



HOUSE OF LORDS

Procedure Committee

5th Report of Session 2010-12

Members leaving the House

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The Procedure Committee

The Select Committee on Procedure of the House is appointed each session to consider any proposals for alterations in the procedure of the House that may arise from time to time, and whether the standing orders require to be amended.

Current Membership

The members of the Procedure Committee are:

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General Information

General information about the House of Lords and its Committees is on the Internet at <http://www.parliament.uk/lords/index.cfm>.

Contacts for the Procedure Committee

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FIFTH REPORT OF SESSION 2010-12 FROM THE PROCEDURE COMMITTEE

Members leaving the House

1. The report of the Leader's Group on Members Leaving the House was published on 13 January 2011.¹ The Group made a number of recommendations, both on strengthening the existing leave of absence scheme, and on the introduction of a scheme of "voluntary retirement" from the House.
2. On the same day as the report was published, the Leader of the House made the following Written Ministerial Statement:

"I have today published the report of the Leader's Group on Members Leaving the House. The group, chaired by Lord Hunt of Wirral, was set up in July 2010 to look into ways to identify options for allowing Members to leave the House of Lords permanently.

The report proposes a number of sensible and business-like steps that the House can take forward—without recourse to legislation—to enable Members to step down from participation. The report also endorses the Government's view that any such moves should not create additional costs to the taxpayer.

I intend to act quickly to take forward the group's key recommendations. I will therefore ask the Procedure Committee to come forward with proposals that can be put to the House so that: arrangements for leave of absence are immediately strengthened in order to encourage those who, for whatever reason, are unable to play a full part in the work of the House, to step down from active membership; and a scheme is established to allow Members to give notice of their intention to retire from membership of the House permanently on a voluntary basis."²

3. This report accordingly brings forward proposals to implement the recommendations of the Leader's Group. We have not re-examined the issues underlying the Group's findings; instead we have translated the Group's recommendations into text that will, if agreed by the House, be included in future editions of the *Companion to the Standing Orders* (see Appendix 1). For comparison, the current *Companion* text on leave of absence is given in Appendix 2.
4. We have also proposed amendments to Standing Order 22 on leave of absence (see Appendix 3). These amendments do not refer to voluntary retirement, which, as the Leader's Group described it, would be an informal scheme, designed to allow any member to "give notice of his or her wish permanently to leave the membership of the House."³

¹ HL Paper 83. The Group's Interim Report (HL Paper 48) had previously been debated in the House, on 16 November 2010 (HL Deb., cols 673–711). The Group was chaired by Lord Hunt of Wirral; the remaining members were Baroness Farrington of Ribbleton, Lord Hunt of Kings Heath, Baroness Murphy, Baroness Scott of Needham Market and Baroness Sharples.

² HL Deb., 13 January 2011, WS 207–208.

³ Report of the Leader's Group on Members Leaving the House, paragraph 31.

5. We have not considered those elements of the Leader's Group's recommendations, such as provision to override the entitlement to a Writ of Summons, a scheme of "associate membership", or extension of the parliamentary franchise to retired Members,¹ which would require primary legislation. Nor have we considered the financial aspects of any scheme for voluntary retirement, which, were the House to agree to this report, would be a matter for the House Committee. In other words, what we propose is only the outline of what may in due course become a more formal and detailed scheme. Nevertheless, we believe that the proposals set out in the Appendices to this report are workable, and represent an important step forward for the House.
6. **We invite the House to agree the changes to the leave of absence scheme, the proposed scheme for voluntary retirement, and the amendments to Standing Order 22, set out in Appendices 1 to 3 of this report.**
7. If this report is agreed to, the proposed scheme for voluntary retirement will come into effect immediately. If the House agrees the amendments to Standing Order 22, the extension of the notice period for termination of leave of absence, from one to three months, will also take effect immediately. The new arrangements whereby the Clerk of the Parliaments writes to Members who attend the House very infrequently will in practice be implemented with effect from the start of the next session, in spring 2012.

¹ Ibid., paragraphs 31, 43 and 60.

APPENDIX 1: PROPOSED TEXT FOR THE *COMPANION TO THE STANDING ORDERS*

The following text is proposed for inclusion in future editions of the *Companion*, replacing paragraphs 1.27–1.29 of the 2010 edition (for which see Appendix 2). Paragraph 1.30, which describes access to facilities for those on Leave of Absence, would also require minor amendment to extend it to members who have taken voluntary retirement.

A separate amendment would be required to paragraph 4 of the Code of Conduct, to exclude those who have taken voluntary retirement from the provisions of the Code.

Leave of Absence

Members of the House are to attend the sittings of the House. If they cannot attend, they should obtain leave of absence.¹ At any time during a Parliament, a member of the House may obtain leave of absence for the rest of the Parliament by applying in writing to the Clerk of the Parliaments.

Before the beginning of every Parliament the Clerk of the Parliaments writes to each member who was on leave of absence at the end of the preceding Parliament to ask whether he wishes to renew that leave of absence for the new Parliament. In addition, at the start of each session of Parliament the Clerk of the Parliaments writes to those members (other than bishops) who attended very infrequently in the previous session, inviting them to apply for Leave of Absence.

The House grants leave of absence to those who apply. The House also grants leave to all members, to whom the Clerk of the Parliaments has written as described in the preceding paragraph, who fail to reply within three months of the Clerk of the Parliaments' letter being sent.

