



HOUSE OF LORDS

# Library Note

## Hereditary Peers in the House of Lords Since 1999

The House of Lords Act 1999 ended the centuries-old linkage between the hereditary peerage and membership of the House of Lords. The majority of hereditary Peers left the House of Lords in November 1999, but under a compromise arrangement, 92 of their number, known as ‘excepted’ hereditary Peers still sit in the House today. Since the 1999 Act, there have been numerous proposals put forward for a second stage of major reform of the House of Lords, and for smaller incremental reforms which would end the practice of hereditary by-elections, but to date none of these has succeeded.

This Note examines the role of hereditary Peers in the House of Lords since the 1999 Act. It begins by providing a very brief history of the hereditary principle in the House of Lords. It considers the passage of the 1999 Act through Parliament, and the impact it has had on both the composition and the behaviour of the House of Lords. It contains information about the elections and by-elections through which the excepted hereditary Peers have been chosen, as well as details of hereditary Peers who sit by virtue of a life peerage, female hereditary Peers in their own right and a statistical profile of hereditary members of the House today. The Note also outlines proposals for small and large scale reforms put forward by Labour, the current Government and in private members’ bills since 1999.

Nicola Newson  
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## 1. Introduction

The House of Lords Act 1999 ended the centuries-old linkage between the hereditary peerage and membership of the House of Lords. The majority of hereditary Peers left the House of Lords in November 1999, although under a compromise arrangement, 92 of their number were allowed to remain, and still sit in the House today. The hereditary principle was seen by the Labour Government in power at the time as an anachronistic basis for membership of a modern parliament, although supporters of reform do not deny that individual hereditary Peers have made valuable contributions to the House of Lords, and continue to do so.

Since the 1999 Act, there have been numerous proposals put forward for further reform of the House of Lords. Successive Governments have attempted to carry out a second stage of major reform, thus far without success. There have also been numerous proposals for more limited reforms to reduce the size of the House of Lords and to restrict the criteria for membership, including ending the practice of by-elections for hereditary Peers. Again, no attempt to end hereditary by-elections or otherwise remove the excepted hereditary Peers has succeeded, largely because of resistance in some quarters to doing so when the question of more comprehensive ‘stage two’ reform that was supposed to follow the 1999 Act remains unsettled.

This Note examines the role of hereditary Peers in the House of Lords since the 1999 Act. It begins by providing in section 2 a brief history of the hereditary principle in the House of Lords, from Parliament’s origins up until the House of Lords Act 1999. Section 3 considers the 1999 Act, looking at its passage through Parliament—particularly the amendment moved by Lord Weatherill, under which 92 hereditary Peers were allowed to remain in the House of Lords—the provisions of the Act and the impact it has had on both the composition and the behaviour of the House of Lords. Section 4 contains information about the elections held in 1999 to select the hereditary Peers who would remain in the House of Lords, and the by-elections held since 2003 to replace excepted hereditary Peers who have died. Section 5 gives details about the hereditary Peers who have sat in the House of Lords since 1999 by virtue of a life peerage, and section 6 considers the female members of the House of Lords who are hereditary Peers in their own right. Section 7 outlines proposals for small and large scale reforms put forward by Labour, the current Government and in private members’ bills. Section 8 presents a statistical profile of hereditary members of the House of Lords today, looking at age, gender and attendance compared to the rest of the House, and outlining positions held within the House, within Government and within political parties by hereditary members since 1999. Appendices to the Note list the current excepted hereditary Peers alphabetically and by party/group.

## 2. Hereditary Principle: A Brief History

For hundreds of years, the right to sit in the House of Lords was conferred by virtue of holding a hereditary peerage. During Parliament’s early development, “it became increasingly established that a person once summoned to one assembly would be summoned to the next, and that this entitlement would pass to his heir on his death”.<sup>1</sup> As the nobility began to emerge as a structured class—distinct from knights and lesser landholders—from the fourteenth century onwards, “both the hereditary peerage and the House of Lords were beginning to appear in recognizable form”.<sup>2</sup> The permanent and hereditary nature of the right to receive the writ of summons, and therefore membership of the House of Lords, is generally held to have been confirmed and settled in 1625 when a committee of the House, responding to a petition

<sup>1</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 15.

<sup>2</sup> *ibid.*

from the Earl of Bristol who had been refused a writ by King Charles I, concluded that “no precedent could be found for withholding a writ from a Peer capable of sitting in the House of Parliament”.<sup>3</sup>

The hereditary basis for the composition of membership of the House of Lords continued for centuries.<sup>4</sup> It was not until the Appellate Jurisdiction Act 1876 that life Peers became entitled to sit in the House of Lords. To strengthen the House’s judicial capacity, the 1876 Act allowed a maximum of four judges to be granted life peerages and to sit in the House of Lords as Lords of Appeal in Ordinary.<sup>5</sup> Between 1869 and 1953, a number of private members’ bills sought to strengthen the House’s legislative capacity by admitting life Peers, but it was not until the Life Peerages Act 1958 that life peerages with a seat and vote in the House of Lords in a non-judicial capacity were granted.<sup>6</sup> Subsequently, the Peerages Act 1963 allowed female hereditary Peers in their own right to sit in the House of Lords, and hereditary Peers to disclaim their titles, permitting them to sit in the House of Commons.

Despite these changes, the majority of the House of Lords’ membership continued to consist of hereditary Peers. Vernon Bogdanor notes that:

[...] successive creations of life peerages did not seriously undermine the predominance of the hereditary element in the Lords; and in the mid-1990s around two-thirds of the members were still hereditary Peers. Since the vast majority of hereditary Peers were Conservatives, there always remained a permanent Conservative overall majority in the Lords, whatever the composition of the government of the day.<sup>7</sup>

The Preamble to the Parliament Act 1911 presaged future reform to the composition of the House of Lords. The Act itself redefined the Lords’ powers with respect to those of the Commons by removing the Lords’ ability to reject legislation that had been approved by the Commons, replacing it with a power of delay. The Preamble to the 1911 Act declared that the Government of the day:

[...] intended to substitute for the House of Lords as it at present exists, a second Chamber constituted on a popular instead of hereditary basis, but such a substitution cannot immediately be brought into operation.

[...] provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting and defining the powers of the new Second Chamber [...]

Harold Wilson’s Labour Government published a White Paper on House of Lords reform in November 1968, which proposed a ‘two-writ’ system of voting and non-voting Peers and reduced powers for the House of Lords (primary legislation would be subject to a shorter delay and the rejection in the Lords of statutory instruments could be overridden in the Commons).<sup>8</sup> Hereditary Peers would have been allowed to speak, but not to vote, and could

<sup>3</sup> House of Lords Library, [The Life Peerages Act 1958](#), 21 April 2008, LLN 2008/011, p 2.

<sup>4</sup> Under the Act of Union 1707, Scottish Peers elected 16 of their number to sit in the House of Lords each parliamentary session, and under the Union with Ireland Act 1800, Irish Peers elected 28 of their number to sit in the House of Lords for life. Although these ‘representative’ Peers were elected, their entitlement to stand for election was on the basis of a hereditary peerage.

<sup>5</sup> *ibid*, pp 5–6.

<sup>6</sup> *ibid*, p 6 and pp 8–16.

<sup>7</sup> Vernon Bogdanor, *The New British Constitution*, 2009, p 155.

<sup>8</sup> HM Government, *House of Lords Reform*, November 1968, Cmnd 3799.

have remained in the House of Lords until they died, but they would not have been replaced by their heirs. The Parliament (No 2) Bill containing these proposals was introduced to the House of Commons in December 1968, but in April 1969—after the Bill had spent over 80 hours in committee—Harold Wilson announced that it would be dropped “in order to ensure that the necessary parliamentary time is available for priority Government legislation”.<sup>9</sup>

The House of Lords Bill 1998–99 as introduced by the Labour Government originally sought to remove all hereditary Peers from the House of Lords, but the Act as eventually passed in 1999 retained some hereditary Peers within the House. Questions about “limiting and defining the powers of [a] new second Chamber” and how to determine a “popular basis” for its membership have remained divisive political issues over a century on from the 1911 Act.

### 3. House of Lords Act 1999

#### 3.1 Background

The Labour Party made a commitment in its manifesto for the 1997 general election that “as an initial self-contained reform, not dependent on further reform in the future, the right of hereditary Peers to sit and vote in the House of Lords will be ended by statute”.<sup>10</sup> It described this as “the first stage in a process of reform to make the House of Lords more democratic and representative”, but said that “the legislative powers of the House of Lords will remain unaltered”. Labour also promised that the system of appointment of life Peers to the House of Lords would be reviewed and that a committee of both Houses would be appointed to “undertake a wide-ranging review of possible further changes and then to bring forward proposals for reform”.

The Queen’s Speech at the start of the 1998–99 session announced the Labour Government’s plans to legislate to remove hereditary Peers from the House of Lords, and to establish a Royal Commission to bring forward proposals for further reform.<sup>11</sup> The Government introduced the House of Lords Bill 1998–99 into the House of Commons on 19 January 1999. The Bill as introduced would have meant that all hereditary Peers would lose the right to an automatic place in the House of Lords. A White Paper published the same day as the Bill explained Labour’s position that:

The Government believes that the right of hereditary Peers to sit and vote in the House of Lords is a significant factor in the lack of political effectiveness and balance of the House. We believe no individuals should have the right to be members of Parliament solely on the basis of the actions or position of their ancestors. A place in the legislature should be reserved for those who achieve it on their own merits. The continuing right of the whole hereditary peerage to sit and vote has been accepted as an anomaly for most of this century, even by the House of Lords itself.

The hereditary peerage numbers well over half the membership of the House of Lords. The presence in the House of this large number of hereditary Peers constitutes an element of the Lords which is unresponsive to political and social change. No matter what the outcome of a general election, political control of the second Chamber of Parliament never alters. It ensures that the Conservative Party has a 3 to 1 built-in

<sup>9</sup> House of Lords Library, [House of Lords Reform: Chronology 1900–2010](#), 21 July 2011, LLN 2011/025.

<sup>10</sup> Labour Party, *New Labour: Because Britain Deserves Better*, 1997, pp 32–3.

<sup>11</sup> HL *Hansard*, 24 November 1998, [col 4](#).

majority over the Labour Party. Taken as a whole, the hereditary peerage is not representative of the country politically, socially, economically or above all by gender or ethnic origin. While the hereditary Peers retain their dominant position, the House as a whole can never hope to be representative. In future, hereditary Peers will have the same democratic rights as other citizens: no less but certainly no more. They will be able to vote for members of the House of Commons; they will be able to stand as candidates for the House of Commons; but they will no longer be members of the House of Lords by right of birth.<sup>12</sup>

### 3.2 The Weatherill Amendment

However, even before the Bill was introduced to Parliament, negotiations were under way between the Government and Conservative Peers in the House of Lords over a compromise, under which some hereditary Peers would remain in the House of Lords until the second stage of reform that was expected after the Royal Commission had reported. A previous House of Lords Library Note, while cautioning that “given the secrecy and controversy surrounding the negotiations, it is impossible to give a full account”, summarises events as follows, based on quotations from individuals involved and on a range of secondary sources:

[There were] discussions between Viscount Cranborne [then Conservative Leader in the Lords] and various Government ministers (including Lord Irvine of Lairg, then Lord Chancellor, Lord Richard, Tony Blair’s first Leader of the House of Lords, and his replacement in that post, Baroness Jay of Paddington) without the full knowledge or authority of the Conservative Leader William Hague or his shadow cabinet. The negotiations were apparently based along the following lines: the hereditary Peers would not fully resist the Government’s commitment to remove them, but were unwilling to accept wholesale abolition of hereditary Peers before the Government had set out an acceptable long-term proposal for the future House of Lords; for its part, the Government were prepared to compromise, removing the majority, but not all, hereditary Peers in the first instance, if that meant that the House of Lords would not unreasonably obstruct the Government’s legislative programme in other areas. According to some accounts, there was some bargaining over the numbers of hereditary Peers who would be allowed to remain, before Lord Cranborne and Tony Blair finalised an agreement at 10 Downing Street on 26 November 1998. It appears that William Hague had initially authorised Lord Cranborne’s negotiations with the Government, but apparently had not authorised any final deal. Lord Cranborne was therefore dismissed for acting without authority. His fellow Conservative frontbenchers in the Lords supported his position (some offering their own resignation), before William Hague himself and the shadow cabinet endorsed the substance of the compromise, while remaining critical of the Government’s wider plans for reform of the House of Lords.<sup>13</sup>

Lord Weatherill, the then Convenor of the Crossbench Peers and a former Speaker of the House of Commons, was seen as “the ideal senior non-partisan figure to front the whole arrangement”.<sup>14</sup> He announced in a press release in December 1998 his intention to table an

<sup>12</sup> HM Government, *Modernising Parliament—Reforming the House of Lords*, 19 January 1999, Cm 4183, paras 15–16.

<sup>13</sup> House of Lords Library, *The Weatherill Amendment: Elected Hereditary Peers*, 23 October 2009, LLN 2009/008, p 5.

<sup>14</sup> Donald Shell, ‘Labour and the House of Lords: A Case Study in Constitutional Reform’, *Parliamentary Affairs*, 2000, vol 53 no 2, p 300.

amendment to the forthcoming bill under which one in ten hereditary Peers, chosen by election, would remain in the House of Lords until transition to stage two of reform was complete.<sup>15</sup> During this transitional phase, an additional 14 Peers would be elected by the whole House to serve as Deputy Chairmen, and the Lord Great Chamberlain and the Earl Marshal would also retain their seats. The Government indicated in the White Paper and on the Bill's introduction to the House of Commons that it was "minded to accept" such a compromise.<sup>16</sup>

Lord Weatherill moved his amendment at committee stage in the House of Lords. He explained the reasoning behind the number of Peers who would be allowed to remain:

[...] we believed it would be appropriate if the hereditary Peers of each of the main political parties, and of the Crossbenchers, were able to elect a proportion of their number who would continue to sit. The proportion is fixed at 10 percent of the whole. That seemed appropriate given that by no means all hereditary Peers attend the Chamber on a regular basis.

The total number of hereditary Peers is 750: therefore the total to be elected under this heading would be 75. We suggest that the Labour Party elect two, the Conservative Party, 42, the Liberal Democrats, three and the Crossbenchers, 28. These figures reflect the proportions of the hereditary Peers who support each party or sit on the Crossbenches at present.

Secondly [...] some hereditary Peers serve the Chamber as Deputy Speakers or Chairmen. At present the number of hereditary Peers who are Deputy Speakers is 15. We believe therefore that that would be an appropriate number to add to the 75 [...] With the Earl Marshal and the Lord Great Chamberlain added the number becomes 92.<sup>17</sup>

Lord Irvine of Lairg, the then Lord Chancellor, had outlined at second reading the Government's reasons for planning to accept the Weatherill amendment:

Like all compromises it does not give complete satisfaction to anyone. This is the nature of compromise.

[...] We have always intended a stage two reform to a reformed upper House. Others questioned our genuineness. [...] I was not offended by those who claimed to perceive a risk that removal of the hereditaries might prove to be the only reform to take place. All who have assented to this compromise would justify it in their own ways, but what I believe it comes to is the following.

First, a compromise in these terms would guarantee that stage two would take place, because the Government with their great popular majority and their manifesto pledge would not tolerate 10 percent of the hereditary peerage remaining for long. But the 10 percent will only go when stage two has taken place. So it is a guarantee that it will take place. Secondly, the hereditary Peers who remain will have greater authority because they will have been elected by the whole of the hereditary peerage within the

<sup>15</sup> Press notice, 'Crossbench Peers' Initiative on House of Lords Reform', 2 December 1998, quoted in House of Lords Library, *The Weatherill Amendment: Elected Hereditary Peers*, 23 October 2009, LLN 2009/008, pp 5–6.

<sup>16</sup> HM Government, *Modernising Parliament—Reforming the House of Lords*, 19 January 1999, Cm 4183, p 23; and HC *Hansard*, 1 February 1999, col 609.

<sup>17</sup> HL *Hansard*, 11 May 1999, cols 1088–9.

party, Conservative, Labour, or Liberal Democrat, from which they come, or, if they are Crossbenchers, by all the hereditary Crossbench Peers.

