



# Library Note

## Retirement from the House of Lords

Voluntary retirement from the House of Lords was placed upon a statutory basis by the House of Lords Reform Act 2014. In effect, this replaced the non-statutory voluntary retirement scheme in place since 2011. Members can retire under the 2014 Act by giving written notice to the Clerk of the Parliaments specifying a date upon which they want to retire. From that date onward, Members are no longer able to participate in House of Lords proceedings. Such retirement is permanent, and cannot be rescinded.

As at 6 February 2014, eight Members of the House of Lords had retired under the two schemes (three under the previous non-statutory scheme, and five under the new statutory scheme). Five of the retired Members were Crossbench Peers, and four had originally joined the House as hereditary Peers. The majority retired in their 80s, and they had all served in the House for between 26 and 38 years. An additional Member, Lord Nickson, has also given notice of his retirement on a later date (27 March 2015).

This Note discusses the development of retirement provisions in the House of Lords, and considers additional proposals put forward by forums such as that have been raised by the Leader's Group on Member's Leaving the House and the House of Commons Political and Constitutional Reform Select Committee (for example, the possibility of introducing a compulsory retirement age). The Note also contains brief analysis and information on the eight Members that have taken voluntary retirement so far.

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## I. Introduction

As of August 2014, Members can permanently retire from the House of Lords under section 1 of the [House of Lords Reform Act 2014](#). This effectively replaced the House's previous voluntary retirement scheme, which was not underpinned by statute (see section 2.2.1 of this Note).<sup>1</sup> The fact that the previous scheme was not enforced by statute meant that Members retiring under that scheme would not have been prevented from changing their minds and returning to the membership of the House. Retirement under the statutory scheme is permanent, and cannot be rescinded. Thus far, eight Members of the House have taken voluntary retirement (since October 2011) under either of these schemes (three under the previous non-statutory retirement scheme and five under the new statutory scheme), and one has announced his retirement for a later date.<sup>2</sup> In addition, five Members resigned from the House in 2010 following the enactment of the Constitutional Reform and Governance Act 2010, which required members of both Houses of Parliament to be considered "ordinarily resident and domiciled in the United Kingdom" for tax purposes.<sup>3</sup> However, as the intention of this Act was not to facilitate the *retirement* of members of the House of Lords, these Members are not included in the analysis contained in this Note. This Note does also not consider the retirement of Bishops.<sup>4</sup>

The issue of retirement from the House of Lords has achieved more prominence recently. This is in part due to the introduction of the statutory retirement provisions in the House of Lords Reform Act 2014, and also due to ongoing concerns and debates over the size of the House of Lords.<sup>5</sup> Indeed, the House itself has debated the issue of the size of its membership on two occasions since December 2013:

- Debate on the Case for Reducing the Size of the House of Lords (HL *Hansard*, 12 December 2013, [cols 972–1000](#))
- Debate on Effecting a Reduction in the Number of Peers Attending the House Each Day Without Recourse to Primary Legislation (HL *Hansard*, 6 January 2015, [cols 270–336](#))

In addition, in its 2011 report, the Leader's Group on Member's Leaving the House stated that:

It is clear that for some Members of the House, for whom the practicalities of continued participation in the work of the House might begin to be burdensome, an honourable and dignified means of retirement would be desirable. Other personal factors which might influence a Member's view of his or her role in the House include a change in family circumstances, a change in location which makes regular travel to London difficult, or an awareness that the professional or public experience on which the Member has drawn in contributing to the work of Parliament is no longer sufficient to enable a full part to be played.<sup>6</sup>

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<sup>1</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, paras 1.32–7.

<sup>2</sup> Parliament.uk, [Retired Lords](#), accessed 16 December 2014.

<sup>3</sup> Constitutional Reform and Governance Act 2010, section 41.

<sup>4</sup> Bishops have a compulsory retirement age of 70 (although they may retire before this age). When they do retire, however, Bishops are replaced by another Bishop, so as to maintain the 26 seats in the House reserved for the Lords Spiritual.

<sup>5</sup> See House of Lords Library Note, [Size of the House of Lords](#), 19 December 2014, LLN 2014/045.

<sup>6</sup> Leader's Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11, para 30.