Directions relating to those on leave of absence are as follows:

- (a) a member of the House who has been granted leave of absence should not attend sittings of the House or of any committee of the House until his leave has expired or been terminated, except to take the oath of allegiance;²
- (b) a member of the House on leave of absence who wishes to attend during the period for which leave was granted should give notice in writing to the Clerk of the Parliaments at least three months before the day on which he wishes to attend; and his leave is terminated three months from the date of this notice, or sooner if the House so directs;³
- (c) a member of the House on leave of absence may not act as a supporter in the ceremony of introduction;⁴
- (d) a member of the House on leave of absence may not vote in the election of the Lord Speaker or in by-elections for hereditary peers.

¹ SO 22.

² SO 22(6).

³ SO 22(7).

⁴ Leave of Absence 1st Rpt 1957–58.

In applying the provisions on leave of absence the Clerk of the Parliaments may seek the advice of the Leave of Absence Sub-Committee of the Procedure Committee. The Sub-Committee is chaired by the Chairman of Committees; the other members are the Chief Whips of the three main parties and the Convenor of the Crossbench Peers.

The voluntary retirement scheme

Any member of the House of Lords may, at any time, write to the Clerk of the Parliaments indicating his or her wish permanently to retire from the service of the House.

By retiring from the service of the House a member indicates his or her wish permanently to cease taking any part in the work of the House; and the House, in return, recognises the member's completed service to the House.

Having received an application to retire, the Clerk of the Parliaments consults the Lord Speaker and the member's party or group, who in turn consult the member and seek confirmation that it is his or her intention to retire permanently from the service of the House. Not less than two weeks is allowed for this informal consultation to be completed.

The Lord Speaker notifies the House on the day the retirement takes effect. Retirement is also marked informally outside the Chamber.

Members who have retired from the service of the House should not attend sittings of the House or of any committee of the House. They may not vote in any election of the Lord Speaker or by-elections for hereditary peers. Retired members may sit on the steps of the Throne, and are afforded the same access to other facilities as members on Leave of Absence, with the exception that they are not entitled to receive parliamentary papers. Retired members are not subject to the Code of Conduct.

Retired members remain peers, and retirement does not affect the use of their title. Retired Members also continue to be treated for the purposes of general law as Members of the House.

APPENDIX 2: PRESENT RULES ON LEAVE OF ABSENCE

Paragraphs 1.27–1.29 of the *Companion* currently read as follows:

Leave of absence

1.27 Members of the House are to attend the sittings of the House. If they cannot attend, they should obtain leave of absence.

1.28 At any time during a Parliament, a member of the House may obtain leave of absence for the rest of the Parliament by applying in writing to the Clerk of the Parliaments. Before the beginning of every Parliament the Clerk of the Parliaments writes to each member who was on leave of absence at the end of the preceding Parliament to ask whether he wishes to apply for leave of absence for the new Parliament. The House grants leave to those who so apply. In addition, the Dissolution Notice sent to all members of the House at the opening of a new Parliament invites other members who wish to apply to communicate with the Clerk of the Parliaments.

1.29 Directions relating to those on leave of absence are as follows:

- (a) a member of the House who has been granted leave of absence is expected not to attend sittings of the House until his leave has expired or been terminated, except to take the oath of allegiance;
- (b) a member of the House on leave of absence who wishes to attend during the period for which leave was granted is expected to give notice in writing to the Clerk of the Parliaments at least one month before the day on which he wishes to attend; and his leave is terminated one month from the date of this notice, or sooner if the House so directs;
- (c) a member of the House on leave of absence may not act as a supporter in the ceremony of introduction;
- (d) a member of the House on leave of absence may not vote in the election of the Lord Speaker or in by-elections for hereditary peers.

APPENDIX 3: CHANGES TO STANDING ORDER 22

New text is given in **bold**; text to be deleted is ~~struck through~~.

Standing Order 22: Leave of absence. 13 June 1958

22.—(1) Lords are to attend the sittings of the House or, if they cannot do so, obtain leave of absence, which the House may grant at pleasure; but this Standing Order shall not be understood as requiring a Lord who is unable to attend regularly to apply for leave of absence if he proposes to attend as often as he reasonably can.

(2) A Lord may apply for leave of absence at any time during a Parliament for the remainder of that Parliament.

(3) On the issue of writs for the calling of a new Parliament the Clerk of the Parliaments shall in writing ask every Lord who was on leave of absence at the end of the preceding Parliament whether he wishes to apply for leave of absence for the new Parliament.

(4) At the start of each session of Parliament the Clerk of the Parliaments may in writing ask any Lord Temporal not on leave of absence, suspended or otherwise disqualified from attending the House, who in the previous session attended the House very infrequently, whether he wishes to apply for leave of absence for the remainder of the Parliament.

(5) Any Lord who fails to reply to a letter sent by the Clerk of the Parliaments pursuant to paragraph (3) or (4) above within three months from the date the letter was sent shall be granted leave of absence for the remainder of the Parliament.

(6) A Lord who has been granted leave of absence ~~is expected~~ **should** not ~~to~~ attend the sittings of the House until the period for which the leave was granted has expired or the leave has sooner ended, unless it be to take the Oath of Allegiance.

(7) If a Lord, having been granted leave of absence, wishes to attend during the period for which the leave was granted, he ~~is expected to~~ **should** give notice to the House accordingly at least ~~one~~ **three** months before the day on which he wishes to attend; and at the end of the period specified in the notice, or sooner if the House so direct, the leave shall end.

(8) In applying the provisions of this Standing Order the Clerk of the Parliaments may seek the advice of the Leave of Absence Sub-Committee of the Procedure of the House Committee.

