

House of Lords (Hereditary Peers) Bill

FIFTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 1

BARONESS BERRIDGE

90B After Clause 1, insert the following new Clause –

“House of Lords Appointments Commission: episcopal writs

At the end of section 5 of the Bishops Act 1878 (the number of bishops sitting in Parliament not to be increased) insert –

- “(2) The issuing of writs of summons under subsection (1) is subject to approval by the House of Lords Appointments Commission.
- (3) The approval of the issuing of a writ of summons under subsection (2) must be based on the outcome of propriety checks conducted by that Commission.”

LORD BRADY OF ALTRINCHAM

90C After Clause 1, insert the following new Clause –

“Composition of the House: ministerial restriction

A person can only be a member of the House of Lords if they are not a Minister of the Crown.”

LORD BRADY OF ALTRINCHAM

90D After Clause 1, insert the following new Clause –

“Future composition of the House of Lords: elections by constituency

The Secretary of State must, within 6 months of the day on which this Act is passed, lay before Parliament a draft Bill containing legislative proposals for –

- (a) a limit on membership of the House of Lords of 200,
- (b) elections to be held for membership of the House of Lords one year after elections to the House of Commons,
- (c) elections in paragraph (b) to use a first-past-the-post voting system, and
- (d) elections in paragraph (b) to use geographical constituencies, determined by the boundary commissions.”

BARONESS MOBARIK
BARONESS FOSTER OF AGHADRUMSEE
BARONESS BUTLER-SLOSS
BARONESS JONES OF MOULSECOOMB

90E After Clause 1, insert the following new Clause –

“Life peerages to be nominated by party groups

On the day on which this Act is passed, the Prime Minister must recommend to His Majesty the King that –

- (a) 46 individuals nominated by the Leader of the Conservative Party in the House of Lords,
- (b) 33 individuals nominated by the House of Lords Appointment Commission to sit on the crossbenches,
- (c) 4 individuals nominated by the Leader of the Labour Party in the House of Lords, and
- (d) 4 individuals nominated by the Leader of the Liberal Democrat Party in the House of Lords

be granted a life peerage under section 1 of the Life Peerages Act 1958.”

Member's explanatory statement

This amendment would require the Prime Minister to give groups in Parliament the ability to nominate individuals to be appointed as life peers to replace the number of hereditary peers in their group. This could include reappointing some hereditary peers as life peers.

BARONESS HOEY
LORD MORROW

90F After Clause 1, insert the following new Clause –

“Review: Northern Ireland

Within 24 months of the day on which this Act comes into force, the Secretary of State must produce a report assessing the desirability of increased representation of Members from Northern Ireland in the House of Lords.”

Clause 2

THE EARL OF DEVON

91 Clause 2, page 1, line 8, at end insert –

- “(3) Claims to hereditary peerages shall hereafter be determined by the Judicial Committee of the Privy Council (pursuant to section 4 of the Judicial Committee Act 1833) and in exercising such jurisdiction the Judicial Committee must have regard to principles of gender equality.
- (4) The Judicial Committee of the Privy Council must publish a statement every five years stating how they have had regard to principles of gender equality under subsection (3).”

Member's explanatory statement

In the light of the fact that hereditary peerages often pass to eldest sons, this amendment seeks to ensure that the Judicial Committee of the Privy Council, when exercising its jurisdiction to determine peerage claims, does so in a manner that is not gender discriminatory to the extent that it is able, and reports regularly as to its success in achieving this.

LORD NORTHBROOK

92 [*Withdrawn*]

LORD WOLFSON OF TREDEGAR

93 Clause 2, page 1, line 8, at end insert –

- “(3) Any peerage claim is to be made to His Majesty in Council.
- (4) A claim under this section must be made in accordance with such rules as His Majesty may by Order in Council prescribe.
- (5) Section 3 of the Judicial Committee Act 1833 (reference to the Judicial Committee of the Privy Council of appeals to His Majesty in Council) applies to a claim under this section as it applies to an appeal to His Majesty in Council from a court.
- (6) The Judicial Committee may require an applicant to give such security for the costs of the proceedings as the Judicial Committee may direct.”

Member's explanatory statement

This amendment seeks to clarify the future of claims to a hereditary peerage as originally drafted by the Office of the Parliamentary Counsel for the House of Lords Reform Bill 2012.