[...] Thirdly, to insist on fulfilling the manifesto pledge by one step, not two, would bring down the curtain unceremoniously on the whole of the hereditary peerage, many of whom, and whose forebears, have given so much to this House and to public life. The compromise will enable the elected 75 to participate in our counsels and to vote as the stage two plans are developed and debated. It will allow those who do not stand, or who are not elected, to depart with dignity, not querulously, and without rancour.<sup>18</sup>

At committee stage, Lord Strathclyde, a hereditary Peer who had replaced Viscount Cranborne as Leader of the Conservatives in the House of Lords, welcomed the Weatherill amendment as:

[...] making a bad bill better; we welcome it for avoiding for the time being the nightmare of a wholly appointed House; we welcome it as keeping in the House a few of those who we all know have given, and can continue to give, irreplaceable service.<sup>19</sup>

He suggested that “whether the Government’s acceptance of the amendment is part of a statesmanlike endeavour, or merely narrow expedient, will be judged not in the lobbies tonight, but in the weeks and months that remain for consideration of this Bill and the long-term proposals for the future of this House”.<sup>20</sup> Lord Strathclyde characterised the Bill as “a thoroughly bad Bill based on party prejudice, advanced through opportunism and destined for who knows what”.<sup>21</sup> At the Bill’s second reading, he had set out some of his objections to its aims:

This Bill starts with a simple purpose; that the hereditary peerage should be removed from this House. That is all. There is no reason, no purpose and no vision for the future [...]

The Government say they are creating a more democratic House, but where is the democracy in a letter from [...] the Prime Minister dispensing his patronage? For ancient privilege, read modern patronage. That is the future drawn by this Bill. However much [...] the Prime Minister may boast that he is giving up patronage, let noble Lords opposite reflect on the following. The Prime Minister has already created more Peers more quickly than any prime minister in modern history [...] And when this Bill is through, because the House will be smaller each act of patronage will have a greater impact on the balance of the House than anything seen before. I am certain that this House will not want this Bill to proceed without having examined the power of patronage, what that may mean for the freedom of our Parliament and how it may be circumscribed.

Let us also be in no doubt as to the effects of this Bill. This is the Bill that gives the Prime Minister what he yearns for more than anything else; control of a House that has defied him [...] This is the Bill that removes an important degree of independence from this House, and with it experts on a whole range of subjects and interests who will not easily be replaced.

<sup>18</sup> HL *Hansard*, 30 March 1999, [cols 207–8](#).

<sup>19</sup> HL *Hansard*, 11 May 1999, [col 1096](#).

<sup>20</sup> *ibid.*

<sup>21</sup> *ibid.*

[...] We are opposed to the Bill for three main and related reasons: it has no vision; it has no principle; and it is part of no strategy at all. First, it offers no vision as to the future second Chamber that the Government tell us this country and this Parliament need; secondly, it makes it less likely that we will ever go on to a second stage reform; and therefore, thirdly, it misses the best chance this century of finding consensus across the parties for a fully reformed, strong, independent and effective second Chamber, by which few hereditary Peers mind being replaced.

[...] Some of those questions will have to be addressed. One cannot cast the hereditary peerage into oblivion without casting the life peerage into doubt. One cannot alter the House of Lords radically without altering the House of Commons too. This House's present duty cannot be thwarted by this Government's fear of the future and hatred of the past.<sup>22</sup>

With regard to the Weatherill amendment, Lord Rodgers of Quarry Bank, speaking for the Liberal Democrats at committee stage, took the view that hereditary Peers could remain in the House of Lords as life Peers:

We have said many times from these benches that there are hereditary Peers in all parts of the House who, on merit, deserve a place in the transitional House for which this Bill makes provision. That has never been in dispute. I go further. There are many noble Lords who could make a valuable contribution to a post-Royal Commission House, if that turns out not to be wholly elected. But their future should be as life Peers, not as residual elected representatives of the hereditary peerage.<sup>23</sup>

He said that the Liberal Democrats would abstain on the Weatherill amendment. The amendment was agreed on division by 352 votes to 32.<sup>24</sup> An amendment to allow any vacancies arising on the death of an excepted hereditary Peer to be filled through by-elections—moved by the Government in response to Opposition concerns about maintaining the number of hereditary Peers should the second stage of Lords reform be delayed—was agreed at third reading without division.<sup>25</sup> The Weatherill amendment was agreed after further debate in the House of Commons on consideration of Lords amendments, by 438 votes to 22, supported by the Government and the Opposition, but not the Liberal Democrats.<sup>26</sup> The House of Lords Act 1999 received Royal Assent on 11 November 1999.

A more detailed account of the negotiations behind the Weatherill amendment and the passage of the Act is provided in the House of Lords Library Note, [The Weatherill Amendment: Elected Hereditary Peers](#), 23 October 2009, LLN 2009/008.

### 3.3 Provisions of the Act

Section 1 of the Act provides that “no-one shall be a member of the House of Lords by virtue of a hereditary peerage”. However, section 2 provides that “at any one time 90 people shall be excepted from section 1”. The 90 hereditary Peers allowed to remain in the House of Lords after the passage of the Act are therefore often referred to as “excepted hereditary Peers”.

<sup>22</sup> HL *Hansard*, 29 March 1999, [cols 17–19](#).

<sup>23</sup> HL *Hansard*, 11 May 1999, [col 1098](#).

<sup>24</sup> *ibid*, [col 1137](#).

<sup>25</sup> HL *Hansard*, 26 October 1999, [col 171](#).

<sup>26</sup> HC *Hansard*, 10 November 1999, [cols 1131–208](#).

Section 2 also provides that anyone excepted from section 1 “shall continue to be so throughout his life (until an Act of Parliament provides to the contrary)”. It specifies that arrangements for selecting the 90 excepted hereditary Peers, and for subsequently filling any vacancies arising on the death of an excepted hereditary Peer, should be set out in the standing orders of the House of Lords, and requires that a by-election must be held to fill vacancies arising after the end of the first session of the next Parliament after that in which the Act was passed.

Under section 2, the Earl Marshal and the Lord Great Chamberlain are also excepted from the provisions of section 1. The Earl Marshal is head of the College of Arms and is responsible for ceremonial occasions involving the sovereign, such as state openings of Parliament, coronations, royal weddings and royal funerals.<sup>27</sup> Since 1677, the office of Earl Marshal has been held by the Duke of Norfolk. The Lord Great Chamberlain is the Queen’s representative. He attends the Sovereign on great occasions of state ceremony, and within the Palace of Westminster is responsible for the Robing Room, the Royal Gallery, the Chapel of St Mary Undercroft and—jointly with the Speakers of the two Houses—Westminster Hall.<sup>28</sup> The office of Lord Great Chamberlain is a hereditary one, vested jointly in Cholmondeley, Ancaster and Carrington families, rotating between them in successive reigns. The current holder is the Marquess of Cholmondeley.

Under section 3 of the 1999 Act, hereditary Peers are no longer disqualified from voting in or standing for elections to the House of Commons, nor from being a Member of the House of Commons. However, the disqualification continues to apply to excepted hereditary Peers.<sup>29</sup>

### 3.4 Impact of the Act

The House of Lords Act 1999 had an effect on both the composition and the behaviour of the House of Lords. The departure of the majority of hereditary Peers decreased the size of the total membership, and shifted the balance between hereditary and life Peers on the one hand, and between political parties on the other.

#### Size of Membership

When the Act came into effect in November 1999, 667 hereditary Peers altogether lost their right to sit.<sup>30</sup> Table 1 shows the number of Peers entitled to sit in each of the main parties/groups (excluding Peers who were on leave of absence or otherwise disqualified from sitting) at the end of the 1998–99 parliamentary session, before the Act was passed, and at the end of the 1999–2000 session, after the Act had taken effect. The column for the whole House (which includes Bishops) shows that from the end of one session to the end of the next, the total membership entitled to sit fell by 520 from 1210 to 690, a reduction of 43 percent.<sup>31</sup>

<sup>27</sup> House of Lords Library, [Ceremonial in the House of Lords](#), 5 March 2010, LLN 2010/007, p 19.

<sup>28</sup> *ibid.*

<sup>29</sup> Lord Dubs has introduced a private member’s bill, the [Extension of Franchise \(House of Lords\) Bill 2013–14](#), which would allow all members of the House of Lords to vote in elections to the House of Commons. The Bill has passed all its stages in the House of Lords and is awaiting second reading in the House of Commons.

<sup>30</sup> Meg Russell, ‘A Stronger Second Chamber? Assessing the Impact of House of Lords Reform in 1999 and the Lessons for Bicameralism’, *Political Studies*, 2010, vol 58 no 5, p 867.

<sup>31</sup> The total membership of the House has risen again in subsequent years, with 780 members today, excluding those on leave of absence or otherwise disqualified from sitting: House of Lords Information Office, [‘Lords by Party, Type of Peerage and Gender’](#), accessed 11 March 2014.

Table 1: Size of the House before and after the 1999 Act

End of Session	Con		Labour		Lib Dem		Crossbench		Other/Non-Affiliated		Whole House (WH)
	No of Peers	% of WH	No of Peers	% of WH	Total number of Peers						
1998–99	484	40.0	193	16.0	72	6.0	355	29.3	80	6.6	1210
1999–2000	232	33.6	201	29.1	62	9.0	163	23.6	6	0.9	690

Source: House of Lords Library, [Party and Group Strengths and Voting](#), 27 June 2012, LLN 2012/026, table 2.1. Excludes members on leave of absence or otherwise disqualified from sitting.

However, although the 1999 Act dramatically cut the numbers of hereditary members of the House of Lords, its impact on the active membership of the House was not so great. Shell notes that although hereditary Peers “were the most numerous in terms of formal membership” prior to the 1999 Act, “in terms of active membership by 1999 life Peers constituted well over half the House”.<sup>32</sup> According to his calculations, around 300 hereditary Peers attended either very rarely or not at all.<sup>33</sup> Average daily attendance figures are now higher than before the removal of the majority of hereditary Peers, despite the fact that the overall membership is lower. At the end of the 1998–99 session, there were 1210 members (excluding those on leave of absence or otherwise disqualified from sitting); average daily attendance for that session stood at 446.<sup>34</sup> In comparison, at the end of the 2012–13 session, there were 762 members (excluding those on leave of absence or otherwise disqualified from sitting), but an average daily attendance rate of 484.<sup>35</sup> Shell notes that “those elected as hereditary Peers are on the whole active members, ensuring therefore that the House created by the 1999 Act retains a significant hereditary element”.<sup>36</sup> (Please see section 8.3 of this Note for an analysis of hereditary Peers’ attendance.)

### Balance Between Hereditary and Life Peers

The 1999 Act also significantly changed the balance between hereditary and life Peers sitting in the House of Lords. Table 2 shows the total number of hereditary Peers in each main party/group and in the House as a whole at the end of each parliamentary session from 1984–85 onwards (the point when the House started to maintain a consistent series of official figures for party strength). It also shows what proportion of members of each party/group and of the House as a whole were sitting as hereditary Peers. (Members who were disqualified from sitting or on leave of absence are not included in this data.) Prior to the 1999 Act there was a general downward trend in the proportion of members of each party/group and of the House as whole who were hereditary Peers, as more life Peers were appointed—with the exception of the Crossbenchers, who experienced a slight upward trend in the proportion of hereditary members. These trends are visible more clearly in Figure 1, which is derived from the data in table 2. Despite this downward trend, prior to the 1999 Act, the House of Lords was still predominantly a hereditary House, with 53.5 percent of members eligible to sit at the end of

<sup>32</sup> Donald Shell, *The House of Lords*, 2007, p 48.

<sup>33</sup> *ibid.*

<sup>34</sup> House of Lords Library, [Party and Group Strengths and Voting](#), 27 June 2012, LLN 2012/026, table 2.1; and House of Lords Information Office, [Attendance for Previous Sessions](#), accessed 5 March 2013.

<sup>35</sup> House of Lords Sessional Statistics and House of Lords Information Office, [Attendance for Previous Sessions](#), accessed 5 March 2013.

<sup>36</sup> Donald Shell, *The House of Lords*, 2007, p 48.

the 1998–99 session owing their seat to a hereditary peerage. Post-1999, the House of Lords has been a mostly appointed House, with the overall proportion of hereditary members declining further as successive lists of new life Peers have been appointed.

Since the 1999 Act, the number of hereditary members in each party/group has obviously remained fairly constant, although slight fluctuations can occur due to factors such as: individuals changing party allegiance; the time lag between the death of a member and his/her replacement being elected and introduced to the House; members taking leave of absence; and the fact that the winner of a by-election where the whole House is entitled to vote may have a different party allegiance from the Peer he is replacing. The proportion of hereditary members within each party/group has also remained fairly constant, despite the appointment of hundreds of new life Peers during this period. (The exception to this is amongst the other/non-affiliated category: because the total number of members in this category is small, changes in the number of hereditary members by +/- 1 or 2 have a disproportionate effect on the figure for the percentage of the group that holds a hereditary peerage. For this reason, this category is not depicted in Figure 1.) The Conservative Party retains the highest proportion of hereditary Peers amongst its members in the House of Lords, and Labour the lowest, as was the case before the 1999 Act. However, the gap between the two has narrowed somewhat since 1999. Again, these trends are illustrated in Figure 1.

Figure 1: Proportion of hereditary Peers by main party/group, 1984–85 onwards

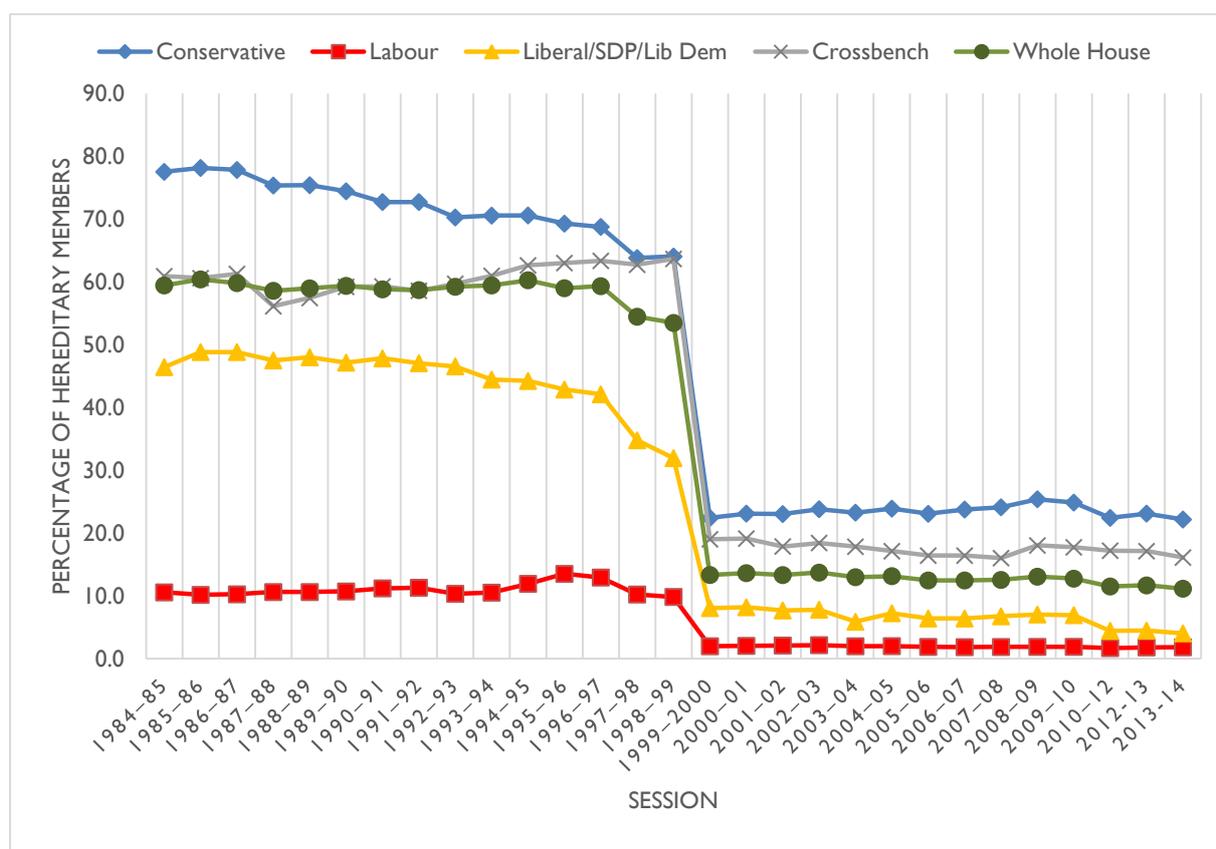


Table 2: Number and percentages of hereditary Peers by party/group, 1984-85 onwards