## 2. Voluntary Retirement from the House of Lords

### 2.1 Non-Statutory Retirement Scheme

In its 2011 report, the Leader's Group on Members Leaving the House considered the potential introduction of retirement provisions, in the context of concerns over the increasing size of the House of Lords and the lack of existing arrangements under which Members could leave the House.<sup>7</sup> At the time the report was published, Members could only permanently leave the House through death.<sup>8</sup> The report suggested there was some support within the House for the introduction of resignation or retirement provisions, although it did state:

A respected, but small, minority of Members is of the view that no provision should be made for Members of the House of Lords to retire. They hold that a Peer, having received an honour bestowed by the monarch for life, is bound by that until death. They do not think it appropriate that a Peer should be allowed to choose to give up the responsibility which they have previously accepted, and cite the terms of the Writ of Summons which every Peer receives from the Queen as creating a lifetime obligation.<sup>9</sup>

Despite this, the Leader's group believed there to be broad consensus in support of the introduction of provisions enabling Members to voluntarily retire from the House on a permanent basis, and made the following recommendation in pursuit of this aim:

We recommend that the House should introduce arrangements to allow members to retire from membership of the House permanently, on a voluntary basis. Whilst we are advised that legislation would, strictly speaking, be necessary to override the entitlement to a Writ of Summons, we do not think this should be an impediment to responding to the desire in the House for early implementation of a scheme whereby a member could give notice of his or her wish permanently to leave the membership of the House.<sup>10</sup>

The recommendation for a voluntary retirement scheme was officially adopted by the House of Lords on 27 June 2011,<sup>11</sup> following the publication of a Procedure Committee report setting out how the scheme could be implemented.<sup>12</sup> The first retirements under this scheme were announced in October 2011. In total, four Members announced their retirement under the scheme, the last of which was Lord Grenfell (March 2014).<sup>13</sup> However, as the scheme had no statutory basis (it was only set out in the House's *Companion to Standing Orders*), Members who announced their retirement would continue to receive a writ of summons.<sup>14</sup> Therefore, although they were considered to have left the membership of the House, in practice there

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<sup>7</sup> *ibid*, [paras 19–23](#).

<sup>8</sup> But could be temporarily excluded from the active membership through leave of absence, suspension or upon holding certain offices (See: House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013).

<sup>9</sup> Leader's Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11, [para 20](#).

<sup>10</sup> *ibid*, [para 31](#).

<sup>11</sup> HL *Hansard*, 27 June 2011, [cols 1519–31](#).

<sup>12</sup> House of Lords Procedure Committee, [Members Leaving the House](#), 23 May 2011, HL Paper 151 of session 2010–12.

<sup>13</sup> Parliament.uk, '[Retired Lords](#)', accessed 16 December 2014. Lord Grenfell then subsequently also retired under the statutory scheme in October 2014.

<sup>14</sup> House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2013, paras 1.32–7.

would be nothing to prevent them changing their minds and returning to the House if they desired.

## 2.2 House of Lords Reform Act 2014

Originally introduced as a private member's bill sponsored by Dan Byles (Conservative MP for North Warwickshire) and Lord Steel of Aikwood (Liberal Democrat), the [House of Lords Reform Act 2014](#) contains a number of provisions relating to Members leaving the absolute membership of the House of Lords, including:

- Providing a statutory basis for Members to permanently retire (section 1).
- The cessation of membership following a session where a Member does not attend (section 2).
- The cessation of membership if a Member commits a serious offence (section 3).

The Act followed the introduction of a series of similar bills put forward by Lord Steel of Aikwood in previous sessions of Parliament, dating back to the 2006–07 session. The last of these, the [House of Lords \(Cessation of Membership\) Bill \[HL\] 2012–13](#), passed all its Lords stages in the 2012–13 session, but did not receive second reading in the House of Commons.<sup>15</sup>

As at 11 February 2015, no Member has yet been required to permanently leave the membership of the House due to the provisions contained in section 2 or section 3 of the 2014 Act.

### 2.2.1 Statutory Retirement

Introducing the House of Lords Reform Bill 2013–14 at second reading in the House of Lords on 28 March 2014, Lord Steel of Aikwood described the existing voluntary retirement scheme as effectively a “permanent leave of absence”.<sup>16</sup> He stated that the enactment of his Bill, however, would mean that “[f]or the first time, the law of the land will make it possible to end membership of the House”.<sup>17</sup> The Bill was broadly welcomed by the House, and received backing from the then Leader of the House, Lord Hill of Oareford (Conservative), and the Shadow Deputy Leader of the House, Lord Hunt of Kings Heath (Labour).<sup>18</sup> It received Royal Assent on 14 May 2014.

