



Library Note

Lords Spiritual (Women) Bill (HL Bill 87 of 2014–15)

The Lords Spiritual (Women) Bill would introduce time limited provisions to enable female diocesan bishops to be fast-tracked into the House of Lords as members of the Lords Spiritual. The legislation does not extend to the five reserved seats occupied by the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester.

The Church of England requested that the Government introduce the legislation amid concerns that under the current seniority-based system of appointment it could take several years for the first female bishop to take her seat in the House of Lords. This follows a process which culminated in the Church of England approving legislation to allow the ordination of women bishops on 17 November 2014.

The Bill would introduce provisions that would stipulate that a vacancy amongst the 21 non-reserved seats of the Lords Spiritual would be filled by a woman English diocesan bishop, ahead of male English diocesan bishops. In the absence of a woman English diocesan bishop the longest serving male bishop would fill the place as normal. The provision would last for ten years.

This Library Note provides a brief summary of the process by which English diocesan bishops are appointed to the House of Lords. It then discusses the provisions of the Lords Spiritual (Women) Bill and the Bill's House of Commons Stages. Further information on the background to the appointment of women bishops in the Church of England is provided in the Appendix.

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1. Introduction

The Lords Spiritual (Women) Bill completed all its stages in the House of Commons on 19 January 2015. Second reading in the House of Lords is scheduled for 12 February 2015.

The Church of England requested that the Government introduce the legislation amid concerns that under the current seniority-based system of appointment it could take several years for the first female bishop to take her seat in the House of Lords.¹

A brief summary of the process by which the Church of England came to ordain women bishops can be found in the Appendix to this Library Note.

2. Appointment of the Lords Spiritual in Brief

The Lords Spiritual are the Archbishops and Bishops of the Church of England who have seats in the House of Lords. They are appointed by the Crown and their right to sit and vote in the House of Lords is established by ancient usage and by statute.² As those bishops who become Lords Spiritual only remain so whilst they hold the office of bishop, they are *ex officio* Members of the Lords and not Peers. Bishops have a compulsory retirement age of 70, although they may retire before this age.³ Upon their retirement as bishops their membership of the House of Lords also ceases.⁴

There are 26 members of the Lords Spiritual. Five of these—the Archbishops of Canterbury and York and the Bishops of London, Durham and Winchester—are automatically granted a seat by virtue of the diocese they occupy. The remaining 21 take their seats on the basis of seniority. When a vacancy arises for one of these 21 places—for example through death, retirement or resignation—the next most senior English diocesan bishop fills it. Seniority is determined by length of service. This process is set out in section 5 of the Bishops Act 1878, which states that vacancies among the Lords Spiritual in the House of Lords are filled through “the issue of a writ of summons to that bishop of a see in England who having been longest bishop of a see in England has not previously become entitled to such writ”.⁵ There are 35 dioceses in England from which English diocesan bishops may be appointed to the House of Lords on the basis of seniority. Therefore, when all posts are filled there are 14 English diocesan bishops not sitting in the House potentially eligible for a seat. The bishops from the diocese of Sodor and Man, and the diocese in Europe are ineligible.⁶

3. Background to the Bill

In May 2014—following a meeting of the House of Bishops—the Church of England issued a statement saying that:

[...] the House of Bishops supported exploring with political parties the possibility of amending existing arrangements for the selection of Lords Spiritual in order that the

¹ HC *Hansard*, 19 January 2015, [col 32](#).

² Further details of the role and history of the Lords Spiritual can be found in the House of Lords Library Note, [Religious Representation in the House of Lords](#), 25 November 2011, LLN 2011/036.

³ Church of England, ‘[The Lords Spiritual](#)’, accessed 3 February 2015.

⁴ *ibid.*

⁵ [Bishops Act 1878, s 5](#).