End of Session	Con		Labour		Liberal/SDP / Lib Dem		Crossbench		Other/Non-Affiliated		Whole House (WH)	
	No	% of party	No	% of party	No	% of party	No	% of party	No	% of group	No	% of WH
1984–85	314	77.5	13	10.6	39	46.4	134	60.9	57	72.2	557	59.4
1985–86	322	78.2	12	10.2	42	48.8	143	60.6	53	76.8	572	60.4
1986–87	316	77.8	12	10.3	42	48.8	144	61.3	62	66.7	576	59.8
1987–88	321	75.4	12	10.6	38	47.5	133	56.1	42	84.0	546	58.6
1988–89	325	75.4	12	10.6	36	48.0	139	57.4	43	79.6	555	59.0
1989–90	329	74.4	12	10.7	33	47.1	151	59.2	45	81.8	570	59.4
1990–91	328	72.7	13	11.2	33	47.8	150	59.3	53	80.3	577	58.8
1991–92	328	72.7	13	11.3	32	47.1	150	58.6	54	80.6	577	58.7
1992–93	338	70.3	12	10.3	27	46.6	166	59.7	73	90.1	616	59.2
1993–94	338	70.6	12	10.5	24	44.4	175	61.0	71	85.5	620	59.4
1994–95	336	70.6	13	11.9	23	44.2	181	62.6	72	81.8	625	60.3
1995–96	318	69.3	15	13.5	24	42.9	201	63.0	68	75.6	626	59.0
1996–97	328	68.8	15	12.9	24	42.1	204	63.4	62	89.9	633	59.3
1997–98	305	63.8	18	10.2	24	34.8	202	62.7	86	90.5	635	54.5
1998–99	310	64.0	19	9.8	23	31.9	226	63.7	69	86.3	647	53.5
1999–2000	52	22.4	4	2.0	5	8.1	31	19.0	0	0.0	92	13.3
2000–01	52	23.1	4	2.1	5	8.2	31	19.1	0	0.0	92	13.6
2001–02	50	23.0	4	2.1	5	7.7	32	17.9	0	0.0	91	13.3
2002–03	50	23.8	4	2.2	5	7.8	33	18.4	0	0.0	92	13.7
2003–04	47	23.3	4	2.0	4	5.9	33	17.8	2	18.2	90	13.0
2004–05	49	23.9	4	2.0	5	7.2	31	17.1	2	15.4	91	13.2
2005–06	48	23.1	4	1.9	5	6.4	33	16.4	2	15.4	92	12.5
2006–07	48	23.8	4	1.8	5	6.4	33	16.4	2	14.3	92	12.5
2007–08	48	24.1	4	1.9	5	6.8	33	16.0	2	14.3	92	12.6
2008–09	48	25.4	4	1.9	5	7.0	33	18.0	2	8.7	92	13.1
2009–10	46	24.9	4	1.9	5	6.9	33	17.7	2	7.7	90	12.7
2010–12	48	22.4	4	1.7	4	4.4	32	17.2	2	6.3	90	11.5
2012–13	49	23.1	4	1.8	4	4.5	31	17.1	1	3.0	89	11.7
2013–14	49	22.2	4	1.8	4	4.0	29	16.1	1	2.9	87	11.2

Source: House of Lords Library, [Party and Group Strengths and Voting](#), 27 June 2012, LLN 2012/026, table 2.1; and House of Lords Sessional Statistics and House of Lords Information Office.

Note: Bishops are not included in the table as a distinct group, but are included in the calculation used to determine the total number of hereditary Peers as a proportion of the whole House. Data for 2013–14 session is as at 4 March 2014.

## Balance Between Political Parties

Arguably the most significant quantitative change brought about by the 1999 Act was the shift in the balance between political parties in the House of Lords. Table 1 shows the total number of Peers (excluding those on leave of absence or otherwise disqualified from sitting) in each of the main parties/groups at the end of the 1998–99 parliamentary session, before the Act was

passed, and at the end of the 1999–2000 session, after the Act had taken effect, and the proportion of the total membership of the whole House belonging to each party or group. It is noticeable that there was a large drop in the absolute number of Conservative Peers, and a rise in the proportion of Labour Peers. Meg Russell notes that:

[...] crucially, the reform also changed the Chamber's party balance. Since the late 18th century the Lords had been dominated by Tory/Conservative Peers, and consequently represented a far larger potential obstacle to governments of the left than of the right. But the 1999 reform ended this, and subsequently Conservative and Labour Peers have held broadly similar numbers of seats. The balance is now held by the relatively less numerous Liberal Democrat Peers, the large group of Crossbenchers, and the far smaller groupings of Bishops and other Peers aligned to none of the three main parties.<sup>37</sup>

Vernon Bogdanor points out that it was one of Labour's 1997 manifesto aims that no one political party should seek a majority in the House of Lords.<sup>38</sup> He observes that since 1999, "it seems rapidly to have become an accepted convention that in future no single party should ever again enjoy an overall majority in the House of Lords".<sup>39</sup>

### **Assertiveness of the House of Lords**

These changes in the composition of the House have, it would seem, also led to changes in behaviour. Meg Russell argues that "both the removal of the hereditary Peers in itself, and the change in party balance that resulted, added to the Chamber's confidence and assertiveness".<sup>40</sup> Vernon Bogdanor agrees that the Act "had the consequence, almost certainly unintended, of creating a more assertive and determined second Chamber".<sup>41</sup> It is argued that since 1999, the House of Lords perceives itself to be more legitimate, and is therefore more assertive in challenging both the Government of the day and the House of Commons. Meg Russell conducted two surveys—one of MPs in 2004, and one of Peers in 2005—which included questions about the perceived 'legitimacy' of the House of Lords after the 1999 reform. She found that:

[...] a majority of respondents from both Chambers agreed that the Lords was more legitimate than its hereditary-dominated predecessor. In the Commons in particular there was a clear party split, whereby three-quarters of Labour MPs felt the Chamber was more legitimate, but fewer than a third of Conservative MPs agreed [...]. Among Peers, however, a comfortable majority from all parties believed that reform had enhanced the Chamber's legitimacy (though only a minority suggested it had become 'far more legitimate').<sup>42</sup>

A follow-up survey of members of the House of Lords, conducted in 2007, found that:

[...] three quarters of Peers believed that the reform had increased the Chamber's legitimacy, and a similar proportion believed that it had 'increased public support for the House of Lords' (with very little difference between party groups). Perhaps because of

<sup>37</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, pp 68–9.

<sup>38</sup> Vernon Bogdanor, *The New British Constitution*, 2009, p 157.

<sup>39</sup> *ibid.*

<sup>40</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 254.

<sup>41</sup> Vernon Bogdanor, *The New British Constitution*, 2009, p 288.

<sup>42</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 240.

this sense of greater legitimacy and support, 86 percent of respondents felt that reform had increased Peers' confidence to demand policy change. A smaller but nonetheless comfortable majority (69 percent) believed that the reform had also increased the attention paid to the Chamber by the government.<sup>43</sup>

A survey of public attitudes to the 1999 reform commissioned by Russell in 2005 showed that it was not clear that the public shared this view. According to the polling results, "Labour voters [were] more likely to feel that the reform had enhanced legitimacy, and Conservative voters [were] less likely to agree", but "overall only a minority felt that reform had made the Chamber more legitimate".<sup>44</sup> It should be pointed out, however, that Russell notes weaknesses in the survey question—for example it relied on self-reporting by respondents of how their attitudes had changed over time, and it did not reflect the degree to which respondents believed the House of Lords was legitimate, only the degree to which their view had changed. She also notes there are difficulties inherent in polling the public about the House of Lords in general.<sup>45</sup> The same survey also suggested that "the public consider the Lords' participation in the policy process to be justified, at least to some extent" and that "the Chamber seems therefore to enjoy some output (and perhaps procedural) legitimacy even though it lacks democratic input legitimacy".<sup>46</sup>

Whatever the public's view, Russell argues that the House of Lords' own sense of its increased legitimacy has had an effect on its willingness to defeat the Government and on its policy influence. She notes that since 1999, the Lords has defeated the Government on average once every three to four sitting days, "a sharp contrast to the House of Commons, where such incidents are extremely rare (occurring on average closer to once every two years during 1999–2012)".<sup>47</sup> Furthermore, she concludes that "Lords defeats are mostly on non-trivial policy matters, and indeed many are on large policies that are central to government bills", and that "just under half went on to be accepted by the House of Commons". Therefore, Russell argues that "the Chamber has a significant impact on policy outcomes in contemporary Britain". It is noteworthy that she also concludes this situation represents a change from the House of Lords before the 1999 Act:

[...] the pre-1999 Lords was seen as a weak policy actor [...] Labour Governments pre-1999 certainly suffered many Lords defeats, but these were almost invariably overturned when bills returned to the Commons. Now, the Commons gives in to Lords defeats far more often, at least in part because the Chamber is much more prone to insist on its amendments when they are blocked. This new assertiveness by Peers indicates a greater sense of confidence and 'legitimacy'.<sup>48</sup>

Vernon Bogdanor cites the Lords' increased willingness since 1999 to reject secondary legislation as further evidence of the House's increased assertiveness.<sup>49</sup> Philip Cowley agrees that "the pre-reform House, conscious that its legitimacy was limited by the presence of so

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<sup>43</sup> *ibid*, pp 240–1.

<sup>44</sup> *ibid*, p 245.

<sup>45</sup> *ibid*, pp 243–7. These difficulties include the fact that public attitude surveys about the House of Lords often focus on reform (rather than the operation of the House of Lords) and sometimes ask leading questions, as well as the fact that the House of Lords has "is not widely understood" by the public.

<sup>46</sup> *ibid*, p 245.

<sup>47</sup> *ibid*, p 162.

<sup>48</sup> *ibid*, pp 162–3.

<sup>49</sup> Vernon Bogdanor, *The New British Constitution*, 2009, p 151. See House of Lords Library, [Delegated Legislation in the House of Lords Since 2000](#), 10 April 2012, LLN 2012/012 for a fuller analysis of Government defeats on secondary legislation in the House of Lords.

many hereditary Peers, frequently practised a self-denying ordinance, pulling back from many confrontations with the Government”, and that since 1999 “those Peers that remain have seen themselves as more legitimate and have become more assertive”.<sup>50</sup> He concludes that “the belief that the 1999 Act would create a poodle of an upper Chamber has proved to be much mistaken”.<sup>51</sup> Writing in 2009, Cowley argued that the Government increasingly had to be prepared to make concessions in the Lords in order to get its legislation through Parliament:

[...] Of the two Houses of Parliament it has been the Lords that has been more of a block on the government in recent years. Government ministers preparing legislation for its passage through Parliament knew that they faced a more serious test in the Lords than they did in the Commons, and ministers routinely resisted giving too many compromises while a bill was passing through the Commons in order to be able to offer placatory gestures to their Lordships.<sup>52</sup>

Meg Russell also argues that the removal of the previous Conservative majority in the House of Lords has changed the nature of party politics in the upper Chamber:

A crucial element of the Lords’ culture post-1999 is its relatively party-proportional membership. Before reform, Conservative Peers had no need to build cross-party alliances in order to defeat Labour in government, while Labour had few serious opportunities to defeat Conservative governments. Now that numbers are more balanced, negotiation between parties (and indeed Crossbenchers) has become more common.<sup>53</sup>

An analysis of divisions during 1999–2012 demonstrated that various groups of Peers now have the potential to be ‘pivotal voters’ in the Lords. When Labour was in power it was the Liberal Democrats who generally played this role. This position of influence for the third party was relatively little noted outside the Chamber at the time. But the relationship that they established with the Conservatives in the Lords during Labour’s period in government helped to lay the ground for the post-2010 coalition. Once the Lib Dems had entered government, the number of defeats in the Chamber might have been expected to fall, given that the two coalition parties greatly outnumbered Labour. But defeats continued, with the votes of independent Crossbenchers instead taking on a new importance. This group, which had only rarely affected voting outcomes when Labour was in power, stepped into the new vacuum that had been created. The extent to which non-party politicians can now affect the outcome of policy decisions at Westminster is another development as yet barely noticed outside the Lords.<sup>54</sup>

#### 4. Hereditary Elections and By-elections

In conjunction with the passage of the 1999 Act, standing orders were made in July 1999 to provide for the election of excepted hereditary Peers (SO 9) and by-elections to fill subsequent vacancies (SO 10), following recommendations drawn up by the Procedure Committee.<sup>55</sup>

<sup>50</sup> Philip Cowley, ‘The Parliamentary Party’, *Political Quarterly*, April 2009, vol 80 no 2, p 220.

<sup>51</sup> *ibid.*

<sup>52</sup> *ibid.*

<sup>53</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 126.

<sup>54</sup> *ibid.*

<sup>55</sup> House of Lords, [Standing Orders of the House of Lords Relating to Public Business](#); and House of Lords Procedure Committee, [Third Report](#), 6 July 1999, HL Paper 81 of session 1999–2000.

The first set of elections took place in October and November 1999. A total of 223 Peers came forward as candidates.<sup>56</sup> Fifteen excepted hereditary Peers were elected by the whole House, “from among those ready to serve as Deputy Speakers, or in any other office as the House may require”, in accordance with SO 9. In this category, nine Conservatives, two Labour members, two Liberal Democrats and two Crossbenchers were elected. A total of 75 excepted hereditary Peers were elected from within their political parties and by the Crossbenchers—42 Conservatives, 28 Crossbenchers, three Liberal Democrats and two Labour. Two of those elected are no longer affiliated to the group that elected them—Earl Peel and Lord Willoughby de Broke were both elected by the Conservatives, but Earl Peel has sat on the Crossbenches since July 2006 and Lord Willoughby de Broke has been a member of the UK Independence Party (UKIP) since January 2007. Table 3 shows the number of candidates and electors who took part in the political party and Crossbench elections in November 1999.

Table 3: Party/group elections for excepted hereditary Peers, November 1999

	Con	Lab	Lib Dem	Crossbench
<b>Places</b>	42	2	3	28
<b>Candidates</b>	113	6	10	79
<b>Electors</b>	241	18	20	131
<b>Candidates per place</b>	2.7	3.0	3.3	2.8
<b>Electors per place</b>	5.7	9.0	6.7	4.7
<b>Valid votes cast</b>	204	17	20	105
<b>Votes per place</b>	4.9	8.5	6.7	3.7

Source: Donald Shell, ‘Labour and the House of Lords: A Case Study in Constitutional Reform’, *Parliamentary Affairs*, 2000, vol 53, no 2, pp 290–310, table 1.

SO 9 specified that any vacancies arising before the end of the first session of the next Parliament would be filled by the nearest runner-up in the original election. Accordingly, when Baroness Wharton died in May 2000, she was replaced by Lord Cobbold, and when the Earl of Carnarvon died in September 2001, he was replaced by Lord Chorley.<sup>57</sup>

Since the 2002–03 session, vacancies have been filled through by-elections in accordance with SO 10. The *Companion to the Standing Orders* explains that:

By-elections are conducted in accordance with arrangements made by the Clerk of the Parliaments and take place within three months of the vacancy occurring. If the vacancy is among the 75, only the excepted hereditary Peers (including those elected among the 15) in the relevant party or Crossbench grouping are entitled to vote. If the vacancy is among the 15, the whole House is entitled to vote.

The Clerk of the Parliaments maintains a register of hereditary Peers who wish to stand in any by-election under SO 10. Any hereditary Peer other than a Peer of Ireland is entitled to be included in the register. Under SO 11, any hereditary Peer not previously in receipt of a writ of summons who wishes to be included in the register petitions the

<sup>56</sup> Donald Shell, *The House of Lords*, 2007, p 50.

<sup>57</sup> House of Lords Library, [The Weatherill Amendment: Elected Hereditary Peers](#), 23 October 2009, LLN 2009/008, p 37. Both these vacancies occurred within the Crossbench group.