The Act allows Members of the House of Lords to retire by giving written notice to the Clerk of the Parliaments (section 1(1)). It states that such notice must specify a date from which the resignation should take effect, and must be signed by the Peer and a witness (section 1(2)). Resignation subsequently takes effect on the beginning of the date specified (section 1(3)), and cannot be rescinded (section 1(4)). In addition, section 4 of the Act sets out the effects of ceasing to be a Member of the House, including, for example, that they will no longer receive a writ of summons and that they will be disqualified from all House proceedings.

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<sup>15</sup> Further information on the previous bills introduced by Lord Steel can be found in the House of Lords Library Note, [Lord Steel of Aikwood's Private Member's Bills on House of Lords Reform](#), 11 May 2012, LLN 2012/017.

<sup>16</sup> HL *Hansard*, 28 March 2014, [col 702](#).

<sup>17</sup> *ibid.*

<sup>18</sup> *ibid.*, [cols 734–8](#).

On 8 July 2014, the House of Lords Procedure Committee recommended that:

[T]he informal retirement scheme set out in paragraphs 1.32 to 1.37 of the Companion to Standing Orders should be discontinued and that those members who have taken advantage of the informal scheme should be invited to consider whether they wish to retire under the new statutory provisions.<sup>19</sup>

The recommendations were agreed by the House on 24 July 2014.<sup>20</sup>

The first resignations under the statutory scheme took effect in October 2014. At the time of writing, five Members had resigned under the new provisions.<sup>21</sup> One of the retired Members, Lord Grenfell, had also previously taken voluntary retirement under the original, non-statutory, scheme in March 2014 (ie before the statutory scheme came into effect). An additional Member, Lord Nickson, has given notice of his retirement on a future date (27 March 2015).<sup>22</sup>

### 2.2.2 Connected Provisions

Following the 2014 Act being given royal assent, the House has subsequently agreed to a number of recommendations from the House of Lord's House Committee and the Procedure Committee connected to the new voluntary retirement provisions. For example, on 15 October 2014, the House of Lords Procedure Committee recommended that retiring Members be given the opportunity to make a valedictory speech:

We consider that a Member who has formally notified his or her retirement should have the opportunity of making a valedictory speech. Like maiden speeches, certain conventions should apply to valedictory speeches: they should be short (less than 10 minutes), uncontroversial and made in a debate with a speakers list. The Member speaking immediately after a valedictory speech would pay tribute to the departing Member, plus the front benches if they wish.<sup>23</sup>

This was agreed by the House on 30 October 2014.<sup>24</sup> Subsequently, the first valedictory speech was made on 16 December 2014, by Lord Jenkin of Roding.<sup>25</sup>

In its second report of session 2014–15, the House Committee recommended that, upon retirement, Members should retain the same access privileges as retired Bishops.<sup>26</sup> Those privileges include access to the Houses of Parliament, permission to sit upon the steps of the Throne within the House of Lords Chamber, and a certain level of access to Library and catering facilities. Extending these privileges to retired members was agreed by the House on 25 November 2014.<sup>27</sup>

<sup>19</sup> House of Lords Procedure Committee, [House of Lords Reform Act 2014: Consequential Changes to the Procedures of the House](#), 8 July 2014, HL Paper 20 of session 2014–15.

<sup>20</sup> HL *Hansard*, 24 July 2014, [cols 1288–9](#).

<sup>21</sup> Parliament.uk, '[Retired Lords](#)', accessed 16 December 2014.

<sup>22</sup> [House of Lords Business](#), 23 February 2015

<sup>23</sup> House of Lords Procedure Committee, [House of Lords Reform Act 2014: Further Consequential Changes. Questions for Short Debate, Queen's and Prince of Wales' Consents](#), 15 October 2014, HL Paper 50 of session 2014–15, para 2.

<sup>24</sup> HL *Hansard*, 30 October 2014, [cols 1314–7](#).

<sup>25</sup> HL *Hansard*, 16 December 2014, [cols 141–4](#).

<sup>26</sup> House of Lords House Committee, [Access and the Use of Facilities by Retired Members](#), 18 November 2014, HL Paper 59 of session 2014–15.

<sup>27</sup> HL *Hansard*, 25 November 2014, [col 777](#).



## 2.3 Concerns Expressed About the New Voluntary Retirement Provisions

### 2.3.1 Joining the House of Commons

Concern has been expressed that the retirement provisions introduced by the House of Lords Reform Act 2014, may leave retired Peers able to stand for election to the House of Commons. Section 4(5) of the Act specifically states that, upon ceasing to be a Member of the House of Lords:

If the person is a Peer other than a hereditary peer, the person is not, by virtue of that peerage, disqualified for—

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

Meg Russell, Professor of British and Comparative Politics and Deputy Director of the Constitution Unit at University College London, has expressed concern that this may lead to Peers being appointed to the House as preparation for a career in the House of Commons.<sup>28</sup> After outlining a number of potential scenarios, Russell went on to state that:

The point is that the bill as it stands fundamentally changes the calculus both for those offered seats in the Lords, and for those doing the appointing. [...]

