

# House of Lords (Elections and Reform) Bill [HL]

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**B I L L**

TO

Make provision about elections to, and membership of, the House of Lords; 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:—

*Exclusion of remaining hereditary peers*

**1 Exclusion of remaining hereditary peers**

- (1) In the House of Lords Act 1999 omit section 2, section 3(2), in section 5(2) the words from “unless” and paragraph 1 of Schedule 1.
- (2) Any writ of summons issued for the present Parliament in right of a hereditary peerage and pursuant to the House of Lords Act 1999 shall cease to have effect and its recipient shall cease to be a member of the House of Lords . 5
- (3) In section 1(2) of the Peerage Act 1963 omit the words from “and” to the end of that subsection.

*Composition of the House of Lords* 10

**2 Composition of the House of Lords**

The House of Lords is to consist of—

- (a) for a transitional period of four years, 146 life peers entitled to sit and vote (see section 11) and 146 elected members entitled to sit and vote (see sections 3 to 10); 15
- (b) thereafter, 292 elected members entitled to sit and vote (see sections 3 to 10);
- (c) other life peers entitled to sit but not vote (see section 12); and
- (d) the Lords Spiritual entitled to sit but not vote except as provided in section 12(6). 20

*Elections for members***3 Elections to the House of Lords**

- (1) A person elected to the House of Lords under this section is entitled to receive a writ of summons to attend the House of Lords and to sit and vote therein in relation to each Parliament which meets while the person is a member. 5
- (2) For the purpose of each election to the House of Lords, England is divided into nine electoral regions and Scotland, Wales and Northern Ireland are each a single electoral region.
- (3) The number of members to be elected for each electoral region is as follows –
- |                          |    |    |
|--------------------------|----|----|
| East Midlands            | 10 |    |
| Eastern                  | 14 |    |
| London                   | 16 |    |
| North East               | 6  |    |
| North West               | 16 |    |
| South East               | 20 | 15 |
| South West               | 12 |    |
| West Midlands            | 14 |    |
| Yorkshire and the Humber | 12 |    |
| Scotland                 | 12 |    |
| Wales                    | 8  | 20 |
| Northern Ireland         | 6. |    |
- (4) The Secretary of State may make regulations in order to implement the provisions of this section.

**4 Voting system in Great Britain**

- (1) The system of election of members of the House of Lords in an electoral region other than Northern Ireland is to be a regional list system. 25
- (2) The system of election must comply with the following conditions.
- (3) A vote may be cast for a registered party or an individual candidate named on the ballot paper.
- (4) The first seat is to be allocated to the party or individual candidate with the greatest number of votes. 30
- (5) The second and subsequent seats are to be allocated in the same way, except that the number of votes given to a party to which one or more seats have already been allocated is to be divided by the number of seats allocated plus one. 35
- (6) In allocating the second or any subsequent seat there are to be disregarded any votes given to –
- |     |   |    |
|-----|---|----|
| (a) | a party to which there has already been allocated a number of seats equal to the number of names on the party's list of candidates, and |    |
| (b) | an individual candidate to whom a seat has already been allocated.  | 40 |
- (7) Seats allocated to a party are to be filled by the persons named on the party's list of candidates in the order in which they appear on that list.

- (8) The Secretary of State may make regulations in order to implement the provisions of this section.
- (9) Regulations made under this section must –
- (a) make provision for the nomination of registered parties in relation to an election in a region other than Northern Ireland, 5
  - (b) require a nomination under paragraph (a) to be accompanied by a list of candidates numbering no more than the members to be elected for the region, and
  - (c) make provision for any group of independent or cross-bench life peers to be treated as if they were a party for the purposes of this section. 10

## 5 Voting system in Northern Ireland

- (1) The system of election of members of the House of Lords in Northern Ireland is to be a single transferable vote system under which –
- (a) a vote is capable of being given so as to indicate the voter’s order of preference for the candidates, and 15
  - (b) a vote is capable of being transferred to the next choice –
    - (i) when the vote is not required to give a prior choice the necessary quota of votes, or
    - (ii) when, owing to a deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates. 20
- (2) The Secretary of State may make regulations to implement the provisions of this section.

## 6 Vacant seats

In respect of elections under section 3, the Secretary of State must by regulations make provision prescribing the procedure to be followed when a seat is or becomes vacant. 25

## 7 Entitlement to stand in an election

- (1) A person is disqualified for standing for an election under section 3 if –
- (a) the person is disqualified for membership of the House of Commons under section 1 of the House of Commons Disqualification Act 1975 (disqualification of holders of certain offices and places); 30
  - (b) the person is a member of the House of Commons; or
  - (c) the person is under the age of 18 on the day on which the person is nominated as a candidate to be an elected member. 35
- (2) A person is not disqualified for standing for election because the person is or has been a member of the House of Lords.