House and any such petition is referred to the Lord Chancellor to consider and report upon whether such Peer has established the right to be included in the register.<sup>58</sup>

The most recently published edition of the *Register of Hereditary Peers* lists 187 hereditary Peers who wish to stand as candidates in hereditary by-elections.<sup>59</sup>

Although the 15 members originally elected by the whole House were chosen as being willing to serve as Deputy Speakers, the Procedure Committee recommended that “any Peer elected at a by-election will, however, not be expected to serve as a Deputy Speaker”.<sup>60</sup>

Voting takes place using the alternative vote system. A notice to electors announcing the latest by-election explains that:

Voters place the figure 1 in the box next to the name of the candidate they most strongly support, the figure 2 against the next most favourite candidate and so on. Voters may cast as many or as few votes as they wish. In order to be elected, the successful candidate must receive at least as many votes as all the other candidates put together. In the event of this not happening after first preference votes have been allocated, the votes of the candidates receiving the lowest number of first preference votes will be shared out according to the second preference marked on them. This will be repeated until one candidate has at least half of the total valid vote.<sup>61</sup>

Table 4 presents information about the 18 hereditary by-elections that have been held to date, showing the Peer whose death occasioned the by-election; the party or group from which the electorate was drawn; the date the results were announced; the number of candidates, eligible voters, valid votes, spoilt ballot papers; the turnout rate; and the name of the winning candidate. It is apparent that in some cases, where the size of the eligible electorate is small, the candidates have outnumbered the voters. This is one feature of the hereditary by-elections that has attracted particular criticism (see section 7 of this Note for further details). Another notable feature is that where the electorate is composed of the whole House, the turnout has been considerably lower than by-elections in which only members of a particular party/group are eligible to vote.

Of the 18 hereditary Peers who have won a by-election since 2003, eleven had previously sat in the House of Lords prior to the 1999 Act. The other seven (Lord de Mauley, Lord Aberdare, Viscount Younger of Leckie, Viscount Culville of Culross, Lord Ashton of Hyde, Viscount Ridley and Lord Borwick) were new arrivals.

A further by-election has been announced to replace Lord Moran, a Crossbencher excepted hereditary Peer, who died on 14 February 2014. The results are due to be announced to the House on 9 April 2014.<sup>62</sup>

<sup>58</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, paras 1.05–1.06.

<sup>59</sup> House of Lords, [Register of Hereditary Peers](#), 8 May 2013, HL Paper 2 of session 2013–14.

<sup>60</sup> House of Lords Procedure Committee, [Third Report](#), 6 July 1999, HL Paper 81 of session 1999–2000, para e.

<sup>61</sup> House of Lords, [Crossbencher Hereditary Peers' By-Election: Notice to Electors](#), 28 February 2014.

<sup>62</sup> *ibid.*

Table 4: Results of hereditary by-elections

Peer who died	Electorate	Date results announced	No of candidates	No of eligible voters	No of valid votes cast	No of spoilt ballot papers	Turnout in percent	Winning candidate
Viscount Oxfuird	Whole House	27/03/2003	81	661	423	3	64	Viscount Ullswater
Lord Milner of Leeds	Lab	30/10/2003	11	3	3	0	100	Lord Grantchester
Lord Vivian	Con	13/05/2004	37	48	45	0	94	Viscount Trenchard
Earl Russell	Lib Dem	13/01/2005	3	4	4	0	100	Earl Glasgow
Lord Burnham	Con	10/03/2005	36	47	42	0	89	Lord de Mauley
Lord Aberdare	Whole House	22/03/2005	36	687	348	4	51	Viscount Eccles
Baroness Strange	Cross bench	23/06/2005	26	29	28	0	97	Viscount Montgomery of Alamein
Lord Mowbray and Stourton	Con	07/03/2007	43	47	43	0	91	Earl Cathcart
Baroness Darcy de Knayth	Cross bench	22/05/2008	33	29	26	0	90	Earl of Stair
Viscount Bledisloe	Cross bench	15/07/2009	33	29	27	0	93	Lord Aberdare
Earl of Northesk	Con	23/06/2010	33	47	45	0	96	Viscount Younger of Leckie
Viscount Colville of Culross	Cross bench	23/06/2010	24	29	26	0	90	Earl of Clancarty
Lord Strabolgi	Whole House	23/03/2011	24	769	414	2	54	Viscount Hanworth
Lord Monson	Cross bench	11/05/2011	14	28	27	0	96	Earl of Lytton
Lord Ampthill	Whole House	20/07/2011	20	769	313	3	41	Viscount Colville of Culross
Earl of Onslow	Con	20/07/2011	21	47	45	0	96	Lord Ashton of Hyde

Peer who died	Electorate	Date results announced	No of candidates	No of eligible voters	No of valid votes cast	No of spoilt ballot papers	Turnout in percent	Winning candidate
Earl Ferrers	Con	06/02/2013	27	48	46	0	96	Viscount Ridley
Lord Reay	Whole House	17/07/2013	23	753	334	2	45	Lord Borwick

Source: House of Lords Information Office, '[By-election notices](#)'; HL *Hansard*, 30 October 2003, [col 425](#); HL *Hansard*, 27 March 2003, [col 947](#); House of Lords Members' Names Information Service database; and House of Lords, 'Hereditary Peers' By-election, 25 and 26 March 2003', 27 March 2003, HDEP 2003/119.

## 5. Hereditary Peers Sitting by Virtue of Life Peerages

There are a number of holders of hereditary peerages who currently sit in the House of Lords by virtue of life peerages. Before the 1999 Act received Royal Assent on 11 November 1999, the honours list of 2 November 1999 announced that the ten hereditary Peers listed in table 5 would be given life peerages.<sup>63</sup> As life Peers, they would continue to be entitled to sit in the House of Lords. Lord Aldington, Lord Erroll of Hale and the Earl of Snowdon were all hereditary Peers of first creation. The other seven Peers were all former Leaders of the House.

*Table 5: Hereditary Peers given life peerages in November 1999*

Peer	Title of Life Peerage	Party at Creation	Notes
Earl of Snowdon	Lord Armstrong-Jones	Crossbench	On leave of absence
Lord Carrington	Lord Carington of Upton	Conservative	
Lord Erroll of Hale	Lord Erroll of Kilmun	Conservative	Died 14 September 2000
Lord Belstead	Lord Ganzoni	Conservative	Died 3 December 2005
Viscount Cranbourne (now Marquess of Salisbury)	Lord Gascoyne-Cecil	Conservative	Succeeded as Marquess of Salisbury on 11 July 2003. On leave of absence.
Lord Windlesham	Lord Hennessy	Conservative	Died 21 December 2010
Earl Jellicoe	Lord Jellicoe of Southampton	Conservative	Died 22 February 2007
Lord Aldington	Lord Low	Conservative	Died 7 December 2000
Earl of Longford	Lord Pakenham of Cowley	Labour	Died 8 August 2001
Lord Shepherd	Lord Shepherd of Spalding	Labour	Died 5 April 2001

Source: House of Lords Library, [Peerage Creations Since 1997](#), 18 December 2013, LLN 2013/040; and House of Lords Members' Names Information Service database).

<sup>63</sup> House of Lords Library, [Peerage Creations, 1958–2008](#), 24 July 2008, LLN 2008/019, p 5.

A list of ‘working Peers’ was announced in March 2000, which included seven hereditary Peers who had been excluded from the House in 1999. They are listed in table 6.

Table 6: Hereditary Peers given life peerages in March 2000

Peer	Title of Life Peerage	Party at Creation	Notes
Lord Acton	Lord Acton of Bridgnorth	Labour	Died 10 October 2010
Earl of Mar and Kellie	Lord Erskine of Alloa Tower	Liberal Democrat	
Lord Grenfell	Lord Grenfell of Kilvey	Labour	
Lord Berkeley	Lord Gueterbock	Labour	
Viscount Chandos	Lord Lyttelton of Aldershot	Labour	
Lord Redesdale	Lord Mitford	Liberal Democrat	
Lord Ponsonby of Shulbrede	Lord Ponsonby of Roehampton	Labour	

Source: House of Lords Library, [Peerage Creations Since 1997](#), 18 December 2013, LLN 2013/040; and House of Lords Members’ Names Information Service database.

Donald Shell suggests that, rather than the system of elections for excepted hereditary Peers that the 1999 Act introduced, “most of those who had been involved in discussion about House of Lords reform had assumed that a special list of life Peers would be announced, possibly running up to about 100, whereby some active Peers would be given life peerages”.<sup>64</sup> He argues that the awarding of life peerages to hereditary former Members in 1999 and 2000 “indicated how easily continuity in the work of the House could have been provided by giving life peerages to hereditary Peers whose continued presence their party group deemed desirable [...] without any requirement for cumbersome and frankly ridiculous by-elections that perpetuate the hereditary element in the House”.<sup>65</sup>

Several other hereditary (or former hereditary) Peers sit by virtue of a life peerage. The Earl of Crawford and Balcarres succeeded to the Earldom on 13 December 1975.<sup>66</sup> However, he was already a member of the House of Lords, having been awarded a life peerage (as Lord Balniel) the previous year.<sup>67</sup> As a life Peer, he was not excluded from the House by the 1999 Act, despite also holding hereditary titles. He is currently on leave of absence.<sup>68</sup> Prior to the 1999 Act, holders of hereditary peerages were disqualified from being elected or sitting as members of the House of Commons. James Douglas-Hamilton (then Conservative MP for Edinburgh West) disclaimed the Earldom of Selkirk in November 1994, which enabled him to continue sitting as an MP.<sup>69</sup> He was awarded a life peerage in 1997, and now sits in the House of Lords as Lord Selkirk of Douglas.<sup>70</sup> The 1999 Act removed the disqualification on hereditary Peers sitting in the House of Commons, so when Michael Ancram (Conservative MP for Devizes from 1992–2010) succeeded to the title of Marquess of Lothian in October 2004, he was able to

<sup>64</sup> Donald Shell, *The House of Lords*, 2007, p 49.

<sup>65</sup> *ibid*, p 50.

<sup>66</sup> *Burke’s Peerage, Baronetage and Knightage*, 2003.

<sup>67</sup> His life peerage was announced on 6 December 1974: House of Lords Library, [Peerage Creations, 1958–2008](#), 24 July 2008, LLN 2008/019.

<sup>68</sup> House of Lords [Members’ Names Information Service](#).

<sup>69</sup> [Dods People](#) online, accessed 27 February 2014.

<sup>70</sup> House of Lords Library, [Peerage Creations Since 1997](#), 18 December 2013, LLN 2013/040.

remain an MP without having to disclaim his hereditary peerage. His life peerage (as Lord Kerr of Monteviot) was announced on 21 October 2010, and he currently sits in the House of Lords by virtue of his life peerage.<sup>71</sup>

## 6. Female Hereditary Peers

As most hereditary peerages descend down the male line, there have been only a few female hereditary Peers in the House of Lords.<sup>72</sup> Women can only inherit peerages in certain circumstances: they can inherit a title which is a barony by writ (rather than the more common letters patent); most Scottish peerages may pass to a daughter if there are no sons in the family; the Crown may grant a ‘special remainder’ to allow a woman to inherit a title; and the Crown can also grant a hereditary peerage to a woman. Women who hold a hereditary peerage in their own right are distinct from women who have a title by virtue of their relationship to a male Peer (for example, the wife of a Lord is known as a Lady, although she does not hold a peerage herself).

The Life Peerages Act 1958 allowed life peerages to be conferred on both men and women, and the first female life Peer entered the House of Lords that year. The House agreed in principle in 1959 that female hereditary Peers should be admitted alongside female life Peers, but it was not until the Peerage Act 1963 that female hereditary Peers were given the right to sit in the House of Lords.<sup>73</sup>

Between 1963 and 1999, 25 female hereditary Peers in their own right were admitted to the House of Lords.<sup>74</sup> By April 1998, there were 17 hereditary women Peers, which equated to 2 percent of all the hereditary Peers in the House of Lords at the time.<sup>75</sup> Five women were chosen to remain as excepted hereditary Peers in the elections held in October and November 1999, all of whom were Crossbenchers. The Countess of Mar was voted in as one of the fifteen Peers chosen by the whole House, and Baroness Darcy de Knayth, Lady Saltoun of Abernethy, Baroness Strange and Baroness Wharton were elected as part of the Crossbench group. These five women accounted for 5.4 percent of all excepted hereditary Peers after the 1999 Act came into force.<sup>76</sup> The removal of hundreds of male hereditary Peers under the 1999 Act significantly increased the proportion of women in the House as a whole—it rose from 8.8 percent to 15.8 percent, although as Christina Eason notes, this was a by-product rather than an aim of the reform.<sup>77</sup>

Only two of the original five female excepted hereditary Peers remain in the House today (the Countess of Mar and Lady Saltoun). They make up 2.3 percent of excepted hereditary Peers, hence the proportion of women amongst the hereditary Peers in the House is roughly the same today as it was in 1998. Baronesses Wharton, Strange and Darcy de Knayth were all replaced after their deaths by male hereditary Peers. To date, no women have been admitted to the House through hereditary by-elections, and there are no women on the most recent

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<sup>71</sup> *ibid.*

<sup>72</sup> This section draws on House of Lords Library, [Women in the House of Lords](#), 3 March 2014, LLN 2014/008.

<sup>73</sup> For further background on the change in the law see House of Lords Library, [Women in the House of Lords](#), 3 March 2014, LLN 2014/008; and [The Life Peerages Act 1958](#), 21 April 2008, LLN 2008/011.

<sup>74</sup> House of Lords Library, [Women in the House of Lords](#), 3 March 2014, LLN 2014/008, p 13.

<sup>75</sup> Christina Eason, ‘Women Peers and Political Appointment: Has the House of Lords Been Feminised Since 1999?’, *Parliamentary Affairs*, 2009, vol 62 no 3, p 404.

<sup>76</sup> *ibid.*, p 414.

<sup>77</sup> *ibid.*, p 404.

register of hereditary Peers who have put themselves forward to be eligible as candidates at future by-elections.<sup>78</sup>

Some scholars have been critical of the fact that retaining a hereditary element within the membership of the House of Lords discriminates against women. In an article examining constraints on female representation in the House of Lords, Christina Eason maintains that “the retention of hereditary Peers privileges male presence and is symbolically important for women’s presence”; she believes that “for the simple reason of justice”, the issue of women’s presence in the House of Lords is an important question.<sup>79</sup> In Donald Shell’s opinion, it was “absurd” that Parliament, “which had in recent decades invested much legislative effort in removing gender discrimination elsewhere, should have allowed the perpetuation of such a blatant form of discrimination in regard to its own membership”.<sup>80</sup>

There have been some attempts to change the law to give women equal rights to succeed to hereditary titles. Lord Diamond introduced private member’s bills in 1992 and 1994 which would have allowed hereditary Peers to petition the Crown to amend their letters patent so that the peerage could descend to the eldest legitimate child, male or female, but neither of these bills progressed beyond second reading. The issue was brought into fresh focus by the Succession to the Crown Act 2013, which will end male preference primogeniture (whereby younger male heirs take preference over older female ones) in the line of succession to the Crown.<sup>81</sup> The House of Commons Political and Constitutional Reform Select Committee recommended that the Government should also consider making changes to the inheritance of peerages:

The proposal to end the preferential treatment of men in the line of succession has been widely welcomed, and with good reason. It does, however, cast the spotlight on the hereditary aristocracy, to which women are for the most part ineligible to succeed, and, where they are eligible, male heirs take preference.

[...] 92 seats in the House of Lords continue for now to be reserved to holders of hereditary aristocratic titles. Only two of these 92 seats are currently occupied by women. While the holders of hereditary peerages continue to be eligible for membership of the House of Lords, the way in which their titles are inherited, and its effect on the gender balance in Parliament, remain matters of public interest.<sup>82</sup>

While the Government acknowledged this point, it stated that it did not intend to change the law in this area:

We entirely accept that the matter of hereditary peerages is of public interest. However, the Government has no plans to change the laws of succession with regard to hereditary peerages. Changes to the law on succession to the Crown can be effected without any changes to the legitimate expectations of those in the line of succession.

<sup>78</sup> House of Lords, [Register of Hereditary Peers who wish to stand for election as Members of the House of Lords under Standing Order 10 \(Hereditary Peers: By-elections\) as at 8 May 2013](#), 8 May 2013, HL Paper 2 of session 2013–14.

<sup>79</sup> Christina Eason, ‘Women Peers and Political Appointment: Has the House of Lords Been Feminised Since 1999?’, *Parliamentary Affairs*, 2009, vol 62 no 3, pp 414 and 415.

<sup>80</sup> Donald Shell, *The House of Lords*, 2007, p 52.

<sup>81</sup> The Act has not yet come into force, as similar legislation first needs to be passed in each of the Commonwealth realms.

<sup>82</sup> House of Commons Political and Constitutional Reform Select Committee, [Rules of Royal Succession](#), 7 December 2011, HC 1615 of session 2010–12, paras 15–17.