⁶ Dr Colin Podmore, [Dioceses and Episcopal Sees in England: A Background Report for the Dioceses Commission](#), July 2008, p 30.

first women diocesan Bishops will be able to become members of the Bishops' Bench in the House of Lords more quickly than would otherwise be the case under current arrangements.⁷

In June 2014, in a speech to the House of Lords, the Bishop of Norwich noted the possible implications of the seniority rule for women bishops. He said that a diocesan bishop was “often in post for four, five or even six years before being introduced here, so these Benches could continue to be all male for some years after the first women are consecrated”.⁸ He added that “some of us hope that, in consultation with the Government and the usual channels, a way may be found to break the cycle a little and create a faster track for the first female diocesan bishops. It needs sensitive handling”.⁹

On 18 December 2014, Sam Gyimah, Parliamentary Secretary at the Cabinet Office, made a written ministerial statement announcing the introduction of the Lords Spiritual (Women) Bill to the House of Commons.¹⁰

Welcoming the Bill, the Bishop of Leicester—convener of the bishops in the House of Lords—stated that the presence of women diocesan bishops would “enrich and strengthen” the leadership of the Church of England and the voice of the bishops in the House of Lords.¹¹ He added:

We have reason to suppose that this is supported from all sides of both Houses and we are grateful to the business managers for making time to get this minor amendment to the law in place as soon as possible.¹²

The Bill's explanatory notes state that:

[...] the Archbishop of Canterbury, after consultation with the Lords Spiritual and others, has requested on behalf of the Church of England that amendments be made to the arrangements under the Bishops Act 1878 to enable the accelerated entry of female bishops to the House of Lords. The Government has welcomed the decision by the Church of England to enable women to become bishops and wishes to see female bishops represented in the House of Lords as soon as possible.¹³

Diocesan and Suffragan Bishops

Only diocesan bishops are eligible for appointment to the House of Lords. Suffragan bishops—also known as deputy or assistant bishops—are not. During the Lords Spiritual (Women) Bill's committee stage in the House of Commons, Tom Brake, Parliamentary Secretary and Deputy Leader of the House of Commons, stated:

In the Church of England, there are two types of bishop: diocesan bishops and suffragan—essentially assistant—bishops. Future diocesan bishops are often, but not

⁷ Church of England, ‘[House of Bishops Statement](#)’, 14 May 2014.

⁸ HL *Hansard*, 11 June 2014, [col 373](#).

⁹ *ibid.*

¹⁰ HC *Hansard*, 18 December 2014, [col 121–2WS](#).

¹¹ Church of England, ‘[Church of England Welcomes Publication of Lords Spiritual \(Women\) Bill](#)’, 18 December 2014.

¹² *ibid.*

¹³ [Lords Spiritual \(Women\) Bill of session 2014–15](#), explanatory notes, para 3.

always, given a suffragan appointment first. The Bill relates only to diocesan bishops in England as the Lords Spiritual are drawn only from among their ranks. As the Lords Spiritual are drawn from the diocesan bishops, the Bill will not immediately affect the first female suffragan bishops until and unless they are appointed to a diocese.¹⁴

Therefore, as a suffragan bishop the recently consecrated woman bishop Libby Lane would not be subject to the provisions of the Bill.

4. The Provisions of the Bill

The Lords Spiritual (Women) Bill consists of two clauses. Clause 1 is the substantive clause and determines that should a vacancy arise amongst the Lords Spiritual—excluding the reserved seats—within ten years of the Act coming into force, that vacancy must be filled by an eligible woman bishop. Clause 1 (4) defines an eligible bishop as “a bishop of a diocese in England who is not yet entitled in that capacity to the issue of writs of summons”.¹⁵ In the case of there being two eligible women bishops, then the Bill stipulates that the writ of summons must be issued to the woman whose election as a bishop was confirmed first. Should there be no eligible woman diocesan bishop, then the most senior male diocesan bishop will be issued a writ of summons under the Bishoprics Act 1878.

Clause 2 provides for the provisions of the Bill to come into force on the day on which Parliament first meets following the first general election after they are passed.

5. Commons Stages

The Bill completed all of its stages in the Commons on 19 January 2015. This section of the Note focuses on those comments that were made in direct relation to the functions of the Bill during those proceedings.

