

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.

BE 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 jointly by the Speaker of the House of Commons and the Lord Speaker of the House of Lords.
- (3) In making nominations under subsection (2), the Speaker and the Lord Speaker shall consult such other persons or bodies as they deem appropriate. 15

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- (4) In making nominations, the Speaker and the Lord 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 be independent of any registered political party. 5
- (6) The persons nominated under subsection (5) shall include the Chairman of the Commission.
- (7) At least four of those nominated shall be Privy Counsellors.
- (8) No-one shall be nominated under subsection (5) if at any time in the preceding two years he – 10
- (a) has been a member of a registered political party;
 - (b) has given public support, by way of public speaking or appearance, to a registered political party; or
 - (c) has made a financial donation to any registered political party.
- (9) No-one shall be nominated who is a Minister of the Crown or holder of a national office in any registered political party. 15
- (10) Following nomination by the Speaker and the Lord Speaker under subsection (2), the members shall be appointed by the Crown.
- (11) Except as provided for in subsection (12), a member of the Commission shall serve for a non-renewable term of five years. 20
- (12) On the first occasion that the Commission is appointed, three members shall be nominated to serve for a term of four years, three members for a term of five years, and three (including the Chairman) for six years.
- (13) A member of the Commission may be removed by the Crown on an address by both Houses of Parliament. 25
- (14) A member of the Commission may resign and in that event, or on the death of a member or on the removal of a member under subsection (13), the member appointed to replace the former member shall serve for the remainder of the term of that former member and may be re-appointed for one further term.
- 3 Commission to determine rules and procedures 30**
- Except as provided for in subsequent sections in this Part, the Commission shall determine its own rules and procedures.
- 4 Proposals for new peers**
- (1) Proposals for new peers may be made to the Commission by – 35
- (a) any individual other than those listed in paragraphs (b) and (c) in respect of non-party members (“non-party nominees”);
 - (b) the leader of any registered political party specified under subsection (2) (“party nominees”); and
 - (c) the Prime Minister acting as Prime Minister and not as the leader of a registered political party (“prime ministerial nominees”). 40
- (2) For the purposes of subsection (1)(a) the Commission shall normally consider nominations made by the Leader of a registered political party that has

achieved representation of at least six seats in the House of Commons at the preceding general election.

5 Nominees to meet specific criteria

- (1) Any recommendation made by the Commission for the conferment of a peerage shall comply with the criteria specified in this section. 5
- (2) The principal criteria for recommendation for a peerage shall be –
 - (a) conspicuous merit; and
 - (b) a willingness and capacity to make a contribution to the work of the House of Lords.
- (3) The Commission may propose additional criteria as it deems appropriate. 10
- (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 (3) shall be laid before both Houses of Parliament as an Order by a Minister of the Crown and subject to annulment in pursuance of a resolution of either House of Parliament. 15
- (6) The criteria shall be not varied other than on a proposal made by the Commission and subject to the procedure specified in subsection (5).
- (7) The Commission may propose criteria that relate to an individual or, in the case of proposals made under subsections 4(a) and 4(b), the criteria that relate to the balance and diversity that it wishes to achieve. 20
- (8) The Commission may make such enquiry as it considers appropriate to ensure that any person proposed for a peerage fulfils the criteria and it shall be a duty on public bodies to co-operate with any such enquiry.

6 Guidelines 25

- (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 both Houses of Parliament as an Order by a Minister of the Crown and subject to annulment in pursuance of a resolution of either House of Parliament. 30
- (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 the procedure specified in subsection (2).

7 Certificate to be conclusive 35

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 creation of new peers under section 4(1)(a) and (b), or a proposal that no such creation should be made.
- (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 of Lords shall consist of members who are independent of any registered political party;
 - (b) no one party, nor a coalition of parties forming a Government, shall have a majority of members in the House of Lords; 10
 - (c) the Government of the day (or in the event of a coalition of parties forming a Government, the largest party in the coalition) shall be entitled to have a larger number of members than the official Opposition, but the majority of that party over the official Opposition shall normally be no greater than three per cent of the total membership of the House of Lords. 15
- (3) For the purpose of determining its recommendation under subsection (1), the Commission may consult such persons or bodies as it deems appropriate.
- (4) For the purpose of determining the membership specified in subsection (2)(a), a person shall be deemed to be independent of any registered political party if in the two years prior to his nomination for a peerage he— 20
- (a) was not a member of a registered political party;
 - (b) had not given public support, by way of public speaking or appearance, to a registered political party; or 25
 - (c) had not made a financial donation to any registered political party.
- (5) 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.
- (6) 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
- (7) The Commission shall seek to achieve the membership stipulated in subsection (5) within whichever is the longer of eight years or the course of two full Parliaments. 35
- (8) The members of the House of Lords included for the purpose of calculating the percentage under subsection (2)(a) shall not include Lords of Appeal in Ordinary, the Lords Spiritual, or the ex officio members under the terms of the House of Lords Act 1999, but shall include those Lords of Appeal in Ordinary who have ceased to serve in that capacity. 40

9 Party leaders to furnish information to Commission

- (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. 45

- (2) The Commission shall satisfy itself that the procedure and criteria adopted by a registered political party for the purpose of making nominations are reasonable and consistent.
- (3) Leaders of registered political parties submitting names to the Commission shall supply such other information as may be requested by the Commission. 5

PART 2

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 – 10
“(2) No more than 92 people shall be excepted from section 1.”
- (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 2008 shall not be filled.” 15
- (4) Omit subsection (5).

PART 3

PERMANENT LEAVE OF ABSENCE

11 Permanent leave of absence by reason of application

- (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. 25

12 Permanent leave of absence by reason of failure to attend the House

- (1) Any member of the House of Lords who fails to attend the House during the course of a session, where that session exceeds more than three months in duration, shall be deemed to have taken permanent leave of absence.
- (2) The House of Lords may by Standing Order make provision for a member to be excluded from the provisions of subsection (1) in such cases where the member makes an application to a body stipulated by the House and where that body deems that the reason given is of sufficient merit for the provisions of subsection (1) not to apply. 30

13 Permanent leave of absence: consequence for membership

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

14 Right to vote and stand for election to the House of Commons

A person who ceases to be a member of the House of Lords under this Part shall not be disqualified from— 5

- (a) voting at elections to the House of Commons, or
- (b) being, or being elected as, a member of that House.

PART 4**CONVICTION OF SERIOUS CRIMINAL OFFENCE 10****15 Conviction of serious criminal offence**

A person found guilty of one or more offences (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. 15

16 Right to vote and stand for election to the House of Commons

A person who ceases to be a member of the House of Lords under this Part shall not, unless otherwise disqualified by another enactment, be disqualified from—

- (a) voting at elections to the House of Commons, or 20
- (b) being, or being elected as, a member of that House.

17 Eligible for nomination

A person who ceases to be a member of the House of Lords under this Part shall be eligible for nomination under section 4.

PART 5 25**SUPPLEMENTARY PROVISIONS****18 Negative resolution procedure**

Where an order under this Act is subject to “negative resolution procedure” the statutory instrument containing the order shall be subject to annulment in pursuance of a resolution of either House of Parliament. 30

19 Commencement

- (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. 35

20 Short title

This Act may be cited as the House of Lords Act 2008.

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Lord Steel of Aikwood

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