Changes to the rules governing succession to hereditary titles would be far more complicated to implement fairly. For this reason, we do not believe that changes to the rules governing succession to the Crown should serve the purpose of addressing what is a quite separate issue.<sup>83</sup>

Lord Lucas introduced the [Hereditary Peerages \(Succession\) Bill 2012–13](#) in the last parliamentary session which sought to allow female heirs to inherit hereditary peerages, but it did not progress beyond first reading. A similar provision is contained in Lord Lucas’s [Equality \(Titles\) Bill 2013–14](#) introduced in the current parliamentary session. This Bill had reached committee stage in the House of Lords as of December 2013.<sup>84</sup> A ten minute rule bill presented in the House of Commons by Mary Macleod, the [Succession to Hereditary Peerages and Estates Bill 2012–13](#), which proposed to “remove male preference primogeniture in succession to hereditary peerages and estates”, failed to progress to second reading.<sup>85</sup>

## 7. Proposals for Further Reform

Since the 1999 Act, there have been numerous proposals put forward for further reform of the House of Lords. Successive Governments have attempted to carry out a second stage of major reform, which would change the current basis of membership—thus far without success. There have also been numerous proposals, including a series of private members’ bills, for more limited reforms to reduce the size of the House of Lords and to restrict the criteria for membership, including ending the practice of by-elections for replacing hereditary Peers. Again, no attempt to end hereditary by-elections or otherwise remove the excepted hereditary Peers has succeeded, largely because of resistance in some quarters to doing so when the question of more comprehensive ‘stage two’ reform that was supposed to follow the 1999 Act remains unsettled. The following section outlines proposals for small and large scale reforms put forward by Labour since the 1999 Act, the current Government and in private members’ bills.<sup>86</sup>

### 7.1 Labour Government, 1999 to 2010

#### January 2000: Wakeham Commission

In January 1999, the Government announced the establishment of a Royal Commission to consider and make recommendations on the role and functions of a second Chamber. The Royal Commission, also known as the Wakeham Commission, published its report at the beginning of 2000. It proposed that a reformed House of Lords would have around 550 members, including up to 195 elected members. It recommended that the excepted hereditary Peers “should cease to be entitled to sit and vote” once the proposed elected regional members joined the second Chamber.<sup>87</sup>

<sup>83</sup> House of Commons Political and Constitutional Reform Select Committee, [Rules of Royal Succession: Government Response to the Committee’s Eleventh Report of Session 2010–12](#), 10 September 2012, HC 586 of session 2012–13, p 2.

<sup>84</sup> HL *Hansard*, 6 December 2013, [cols 538–64](#).

<sup>85</sup> HC *Hansard*, 25 March 2013, [col 1303](#).

<sup>86</sup> This section draws on and updates section 4 of the House of Lords Library Note, [The Weatherill Amendment: Elected Hereditary Peers](#), 23 October 2009, LLN 2009/008. It concentrates on reform proposals as they relate specifically to the excepted hereditary Peers. For more in-depth information about House of Lords reform during this period, please see House of Lords Library, [House of Lords Reform 1997–2010: A Chronology](#), 28 June 2010, LLN 2010/015.

<sup>87</sup> Royal Commission on the Reform of the House of Lords, [A House for the Future](#), January 2000, Cm 4534, recommendation 130.

## November 2001: White Paper, *The House of Lords: Completing the Reform*

Following on from the Wakeham Commission, the Government set out its proposals for reform in a White Paper, *The House of Lords: Completing the Reform*. It proposed creating a statutory appointments commission to nominate independent members, capping the size of the House at 600 after ten years, and introducing 120 elected members to represent the nations and the regions.<sup>88</sup> It proposed that the 92 excepted hereditary Peers “will leave the House as part of this reform, thus completing the historic task the Government embarked on in the 1999 Act”.<sup>89</sup>

## September 2003: Consultation Paper, *Constitutional Reform: Next Steps for the House of Lords*

In February 2003, both the House of Commons and the House of Lords voted on seven options for the composition of the House of Lords, as set out by the Joint Committee on House of Lords Reform, which had been appointed the previous year.<sup>90</sup> The options ranged from a fully appointed House, to a fully elected House, with various options in between for different proportions of elected and appointed members. The House of Commons rejected all seven options, while the House of Lords voted by three to one for a fully appointed House.<sup>91</sup> Following these votes, the Government published a consultation paper, *Constitutional Reform: Next Steps for the House of Lords*, in September 2003, in which it noted that “we now have two stark choices: do nothing or seek to move forward where we can”.<sup>92</sup> The paper proposed removing the excepted hereditary Peers and establishing a non-statutory appointments commission, describing the presence of the former and the absence of the latter as “two of the most glaring current anomalies”.<sup>93</sup>

Lord Falconer of Thoroton, the then Lord Chancellor, explained that:

It was never our intention that the remaining hereditary Peers should remain members of the House forever. When this interim arrangement was reached, as well as the immediate benefit of the agreement, we accepted the argument that the presence of the remaining hereditary Peers would act as an incentive to further reform. That has not happened. There is clearly no consensus in Parliament on the way forward.

[...] It is for the Government to act but it is for Parliament to decide. It will be for Parliament as a whole to decide on the removal of the right to sit and vote of the remaining hereditary Peers.

Therefore the next step of our reform programme will be to introduce legislation, when parliamentary time allows, to remove the right of the remaining 92 hereditary Peers to sit and vote in your Lordships’ House, thus completing that element of the reform process on which we embarked in 1997.<sup>94</sup>

<sup>88</sup> HM Government, [The House of Lords: Completing the Reform](#), 7 November 2001, Cm 5291.

<sup>89</sup> *ibid*, para 89.

<sup>90</sup> Joint Committee on House of Lords Reform, [House of Lords Reform: First Report](#), 9 December 2002, HL Paper 17 of session 2002–03.

<sup>91</sup> HC *Hansard*, 4 February 2003, [cols 152–243](#); HL *Hansard*, 4 February 2003, [cols 115–38](#).

<sup>92</sup> Department for Constitutional Affairs, [Constitutional Reform: Next Steps for the House of Lords](#), September 2003, CP 14/03, p 6.

<sup>93</sup> *ibid*, p 7.

<sup>94</sup> HL *Hansard*, 18 September 2003, [col 1058](#).

This proposal met with criticism from the other main parties. Lord Strathclyde, the then Shadow Leader of the House of Lords, argued that “the legitimate expectations of this House in 1999”, that the excepted hereditary Peers would “remain to guarantee genuine reform” had been “gratuitously and deliberately dishonoured”.<sup>95</sup> Lord Goodhart, speaking for the Liberal Democrats, said that it was “the aim of [his] party to end the hereditary basis of membership”, but that the remaining hereditary members “should go when, and only when, they can be replaced by a mainly elected membership”.<sup>96</sup> In the event, the Government did not bring forward legislation.

### **February 2007: White Paper, *The House of Lords: Reform***

The Government published its White Paper, *The House of Lords: Reform* in February 2007, which aimed to set the stage for free votes in the House of Commons on the composition of a future House of Lords. It proposed a part-elected, part-appointed House, with at least 20 percent of members being non-party political appointments. There would be a long transition period, so that no current life Peers would be forced to leave the House, but “as part of the reform process, the right of hereditary Peers to sit and vote in the House of Lords on the basis of their ancestry will finally be brought to an end”.<sup>97</sup> In free votes on 7 March 2007 on a series of options, MPs voted in favour of a bicameral legislature, and in favour of both a fully elected House and an 80 percent elected, 20 percent appointed House.<sup>98</sup> The Commons approved the motion that “this House is of the opinion that the remaining retained places for Peers whose membership is based on the hereditary principle should be removed” by 391 votes to 111. An opposition amendment, which would have supported the removal of excepted hereditary Peers only “once elected members have taken their place in a reformed House of Lords” was defeated by 329 votes to 241. On 14 March 2007, the House of Lords voted on the options for composition. Peers voted in favour of a fully appointed House and rejected all other options.<sup>99</sup>

### **July 2007: Green Paper, *Governance of Britain***

In the *Governance of Britain*, a Green Paper published shortly after Gordon Brown became Prime Minister which considered a range of constitutional issues, the Government “welcome[d] the results of the free vote” and stated its commitment to “enacting the will of the Commons”.<sup>100</sup> The Green Paper set out the next steps:

The Secretary of State for Justice and the Lord Chancellor will continue to lead cross-party discussions with a view to bringing forward a comprehensive package to complete House of Lords reform. The Government will develop reforms for a substantially or wholly elected second Chamber and will explore how the existing powers of the Chamber should apply to the reformed second Chamber.

As part of this package, the Government is committed to removing the anomaly of the remaining hereditary Peers. This will be in line with the wishes of the House of Commons, which voted by a majority of 280 to remove the hereditary Peers in the free votes in March 2007.<sup>101</sup>

<sup>95</sup> *ibid*, [col 1061](#).

<sup>96</sup> *ibid*, [col 1063](#).

<sup>97</sup> HM Government, [The House of Lords: Reform](#), February 2007, Cm 7027, pp 6–7.

<sup>98</sup> HC *Hansard*, 7 March 2007, [cols 1606–35](#).

<sup>99</sup> HL *Hansard*, 14 March 2007, [cols 741–59](#).

<sup>100</sup> HM Government, [The Governance of Britain](#), July 2007, CM 7170, p 42.

<sup>101</sup> *ibid*.

## July 2008: White Paper, *An Elected Second Chamber: Further Reform of the House of Lords*

In July 2008, the Government published a White Paper, *An Elected Second Chamber: Further Reform of the House of Lords*, which set out what it might mean in practice to implement the Commons votes in favour of a wholly or mainly elected second Chamber. The White Paper stated that the sitting and voting rights of the remaining hereditary Peers would be removed, although the timing of this would need further consideration, as it was linked to the issue of what should happen to existing Peers during the transition to a wholly or mainly elected House.<sup>102</sup> The options set out were: allowing existing life Peers to continue to be members of the second Chamber for life, but removing excepted hereditary Peers when the third group of elected members arrived; all existing Peers leaving when the third group of elected members arrived; existing Peers leaving in three groups as elected members arrived in tranches.<sup>103</sup> In any case, the Government proposed that there should be no more hereditary by-elections once the transition to a wholly or mostly elected second Chamber began.<sup>104</sup>

## June 2009: *Building Britain's Future*

Gordon Brown, the then Prime Minister, made a statement on constitutional renewal on 10 June 2009 in which he promised to “move forward with reform of the House of Lords”.<sup>105</sup> He said that the Government would “come forward with published proposals for the final stage of House of Lords reform before the summer adjournment, including the next steps we can take to resolve the position of the remaining hereditary Peers and other outstanding issues”. In a document entitled *Building Britain's Future*, which set out the Government's policy priorities, the Government indicated it would legislate in the 2009–10 parliamentary session on “further reform of the House of Lords, including the process of completing the process of removing the hereditary principle” and would bring forward a draft bill “for a smaller and democratically elected second Chamber”.<sup>106</sup>

## July 2009 to April 2010: Constitutional Reform and Governance Act 2010

The Government introduced the [Constitutional Reform and Governance Bill 2008–09](#) to the House of Commons on 20 July 2009. Clause 26 of the Bill as introduced (later re-numbered to clause 53) provided for the ending of hereditary by-elections. The Bill also contained clauses allowing members to resign from the House of Lords, and for members to be expelled under certain circumstances (such as conviction of a serious criminal offence), as well as provisions on the civil service, ratification of treaties, judicial appointments, protests around Parliament, the Comptroller and Auditor General and the National Audit Office, human rights claims against the devolved administrations and the transparency of financial reporting to Parliament.

At the Bill's second reading, Jack Straw, the then Lord Chancellor and Secretary of State for Justice, explained why the Government believed the time was right to end hereditary by-elections. He argued that by-elections had now reached “a risible position”, since “we are now electing people to the House of Lords who were not hereditary Peers at the time that the House of Lords Act was passed”.<sup>107</sup> In his opinion, “because of the time that has elapsed the

<sup>102</sup> Ministry of Justice, [An Elected Second Chamber: Further Reform of the House of Lords](#), July 2008, Cm 7438, p 7.

<sup>103</sup> *ibid*, para 8.4.

<sup>104</sup> *ibid*, para 8.14.

<sup>105</sup> HC *Hansard*, 10 June 2009, [cols 797–8](#).

<sup>106</sup> HM Government, [Building Britain's Future](#), June 2009, Cm 7654, p 26.

<sup>107</sup> HC *Hansard*, 20 October 2009, [col 806](#).

system of by elections has been used not to weaken the hereditary principle but to maintain it". Mr Straw maintained that the compromise in 1999 had been made as a transitional arrangement "ten years ago [when] there was no agreement whatsoever even within parties, still less between parties, about the future of the House of Lords". Describing how subsequently the Commons votes in 2007 had expressed agreement in favour of a wholly or mainly elected House, he continued:

Further work is now being done to bring about a framework for and draft clauses of a Bill to implement that agreement. In my judgement, therefore, the transitional House that people had in mind ten years ago is not what we envisage now. We are through that phase.<sup>108</sup>

Dominic Grieve, the Shadow Justice Secretary, objected to the Government's attempt to change the status quo with regard to hereditary Peers before bringing forward legislation on more comprehensive Lords reform, in what he saw as a politically motivated attack on the Conservatives:

[...] the Conservative party supports the creation of a predominantly elected House of Lords. But there is nothing about that in the Bill. It contains two measures that will fundamentally change the nature of the House of Lords without making it one ounce more democratic.

[...] The Justice Secretary] promises a Bill on the House of Lords, which he says is imminent, so why is he trying to remove the remaining hereditaries in today's Bill, before that Bill is published?

Of course the remaining hereditaries are an anomaly, and of course they are undemocratic. I accept all that, but they are no less democratic than the appointees who will replace them. Furthermore, why are there measures in the Bill to allow Peers to resign or retire? Are those measures intended for the reformed House or are they supposed to cover the transitional House, or are they for the halfway house that we have at the moment?

Remove the anomaly—that is, the hereditaries—and the prospect of reform will recede. Only last year, the Prime Minister said that there would be no by-elections among hereditary Peers during the transition to the fully reformed second Chamber, but that transition has not yet begun. Only last year, he said that he would avoid gratuitously cutting the Conservative party's representation in the House of Lords, but now that stance is being reversed.<sup>109</sup>

The Bill was carried over to the 2009–10 session. At committee stage in the House of Commons, it was agreed that the clause on hereditary by-elections should stand part of the Bill by 318 votes to 142.<sup>110</sup>

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<sup>108</sup> *ibid.*

<sup>109</sup> *ibid.*, [cols 819–21](#).

<sup>110</sup> HC *Hansard*, 26 January 2010, [col 727](#).

The Bill was awaiting committee stage in the House of Lords when the 2010 general election was called, meaning that it became subject to the ‘wash-up’—the period at the end of a Parliament when the Government and Opposition reach agreement on bills or parts of bills that would otherwise not complete their passage through Parliament because of dissolution.<sup>111</sup> On 7 April 2010, Baroness Royall, the then Leader of the House of Lords, announced that “following discussions between the main parties, agreement has been reached that clause 53 of the Bill, which would have amended hereditary by-elections, will be withdrawn”.<sup>112</sup> She said the Government was also withdrawing the clause that would have allowed members of the House of Lords to resign. Lord Tyler, the Liberal Democrat spokesman on constitutional affairs, pointed out that these discussions had not included his party, nor the Crossbenchers, nor any backbenchers.<sup>113</sup> He said that his party believed that “key clauses on this Bill should not have been struck out as part of the unholy alliance between the Government and the Conservative front benches”. He claimed that “this casual and cavalier treatment of important issues does nothing for the reputation” of the House of Lords.

Further discussions on the Bill—this time including the Liberal Democrats and the Crossbench Convenor—took place later that day.<sup>114</sup> Lord Bach, Parliamentary Under-Secretary of State at the Ministry of Justice, announced that the Government was withdrawing all provisions from the Bill that dealt with the House of Lords.<sup>115</sup> Lord Tyler repeated that the Liberal Democrats had not agreed to this, and said that it did the House “no good to perpetuate [the] farce” of hereditary by-elections.<sup>116</sup> Lord Bach responded:

[...] I should make it absolutely clear that we want to end the farce of hereditary by-elections as soon as possible, but the question is at what price. If we had insisted on that clause in the wash-up period, the price would have been no Bill, which it is hoped there will be by the end of tonight, and there may well have been no other Bills that the Government wanted to go through in the last few days of this Parliament. So one has to make a choice.<sup>117</sup>

The Lords voted by 98 votes to 42 that clause 53 should not stand part of the Bill.<sup>118</sup> When the Bill went back to the Commons for consideration of Lords amendments, Jack Straw said that, given “a situation were a number of backbench members had tabled amendments to delete every single clause”, the Government had been forced to make “difficult but inevitable choices” to “arrive at an accommodation”.<sup>119</sup> He explained:

I greatly regret that we have had to remove certain aspects of the Bill, particularly on the alternative vote and the removal of hereditary Peers. To accommodate the Conservative party, we offered an arrangement by which all existing hereditaries would in addition be deemed life Peers, and a provision whereby, on the death of hereditary-cum-life Peer, the leader of a party or group—this mainly applies to the Conservative party—would have a right to nominate a replacement. There was, therefore, no

<sup>111</sup> For more on ‘wash-up’ see House of Lords Library, [Wash-Up 2010](#), 11 February 2011, LLN 2011/007.