Expedition of the Bill in the House of Commons

Tony Baldry, speaking in his capacity of Second Church Estates Commissioner, stated that the Bill was being expedited in the House of Commons to enable the House of Lords to consider the legislation before the dissolution of Parliament prior to the 2015 general election:

I should like also to thank the Leader of the House, the business managers and the usual channels for providing an early opportunity for the Bill to have its second reading and other stages undertaken, so that, if agreed by this House, it can go promptly to the House of Lords for consideration, ensuring sufficient time for it to be enacted before this Parliament is dissolved at the end of March.¹⁶

Stephen Twigg, Shadow Minister for Political and Constitutional Reform, stated that Labour supported this “important Bill”, and given that the Bill was straightforward they were content to support all stages being considered on the same day.¹⁷

¹⁴ *ibid*, [col 53](#).

¹⁵ [Lords Spiritual \(Women\) Bill of session 2014–15](#), clause 1 (4).

¹⁶ *HC Hansard*, 19 January 2015, [col 38](#).

¹⁷ *ibid*, [col 30](#).

The Ten-year Time Limit and the Appointment of Women Lords Spiritual

Clause 1 imposes a limit of ten years, after which the Bill's provisions would no longer take effect. There was a discussion in the Commons about how quickly women would enter the House of Lords as Lords Spiritual during this time period, and whether the Bill needed to set such a time limit. During second reading, Andrew Gwynne (Labour MP for Denton and Reddish) asked:

[W]hat assessment has the Minister made of the Church of England's ability to appoint women bishops to represent dioceses, so that they will become eligible to sit in the other place?¹⁸

Sam Gyimah, Parliamentary Secretary at the Cabinet Office, responded that:

The Bill, which could come into effect by the end of this Parliament, would mean that whenever a vacancy occurred in the House of Lords, a female bishop occupying a diocesan seat would be able to leapfrog the next male bishop in line. So we could see the first female bishop in the House of Lords as early as the start of the next Parliament, but the question of who that will be is a matter for the Church [...]

The arrangements that the Bill will put in place will last for 10 years, by which time it is expected that there will be a pool of both male and female bishops. This is therefore a temporary arrangement that will sunset at the end of that 10-year period, by which time it is anticipated that the issue it is intended to address will have ceased to exist.¹⁹

Diana Johnson (Labour MP for Kingston Upon Hull North) asked a further question about how many women bishops might be in the House of Lords after the ten year period, specifically:

[Is it] the assessment that in 10 years' time we will have 50:50 male and female bishops in the House of Lords? What does the Minister think will be the position after 10 years?²⁰

Mr Gyimah explained that there is no quota or target for 50:50 representation, and that the Bill:

[W]ill allow the Church to reflect on the number of women bishops represented in the House of Lords, but there is no target. This is not about 50:50, but about being able to reflect the fact that women bishops, appointed on merit, can serve in the House of Lords and not be limited by the rules on length of service.²¹

Kerry McCarthy (Labour MP for Bristol East) asked why there is a need for the ten year limit:

Would it not be better to leave it open-ended and repeal the legislation in 10 years' time if we feel that the situation has been dealt with? I would hope that in 10 years' time we will have moved to a democratically elected House of Lords.²²

¹⁸ *ibid.*, [cols 32–3](#).

¹⁹ *Ibid.*, [col 33](#).

²⁰ *ibid.*, [col 34](#).

²¹ *ibid.*

²² *ibid.*, [col 35](#).

Sam Gyimah responded that the speed at which women bishops are appointed to the Lords is a matter for the Church of England and that the limit is ten years because:

[T]he Church believes that that will be enough time to ensure that the Bishops' Bench better reflects the gender diversity in the Church. At the end of 10 years, there is nothing to stop the Government of the time asking for the Bill to be extended. We are responding to the request of the Church. Whether it is 10, 20 or 30 years, it is down to the Church. Women bishops will end up serving in the Lords based on how fast they are appointed as bishops. The key driver is not the length of the sunset clause per se, but how speedily the Church appoints women to be bishops.²³

During committee stage, Tom Brake reiterated this point and added:

[The Church] will be able to see, through its own appointments process and the legislation, the impact on the number of women bishops and Lords Spiritual. If the Church feels in future that there is a need for the Government to take action, I am sure the Government would want to address that. As the years move by, I am sure that the pressure for equal representation will grow even more significantly, and that the Church and this place will have to respond to it effectively.²⁴

Tony Baldry (Conservative MP for Banbury and also Second Church Estates Commissioner) explained that:

[S]everal diocesan vacancies—in Gloucester, in Oxford and in Southwell and Nottingham—are being considered at the moment by the Crown Nominations Commission. It is perfectly possible that one—or indeed all—of those new diocesan bishops could be a woman.²⁵

Mr Baldry also provided further information about the time it has taken from appointment as a diocesan bishop to moving to the top of the list and being appointed to the Lords Spiritual, saying that:

[T]he period between appointment and going into the Lords has varied greatly over the decades, depending on when retirements and other unexpected vacancies occur. In the past three Parliaments, it has ranged at times from less than four years to at one point more than seven. I think this House, as much as everywhere else in the country, would find it unacceptable if, having waited so long to get women bishops, we then had to wait perhaps the duration of a further Parliament before they started to reach the top of the queue.²⁶

The Bill was not amended in the House of Commons and no amendments were discussed. It was passed without division.

²³ *ibid*, [col 34](#).

²⁴ *ibid*, [col 54](#).

²⁵ *ibid*, [col 41](#).

²⁶ *ibid*.

Appendix I: Age Profile of the 21 Non-reserved Bishops

The following table and chart use data drawn from the Members Names Information Service. Within the ten year period during which the Bill's provisions would be in force ten bishops might be expected to have retired. However, bishops may retire before 70 so it is not possible to be definitive.

Table I: The 21 Bishops Appointed by Seniority, by Age

Name	Party	Age ¹	Years to Compulsory Retirement Age of 70 ²
Chelmsford, Bp.	Bishops	56	14
Coventry, Bp.	Bishops	56	14
Ely, Bp.	Bishops	57	13
Leeds, Bp.	Bishops	57	13
St Albans, Bp.	Bishops	57	13
Sheffield, Bp.	Bishops	57	13
Truro, Bp.	Bishops	57	13
Rochester, Bp.	Bishops	58	12
Southwark, Bp.	Bishops	58	12
Worcester, Bp.	Bishops	59	11
Salisbury, Bp.	Bishops	60	10
Carlisle, Bp.	Bishops	61	9
Portsmouth, Bp.	Bishops	61	9
Birmingham, Bp.	Bishops	62	8
Peterborough, Bp.	Bishops	62	8
Chester, Bp.	Bishops	64	6
Norwich, Bp.	Bishops	64	6
Bristol, Bp.	Bishops	65	5
Lichfield, Bp.	Bishops	65	5
Derby, Bp.	Bishops	66	4
Leicester, Bp.	Bishops	68	2

Source:

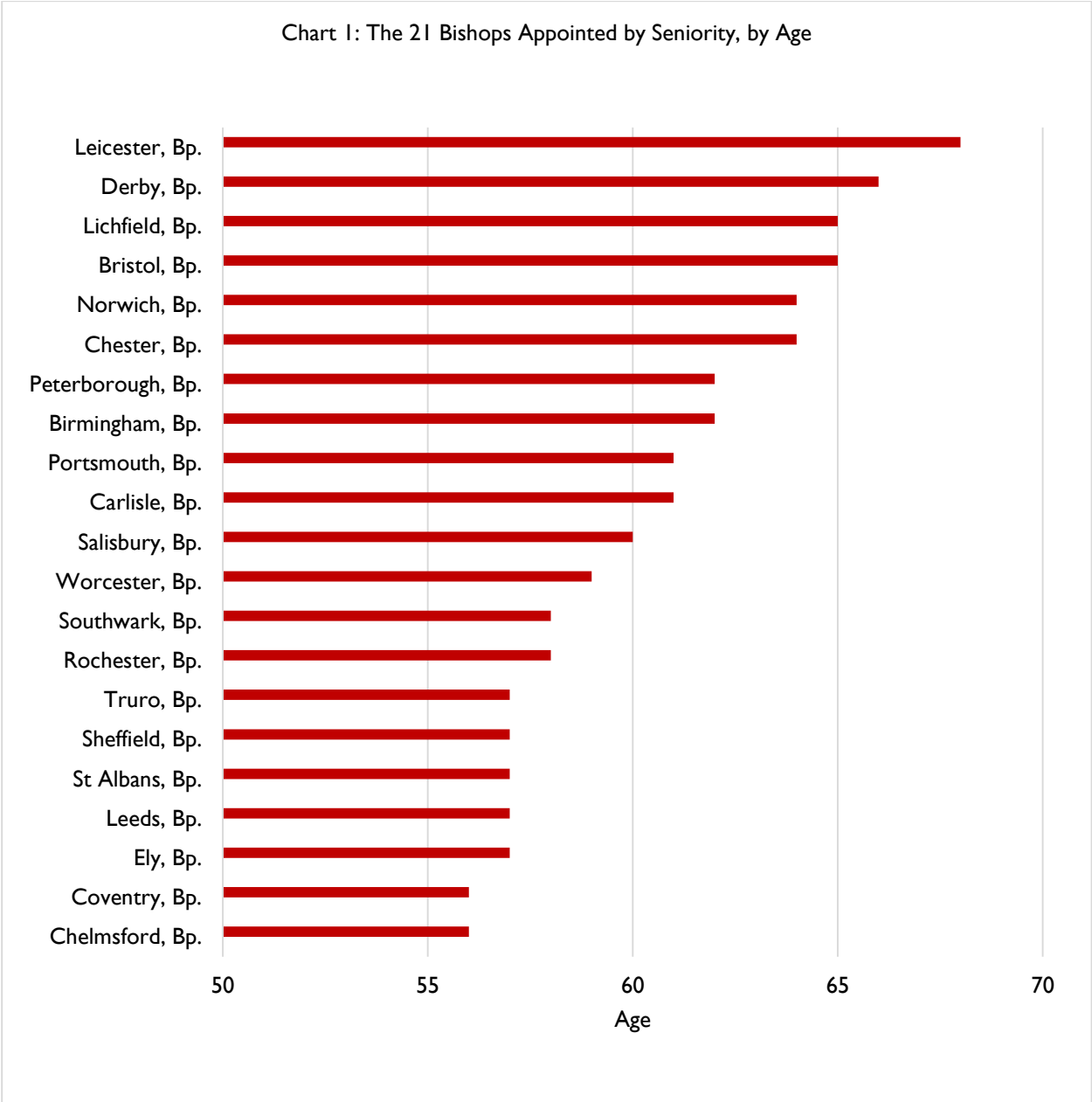
Members Names Information Service

Notes:

1. As at 2 February 2015

2. Bishops can retire before the compulsory retirement age

Chart 1: The 21 Bishops Appointed by Seniority, by Age

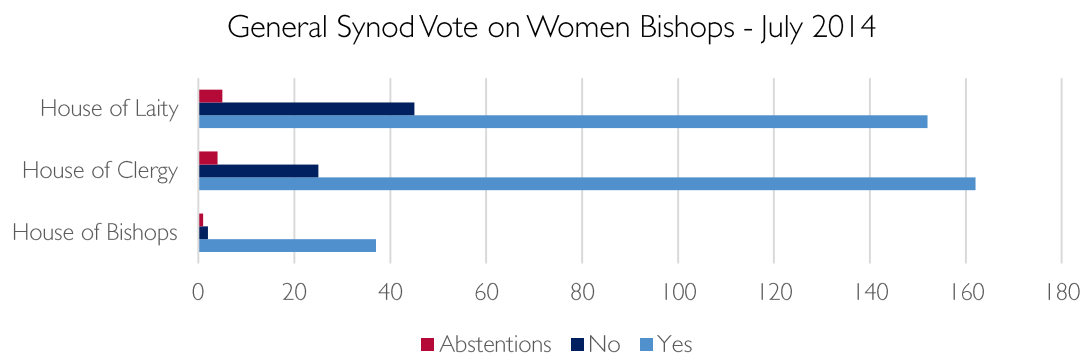


Appendix II: House of Lords Library In Focus: Women Bishops, 27 November 2014

On 17 November 2014, the Church of England adopted legislation to allow women to be ordained as bishops for the first time. Approved by a show of hands in the General Synod, the law-making body for the Church of England, the decision followed parliamentary approval of the [Bishops and Priests \(Consecration and Ordination of Women\) Measure](#). This allowed the General Synod to make provision by Canon to enable women, as well as men, to be consecrated to the office of bishop. The Canons of the Church of England provide the system of legal principles governing churches, church organisations and their members.

Background

On 14 July 2014, the General Synod [voted in favour](#) of allowing women to become bishops in the Church of England. For any such measure to be approved, a two-thirds majority in each of the three Houses which form the General Synod—the House of Bishops, House of Clergy and House of Laity—must vote in favour. In the House of Bishops, 37 voted for the measure, 2 against and 1 abstained. In the House of Clergy, 162 voted for, 25 against and 4 abstained. In the House of Laity, 152 voted for, 45 against and 5 abstentions.



For the Measure to pass into law, it required [approval](#) of both Houses of Parliament. Following the vote by the General Synod, the [draft Bishops and Priests \(Consecration and Ordination of Women\) Measure](#) was published in July 2014, and was [scrutinised by the Joint Ecclesiastical Committee](#). The Measure was subsequently debated and passed by the [House of Lords](#) on 14 October 2014, and by the [House of Commons](#) on 20 October 2014. Then, on 17 November 2014, the Church of England adopted the remaining [legislative provisions](#) through a show of hands in the General Synod. This included passing a [motion](#) amending Canon number 33 to state “a man or a woman may be consecrated to the office of Bishop”.

A similar measure had been put before the General Synod in November 2012. However, despite passing the Houses of Bishops and Clergy, the measure [failed](#) to get the two-thirds majority required in the House of Laity. Following the vote, a number of Members of Parliament called for Parliament to intervene, with Diana Johnson, Labour MP for Hull North, raising an [urgent question](#) on the decision of the General Synod to reject the measure.

Reaction from within the Church

The Archbishop of Canterbury, Justin Welby, welcomed the decision by the General Synod. In a [statement](#), the Archbishop said that “today we can begin to embrace a new way of being the church and moving forward together”. Similarly, Hilary Cotton, chair of the organisation, Women and the Church (WATCH), [declared](#) that the General Synod’s decision to allow women to stand as bishops “signals a profound shift in the Church of England, and for Anglicans around the world”.

Others were more critical of the reform, however. Ahead of the July 2014 vote by the General Synod, Reform, a conservative evangelical group, [stated](#) that it would “continue to encourage all friends and members of Reform to vote against the measure”. The group stated that it believed the Measure to be “[entirely inadequate for those who believe the Bible's teaching of male headship in the family and the church](#)”.

Women Bishops in the House of Lords

Currently, 24 Bishops and two Archbishops have seats in the House of Lords. Five (the Archbishops of Canterbury and York, and the Bishops of London, Durham and Winchester) are automatically granted a seat, and the remaining 21 take their seats on the basis of seniority. However, there are concerns about the length of time it would take for women bishops to be able to sit in the House of Lords under this rule. During the October debate in the House of Lords on the new Measure, the Archbishop of Canterbury [stated](#) that “there have been consultations with all the main parties on the possibility of a very short and simple Government bill which could be taken through this session to accelerate the arrival of the first women Lords Spiritual”.

Further Information

- Church of England, ‘[The Women Bishops Debate](#)’ May 2013
- House of Lords Library, [Women Bishops and Membership of the House of Lords](#), 14 October 2014, LIF 2014/015
- Joint Ecclesiastical Committee, [Bishops and Priests \(Consecration and Ordination of Women\) Measure](#), 30 September 2014, HL Paper 45

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