LORD NORTHBROOK

As an amendment to Amendment 93

93A At end insert –

“(7) The Judicial Committee must seek the advice of and evidence from Garter King of Arms (for England, Wales and Northern Ireland) and the Lord Lyon (for Scotland) when determining peerage claims under this section.”

After Clause 2

THE EARL OF DEVON
BARONESS JONES OF MOULSECOOMB

94 After Clause 2, insert the following new Clause –

“Report: principles of gender equality

- (1) The Judicial Committee of the Privy Council must, within six months of the day on which this Act is commenced, undertake a consultation on how principles of gender equality should be applied when determining hereditary peerage claims which were formerly determined by the House of Lords.
- (2) The Committee must publish a report following the conclusion of the consultation which must address –
 - (a) the expectations of existing heirs;
 - (b) heirs born to unmarried parents;
 - (c) families with adopted children.”

Member's explanatory statement

In the light of the fact that hereditary peerages often pass to eldest sons, this amendment requires that the Judicial Committee of the Privy Council must, within six months of the commencement of this Act, consult on how principles of gender equality should be applied when determining hereditary peerage claims.

LORD LUCAS
VISCOUNT HAILSHAM

95 After Clause 2, insert the following new Clause –

“Review: impact of this Act on the effectiveness of the House of Lords

Within two years of the day on which this Act is passed, and annually thereafter, the Secretary of State must publish a report on the impact of this Act on the effectiveness of the House of Lords at discharging its core functions.”

THE EARL OF DUNDEE
VISCOUNT HAILSHAM

96 After Clause 2, insert the following new Clause –

“Review

Within 12 months of the day on which this Act comes into force, the Secretary of State must lay before each House of Parliament the report of a review detailing the effect of this Act on –

- (a) the relationship between HM Government and Parliament and –
 - (i) the Scottish Government, the Welsh Government and the Northern Ireland Executive,
 - (ii) the Scottish Parliament, the Senedd and the Northern Ireland Assembly,
 - (iii) local authorities in England,
- (b) the quality of legislative and government scrutiny that the House of Lords provides,
- (c) the balance of power between HM Government and Parliament,
- (d) the example that the Parliament of the United Kingdom sets to the Commonwealth, member states of the Council of Europe and the rest of the world.”

Member's explanatory statement

This amendment seeks to place a duty on the Secretary of State to produce a report on the effect of the provisions of the Bill.

THE EARL OF DEVON
LORD HANNAN OF KINGSCLERE
BARONESS SMITH OF LLANFAES

97 After Clause 2, insert the following new Clause –

“Review of and consultation on appropriateness of name of House

The Secretary of State must, within six months of the day on which this Act is passed, lay before Parliament a report based on a public consultation on the implications of the provisions in this Act for the appropriateness of the name of the House of Lords.”

Member's explanatory statement

This amendment invites consideration of the suitability of the name “House of Lords” after the removal of the Hereditary Peers from Parliament.

Clause 4

LORD LUCAS

98 Clause 4, page 2, line 15, at end insert –

“(2A) This section and section (*Review: impact of this Act on the effectiveness of the House of Lords*) come into force on the day on which this Act is passed.”

THE EARL OF DUNDEE

99 Clause 4, page 2, line 15, at end insert –

“(2A) This section, section (*House of Lords Appointments Commission: recommendations for life peerages*), section (*House of Lords Appointment Commission: statutory basis*), section (*Future composition of the House of Lords (statutory appointments commission)*), section (*Future composition of the House of Lords (electoral college)*), section (*Future composition of the House of Lords (peerages conferring membership of the House)*), section (*Future composition of the House of Lords (transitional arrangements)*), section (*Future composition of the House of Lords (Lords Spiritual)*), section (*Future composition of the House of Lords (consultation and regard for effect)*), section (*Future composition of the House of Lords (retirement age)*), and section (*Review*) come into force on the day on which this Act is passed.”

Member's explanatory statement

This amendment seeks to commence sections inserted by other amendments in the name of the Earl of Dundee on the day on which the Act is passed.

LORD NORTHBROOK

100 [*Withdrawn*]

LORD HAMILTON OF EPSOM
LORD MOYLAN

101 Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

“(3) This section comes into force on the day on which this Act is passed.