<sup>112</sup> HL *Hansard*, 7 April 2010, [col 1477](#).

<sup>113</sup> *ibid*, [col 1478](#).

<sup>114</sup> *ibid*, [col 1501](#).

<sup>115</sup> *ibid*, [col 1609](#).

<sup>116</sup> *ibid*, [col 1627](#).

<sup>117</sup> *ibid*, [col 1630](#).

<sup>118</sup> *ibid*, [col 1632](#).

<sup>119</sup> HC *Hansard*, 8 April 2010, [col 1203](#).

question of any gratuitous reduction in their numbers. That, however, was not considered acceptable.<sup>120</sup>

## 7.2 Coalition Government, House of Lords Reform Bill 2012–13<sup>121</sup>

### 2010 Manifesto Commitments

All three main parties had proposals relating to ‘second-stage’ reform of the House of Lords in their manifestos for the 2010 general election. The Labour Party pledged to “ensure that the hereditary principle is removed from the House of Lords”, and said that “further democratic reform to create a fully elected second Chamber will then be achieved in stages” following a referendum.<sup>122</sup> The Conservatives promised to “work to build a consensus for a mainly-elected second Chamber to replace the current House of Lords”, whilst the Liberal Democrat manifesto contained a commitment to “replace the House of Lords with a fully-elected second Chamber with considerably fewer members than the current House”.<sup>123</sup> After the election, the Coalition Agreement said that the new Government would “establish a committee to bring forward proposals for a wholly or mainly elected upper Chamber on the basis of proportional representation”.<sup>124</sup>

### Draft Bill and White Paper on House of Lords Reform

A draft Bill and White Paper on House of Lords reform was subsequently published in May 2011.<sup>125</sup> The draft Bill proposed a reformed House of 300 members, 80 percent elected and 20 percent appointed. There would be a three-phase transition period from the existing House of Lords to a reformed second Chamber, during which some existing Peers would remain as transitional members. The White Paper set out three different options for how the transition period would work. On the subject of hereditary Peers, the White Paper noted:

There would be no reserved places for hereditary Peers in the reformed House of Lords, although hereditary Peers could be selected to remain as transitional members. They could also stand for election or be considered for appointment to the reformed House of Lords.

[...] The Government proposes that there should be no further by-elections after the start of the transitional period. The draft Bill, therefore, repeals the House of Lords Act 1999.

<sup>120</sup> *ibid.*, col 1205.

<sup>121</sup> This section summarises the proposals in the draft Bill and Bill only briefly, concentrating specifically on the impact that the proposals would have had on the existing excepted hereditary members of the House of Lords. It does not analyse in depth numerous other important aspects of the draft Bill and Bill, such as the balance of power between the two Houses, the electoral system to be used, the length of terms of office, the balance between elected and appointed members, religious representation and so on. For further details, please see the following: House of Lords Library, [House of Lords Reform Draft Bill](#), 16 June 2011, LLN 2011/021; House of Lords Library, [Joint Committee Report on the Draft House of Lords Reform Bill: Reaction](#), 27 April 2012, LLN 2012/015; House of Commons Library, [House of Lords Reform Bill](#), 4 July 2012, RP 12/37; House of Commons Library, [House of Lords Reform Bill 2012–13: Decision not to Proceed](#), 25 September 2012, SN06405.

<sup>122</sup> Labour Party, [The Labour Party Manifesto 2010: A Fair Future for All](#), 2010, p 9.3

<sup>123</sup> Conservative Party, [An Invitation to Join the Government of Britain](#), 2010, p 67; and Liberal Democrat Party, [Liberal Democrat Manifesto 2010](#), 2010, p 88.

<sup>124</sup> HM Government, [The Coalition: Our Programme for Government](#), May 2010, p 27.

<sup>125</sup> HM Government, [House of Lords Reform Draft Bill](#), 17 May 2011, Cm 8077.

The Earl Marshal and the Lord Great Chamberlain are the two hereditary offices of state. Both are presently held by hereditary Peers. However, these office holders would not need to sit in the reformed House of Lords to fulfil their duties as members of the Royal Household.<sup>126</sup>

The draft Bill was scrutinised by a Joint Committee of both Houses. A majority of the Joint Committee agreed that the reformed second Chamber should have an electoral mandate, providing it had commensurate powers, and that it should be 80 percent elected, 20 percent appointed.<sup>127</sup> The Joint Committee agreed that a House of 300 members would be too small to fulfil the demands of a revising Chamber, and was in favour of a House of 450 members.<sup>128</sup>

During the Joint Committee's pre-legislative scrutiny, there was some consideration of how the transitional arrangements should apply to the existing excepted hereditary Peers, as distinct from existing life Peers. The second of the transition options set out in the White Paper proposed that all existing members of the House of Lords would stay until the third round of elections to the reformed House. The Campaign for a Democratic Upper House suggested to the Joint Committee that this option should be modified, so that all hereditary Peers would leave as soon as elected members joined, but existing life Peers would be allowed to stay until the end of the transition period.<sup>129</sup> During the drafting of the Joint Committee's report, Lord Trefgarne (Conservative), himself an excepted hereditary Peer, moved and then withdrew an amendment to insert the following paragraph into the report:

Consideration will also need to be given to the undertaking given to hereditary Peers in 1999, namely that their excepted colleagues would remain until "House of Lords reform is complete". They may say that this means the end of the transitional period.<sup>130</sup>

### House of Lords Reform Bill 2012–13

The House of Lords Reform Bill was introduced in the House of Commons on 27 June 2012. The Bill provided for a three-stage transition to a fully reformed House of Lords, which would have consisted of 360 elected members, 90 appointed members, up to twelve Lords Spiritual and a number of ministerial members. Elected, appointed and ministerial members would have been able to serve up to three electoral terms (normally 15 years), and thereafter would not have been eligible to serve again.

Clause 1 of the Bill would have provided that "no-one is a member of the House of Lords by virtue of a peerage". However, schedule 7 would have allowed for some existing members of the House to stay as 'transitional members': during the five-year term after the first set of elections to the reformed House, up to two-thirds of the current membership of the House of Lords could have remained as transitional members. Up to half of these transitional members

<sup>126</sup> *ibid*, paras 87–90.

<sup>127</sup> Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284–i of session 2010–12, paras 23 and 107. A minority of members of the Joint Committee published an alternative report, *House of Lords Reform: An Alternative Way Forward*, on the same day that the official Joint Committee report was published. The website on which the alternative report was hosted, [www.houseoflordsreform.com](http://www.houseoflordsreform.com), no longer appears to be accessible. Another report written by a member of the Joint Committee, Oliver Heald MP, [An Elected Second Chamber—Building a Better House](#) (April 2012), was published by the Society of Conservative Lawyers.

<sup>128</sup> Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284–i of session 2010–12, para 114.

<sup>129</sup> *ibid*, para 306.

<sup>130</sup> *ibid*, p 162.

(or up to one-third of the current membership) could have remained as transitional members during the second five-year term. After the third set of elections, all transitional members would have been required to leave. The process for selecting transitional members was to have been set out in the standing orders of the House of Lords, so it would have been for the House to decide whether excepted hereditary Peers would have been eligible to sit as transitional members. The Explanatory Notes to the Bill observe that:

Although it will be possible for current members of the House of Lords to become elected or appointed members of the House of Lords, the effect of clause 1 is that after the end of the second electoral period all life Peers and hereditary Peers who are now members of the House of Lords will otherwise have ceased to be members of the House.<sup>131</sup>

Clause 2 of the Bill would have provided that the changes to the composition of the House of Lords would not affect the application of the Parliament Acts 1911 and 1949. The Explanatory Notes to the Bill stated that:

These Acts ensure that legislation passed by the House of Commons cannot be frustrated by the House of Lords, in particular that money bills can be sent for Royal Assent if the Lords do not pass them within a month and that all other public bills may not be delayed by the Lords for more than one year. These Acts underpin the primacy of the House of Commons in statute, limit the legislative power of the Lords, and ensure that any administration with a majority in the Commons can ultimately pass its legislation without Lords agreement. The Parliament Acts continued to apply following the Life Peerages Act 1958 and the House of Lords Act 1999 and will continue to apply now. The Preamble to the 1911 Parliament Act, which is a short statement of the Government of the time, stating the intention to constitute the House of Lords on a popular instead of a hereditary basis, and thereafter to limit and define the powers of the second Chamber, is repealed in order to make it absolutely clear that it has no continuing relevance.<sup>132</sup>

Schedule 10 of the Bill would have repealed the House of Lords Act 1999. The Explanatory Notes stated:

The Bill supersedes the Act by removing the link between hereditary peerages and a seat in the House of Lords entirely and by permitting current and former members of the House of Lords to vote in both House of Commons elections and elections to the reformed second Chamber.<sup>133</sup>

Making a statement on the Bill in the House of Lords, Lord Strathclyde, then Leader of the House of Lords, said that the “fundamental principle” behind the Bill was the Government’s belief that:

[...] those who make the laws of the land should be elected by those to whom the laws apply, and that a democratic mandate—obtained through direct elections—would afford

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<sup>131</sup> [Explanatory Notes](#) to the House of Lords Reform Bill 2012–13, para 258.

<sup>132</sup> *ibid*, para 42.

<sup>133</sup> *ibid*, para 231.

the House greater legitimacy and thereby enhance the House's ability to perform its core functions of revising legislation and holding the executive to account.<sup>134</sup>

At the Bill's second reading in the House of Commons, there was general support for bringing to an end the presence of hereditary Peers in the House of Lords. Various Labour members described the current arrangements as "indefensible", "ludicrous" and "risible".<sup>135</sup> Conservative members such as Sir Malcolm Rifkind (MP for Kensington) and Nadim Zawahi (MP for Stratford-on-Avon) also spoke in favour of removing the final hereditary Peers from the House of Lords.<sup>136</sup> However, various MPs argued that it was unrealistic to expect, as the Government seemed to do in the Bill, that the balance of power between the two Houses of Parliament would remain unchanged following the introduction of an elected upper Chamber. Sadiq Khan, the Shadow Secretary of State for Justice, said that although Labour would support the Bill receiving its second reading, the Opposition had a number of concerns about it, including on this issue of primacy of the House of Commons. He questioned why elected members of the second Chamber "should be bound by conventions that bind a Chamber of hereditary and appointed Peers" and claimed that "the Bill effectively washes its hand of this issue".<sup>137</sup>

Similarly, Sir Malcolm Rifkind wondered "what possible justification" there could be for "the new elected, democratic Chamber" to have only the same powers currently granted to the House of Lords.<sup>138</sup> Gareth Johnson (Conservative MP for Dartford) argued that a "democratically elected Commons is complemented by an appointed and hereditary revising second Chamber, but the proposals in the Bill will set both Houses against each other".<sup>139</sup> Nadim Zawahi said that he had "argued and will continue to argue" for reforms to the House of Lords—such as reducing the number of Peers, abolishing prime ministerial patronage, removing the final hereditary Peers and increasing professional expertise—but he believed that "subverting the primacy of the Commons is not the answer to reform".<sup>140</sup>

Although Labour supported the Bill receiving its second reading, Sadiq Khan made clear Labour's position that the Bill "should be allowed to be fully debated and there should be no guillotining of debate by the Government".<sup>141</sup> He indicated that the Opposition would vote against the Government's programme motion. At the start of the second day of the second reading debate, Sir George Young, Leader of the House of Commons, announced that the Government would not move the programme motion.<sup>142</sup> The Bill passed its second reading by 462 votes to 124.<sup>143</sup> Ninety-one Conservatives voted against the Bill—according to one analysis the largest rebellion on the issue of Lords reform in the post-war era, and the largest rebellion by government MPs on the second reading of any bill in the post-war period.<sup>144</sup>

On 6 August 2012, Nick Clegg, the Deputy Prime Minister, announced that the Government would not proceed with the Bill. He said that despite his "painstaking efforts" to deliver cross-party consensus on House of Lords reform, "the Labour Party and Conservative backbenchers

<sup>134</sup> HL *Hansard*, 27 June 2012, [col 236](#).

<sup>135</sup> HC *Hansard*, 9 July 2012, [col 81](#) and [cols 94–5](#); and 10 July 2012, [col 267](#).

<sup>136</sup> HC *Hansard*, 9 July 2012, [col 51–3](#) and [cols 119–20](#).

<sup>137</sup> *ibid*, [col 41](#).

<sup>138</sup> *ibid*, [col 51](#).

<sup>139</sup> HC *Hansard*, 10 July 2012, [col 205](#).

<sup>140</sup> HC *Hansard*, 9 July 2012, [cols 119–20](#).

<sup>141</sup> *ibid*, [col 49](#).

<sup>142</sup> HC *Hansard*, 10 July 2012, [col 188](#).

<sup>143</sup> *ibid*, [col 274](#).

<sup>144</sup> Philip Cowley and Mark Stuart, 'Four Records Down, a Fifth Avoided', University of Nottingham 'Ballots and Bullets' blog, 11 July 2012.

united to block any further progress, preventing the Government from securing a timetable motion, without which the Bill effectively becomes impossible to deliver”.<sup>145</sup> In a statement to the House of Commons on 3 September 2012, he confirmed the Government’s decision to withdraw the Bill and indicated that “regrettably, the Coalition will not be able to deliver Lords reform during this Parliament”.<sup>146</sup>

In the House of Lords later that day, Lord Rennard (Liberal Democrat) asked whether Lord Strathclyde, the then Leader of the House of Lords agreed that: “whatever may or may not happen in the near future in relation to reform of your Lordships’ House, there is now absolutely no case whatever for continuing the farcical practice of holding by-elections to replace hereditary Peers when one of their number passes away?”.<sup>147</sup> Lord Strathclyde responded that “the by-elections were never supposed to occur because the Labour Party in 2001 promised that it would come forward with proper, elected reform that did not in the event take place”. He acknowledged that “the existence of the by-elections may still be a spur for further reform”.

### 7.3 Private Members’ Bills

There has also been a series of private members’ bills aimed at ending the practice of replacing excepted hereditary Peers by holding by-elections. Lord Weatherill (Crossbencher), the mover of the original amendment that allowed some hereditary Peers to remain in the House of Lords after 1999, introduced the [House of Lords \(Amendment\) Bill 2002–03](#) in February 2003, but it did not progress beyond first reading.

Lord Avebury (Liberal Democrat), himself an excepted hereditary Peer, introduced another [House of Lords \(Amendment\) Bill](#) in the 2006–07 session, which again sought to cease the holding of hereditary by-elections. He said that this would be “a very small change”, to end what had originally only been intended as a transitional measure.<sup>148</sup> In his view, if it had been realised in 1999 that hereditary Peers would still be in place eight years later, and that by-elections would be necessary to top up their number, “there would have been far greater difficulty in reaching agreement across the House”. Without the by-elections, he argued:

[...] in the process of time the hereditaries would have disappeared through mortality without the need for further legislation. That simplification would not have made it either easier or harder to reach stage two [of Lords reform], but it would have avoided absurd situations in which a small number of voters, who themselves derive their franchise from being hereditary Peers, elected a new Peer from the ranks of the hereditaries who had been unsuccessful in the original election. The eight who joined this House by that extraordinary process are no doubt making a valuable contribution, but as a method of replenishing the House of Lords it does not seem to be altogether appropriate in the 21st century.

Lord de Mauley (Conservative), who entered the House in 2005 by means of a hereditary by-election, was one of a number of Peers who objected to the Bill on the basis that it did “not even attempt to tackle the main issue of long-term reform”.<sup>149</sup> The Bill did not progress beyond

<sup>145</sup> BBC News, ‘[Nick Clegg’s Statement in Full](#)’, 6 August 2012.

<sup>146</sup> HC *Hansard*, 3 September 2012, [col 36](#).

<sup>147</sup> HL *Hansard*, 3 September 2012, [col 827](#).

<sup>148</sup> HL *Hansard*, 18 May 2007, [col 416](#).

<sup>149</sup> *ibid*, [col 438](#).

second reading. Lord Avebury re-introduced his Bill in the 2007–08 parliamentary session, but again it did not progress beyond second reading.