It should hopefully already be clear what effect this would have on the Lords. Many Members would become far more preoccupied with constituency business and campaigning than with parliamentary scrutiny work; many would watch far more carefully what they said, in order to appeal to the media, local voters and their party leaders; in seeking to make Lords debates more eye-catching, they would make those debates more politicised. In addition, many Members would become short-term occupants of the Lords, staying only a few years before another career could be developed—with a consequent loss of long-term thinking.<sup>29</sup>

Professor Russell concluded that these changes were “certain” to occur, and highlighted similar situations in Canada and Ireland.<sup>30</sup>

This issue was discussed during second reading of the House of Lords Reform Bill 2013–14 in the House of Lords, with Lord Jay of Ewelme (Crossbench) highlighting a number of concerns:

It has been suggested that clause 4(5) [of the Bill], which explicitly permits resignation from the Lords to be followed by standing for the Commons, could lead political parties to regard the Lords as a sort of training ground for the Commons, which would jeopardise this House’s principal role as a Chamber that revises and sometimes challenges the Commons, and therefore needs to keep its distance and separation from the Commons. It has been argued, previously and today, that those concerns are

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<sup>28</sup> Professor Meg Russell, [‘The Byles/Steel Bill—Unless Amended—Holds Grave Dangers for the Lords’](#), Constitution Unit blog, 5 March 2014.

<sup>29</sup> *ibid.*

<sup>30</sup> *ibid.*

exaggerated, which may indeed be right. However, if the Bill were to have such an effect, the provision would indeed be serious for the role of this House and for our constitution.<sup>31</sup>

A number of other Peers did not share these concerns, however. For example, Lord Steel of Aikwood (Liberal Democrat) stated that he did not “share the anxiety” expressed by Members such as Lord Jay, and believed that it would be unlikely for party leaders to nominate for that purpose.<sup>32</sup> In addition, speaking for the Opposition, Lord Hunt of Kings Heath (Labour) stated that he understood that concerns might exist, but did not believe that there was any intention by the parties to use the provision for that purpose.<sup>33</sup> This view was shared by the then Leader of the House, Lord Hill of Oareford (Conservative), though he did suggest that a review of such provisions could take place in the future:

I understand the concerns raised [...] [t]herefore, like the noble Lord, Lord Hunt of Kings Heath, I put on the record that, were that to become a problem in the future, we would want to review the situation. There is always an option to legislate to sort it out, should that be necessary.<sup>34</sup>

The matter was also considered by the House of Lords Constitution Committee in its report on the Bill.<sup>35</sup> Commenting before the Bill’s second reading, the Committee welcomed the Government’s assurance that it had no intention of the House of Lords becoming a stepping stone for the House of Commons, as well as its commitment that, if such a problem arose, further legislative action would be taken.<sup>36</sup> As such, the Committee declared that the Bill raised no problems of constitutional concern.<sup>37</sup>

### 2.3.2 Take-Up of the Schemes

In its report, *House of Lords Reform: What Next?*, the House of Commons Political and Constitutional Reform Committee expressed some concerns over the take-up of voluntary retirement in the House of Lords:

As of July 2013, only three Members had taken advantage of the scheme, and two of those had been non-attenders for some years. The broad consensus in the written evidence we received was that the current voluntary retirement scheme had not been effective and had had no notable impact.<sup>38</sup>

The Committee noted suggestions that there was a lack of incentives for Peers to retire, compared to the incentives for Members to stay in the House (such as access to facilities and attendance allowances, for example).<sup>39</sup> It considered a number of options to address this issue, some of which have now been implemented by the House (such as the introduction of

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<sup>31</sup> HL *Hansard*, 28 March 2014, [col 709](#).

<sup>32</sup> *ibid*, [col 703](#).

<sup>33</sup> *ibid*, [col 733](#).

<sup>34</sup> *ibid*, [col 736](#).

<sup>35</sup> House of Lords Select Committee on the Constitution, *House of Lords Reform (No. 2) Bill*, 21 March 2014, HL Paper 155 of session 2013–14.

<sup>36</sup> *ibid*, para 13.

<sup>37</sup> *ibid*, para 14.

<sup>38</sup> House of Commons Political and Constitutional Reform Select Committee, *House of Lords Reform: What Next?*, 17 October 2013, HC 251 of session 2013–14, para 47.