## 8 Entitlement to vote in an election

- (1) A person is entitled to vote at an election under section 3 if on the day of the poll the person would be entitled to vote at a parliamentary election under section 1 of the Representation of the People Act 1983 (parliamentary electors). 40

- (2) The Secretary of State must by regulations make provision prescribing the procedure for electors to register to vote in elections to the House of Lords.

## 9 Offences

Sections 60 to 66B of the Representation of the People Act 1983 (offences) have effect in respect of elections under this Act. 5

## 10 Date of elections and terms of office

- (1) The first election under this Act is to take place on the first Thursday in June following the end of the period of 12 months beginning with the day on which this Act is passed.
- (2) Each subsequent election under this Act is to take place on the first Thursday in June in the fourth calendar year following that in which the polling day for the previous election fell. 10
- (3) The number of members elected to the House of Lords in any election under section 3 is 146.
- (4) The members elected to the House of Lords under section 3 are members of the House of Lords for a term of eight years and, at the end of that term, cease to be members of the House of Lords. 15

### *Transitional members*

## 11 Transitional members

- (1) For the transitional period, 146 life peers who are members of the House of Lords may continue to sit and vote in the House of Lords as transitional members. 20
- (2) The transitional period is the period of four years beginning with the day of the first election under this Act.
- (3) The 146 transitional members are to be selected in accordance with Standing Orders of the House of Lords. 25
- (4) Standing Orders under subsection (3) must provide for each member of the House who is a life peer to be allocated points according to—
- (a) the number of sitting days the member attended the House of Lords as a proportion of the total number of sitting days the member was eligible to attend, 30
  - (b) the number of times the member spoke in the House of Lords, and
  - (c) the number of times the member voted in divisions in the House of Lords,
- in the three years preceding the day on which this Act is passed. 35
- (5) Standing Orders must provide that the 146 members with the highest number of points are to be the transitional members for the transitional period.
- (6) After the transitional period the 146 transitional members—
- (a) cease to be transitional members, and
  - (b) as life peers may continue to sit in the House of Lords and exercise the same rights as a member elected by virtue of sections 3 to 10, save that 40

they may not vote therein (and any writ of summons shall have effect accordingly) (see section 12).

*Other life peers and the Lords Spiritual*

**12 Other life peers and the Lords Spiritual**

- |     |  |    |
|-----|--|----|
| (1) | Subject to subsection (2), this Act does not affect the power of Her Majesty to confer life peerages under the Life Peerages Act 1958.   | 5  |
| (2) | Any writ of summons already issued in respect of a life peerage, whether issued before or after the first election is held under this Act, shall have effect so as to entitle the holder of the life peerage to sit in the House of Lords and exercise the same rights as a member elected by virtue of sections 3 to 10, save that they may not vote therein. | 10 |
| (3) | In section 1(2)(b) of the Life Peerages Act 1958 for the second “and” substitute “but not”.  |    |
| (4) | Subsections (2) and (3) do not apply to the transitional members during the transitional period.   | 15 |
| (5) | Subject to subsections (6) to (8), this Act does not affect the entitlement of the Lords Spiritual to sit as Lords of Parliament.  |    |
| (6) | A bishop is entitled to receive writs of summons in accordance with existing provisions to sit in the House of Lords and exercise the same rights as a member elected under sections 3 to 12, except that such writs shall not confer the right to vote except as provided by subsection (7).  | 20 |
| (7) | The Lords Spiritual are entitled to vote in regard to any Measure under the Church of England Assembly (Powers) Act 1919 and any other legislation specifically concerning the rights and governance of the Church of England.   |    |
| (8) | For the purposes of subsection (7), any dispute concerning the voting rights of the Lords Spiritual may be resolved by the Lord Speaker.   | 25 |

*General*

**13 Regulations**

- |     |  |    |
|-----|--|----|
| (1) | Regulations made under this Act must be made by statutory instrument.  |    |
| (2) | A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. | 30 |

**14 Interpretation**

In this Act—

- |  |    |
|--|----|
| “life peerage” means a peerage conferred under the Appellate Jurisdiction Act 1876 or the Life Peerages Act 1958; and  | 35 |
| “registered party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 or the group of independent or crossbench life peers as provided by section 4(9)(c). |    |

**15 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Sections 1, 2 and 12 come into force on the first Thursday in June following the end of the period of 12 months beginning with the day on which this Act is passed. 5
- (3) Sections 3 to 11 come into force at the end of the period of 12 months beginning with the day on which this Act is passed.
- (4) This section and sections 13 and 14 come into force on the day on which this Act is passed.
- (5) This Act may be cited as the House of Lords (Elections and Reform) Act 2020. 10



# **House of Lords (Elections and Reform) Bill [HL]**

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# **B I L L**

To make provision about elections to, and membership of, the House of Lords; and for connected purposes.

*Baroness Bennett of Manor Castle*

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*Ordered to be Printed, 15th January 2020*

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