

# House of Lords Bill [HL]

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Member in charge of the Bill, Lord Elton, are published separately as HL Bill 15 – EN.



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**B I L L**

TO

Restrict membership of the House of Lords by virtue of a peerage; to make related provision about disqualifications for voting at elections to, and for membership of, the House of Commons; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Membership of the House of Lords: holders of peerages**

From the day following the elections referred to in section 2(2) below, a peerage shall not entitle the holder to membership of the House of Lords after the end of the first session of the Parliament after the Parliament to which he or she first received a writ of summons. 5

**2 Exceptions from section 1**

- (1) Section 1 shall not apply to anyone excepted from it by or in accordance with Standing Orders of the House of Lords.
- (2) Those Standing Orders shall provide for no more than the specified number of peers to be elected to be excepted by peers who are members of the House of Lords, for a period starting with the beginning of the second session of Parliament following a parliamentary general election and concluding with the end of the first session of the following Parliament. 10
- (3) The specified number referred to in subsection (2) is the number of constituencies which returned a member to the House of Commons at the previous parliamentary general election. 15
- (4) Section 1 does not apply to the holder of the office of Earl Marshal or any peer performing the office of Lord Great Chamberlain.
- (5) Any question as to whether a person is excepted from section 1 shall be decided by the Clerk of the Parliaments, whose certificate shall be conclusive. 20

### 3 Removal of disqualifications in relation to the House of Commons

- (1) The holder of a peerage shall not be disqualified by virtue of that peerage from—
  - (a) voting at elections to the House of Commons, or
  - (b) being, or being elected as, a member of that House. 5
- (2) Subsection (1) shall not apply in relation to anyone who is for the time being a member of the House of Lords.

### 4 Amendment to the House of Lords Act 1999

- (1) In section 2(2) of the House of Lords Act 1999, for “At any one time” substitute “Subject to the House of Lords Act 2017, at any one time no more than”. 10
- (2) In section 2(3), for “until an Act of Parliament provides to the contrary” substitute “subject to the House of Lords Act 2017”.
- (3) In section 2(4), after “section 1” insert “arising other than under the House of Lords Act 2017”.

### 5 Definitions 15

In this Act “peerage” means—

- (a) a peerage conferred under the Appellate Jurisdiction Act 1876;
  - (b) a peerage conferred under the Life Peerages Act 1958;
  - (c) a peerage held by a hereditary peer who is a member of the House of Lords by virtue of having been elected under Standing Orders of the House pursuant to the House of Lords Act 1999; 20
- and “peer” shall be construed accordingly.

### 6 Extent

This Act extends to the whole of the United Kingdom.

### 7 Commencement 25

- (1) This Act comes into force on the day on which it is passed.
- (2) For the purposes of this Act, the first session of Parliament after the Act comes into force shall be treated as if it is the first session of that Parliament.
- (3) The Secretary of State may by regulations make such transitional provision about the entitlement of holders of peerages to vote at elections to the House of Commons or the European Parliament as he or she considers appropriate. 30
- (4) Regulations under this section—
  - (a) may modify the effect of any enactment or any provision made under an enactment, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament. 35

### 8 Short title

This Act may be cited as the House of Lords Act 2017.



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## B I L L

To restrict membership of the House of Lords by virtue of a peerage; to make related provision about disqualifications for voting at elections to, and for membership of, the House of Commons; and for connected purposes.

*Lord Elton*

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