<sup>39</sup> *ibid*, para 48.

valedictory speeches to mark a Member's retirement).<sup>40</sup> Some of the other options discussed by the Committee are set out in part 4 of this Note.

The report also suggested that:

[I]f the voluntary retirement scheme is to be more successful, it is imperative also to address the key political disincentive that is currently hindering take-up, namely that Peers are reluctant to leave voluntarily because they are concerned about the impact their departure will have on party balance.<sup>41</sup>

### 3. Statistics on Retirement from the House of Lords

As of 5 February 2015, in total, eight Peers had retired from the House of Lords under either the statutory or non-statutory retirement schemes (this number includes one Peer who had announced his retirement under both).<sup>42</sup> Of these:

- The majority (five out of eight) were Crossbench Peers. Of the remaining three, one sat as a Conservative Peer, one sat as a Labour Peer and one sat as a Liberal Democrat Peer.
- Half of those Members who have retired were originally hereditary Peers (three were excepted hereditary Peers, and one was made a Life Peer after being excluded from the House under the House of Lords Act 1999).<sup>43</sup>
- One of the retired Members (Lord Habgood) joined the House as a Bishop, but was subsequently made a Life Peer upon his retirement as a Bishop.
- Half of the retired Members joined the House whilst in their 40s, with one joining in their 50s, and the remaining three joining in their 60s.
- Five of the eight Members retired whilst in their 80s (two retired in their 70s, and one in their 90s).
- The youngest retirement was at the age of 77, and the oldest was at the age of 96.
- All of the Members had served in the House for between 26 and 38 years.
- Only one of the Members had previously been an MP (Lord Jenkin of Roding, who was also a Cabinet Minister).
- Prior to their retirement, three of the Peers had taken leave of absence at some stage.

Examining the levels of attendance of each of these Peers in the ten sessions prior to their retirement reveals noticeable differences in the amount of Parliamentary sittings that each attended. For example, one Peer attended over 80 percent of sittings in each of the ten

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<sup>40</sup> *ibid*, paras 49–53.

<sup>41</sup> *ibid*, para 51.

<sup>42</sup> Parliament.uk, '[Retired Lords](#)', accessed 16 December 2014.

<sup>43</sup> See: House of Lords Library Note, '[Hereditary Peers in the House of Lords Since 1999](#)', 31 March 2014, LLN 2014/014.

sessions prior to their retirement (including the session within which they retired). In contrast, two of the other retired Members did not attend more than ten percent of sittings across the preceding ten-year period. In addition, although a rate of decreasing attendance was not observed for all Members in the ten years prior to their retirement, it was the case for the majority of those Peers who retired (five of the eight in total).<sup>44</sup>

## 4. Other Proposals for Retirement

Along with the introduction of a voluntary retirement scheme, a number of other proposals with regard to Members retiring from the House of Lords have been made in recent years.

### 4.1 Retirement Linked to Length of Tenure

The possibility of introducing compulsory retirement of Members of the House of Lords after a fixed length of service was considered in the 2011 Leader's Group report, *Members Leaving the House*.<sup>45</sup> The report stated that:

Those who favour compulsory retirement after a fixed length of service suggest that this would ensure that the expertise on which the House relies was regularly renewed, and that it would facilitate the appointment of younger Members. It was also suggested that a fixed length of service would open up the membership of the House for a wider range of people each for a shorter average term, and that this would be to the benefit of the work of Parliament. On the other hand, it is argued that such a measure would deprive the House of some of its most active Members, and could alter the capacity of the House to take the long view, so eroding one of the characteristics which most usefully distinguishes it from the House of Commons.<sup>46</sup>

The idea of compulsory retirement after a fixed term was also discussed in chapter 5 of the House of Commons Political and Constitutional Reform Select Committee's report, *House of Lords Reform: What Next?*<sup>47</sup> Examining the issue in the context of potential fixed-term appointments for new Peers, the Committee suggested that the proposal carried some support. It stated that many of the Committee's witnesses had spoken in favour of the idea of fixed term appointments, and that similar proposals had been recommended by a number of reports across the years looking at Lords reform. However, it did believe that some issues needed to be addressed, such as the length of service, and whether Members would be able to stand for election to the House of Commons after retiring. The report also highlighted comments submitted to the Committee by the Clerk of the Parliaments, David Beamish, where he suggested that the proposal could first be implemented on a non-statutory basis:

Although a compulsory scheme would require legislation, it would nevertheless be possible to introduce a non-statutory scheme. While the impact would not be directly felt for a while, it could help to give momentum to other measures.

