (4) is met.
- (4) 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.
- (5) This section comes into force on the day on which this Act is passed.”

43 Page 1, line 16, at end insert –

- “(3) Section 1 comes into force after the period of two months beginning with the day on which the condition in subsection (4) is met.
- (4) The condition in this subsection is that the coming into force of section 1 is approved by a vote of excepted hereditary peers under arrangements to be made by the Clerk of the Parliaments.
- (5) This section comes into force on the day on which this Act is passed.”

44 Page 1, line 16, at end insert –

- “(3) Section 1 comes into force after the period of two months beginning with the day on which the condition in subsection (4) is met.

Clause 2 - continued

- (4) 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, under arrangements to be made by the Clerk of the Parliaments.
- (5) This section comes into force on the day on which this Act is passed.”

45 Page 1, line 16, at end insert –

- “(3) Section 1 comes into force after the period of two months beginning with the day on which the condition in subsection (4) is met.
- (4) The condition in this subsection is that the coming into force of section 1 is approved by a vote 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 under arrangements to be made by the Clerk of the Parliaments.
- (5) This section comes into force on the day on which this Act is passed.”

46 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) Regulations may not be made under subsection (3) unless a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (5) This section comes into force on the day on which this Act is passed.”

47 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) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section comes into force on the day on which this Act is passed.”

48 Page 1, line 16, at end insert –

- “(3) Section 1 comes into force after the period of one month beginning with the day on which the condition in subsection (4) is met.
- (4) The condition in this subsection is that the House of Lords has passed a resolution approving the coming into force of section 1.
- (5) This section comes into force on the day on which this Act is passed.”

49 Page 1, line 16, at end insert –

- “() Section 1 comes into force after the period of one month beginning with the day on which the House of Commons has passed a resolution approving the coming into force of section 1.

Clause 2 - continued

() This section comes into force on the day on which this Act is passed.”

50 Page 1, line 16, at end insert—

“() Section 1 comes into force after the period of one month beginning with the day by which both the House of Commons and the House of Lords have passed a resolution approving the coming into force of section 1.

() This section comes into force on the day on which this Act is passed.”

51 Page 1, line 16, at end insert—

“(3) Section 1 comes into force on the day on which the condition in subsection (4) is met.

(4) The condition in this subsection is that the percentage of members of the House of Lords who are female hereditary peers is the same as it was on the day on which the House of Lords Act 1999 was passed.

(5) This section comes into force on the day on which this Act is passed.”

52 Page 1, line 16, at end insert—

“(3) Section 1 comes into force after the period of two months beginning with the day on which the conditions in subsection (4) are met.

(4) The conditions in this subsection are 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 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.

(5) This section comes into force on the day on which this Act is passed.”

53 Page 1, line 16, at end insert—

“(3) Section 1 comes into force after the period of two months beginning with the day on which the conditions in subsection (4) are met.

(4) The conditions in this subsection are 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 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.

(5) This section comes into force on the day on which this Act is passed.”

54 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.

Clause 2 - continued

- (4) A statutory instrument containing regulations under subsection (3) may not be made unless the House of Lords has resolved that steps have been taken to implement paragraphs 16, 18, 96, 97 and 109 of the Burns Report (cap of 600 members).
- (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.”

55 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 steps have been taken to implement paragraphs 29, 35, 39 and 48 to 51 of the Burns Report (fixed-term membership for new members).
 - (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.”

56 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 steps have been taken to implement paragraphs 66, 70, 74, 77 and 97 of the Burns Report (political 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.”

LORD NORTHBROOK
THE EARL OF CAITHNESS
LORD TREFGARNE

57 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

58 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.”

LORD TREFGARNE

Lord Trefgarne gives notice of his intention to oppose the Question that Clause 2 stand part of the Bill.

Preamble

LORD NORTHBROOK
THE EARL OF CAITHNESS
LORD TREFGARNE

59 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]

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MARSHALLED
LIST OF AMENDMENTS
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22 March 2018