Lord Steel of Aikwood has introduced bills addressing House of Lords reform in six of the last seven parliamentary sessions.<sup>150</sup> His first bill, the [House of Lords Bill 2006–07](#), was introduced in the same parliamentary session as Lord Avebury’s first bill, but sought to make a wider range of reforms: establishing a statutory appointments commission, ending hereditary by-elections, allowing for permanent leave of absence from the House, and for the expulsion of members convicted of serious offences. Lord Steel explained why he wanted to end hereditary by-elections:

Much has been made of the statement made in 1999 by the noble and learned Lord, Lord Irvine of Lairg, that hereditary Peers would remain until stage two reform took place. He said that stage two reform “will” take place, but he was talking in 1999 and I do not think that he was contemplating 2014. I do not think that any of us thought in 1999 that we would be having an endless series of hereditary by-elections. The Bill does not propose that the hereditary Peers be dismissed from the House; it simply proposes that no new ones should come in. Therefore, it brings the principle of entry to this House by heredity to an end [...]

It is necessary to do this because, although the by-elections that we have had may pass muster in the Conservative Party and, indeed, on the Crossbenches, on these [Liberal Democrat] benches the process was ridiculous: we had six candidates for a by-election and four voters.<sup>151</sup> Before the Great Reform Bill of 1832, the rotten borough of old Sarum had at least eleven voters. In the Labour Party, there were eleven candidates and only three voters, and we had the spectacle of the Clerk of the Parliaments declaring to the world that a new member had been elected to the British Parliament by two votes to one. That should not be allowed to continue and my Bill brings it to an end.<sup>152</sup>

Although this proposal attracted support from various speakers, several others also pointed out that it would be going back on the agreement that the excepted hereditary Peers should stay in the House of Lords until a comprehensive second stage of reform. Lord Strathclyde, the then Leader of the Opposition, observed that he “would be failing in [his] duty to those Peers who voted for and accepted their own removal in 1999 if I did not remind the House, if it needed reminding, that the undertakings given in 1999, remain, in the words of the noble and learned Lord, Lord Irvine of Lairg, “binding in honour” on all.<sup>153</sup> The Bill did not progress beyond second reading.

Lord Steel introduced a substantially similar bill, the [House of Lords Bill 2007–08](#), in the next parliamentary session. This time the Bill reached committee stage; it had one day of committee on 17 January 2008, but did not progress further. Lord Steel introduced a third bill, the [House of Lords Bill 2008–09](#), in the following session, which included broadly the same measures, but this time with provision for Peers who never attended the House to have their membership removed. Again, this Bill had one day in committee, but did not progress any further.

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<sup>150</sup> For further discussion of the first four, please see House of Lords Library, [Lord Steel of Aikwood’s Private Member’s Bills on House of Lords Reform](#), 11 May 2012, LLN 2012/017.

<sup>151</sup> In the Liberal Democrat hereditary by-election of January 2005, there were three candidates (not six) and four voters—see table 4 above.

<sup>152</sup> HL *Hansard*, 20 July 2007, [col 485](#).

<sup>153</sup> *ibid*, [col 531](#).

Lord Steel did not introduce a bill in the 2009-10 session, during which the Constitutional Reform and Governance Bill was before the House. When the provisions on ending hereditary by-elections were dropped from that Bill, Lord Steel accused the Government of “giving in to a minority within a minority” and said that if these provisions were not brought back after the 2010 general election, he would reintroduce his private member’s bill.<sup>154</sup> This he duly did, introducing the [House of Lords Reform Bill 2010–12](#) on 26 May 2010. There was debate at both second reading and committee stage as to whether ending hereditary by-elections went against the agreement reached in 1999 and to what extent the current front benches and members of the Privy Council remained bound by the 1999 agreement.<sup>155</sup> At committee stage, the House voted by 142 votes to 8 that the relevant clause should stand part of the Bill.<sup>156</sup> However, at report stage, Lord Steel explained that in order to secure the passage of other provisions in the Bill, he had agreed to remove the provisions on ending hereditary by-elections:

I have not changed my view that hereditary by-elections particularly in the Labour Party and the Liberal Democrats, are really quite farcical. In the 21st century to have elections to Parliament by heredity by three votes to one is simply absurd. On the other hand, other members of the House feel strongly about the principle that undertakings were given back in 1999 that the numbers would continue to be topped up until major reforms were made. That has been the issue between us and what has caused the sudden appearance of some 300 amendments, which is a perfectly legitimate parliamentary tactic in order to scupper the Bill. However, there have been congenial discussions between us and we have agreed that, provided I take clause 10 out of the Bill, these amendments will not be moved.<sup>157</sup>

The House agreed to Lord Steel’s proposal to remove clause 10.<sup>158</sup> The clauses on establishing a statutory appointments commission were also removed, and the title of the Bill was amended to the House of Lords (Amendment) Bill, to reflect its more limited scope.<sup>159</sup> The Bill completed its passage through the House of Lords, but did not progress beyond first reading in the House of Commons.

In the 2012–13 session, Lord Steel introduced the [House of Lords \(Cessation of Membership\) Bill](#), which brought back the remaining provisions from his previous Bill: to allow Peers to retire from the House of Lords, and to remove membership from non-attenders and those convicted of serious offences. Again, this Bill completed its passage through the House of Lords, but did not progress beyond first reading in the House of Commons.

In the current parliamentary session, Lord Steel is sponsoring the [House of Lords Reform \(No 2\) Bill 2013–14](#), a private member’s bill which has already completed its passage through the House of Commons, where it was introduced by Dan Byles (Conservative MP for North Warwickshire and Bedworth). It is due to receive its second reading in the House of Lords on 28 March 2014. Like Lord Steel’s 2012–13 Bill, it seeks to make provision for Peers to retire or resign from the House of Lords and for the disqualification of non-attenders and Peers convicted of serious offences. However, the Bill would extend the practice of hereditary

<sup>154</sup> HL *Hansard*, 7 April 2010, [col 1628](#).

<sup>155</sup> For a more detailed summary of these debates, see section 5.2 of House of Lords Library, [Lord Steel of Aikwood’s Private Member’s Bills on House of Lords Reform](#), 11 May 2012, LLN 2012/017.

<sup>156</sup> HL *Hansard*, 21 October 2011, [col 475](#).

<sup>157</sup> HL *Hansard*, 10 February 2012, [col 523](#).

<sup>158</sup> *ibid*, [col 526](#).

<sup>159</sup> *ibid*, [col 541](#) and [col 543](#).

by-elections rather than ending it: the Bill was amended at committee stage in the House of Commons to provide that hereditary Peers who resigned, retired or were disqualified would be replaced through means of a by-election. Mr Byles explained that the amendment was necessary because “it is a requirement in the House of Lords Act 1999 that there must be 90 excepted members”.<sup>160</sup> He continued:

[...] the Act covers only situations in which a vacancy is caused by a member’s death. Because I propose a new statutory mechanism for Peers to resign and/or be disqualified, the Bill needs to stipulate how such vacancies will be filled in the case of hereditary Peers. That is due to the requirement under the 1999 Act that there be 90 excepted Peers and the fact that it allows a by-election only in the event of a Peer’s death. Some people have been a little confused about why we appear to be amending the 1999 Act, but when members consider the situation, they will see that it is straightforward.

Lord Selsdon (Conservative), an excepted hereditary Peer, introduced the [Membership of the House of Lords \(Elections\) Bill 2012–13](#) which sought to amend the standing orders so that hereditary Peers who were members of the House by virtue of being elected in accordance with the House of Lords Act 1999 would “work in and represent the House with the designation of ‘elected hereditary Peer’” (clause 5). Lord Selsdon’s Bill also sought to extend to life Peers the practice of holding internal elections—the Bill proposed that 121 existing life Peers (66 Labour, 22 Conservative, eight Liberal Democrat and 25 Crossbench) could be voted for by their party/group “on the basis of their commitment to the work of the House, to work in and represent the House with the designation of an ‘elected life Peer’” (clause 1). The Bill did not progress beyond first reading.

Baroness Hayman, the former Lord Speaker, introduced the [House of Lords Reform Bill \[HL\] 2013–14](#) in this session of parliament. The Bill seeks to end the practice of hereditary by-elections, as well as to make other reforms to the House of Lords by allowing members to retire; removing membership from non-attenders and Peers convicted of serious offences; and establishing a statutory appointments commission. The Bill was given its first reading on 15 May 2013, but to date has made no further progress.

#### **7.4 PCRC Report: *House of Lords Reform: What Next?***

Following the Government’s withdrawal of the House of Lords Reform Bill 2012–13, the House of Commons Political and Constitutional Reform Select Committee (PCRC) investigated the “desirability, practicality and effectiveness of a range of small-scale reforms to reduce the size of the House of Lords”, including the possibility of no longer replacing hereditary Peers in the House of Lords when they die.<sup>161</sup> The Committee noted that “only a small number of those who provided evidence argued that hereditary Peers should continue to be replaced in the Upper House when they die”.<sup>162</sup> Witnesses who did not support the ending of hereditary by-elections “cautioned against unravelling the political deal secured in 1999” and removing the hereditary Peers who “remain as a guarantee of further reform”. However, other witnesses argued that it was not possible that “a Parliament can bind its successors and that a Government of one complexion can bind a Government of another complexion” and that “Lords reform is only ever going to happen through small steps”. The Committee found that

<sup>160</sup> House of Commons Public Bill Committee, 15 January 2014, [col 14](#).

<sup>161</sup> House of Commons Political and Constitutional Reform Select Committee, [House of Lords Reform: What Next?](#), 17 October 2013, HC 251 of session 2012–13, p 3.

<sup>162</sup> *ibid*, p 8.

“the vast majority of evidence strongly supported the idea of no longer replacing hereditary Peers”.<sup>163</sup> There were two grounds for this: firstly, the “‘indefensibility’ of a hereditary route into the Lords”, and secondly what was seen as “the absurdity of the by-elections”.<sup>164</sup> The Committee concluded that:

The evidence we received on no longer replacing hereditary Peers in the House of Lords when they die showed that there is broad-based and significant support for this idea and that this could be realised by ending the by-election system which perpetuates the current system. We accept that doing this would not have a large of swift impact on the size of the House but, as a means of gradually reducing numbers we conclude it would be worthwhile. It would also serve to reduce the reputational risk to the House which results from the existence and use of the current by-election system. We do not believe that taking action on this issue would preclude further, wholesale reform taking place in the future if that is what political parties favour. Therefore, we recommend that hereditary Peers should not be replaced in the House of Lords when they die and we welcome the provisions contained within Baroness Hayman’s private member’s bill which seek to achieve this goal.<sup>165</sup>

In response, the Government rejected the idea of ending hereditary by-elections as a stand-alone reform:

The Government notes the Committee’s views on the non-replacement of hereditary Peers. Whilst the Government remains committed to removing hereditary Peers from the House through the introduction of a mainly elected Chamber, this represents significant constitutional change that should be achieved only as part of a more comprehensive package of reforms. The Government believes that it would not be appropriate to legislate on this issue other than in the context of wider reform.<sup>166</sup>

## 8. Statistical Profile

### 8.1 Age

Table 7 shows the average age, in years and months, of all Peers; of excepted hereditary Peers; and of the rest of the House excluding excepted hereditary Peers. At present, the excepted hereditary Peers are, on average, slightly younger than the other members of the House of Lords.

Table 7: Average age

All Peers	Excepted Hereditary Peers	Rest of House
69 years 11 months	69 years 1 month	70 years 0 months

Source: House of Lords Registry database. Data as of 7 March 2014. Excludes members who are disqualified, suspended or on leave of absence.

<sup>163</sup> *ibid.*

<sup>164</sup> *ibid.*, p 9.

<sup>165</sup> *ibid.*, p 11.

<sup>166</sup> House of Commons Political and Constitutional Reform Select Committee, [House of Lords Reform: What Next? Government Response to the Committee’s Ninth Report of Session 2013–14](#), 17 February 2014, HC 1079 of session 2013–14, para 7.

## 8.2 Gender

Table 8 shows the number of women members in the whole House; amongst excepted hereditary Peers; and across the rest of the House, excluding excepted hereditary Peers. It also shows the percentage of members within each group who are female. The proportion of excepted hereditary Peers who are women is approximately ten times smaller than the proportion of women across the House of Lords as a whole. If there were no excepted hereditary Peers, the proportion of women in the House of Lords would rise from 23.3 percent to 26 percent.

*Table 8: Female members of the House of Lords*

All Peers		Excepted Hereditary Peers		Rest of House	
No of women	Women as % of group	No of women	Women as % of group	No of women	Women as % of group
182	23.3	2	2.3	180	26.0

Source: House of Lords Registry database, 28 February 2014. Excludes members who are disqualified, suspended or on leave of absence.

## 8.3 Attendance

Table 9 shows the rate of attendance in the House of Lords in the last four complete parliamentary sessions and the current parliamentary session to date. The rate of attendance shows the percentage of occasions on which members actually attended the House, out of the maximum number of occasions on which they were entitled to attend. (Thus, for example the attendance rate of members taking leave of absence part-way through a parliamentary session would be calculated on the basis of the number of sitting days in the session before their leave of absence took effect; members who were disqualified from sitting throughout the whole session would not be included at all.) The rates expressed below are calculated for all Peers as a group, for excepted hereditary Peers as a group and for the rest of the House as a group. These figures are calculated on a group basis; average rates of attendance for individuals within each group would vary from the attendance rate of the group as a whole.

The table demonstrates that, on average, excepted hereditary Peers as a group attend the House more frequently than other Peers as a group, and their attendance pattern slightly raises the attendance rate for the whole House.

*Table 9: Rates of Attendance, 2008–09 onwards*

Session	Attendance as percentage of maximum possible attendances		
	All Peers	Excepted Hereditary Peers	Rest of House
2008–09	55.4	69.4	53.4
2009–10	55.7	67.1	54.0
2010–12	61.7	70.2	60.6
2012–13	63.5	70.0	62.6
2013–14*	64.3	70.2	63.6

\* to 5 March 2014.

Source: House of Lords Registry database, 6 March 2014.

## 8.4 Positions Held

Tables 10 to 16 that follow show the range of positions held within the House of Lords, within Government and within parties since 1999 by the current excepted hereditary Peers. They give details of those who have been Chairman or Deputy Chairman of Committees; Chair of a select committee or sub-committee; ministers or shadow ministers; Whips; and Government or party spokespersons.

Note: Positions that were held and relinquished prior to 1999 are not included. Positions that were held before 1999 and continued to be held beyond 1999 are included. Data is sourced from *Dods People*.