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<sup>44</sup> Source: HL Library.

<sup>45</sup> Leader's Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11.

<sup>46</sup> *ibid*, para 51.

<sup>47</sup> House of Commons Political and Constitutional Reform Select Committee, [House of Lords Reform: What Next?](#), 17 October 2013, HC 251 of session 2013–14, chapter 5.

Essentially, an arrangement could be introduced whereby nominees were invited to give an assurance that (assuming that there had been no substantial reform of the House in the meantime) they would retire after a certain number of years (say 15), or at a certain age (say 75), or whichever came first (or second!).<sup>48</sup>

A fixed tenure of around 15 years (or three electoral terms) for appointed or elected Members was one of the provisions contained in the [House of Lords Reform Bill 2012–13](#). The Bill was introduced in the House of Commons in June 2012, but subsequently withdrawn in September 2012 before reaching committee stage.<sup>49</sup>

## 4.2 A Compulsory Retirement Age

In addition to compulsory retirement being based on length of tenure, the Leaders Group on Members Leaving the House discussed the possibility of a compulsory retirement age.<sup>50</sup> The report stated that:

Those who would favour compulsory retirement from the House on reaching a specified age cite the existence of an upper age limit for most other public positions including the judiciary. They suggest that increasing life expectancy creates implications for a lifetime commitment that might not have been foreseen at the outset, and that with the passage of time the expertise for which a Member was appointed to the House inevitably becomes less current and applicable. On the other hand, the implementation of an upper age limit would deprive the House of much wisdom and experience. It would also be contrary to the increasing trend elsewhere in both the public and private sectors to abolish fixed retirement ages, and to legislation to prevent discrimination on grounds of age.<sup>51</sup>

The report concluded that compulsory retirement (as a whole) might be viewed by the House as arbitrary and counter-productive.<sup>52</sup> Therefore, the Leader's Group did not recommend any of the options it examined for compulsory retirement. However, it did reason that "if very few Members opt to retire voluntarily, the pressures for compulsory retirement will become more acute and the arguments more compelling".<sup>53</sup>

Many of these views were echoed by the House of Commons Political and Constitutional Reform Committee in its report, *House of Lords Reform: What Next?*.<sup>54</sup> Although recognising that a compulsory retirement age could have a significant effect upon reducing the absolute membership of the House, the Committee raised a number of concerns about the proposals.<sup>55</sup>

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<sup>48</sup> [Memorandum submitted by David Beamish, Clerk of the Parliaments](#), to the House of Commons Political and Constitutional Reform Select Committee, June 2013, paras 18–19.

<sup>49</sup> House of Commons Library Note, [House of Lords Reform Bill 2012–13: Decision Not to Proceed](#), 25 September 2012, SN06405.

<sup>50</sup> Leader's Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11.

<sup>51</sup> *ibid*, para 50.

<sup>52</sup> *ibid*, para 54.

<sup>53</sup> *ibid*, para 55.

<sup>54</sup> House of Commons Political and Constitutional Reform Select Committee, [House of Lords Reform: What Next?](#), 17 October 2013, HC 251 of session 2013–14.

<sup>55</sup> *ibid*, paras 43–5

These included:

- That the policy would be at odds with age discrimination and the abolition of retirement ages across the public sector.
- That the policy would exclude many Members who continue to make important contributions to the House.
- That the policy could have political implications within the House (eg it could affect party balance and may see political parties nominating younger members for appointment (who would be likely to serve for longer)).

As a result, the Committee concluded that:

[T]he introduction of a retirement age in the House of Lords would be both arbitrary and discriminatory and could result in the loss of much-valued expertise. It could also have an undesirable impact on party balance. For these reasons, we reject the option of a compulsory retirement age as a way of reducing the size of the House of Lords.<sup>56</sup>

Despite these concerns, the option of a compulsory retirement age was backed by some Members in a recent House of Lords debate on reducing the size of the House.<sup>57</sup> For example, Baroness Taylor of Bolton (Labour) highlighted a set of proposals, put forward in a report by a selection of Labour Peers, that Members could be required to step down at the end of the Parliament in which they turn 80.<sup>58</sup> Baroness Taylor suggested that such a system would enable Peers to plan ahead for their retirement.<sup>59</sup> These proposals were supported by Lord Macgregor of Pulham Market (Conservative), who stated that:

If we are to reduce numbers to compensate for the fresh blood that comes in, we should establish an age limit. As the Labour Party proposed, retirement should take place at the end of the parliament during which one has reached the age of 80. [...] That is the right proposal; that is what I would support. I have seen other proposals suggesting that the parties should attempt to maintain the party balance but have elections among themselves as to who should be retired at the end of the parliament. That is not only impractical and would lead to all sorts of different attitudes being taken by different people, but divisive. The proposal of an age limit of 80 in the parliament in which a Peer turns 80 has the merit of simplicity and fairness all round.<sup>60</sup>

A number of other Members indicated that they would not oppose such proposals, including Lord Naseby (Conservative) and Lord Foulkes of Cumnock (Labour). However, responding for the Government, the Leader of the House of Lords, Baroness Stowell of Beeston, stated that the decision on when to retire should be left up to individual Members:

Just as we should expect Members to contribute on occasions when they are especially well placed to do so, so we are now able to support noble Lords who wish to retire when they feel that that is no longer the case for them. Some noble Lords have argued

<sup>56</sup> *ibid*, para 46.

<sup>57</sup> HL *Hansard*, 6 January 2015, [cols 270–336](#)

<sup>58</sup> Labour Peers' Working Group, *A Programme for Progress: The Future of the House of Lords and its Place in a Wider Constitution*, March 2014

<sup>59</sup> HL *Hansard*, 6 January 2015, [col 290](#).

<sup>60</sup> *ibid*, [col 281](#).

against an age limit; some, like my noble friend Lord Naseby, have spoken in support of one. Consideration about retirement is not just a matter of age; it is also a matter of contribution, a point made by those speaking today.

I am not here to prescribe how or whether a contribution can be specified, because retirement is a deeply personal decision. [...] [I]f we focus on the purpose of the House of Lords and are committed to increasing our effectiveness as an unelected Chamber, we should be able to support each other in deciding when it is time to retire.<sup>61</sup>

An analysis of the potential effect on the size and composition of the House of Lords following the introduction of a compulsory retirement age has previously been published by Professor Meg Russell (for example, in the book, *The Contemporary House of Lords: Westminster Bicameralism Revived*).<sup>62</sup> Up-to-date analysis, based on those Members who would turn 75 or 80 by the end of the current parliament (with 30 March 2015 set as the dissolution date), is provided below.

Note: the table only includes those in the “actual membership” (ie it does not include Members currently ineligible to sit, as this would include people who were already not attending the House), and does not include Bishops (who are required to retire at 70) or excluded hereditary Peers, as these Members are subsequently replaced upon leaving the House.

*Table: “Actual” Composition of the House Currently, and the Composition if Those Aged Over 75 or 80 at the Date of Dissolution Were Required to Retire (Life Peers Only)*<sup>63</sup>

<b>Party or Group</b>	<b>Current Membership (Life Peers)</b>	<b>Current Membership Excluding Those Aged Over 75 at Dissolution (30 March 2015)</b>	<b>Current Membership Excluding Those Aged Over 80 at Dissolution (30 March 2015)</b>
Conservative	178 (26%)	110 (25%)	136 (25%)
Labour	212 (31%)	143 (32%)	176 (32%)
Liberal Democrat	101 (15%)	78 (17%)	93 (17%)
Crossbench	152 (23%)	88 (20%)	118 (21%)
Other/Non-Affiliated	34 (5%)	27 (6%)	30 (5%)
<b>Total</b>	<b>677</b>	<b>446</b>	<b>553</b>

The figures above do not indicate a wide disparity in the effect the measures would have on each party, with the Conservatives and Labour both retaining the largest percentage of Life Peers, though the swing in representation between the parties would be one percentage point from the Conservatives to Labour. However, it would seem to have a small, but positive, impact upon the representation of Liberal Democrats in the House, who would see their percentage of Life Peers rise from 15 percent to 17 percent (mainly at the expense of the Crossbench Peers). As a point of interest, the introduction of a compulsory retirement age of 75 would see 28 hereditary Peers required to leave the House at the date of dissolution (30 March 2015), and a retirement age of 80 would see 13 required to leave, according to the same criteria. These Members would then be replaced through the by-election procedure.

<sup>61</sup> *ibid*, col 334.

<sup>62</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, p 275.

<sup>63</sup> Source: HL Library. “Actual” refers to those currently eligible to sit.