(4) Sections 1 to 3 of this Act do not come into force until a Constitutional Conference between the House of Lords and the House of Commons has been convoked for at least six months following its first meeting (unless it can agree recommendations earlier) to consider the composition of the House of Lords.”

LORD SWIRE

101A Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

“(3) This section comes into force on the day on which this Act is passed.

- (4) Sections 1 to 3 of this Act do not come into force until a Royal Commission has been established to consider the impact of this Act on –
- (a) the governance of the United Kingdom,
 - (b) the role of the House of Lords, and
 - (c) the continuing value of a bicameral legislature,
- and that Royal Commission has published its report.”

LORD NORTON OF LOUTH

101B Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

- “(3) This section comes into force on the day on which this Act is passed.
- (4) Sections 1 to 3 do not come into force until the Secretary of State has laid before Parliament a draft Bill containing proposals for –
- (a) a Commission to advise the Prime Minister on recommendations to the Crown for the creation of life peerages, and
 - (b) principles to be followed in making recommendations for life peerages.
- (5) Accordingly, any writ of summons issued for the present Parliament in right of a hereditary peerage is of no effect after that date.”

LORD BLENCATHRA

101C Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

- “(3) This section and sections 1 to 3 come into force on the day on which this Act is passed.
- (4) Section (*Retirement from the House of Lords at 80*) comes into force on the day specified in a motion for resolution of the House of Lords.”

LORD BLENCATHRA

101D Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

- “(3) This section and sections 1 to 3 come into force on the day on which this Act is passed.
- (4) Section (*Retirement from the House of Lords at 90*) comes into force on the day specified in a motion for resolution of the House of Lords.”

LORD BLENCATHRA

101E Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

- “(3) This section and sections 1 to 3 come into force on the day on which this Act is passed.

- (4) Section (*Attendance requirement of 20%*) comes into force on the day specified in a motion for resolution of the House of Lords.”

LORD BLENCATHRA

101F Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

- “(3) This section and sections 1 to 3 come into force on the day on which this Act is passed.
- (4) Section (*Attendance requirement of 15%*) comes into force on the day specified in a motion for resolution of the House of Lords.”

LORD BLENCATHRA

101G Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

- “(3) This section and sections 1 to 3 come into force on the day on which this Act is passed.
- (4) Section (*Attendance requirement of 10%*) comes into force on the day specified in a motion for resolution of the House of Lords.”

LORD BLENCATHRA

101H Clause 4, page 2, line 16, leave out subsections (3) and (4) and insert –

- “(3) This section and sections 1 to 3 come into force on the day on which this Act is passed.
- (4) Section (*Retirement from the House of Lords at 85*) comes into force on the day specified in a motion for resolution of the House of Lords.”

LORD NORTHBROOK
This amendment replaces Amendment 100

101I [*Withdrawn*]

LORD LUCAS
THE EARL OF DUNDEE

102 Clause 4, page 2, line 16, at beginning insert “The rest of”

BARONESS HAYTER OF KENTISH TOWN

103 Clause 4, page 2, line 16, leave out from “force” to “which” and insert “on the day on”

LORD MOYLAN

- 104** Clause 4, page 2, line 16, leave out from “force” to end of line 19 and insert “on the day after the Secretary of State has –
- (a) issued a document for public consultation containing proposals for ensuring the membership of the House of Lords is more representative of the regions and nations, and
 - (b) published a draft Bill giving effect to those changes.”

Member's explanatory statement

This amendment makes the commencement of the Bill subject to the prior issuance of a consultation document and draft legislation on the representation of the regions and nations in the House of Lords. It makes subsection (4) otiose.

LORD BLENCATHRA
VISCOUNT HAILSHAM
LORD DOBBS

- 105** Clause 4, page 2, line 16, leave out “Session of”

Member's explanatory statement

This amendment would remove Exempted Hereditary peers over a longer timescale, to permit the House to benefit from their input while giving them more time to seek alternative employment.

LORD PARKINSON OF WHITLEY BAY

- 106** Clause 4, page 2, line 16, leave out “Session of” and insert “second Parliament after the”

Member's explanatory statement

This amendment seeks to delay the implementation of the Act until this and the next Parliament have had the opportunity to consider the most effective form of bicameral working.

