

# House of Lords Bill [HL]

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TO

Make provision for the appointment of a Commission to make recommendations to the Crown for the creation of life peerages; to restrict membership of the House of Lords by virtue of hereditary peerage; to make provision for permanent leave of absence from the House of Lords; to provide for the expulsion of members of the House of Lords in specified circumstances; 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:—

**PART 1**

APPOINTMENTS COMMISSION

**1 Commission to recommend life peerages**

- (1) There shall be a Commission (“the Commission”) to make recommendations to the Crown for the creation of life peerages. 5
- (2) No recommendations for the creation of life peerages shall be made other than by the Commission.
- (3) All recommendations shall be presented to the Crown by the Prime Minister.

**2 Commission membership**

- (1) The Commission shall consist of nine members. 10
- (2) The members of the Commission, including the Chairman, shall be nominated by the Speaker of the House of Commons.
- (3) In making nominations under subsection (2), the Speaker shall consult the Lord Speaker in the House of Lords and such other persons or bodies as he deems appropriate. 15

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- (4) In making nominations, the Speaker shall have regard to the need to ensure that, of members affiliated with registered political parties, the Commission is politically balanced.
- (5) At least four of those nominated for membership shall not be affiliated with any registered political party. 5
- (6) A majority of those nominated shall be Privy Counsellors.
- (7) No-one shall be nominated who is a Minister of the Crown or holder of a national office in any registered political party.
- (8) Following nomination by the Speaker under subsection (2), the members shall be appointed by the Crown. 10
- (9) Except as provided for in subsection (10), a member of the Commission shall serve for a non-renewable term of seven years.
- (10) A member of the Commission may be removed by the Crown on an address by both Houses of Parliament.
- 3 Commission to determine rules and procedures 15**
- Except as provided for in subsequent sections in this Part, the Commission shall determine its own rules and procedures.
- 4 Proposals for new peers**
- Proposals for new peers may be made to the Commission by –
- (a) any individual other than those listed in paragraphs (b) and (c) in respect of non-party members (“non-party nominees”); 20
- (b) the leader of any registered political party (“party nominees”); and
- (c) the Prime Minister acting as Prime Minister and not as the leader of a registered political party (“prime ministerial nominees”).
- 5 Nominees to meet specific criteria 25**
- (1) Any recommendation made by the Commission for the conferment of a peerage shall comply with the criteria specified in this section.
- (2) The principal criterion for recommendation for a peerage shall be conspicuous merit.
- (3) The Commission may propose additional criteria as it deems appropriate. 30
- (4) In proposing additional criteria the Commission shall have regard to the diversity of the United Kingdom population.
- (5) The criteria proposed by the Commission under subsection (2) shall be laid before the House of Commons and shall not take effect until approved by a resolution of that House. 35
- (6) The criteria shall be not varied other than by a resolution of the House of Commons.

## **6 Guidelines**

- (1) The Commission may issue guidelines setting out how it will interpret and apply the criteria established under section 5.
- (2) The guidelines issued under subsection (1) shall be laid before the House of Commons and will not take effect until approved by a resolution of that House. 5
- (3) The guidelines, once approved, shall be publicised by the Commission in such manner as it deems appropriate.
- (4) The guidelines shall not be varied other than by a resolution of the House of Commons.

## **7 Certificate to be conclusive** 10

Where the Commission certifies that a person recommended for a peerage meets the published criteria, its certificate shall be conclusive.

## **8 Principles to be followed in making recommendations**

- (1) At least once in each calendar year the Commission must publish, with reasons, proposals for the selection of new peers, or a proposal that no such selection should be made. 15
- (2) In determining how many new peerages to recommend, the Commission shall have regard to the following principles –
  - (a) not less than twenty per cent of the membership of the House shall consist of members who are not affiliated to any registered political party; 20
  - (b) no one party shall have a majority of members in the House; and
  - (c) the Government of the day shall be entitled to have a larger number of members than the official Opposition, but the Government majority over the Opposition shall be no greater than three per cent of the total membership of the House. 25
- (3) In giving effect to the principle embodied in subsection (2)(c), the Commission may at its discretion phase in the requisite number of recommendations over a period of two sessions following a General Election.
- (4) Subject to the principles embodied in subsection (2), the Commission shall have regard to the need to achieve a membership not exceeding that of the House of Commons. 30
- (5) The Commission shall seek to achieve the membership stipulated in subsection (4) within the course of two full Parliaments (each of at least four years' duration). 35
- (6) The members of the House included for the purpose of calculating the percentage under subsection (2)(a) shall not include Lords of Appeal in Ordinary but shall include those Lords of Appeal in Ordinary who have ceased to serve in that capacity.

## **9 Party leaders to furnish information to Commission** 40

- (1) Where names are submitted to the Commission by a leader of a registered political party under section 4(b), the leader shall inform the Commission of

the procedure and criteria adopted by the party for the purposes of selecting the name for submission.

- (2) Leaders of registered political parties submitting names to the Commission shall supply such other information as may be requested by the Commission.

## PART 2

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### EXCLUSION OF HEREDITARY PEERS

#### 10 Exclusion of hereditary peers

- (1) Section 2 of the House of Lords Act 1999 (c. 34) is amended as follows.
- (2) For subsection (2) substitute –
- “(2) No more than 92 people shall be excepted from section 1.” 10
- (3) For subsection (4) substitute –
- “(4) Any vacancy resulting from the death of an excepted person occurring after the coming into force of the House of Lords Act 2007 shall not be filled.”
- (4) Omit subsection (5). 15

## PART 3

### PERMANENT LEAVE OF ABSENCE

#### 11 Permanent leave of absence

- (1) The House of Lords may by Standing Order make provision for members to be granted permanent leave of absence. 20
- (2) Except as provided for in subsection (3), the House shall determine such criteria as it deems appropriate for granting such leave of absence.
- (3) Permanent leave of absence may only be granted to those members who apply for it.

#### 12 Permanent leave of absence: consequence for membership 25

A person granted permanent leave of absence under section 11 shall no longer be a member of the House of Lords.

## PART 4

### CONVICTION OF SERIOUS CRIMINAL OFFENCE

#### 13 Conviction of serious criminal offence 30

- (1) A person found guilty of one or more offences (whether before or after the passing of this Act and whether in the United Kingdom or elsewhere), and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year, shall cease to be a member of the House of Lords.

- (2) A person who ceases to be a member of the House of Lords under subsection (1) shall be eligible for nomination under section 4.

## **PART 5**

### SUPPLEMENTARY PROVISIONS

#### **14 Commencement** 5

- (1) Parts 1 and 3 of this Act shall come into force at the end of the period of three months beginning with the day on which this Act is passed.
- (2) The remaining provisions of this Act shall come into effect on the day on which this Act is passed.

#### **15 Short title** 10

This Act may be cited as the House of Lords Act 2007.

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## B I L L

To make provision for the appointment of a Commission to make recommendations to the Crown for the creation of life peerages; to restrict membership of the House of Lords by virtue of hereditary peerage; to make provision for permanent leave of absence from the House of Lords; to provide for the expulsion of members of the House of Lords in specified circumstances; and for connected purposes.

*Lord Steel of Aikwood*

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