## 4.3 Incentivising Members to Retire

### 4.3.1 Financial Incentives

It has previously been suggested that some form of financial incentive could be offered to Members of the House of Lords to encourage consideration of voluntary retirement, with a view to reducing the size of the House.<sup>64</sup> Although recognising that such financial incentives should not result in additional costs to the taxpayer, the Leaders Group on Members Leaving the House believed that the possibility of offering a modest pension scheme (covered by the existing budget of the House) should be explored.<sup>65</sup> The report also recommended that:

A fund, resourced entirely by voluntary contributions from Members and at no cost to public funds, should be established to assist retired Members who might otherwise experience financial hardship. The fund should be administered by the Lord Speaker, with advice as appropriate from the leaders of the parties in the House and from the Convenor of the Crossbench Peers.<sup>66</sup>

A number of options for financial incentives upon retirement were set out by the Clerk of the Parliaments, David Beamish, in his written memorandum submitted to the House of Commons Political and Constitutional Reform Committee.<sup>67</sup> The Clerk of the Parliaments suggested that the scheme could potentially operate as follows:

- The amount payable to a retiring Member could be based on the number of times they attended the House over a particular period (eg the last year) and set at £300 per attendance (ie around a year's worth of allowances).
- The scheme could be confined to those over a certain age or those who had served a certain amount of time in the House.
- The initial scheme could be time and cost limited (eg Members would only have a limited chance to take advantage of it).
- Informal arrangements could be made between party Whips to ensure that they were all content that the proposed retirements were equally distributed across parties.

Analysis of the financial impact of such a scheme was provided by the Finance Director of the House of Lords, and included as an Appendix to the memorandum.<sup>68</sup> Addressing this analysis, the Clerk of the Parliaments stated that “it is clear that such a scheme could pay for itself

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<sup>64</sup> For example, see: Leader's Group on Members Leaving the House, [Members Leaving the House](#), 13 January 2011, HL Paper 83 of session 2010–11, paras 44–8.

<sup>65</sup> *ibid*, para 47.

<sup>66</sup> *ibid*, para 48.

<sup>67</sup> [Memorandum submitted by David Beamish, Clerk of the Parliaments](#), to the House of Commons Political and Constitutional Reform Select Committee, June 2013, paras 21–8.

<sup>68</sup> *ibid*, Appendix D.



quickly”.<sup>69</sup> Other proposals discussed in the memorandum connected to financial incentives included:

- The gradual withdrawal of financial support for Members (based on age or term of service).<sup>70</sup>
- Confining certain payments to regular attendees based on a threshold of attendance (although the Clerk of the Parliaments acknowledged that, whereas this may discourage rare attendees, it could also encourage others to attend more).<sup>71</sup>
- Reduced allowances becoming available over a certain threshold of attendance (it was suggested that this could decrease overcrowding in the Chamber and may encourage Members to be more selective about the sittings they attend).<sup>72</sup>

The memorandum was debated in Grand Committee on 24 October 2013.<sup>73</sup> Although a number of Peers backed the possible introduction of financial incentives during the debate, Lord Wallace of Saltaire (Lords Spokesperson for the Cabinet Office) stated the Government’s opposition to such a scheme:

Service in this House is a privilege which we should not expect to have to be bought out of. That is the view which I and a number of others hold. The Government remain unconvinced that we should attempt to buy older Peers out.<sup>74</sup>

#### 4.3.2 Party Encouragement

Another recommendation made by the House of Commons Political and Constitutional Reform Committee was that the onus should be placed on political parties to encourage Peers to consider retirement. Specifically, it stated that it should be:

[I]ncumbent upon the party leaders in the House of Lords and the Convener of the Cross-bench peers actively to encourage peers to consider retirement. Although this will undoubtedly be a delicate task, it is very much in the interests of parties and Cross-benchers to see the size of the House reduced in an equitable manner.<sup>75</sup>

In addition, Professor Meg Russell has suggested that simultaneous action could be taken by all the party groups in the House to enforce retirements among their numbers.<sup>76</sup> She reasoned that this could be done through internal elections or through actively seeking out volunteers. However, she did acknowledge that negotiating an appropriate balance between the groups “could prove difficult”.<sup>77</sup>

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<sup>69</sup> *ibid*, para 28.

<sup>70</sup> *ibid*, para 31.

<sup>71</sup> *ibid*, para 32.

<sup>72</sup> *ibid*, para 33.

<sup>73</sup> HL *Hansard*, 24 October 2013, [cols GC425–39](#).

<sup>74</sup> *ibid*, [col GC439](#).

<sup>75</sup> House of Commons Political and Constitutional Reform Select Committee, [House of Lords Reform: What Next?](#), 17 October 2013, HC 251 of session 2013–14, para 53.

<sup>76</sup> Meg Russell, *The Contemporary House of Lords: Westminster Bicameralism Revived*, 2013, Oxford University Press, p 275.

<sup>77</sup> *ibid*.