LORD YOUNG OF COOKHAM

- 107** Clause 4, page 2, line 16, after “Parliament”, insert “after the Session”

Member's explanatory statement

The purpose of the amendment is to postpone implementation of the Act.

LORD MOYLAN

- 107A** Clause 4, page 2, line 16, leave out from “Parliament” to end of line 19, and insert “that 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.”

VISCOUNT HAILSHAM

108 Clause 4, page 2, line 17, leave out “this Act is passed” and insert “the Secretary of State has published a draft Bill with proposals for stage two of House of Lords reform.

- (3A) A “draft Bill with proposals for stage two of House of Lords reform” is a draft Bill which includes proposals which –
- (a) introduce a mandatory retirement age for members of the House of Lords;
 - (b) introduce term limits not exceeding 15 years for life peers;
 - (c) change the process of appointment of members of the House of Lords, so as to limit the discretion of the Prime Minister and of the leaders of any political party to secure the appointment of persons to sit and vote in the House of Lords;
 - (d) introduce minimum participation requirements for continued membership of the House of Lords;
 - (e) remove the automatic right of bishops to sit and vote in the House of Lords;
 - (f) reduce the number of members entitled to sit and vote in the House of Lords to fewer than 600 by the dissolution of the Parliament in which any Act arising from the draft Bill would be passed.”

LORD NORTHBROOK

109 Clause 4, page 2, line 17, leave out “this Act is passed” and insert “the Secretary of State has published a draft Bill with proposals to implement the remaining changes recommended in paragraphs 33 to 38 of the Executive Summary of the Royal Commission on the Reform of the House of Lords”

LORD NORTHBROOK

110 Clause 4, page 2, line 17, leave out “this Act is passed” and insert “the Secretary of State has published a draft Bill with proposals to implement the remaining changes recommended in the first report of the Lords Speaker’s Committee on the Size of the House”

LORD LUCAS

111 Clause 4, page 2, line 17, at end insert “, or at the end of the Session of Parliament during which the Secretary of State has published a draft Bill with proposals for stage two of House of Lords reform, whichever is later.

- (3A) A “draft Bill with proposals for stage two of House of Lords Reform” is a draft Bill which includes proposals which either –
- (a) make provision –
 - (i) specifying the proportion of seats in the House of Lords allocated to peers affiliated with each political party or with no political party, and bishops of the Church of England,
 - (ii) regarding the qualities required of persons appointed to the House of Lords, and

- (iii) regarding the maximum size of the House of Lords, or
- (b) deliver a more radical reform of the composition of the House of Lords, in the view of that House.”

BARONESS HAYTER OF KENTISH TOWN

- 112** Clause 4, page 2, line 19, leave out “after that Session” and insert “from the day on which this Act is passed”

LORD YOUNG OF COOKHAM

- 113** Clause 4, page 2, line 19, leave out “that Session” and insert “the Session following the Session in which this Act is passed”

Member's explanatory statement

The purpose of the amendment is to postpone implementation of the Act.

After Clause 4

LORD TRUE

- 114** After Clause 4, insert the following new Clause—

“Expiry

This Act expires at the end of 4 July 2029 unless, before that time, a subsequent Act has been passed by both Houses of Parliament implementing a mandatory retirement from the House of Lords at the end of the Parliament in which a member reaches 80 years of age, and that Act has been brought into force.”

Member's explanatory statement

This amendment would annul the Act on 4 July 2029 unless another Act implementing a retirement age has also come into force, delivering in tandem the two measures committed to together in the Labour Party Manifesto.

Clause 5

LORD NEWBY
LORD WALLACE OF SALTIRE

- 115** Clause 5, page 2, line 21, after “Peers” insert “and Proposals for a Democratic Mandate”

Member's explanatory statement

This amendment would change the short title of the Bill and is consequential on Lord Newby's new Clause after Clause 1 “Duty to take forward proposals for democratic mandate for House of Lords”.

LORD NEWBY
LORD WALLACE OF SALTAIRE

116 Clause 5, page 2, line 21, after “Peers” insert “and Appointments”

Member's explanatory statement

This amendment would change the short title of the Bill and is consequential on Lord Newby's new Clause after Clause 1 “Life peerages not to be conferred against recommendation of the House of Lords Appointments Commission.”

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