Table 10: House of Lords positions

Position	Holder	Dates
Chairman of Committees	Lord Brabazon of Tara	2002–12
Principal Deputy Chairman of Committees	Lord Brabazon of Tara	2001–02
Deputy Chair of Committees	Lord Lyell Lord Brougham and Vaux Lord Elton Countess of Mar Viscount Allenby of Megiddo Viscount Simon Lord Methuen Lord Henley Lord Methuen Lord Geddes Viscount Ullswater Lord Colwyn Lord Skelmersdale	1993–2007 1993–97 and 1997– 1997–2007 1997–2007 and 2010–12 1997–2008 1998– 1999–2000 1999–2001 1999–2001 2000– 2004– 2007– 2010–
Deputy Speaker	Lord Lyell Lord Brougham and Vaux Countess of Mar Viscount Allenby of Megiddo Lord Henley Lord Elton Viscount Simon Lord Brabazon of Tara Lord Geddes Viscount Ullswater Lord Colwyn Lord Skelmersdale	1993–2008 1995– 1997–2007 and 2011– 1997–2008 1999–2001 1999–2008 1999– 2002–12 2002– 2004– 2008– 2011–

Table 11: Committee Chairs

<b>Committee</b>	<b>Chair</b>	<b>Dates</b>
Administration and Works	Lord Brabazon of Tara	2003–10 and 2011–12
Communications	Lord Inglewood	2010–
European Union	Lord Brabazon of Tara	2001–02
European Union Sub-Committee D	Earl of Selborne	1999–2003
House	Lord Brabazon of Tara	2003–06
Hybrid Instruments	Lord Brabazon of Tara	2003–12
Joint Committee on Parliamentary Privilege	Lord Brabazon of Tara	2013
Liaison	Lord Brabazon of Tara	2003–12
Personal Bills	Lord Brabazon of Tara	2003–09
Privileges/Privileges and Conduct	Lord Brabazon of Tara	2003–12
Procedure	Lord Brabazon of Tara	2003–10 and 2011–12
Procedure—Leave of Absence Sub-Committee	Lord Brabazon of Tara	2011–12
Refreshment	Lord Brabazon of Tara	2008–12
Science and Technology Sub-Committee I	Earl of Selborne	2005-07
Selection	Lord Brabazon of Tara	2003–12
Standing Orders (Private Bills)	Lord Brabazon of Tara	2003–12 and 2013
Works of Art	Lord Crathorne Viscount Falkland Lord Luke	2003–2007 2007–2010 2010–12 and 2012–13

Table 12: Ministers

<b>Position</b>	<b>Holder</b>	<b>Dates</b>
Leader of the House of Lords	Lord Strathclyde	2010–13
Parliamentary Under-Secretary of State, Ministry of Defence	Lord Astor of Hever	2010–
Parliamentary Under-Secretary of State, Department of Health	Earl Howe	2010–
Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs	Lord Henley	2010–11
Minister of State for Crime Prevention and Anti-Social Behaviour Reduction, Home Office	Lord Henley	2011–12

<b>Position</b>	<b>Holder</b>	<b>Dates</b>
Parliamentary Under-Secretary of State, Department for Environment Food and Rural Affairs	Lord de Mauley	2012–
Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills	Viscount Younger of Leckie	2013–

Table 13: Shadow Ministers

<b>Position</b>	<b>Holder</b>	<b>Dates</b>
Leader of the Opposition	Lord Strathclyde	1998–2010
Shadow Minister for Sport	Lord Moynihan	2003–05

Table 14: Whips

<b>Party</b>	<b>Holder</b>	<b>Dates</b>
Conservative	Earl of Courtown	Opposition Whip 1997–2000
	Lord Luke	Opposition Whip 1997–2010
	Lord Henley	Opposition Chief Whip 1998–2001
	Lord Astor of Hever	Opposition Whip 1998–2010 Government Whip 2010–11
	Viscount Bridgeman	Opposition Whip 1998–2010
	Lord Northbrook	Opposition Whip 1999–2000
	Lord Rotherwick	Opposition Whip 2001–05
	Duke of Montrose	Opposition Whip 2001–10
	Earl Attlee	Opposition Whip 2002–05 Opposition Whip 2007–10 Government Whip 2010–
	Lord Skelmersdale	Opposition Whip 2003–05
	Lord de Mauley	Opposition Whip 2005–10 Government Whip 2010–12
	Earl Cathcart	Opposition Whip 2007–10
	Viscount Younger of Leckie	Party Whip 2010–12 Government Whip 2012–13
Labour	Lord Grantchester	Opposition Whip 2010–
Liberal Democrat	Viscount Falkland	Deputy Chief Whip 1988–2001
	Lord Addington	Whip 2002–10 Deputy Chief Whip 2005–10

Table 15: Government and Party spokespersons (Conservative)

Holder	Position
Viscount Astor	<p><u>Opposition Spokesperson</u> for: Home Office 1997–2001 Education and Employment 1999–2001 Transport, Local Government and the Regions 2001–02 Transport 2002–05 Culture, Media and Sport 2005–06</p>
Lord Astor of Hever	<p><u>Opposition Spokesperson</u> for: Defence 2003–10 Foreign and Commonwealth Office 2003–10 International Development 2003–10</p> <p><u>Government Spokesperson</u> for: Ministry of Defence 2010–</p>
Earl Attlee	<p><u>Opposition Spokesperson</u> for: Northern Ireland 1998–1999 Defence 1998–2001 and 2002–03 Trade and Industry 1998–99 Transport 1999–2001 and 2002–03 Energy 2003–04 Office of the Deputy Prime Minister 2004–05 Transport 2007–10 Maritime and Shipping 2007–10</p> <p><u>Government Spokesperson</u> for: International Development 2010 Northern Ireland 2010– Transport 2010–13 Communities and Local Government 2010–12 and 2013– Home Office 2010– Wales 2012– Law Officers 2013– Scotland 2013– Immigration 2013–</p>
Lord Brabazon of Tara	<p><u>Opposition Spokesperson</u> for: Transport 1998–2000</p>
Viscount Bridgeman	<p><u>Opposition Spokesperson</u> for: Home Affairs 2001–10 Northern Ireland 2001–07 and 2009–10</p>
Earl Cathcart	<p><u>Opposition Spokesperson</u> for: Communities and Local Government 2007–10 Environment, Food and Rural Affairs 2007–10 Northern Ireland 2007–09 Scotland 2009–10</p>

Holder	Position
Lord de Mauley	<p><u>Opposition Spokesperson</u> for:            Trade and Industry/Business, Enterprise and Regulatory Reform/Business, Innovation and Skills 2005–10            Cabinet Office 2006–09            Energy and Climate Change 2008–09            Innovation, Universities and Skills 2008–09            Children, Schools and Families 2008–09            Treasury 2009–10</p> <p><u>Government Spokesperson</u> for:            Business, Innovation and Skills 2010–12            Home Office 2010            Treasury 2010–12            Environment, Food and Rural Affairs 2010–            Work and Pensions 2011–12</p>
Lord Glentoran	<p><u>Opposition Spokesperson</u> for:            Northern Ireland 1999–2010            Industry 2004–05            Sport 2005–06            Olympics 2007–10            Wales 2007–10</p>
Lord Henley	<p><u>Opposition Spokesperson</u> for:            Cabinet Office June 1999–2000            Legal Affairs 2003–07            Constitutional Affairs 2005–07            Home Affairs 2006–07            Justice 2007–10</p> <p><u>Government Spokesperson</u>, for:            Department for Environment, Food and Rural Affairs 2010–11            Department for Business, Innovation and Skills 2011            Home Office 2011–12</p>
Earl Howe	<p><u>Opposition Spokesperson</u> for:            Health 1997–2010            Family 2004–05</p> <p><u>Government Spokesperson</u> for:            Department of Health 2010–</p>
Lord Luke	<p><u>Opposition Spokesperson</u> for:            Culture, Media and Sport (Tourism) 2010            Wales 2000–06            Transport 2002–04            Defence 2004–10</p>
Duke of Montrose	<p><u>Opposition Spokesperson</u> for:            Scotland 2001–10            Environment 2001–06 and 2008–10            Food and Rural Affairs 2001–10            Northern Ireland 2007            Wales 2007–08 and 2009–10</p>
Lord Moynihan	<p><u>Opposition Spokesperson</u> for:            Foreign and Commonwealth Affairs 1997–2000</p>

<b>Holder</b>	<b>Position</b>
Lord Rotherwick	<u>Opposition Spokesperson</u> for: Education and Skills, Work and Pensions 2001–03 Environment, Food and Rural Affairs 2003–05 Transport 2004–05
Lord Skelmersdale	<u>Opposition Spokesperson</u> for: Health 2003–04 Work and Pensions 2003–09 Trade and Industry 2004–05 Home Office 2009–10
Lord Strathclyde	<u>Opposition Spokesperson</u> for: Constitutional Affairs 1998–2005
Viscount Younger of Leckie	<u>Government Spokesperson</u> for: Culture, Olympics, Media and Sport/Culture, Media and Sport 2012–13 Scotland 2012–13 Attorney General’s Office 2012 Advocate General for Scotland 2012 Law Officers 2012–13 Transport 2012–13 Department for Business, Innovation and Skills 2013–

*Table 16: Party spokespersons (Liberal Democrat)*

<b>Name</b>	<b>Position</b>
Lord Addington	Work and Social Services/Pensions (Disability) 1994–2009 Culture, Media and Sport (Sport) 1995–2010 Defence 2007–10
Lord Avebury	Foreign and Commonwealth Affairs 1998–2010 with special responsibility for Africa 2004–10 Home Office (civil liberties) 2005–10
Viscount Falkland	Culture, Media and Sport 1997–2005
Earl of Glasgow	Transport 2005–10 Culture, Media and Sport 2008–10

**Appendix I: Current Excepted Hereditary Peers in Alphabetical Order**

<b>Name</b>	<b>Current Affiliation</b>	<b>Elected By</b>	<b>Notes</b>
Aberdare, L	Crossbench	Crossbench	Won by-election, 15 July 2009, replacing Viscount Bledisloe
Addington, L	Liberal Democrat	Liberal Democrat	
Allenby of Megiddo, V	Crossbench	Crossbench	
Arran, E	Conservative	Conservative	
Ashton of Hyde, L	Conservative	Conservative	Won by-election, 20 July 2011, replacing the Earl of Onslow
Astor of Hever, L	Conservative	Conservative	
Astor, V	Conservative	Conservative	
Attlee, E	Conservative	Conservative	
Avebury, L	Liberal Democrat	Liberal Democrat	
Baldwin of Bewdley, E	Crossbench	Crossbench	
Borwick, L	Conservative	Whole House	Won by-election, 17 July 2013, replacing Lord Reay
Brabazon of Tara, L	Conservative	Conservative	
Bridgeman, V	Conservative	Conservative	
Bridges, L	Crossbench	Crossbench	Leave of absence
Brookeborough, V	Crossbench	Crossbench	
Brougham and Vaux, L	Conservative	Whole House	
Caithness, E	Conservative	Conservative	
Cathcart, E	Conservative	Conservative	Won by-election, 7 March 2007, replacing Lord Mowbray and Stourton
Cholmondeley, M	Non-Affiliated	Ex officio (Lord Great Chamberlain)	
Chorley, L	Crossbench	Crossbench	Replaced Earl of Carnarvon under SO 9
Clancarty, E	Crossbench	Crossbench	Won by-election, 23 June 2010, replacing Viscount Colville of Culross
Cobbold, L	Crossbench	Crossbench	Replaced Baroness Wharton under SO 9
Colville of Culross, V	Crossbench	Whole House	Won by-election, 20 July 2011, replacing Lord Amptill
Colwyn, L	Conservative	Whole House	
Courtown, E	Conservative	Conservative	
Craigavon, V	Crossbench	Crossbench	
Crathorne, L	Conservative	Conservative	
De Mauley, L	Conservative	Conservative	Won by-election, 10 March 2005, replacing Lord Burnham

<b>Name</b>	<b>Current Affiliation</b>	<b>Elected By</b>	<b>Notes</b>
Denham, L	Conservative	Conservative	
Dundee, E	Conservative	Conservative	
Eccles, V	Conservative	Whole House	Won by-election, 22 March 2005, replacing Lord Aberdare
Elton, L	Conservative	Whole House	
Erroll, E	Crossbench	Crossbench	
Falkland, V	Crossbench	Whole House	
Freyberg, L	Crossbench	Crossbench	
Geddes, L	Conservative	Whole House	
Glasgow, E	Liberal Democrat	Liberal Democrat	Won by-election 13 January 2005, replacing Earl Russell
Glenarthur, L	Conservative	Conservative	
Glentoran, L	Conservative	Conservative	
Goschen, V	Conservative	Conservative	
Grantchester, L	Labour	Labour	Won by-election, 30 October 2003, replacing Lord Milner of Leeds
Greenway, L	Crossbench	Crossbench	
Hanworth, V	Labour	Whole House	Won by-election, 23 March 2011, replacing Lord Strabolgi
Henley, L	Conservative	Conservative	
Home, E	Conservative	Conservative	
Howe, E	Conservative	Conservative	
Hylton, L	Crossbench	Crossbench	
Inglewood, L	Conservative	Conservative	
Lindsay, E	Conservative	Conservative	
Listowel, E	Crossbench	Crossbench	
Liverpool, E	Conservative	Conservative	
Lucas, L	Conservative	Conservative	
Luke, L	Conservative	Conservative	
Lyell, L	Conservative	Whole House	
Lytton, E	Crossbench	Crossbench	Won by-election, 11 May 2011, replacing Lord Monson
Mancroft, L	Conservative	Conservative	
Mar, C	Crossbench	Whole House	
Methuen, L	Liberal Democrat	Whole House	
Montagu of Beaulieu, L	Conservative	Conservative	
Montgomery of Alamein, V	Crossbench	Crossbench	Won by-election, 23 June 2005, replacing Baroness Strange
Montrose, D	Conservative	Conservative	
Moynihan, L	Conservative	Conservative	
Norfolk, D	Non-Affiliated	Ex officio (Earl)	Leave of absence

Name	Current Affiliation	Elected By	Notes
		Marshal)	
Northbourne, L	Crossbench	Crossbench	
Northbrook, L	Conservative	Conservative	
Palmer, L	Crossbench	Crossbench	
Peel, E	Crossbench	Conservative	
Rea, L	Labour	Labour	
Ridley, V	Conservative	Conservative	Won by-election, 6 February 2013, replacing Earl Ferrers
Rosslyn, E	Crossbench	Crossbench	
Rotherwick, L	Conservative	Conservative	
Saltoun of Abernethy, Ly	Crossbench	Crossbench	
Sandwich, E	Crossbench	Crossbench	
Selborne, E	Conservative	Conservative	
Selsdon, L	Conservative	Conservative	
Shrewsbury, E	Conservative	Conservative	
Simon, V	Labour	Whole House	
Skelmersdale, L	Conservative	Whole House	
Slim, V	Crossbench	Crossbench	
St John of Bletso, L	Crossbench	Crossbench	
Stair, E	Crossbench	Crossbench	Won by-election, 22 May 2008, replacing Baroness Darcey de Knayth
Strathclyde, L	Conservative	Conservative	
Swinfen, L	Conservative	Conservative	
Tenby, V	Crossbench	Crossbench	
Trefgarne, L	Conservative	Conservative	
Trenchard, V	Conservative	Conservative	Won by-election, 13 May 2004, replacing Lord Vivian
Ullswater, V	Conservative	Whole House	Won by-election, 27 March 2003, replacing Viscount Oxfuir
Walpole, L	Crossbench	Crossbench	
Waverley, V	Crossbench	Crossbench	Leave of absence
Willoughby de Broke, L	UKIP	Conservative	
Younger of Leckie, V	Conservative	Conservative	Won by-election, 23 June 2010, replacing the Earl of Northesk

Note: Following the death of Lord Moran on February 2014, there are currently 91 excepted hereditary Peers. A by-election to replace him will take place in April 2014.

## Appendix 2: Current Excepted Hereditary Peers by Party/Group

### Conservative (49)

Arran, E  
 Ashton of Hyde, L  
 Astor of Hever, L  
 Astor, V  
 Attlee, E  
 Borwick, L  
 Brabazon of Tara, L  
 Bridgeman, V  
 Brougham and Vaux, L  
 Caithness, E  
 Cathcart, E  
 Colwyn, L  
 Courtown, E  
 Crathorne, L  
 De Mauley, L  
 Denham, L  
 Dundee, E  
 Eccles, V  
 Elton, L  
 Geddes, L  
 Glenarthur, L  
 Glentoran, L  
 Goschen, V  
 Henley, L  
 Home, E  
 Howe, E  
 Inglewood, L  
 Lindsay, E  
 Liverpool, E  
 Lucas, L  
 Luke, L  
 Lyell, L  
 Mancroft, L  
 Montagu of Beaulieu, L  
 Montrose, D  
 Moynihan, L  
 Northbrook, L  
 Ridley, V  
 Rotherwick, L  
 Selborne, E  
 Selsdon, L  
 Shrewsbury, E  
 Skelmersdale, L  
 Strathclyde, L  
 Swinfen, L  
 Trefgarne, L  
 Trenchard, V  
 Ullswater, V  
 Younger of Leckie, V

### Crossbench (29+2 on leave of absence)

Aberdare, L  
 Allenby of Megiddo, V  
 Baldwin of Bewdley, E  
 Bridges, L (on leave of absence)  
 Brookeborough, V  
 Chorley, L  
 Clancarty, E  
 Cobbold, L  
 Colville of Culross, V  
 Craigavon, V  
 Erroll, E  
 Falkland, V  
 Freyberg, L  
 Greenway, L  
 Hylton, L  
 Listowel, E  
 Lytton, E  
 Mar, C  
 Montgomery of Alamein, V  
 Northbourne, L  
 Palmer, L  
 Peel, E  
 Rosslyn, E  
 Saltoun of Abernethy, Ly  
 Sandwich, E  
 Slim, V  
 St John of Bletso, L  
 Stair, E  
 Tenby, V  
 Walpole, L  
 Waverley, V (on leave of absence)

### Liberal Democrat (4)

Addington, L  
 Avebury, L  
 Glasgow, E  
 Methuen, L

### Labour (4)

Grantchester, L  
 Hanworth, V  
 Rea, L  
 Simon, V

### UKIP (1)

Willoughby de Broke, L

### Non-Affiliated (2 on leave of absence)

Cholmondely, M  
 Norfolk, D