

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

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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**Clause 2**

LORD TREFGARNE

Page 1, line 6, leave out subsection (1) and insert –

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

Page 1, line 8, leave out subsection (2)

Page 1, line 8, 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.””

Page 1, line 8, 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 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.””

Page 1, line 8, 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.””

**Clause 2 - continued**

Page 1, line 8, 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.””

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

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

“(3) 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).

(4) Schedule 1A makes provision about the Hereditary Peers Commission.””

Page 1, line 9, leave out from “than” to end of line 10 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.”

Page 1, line 10, at end insert “, excluding a person holding the office of Earl Marshal”

Page 1, line 10, at end insert “, excluding a person performing the office of the Lord Great Chamberlain”

Page 1, line 10, at end insert “, excluding a person holding the office of Earl Marshal or performing the office of the Lord Great Chamberlain”

Page 1, line 10, at end insert “, excluding a person who is elected in accordance with the Standing Orders of the House to serve as a Deputy Speaker”

Page 1, line 10, 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”

Page 1, line 11, leave out subsection (3)

Page 1, line 12, leave out “death,”

Page 1, line 12, leave out “retirement,”

**Clause 2 - continued**

Page 1, line 12, leave out “retirement, resignation or expulsion”

Page 1, line 12, leave out “resignation”

Page 1, line 12, leave out “or expulsion”

Page 1, line 16, 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 and two nominated on behalf of the Crossbench peers.
- 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;
  - (d) commitment to participate; and
  - (e) that each of the nations of the United Kingdom is represented, as far as is practicable, in accordance with its population.
- 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.
- 8 The Commission is responsible for overseeing any election or by-election conducted under paragraph 7.”

**Clause 2 - continued**

THE EARL OF CAITHNESS  
LORD TREFGARNE

Leave out Clause 2 and insert the following new Clause –

**“Abolition of the right of hereditary peers to sit in the House of Lords**

- (1) If the House of Lords has resolved that –
  - (a) paragraphs 29, 35, 39 and 48 to 50 of the Burns Report (fixed-term membership for new members) have been implemented for a period of five consecutive years, and
  - (b) continuous progress has been made annually towards the target of 600 members as set out in paragraphs 16 and 18 of the Burns Report,

no-one may be a member of the House of Lords, except for the holder of the office of Earl Marshal, or as performing the office of Lord Great Chamberlain, by virtue of an hereditary peerage.
- (2) Accordingly, any writ of summons issued in right of a hereditary peerage for the Parliament in which the resolution under subsection (1) was made does not have effect after the end of the session in which the resolution was made.
- (3) 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.
- (4) This section comes into force on the day on which this Act is passed.”

**Clause 3**

LORD TREFGARNE

Page 1, line 18, leave out “the whole of the United Kingdom” and insert “England and Wales”

Page 1, line 18, leave out “the whole of the United Kingdom” and insert “England and Wales and Northern Ireland”

Page 1, line 18, 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.”

Page 1, line 18, at end insert –

- “(1A) Section 2 comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (1B) Regulations under subsection (1A) 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 to 51, 53, 55, 66, 70, 74, 77, 81, 82, 96 and 97 of the Burns Report.
- (1C) 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.
- (1D) This section comes into force on the day on which this Act is passed.”

**Clause 3 - continued**

Page 2, line 2, at end insert –

- “(3) Section 2 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 2 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.”

Page 2, line 2, at end insert –

- “(3) Section 2 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 2 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.”

Page 2, line 2, at end insert –

- “(3) Section 2 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 2 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.”

Page 2, line 2, at end insert –

- “(3) Section 2 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.”

Page 2, line 2, at end insert –

- “(3) Section 2 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.”

**Clause 3 - continued**

Page 2, line 2, at end insert –

- “(3) Section 2 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 2.
- (5) This section comes into force on the day on which this Act is passed.”

Page 2, line 2, at end insert –

- “(3) Section 2 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 2.
- (4) This section comes into force on the day on which this Act is passed.”

Page 2, line 2, at end insert –

- “(3) Section 2 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 2.
- (4) This section comes into force on the day on which this Act is passed.”

Page 2, line 2, at end insert –

- “(3) Section 2 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.”

Page 2, line 2, at end insert –

- “(3) Section 2 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.”

**Clause 3 - continued**

Page 2, line 2, at end insert –

- “(3) Section 2 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.”

Page 2, line 2, 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.”

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*7 March 2019*

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