



BRIEFING PAPER

Number 06832, 1 July 2016

House of Lords Reform Act 2014

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Summary

The *House of Lords Reform (No. 2) Bill 2013-14* was a private Members' bill. It received Royal Assent on 14 May 2014, as the [House of Lords Reform Act 2014](#). It was introduced in the Commons by Dan Byles, and in the Lords by Lord Steel of Aikwood.

The Act allows members of the House of Lords to retire or resign permanently. It also provides that members who did not attend and those convicted of serious offences should cease to be members of the House of Lords.

Since the Act came into force, 48 members of the House of Lords have permanently retired; and four members have ceased to be members of the House under the non-attendance provisions of the Act.

The Bill was given a second reading, in the Commons, on 18 October 2013. Dan Byles, stressed that the Bill did not "close off" any future Lords reform but it addressed modest concerns raised by the House of Lords in previous private Members' bills.

It was amended by a public bill committee on 15 January 2014. All the amendments were tabled by Mr Byles. Some he described as technical amendments to tighten the drafting. Others responded to concerns raised during the second reading debate.

The Bill was considered on report and given a third reading in the Commons on 28 February 2014. Three groups of amendments were considered on report. One amendment was made – disqualification on conviction for a serious offence abroad would no longer be automatic: now the House of Lords would need to resolve that the penalty applies.

The House of Lords Constitution Committee reported on the Bill concluding that it "is clearly a measure of constitutional reform but, in our view, it raises no problems of constitutional concern".

The Bill was not amended in the Lords.

1. Introduction

The *House of Lords Reform (No 2) Bill 2013-14* was a private Members' bill. It [[Bill 15 of 2013-14](#)] was introduced on 19 June 2013, by Dan Byles, who was drawn fifth in the private Members' bill ballot.

The Bill was given a second reading on 18 October 2013, and amended by a public bill committee on 15 January 2014.¹ The Bill [as amended, [Bill 155 of 2013-14](#)] was considered on report on 28 February 2014, one amendment was made. It was given a third reading on the same day.

It [[HL Bill 92 of 2013-14](#)] was introduced in the House of Lords on 3 March 2014. Its sponsor was Lord Steel of Aikwood. It was given a second reading on 28 March 2014. The Bill was scheduled to be considered in committee on 6 May 2014 but as no amendments had been tabled, the order of commitment was discharged. The Bill was given a formal third reading, on 13 May 2014.

The [House of Lords Reform Act 2014](#) received Royal Assent on 14 May 2014.

¹ A [marked up copy of the Bill](#) showing the changes made by the public bill committee is available on the parliamentary website

2. Lords reform: a brief overview and developments before the 2014 Act

2.1 Government proposals

The *House of Lords Act 1999* removed all but 92 hereditary peers from the House of Lords. The legislation was described as stage 1 of a process that would lead to a reformed House of Lords.

Since the passage of the *House of Lords Act 1999*, there have been a number of Government initiated reviews, proposals, draft bills and bills suggesting how to complete the reform of the House of Lords but substantive reform has not taken place.²

The Conservative-Liberal Democrat Coalition Government published a draft bill in 2011, which was scrutinised by a joint committee.³ The Government's *House of Lords Reform Bill 2012-13* was introduced in the House of Commons on 27 June 2012,⁴ and given a second reading, following two days of debate, by 462 votes to 124.⁵ However, the Government withdrew the Bill in September 2012. The Deputy Prime Minister, Nick Clegg, explained that:

... it is now clear that we will not be able to secure the Commons majority needed to pass the programme motion that accompanies the Bill. Without that motion, the Bill effectively becomes impossible to deliver, because it cannot be kept on track; the Bill's opponents will be able to block reform by unreasonably dragging out parliamentary debates.⁶

The Government's *House of Lords Reform Bill* included provisions to reduce the size of the House of Lords to around 450. This would have been made up of 360 elected Members, 90 appointed Members, up to twelve Bishops and any further Members that may have arisen through ministerial appointments. The Bill would also have placed limits on the length of membership, with Members (whether appointed, elected or ministerial) only able to serve three electoral terms.⁷

² The Royal Commission on the Reform of the House of Lords, chaired by Lord Wakeham (Cm 4534, 2000); the Government's White Paper, *The House of Lords Completing the Reform* (Cm 5291, 2001); [Joint Committee on House of Lords Reform](#) (2002-03); a Consultation Paper, *Constitutional Reform: Next Steps for the House of Lords* (September 2003); [Joint Committee on Conventions on the relationship between the two Houses of Parliament](#) (2006); the Government's White Paper, *The House of Lords: Reform* (Cm 7027, 2007)

³ HM Government, [House of Lords Reform Draft Bill](#), Cm 8077, May 2011; Joint Committee on the Draft House of Lords Reform Bill, [Draft House of Lords Reform Bill](#), 23 April 2012, HL Paper 284-I HC 1313-I 2010-12

⁴ [HC Deb 27 June 2012 c308](#)

⁵ [HC Deb 9 July 2012 cc24-132](#); and [10 July 2012 cc188-278](#)

⁶ [HC Deb 3 September 2012 c36](#)

⁷ For an overview of the Government's proposals in the *House of Lords Reform Bill 2012-13*; a review of the preceding draft bill; and the debate on Lords reform, see: House of Commons Library Research Paper, [House of Lords Reform Bill 2012-13](#), RP 12/37, 4 July 2012

2.2 Backbench proposals

Private Members' bills have also been introduced in the House of Lords, notably by Lord Steel of Aikwood, to provide for retirement of members of the House of Lords, and the permanent removal of members who did not attend for an entire session or who had committed a serious offence. Lord Steel's *House of Lords (Cessation of Membership) Bill [HL] 2012-13* completed its passage through the Lords and was introduced in the Commons but made no further progress.⁸

At the beginning of the 2013-14 Session, a more wide-ranging Bill – [House of Lords Reform Bill \[HL\] 2013–14](#) [HL Bill 23] – was introduced by Baroness Hayman (Crossbench) but it has made no further progress. This Bill would have granted members of the House of Lords the opportunity to “permanently retire” (with no chance of rescission), would have ended the by-election process to replace hereditary Peers, and would have allowed the permanent removal of Members who did not attend for an entire session (unless on leave of absence or if the session was less than six months long) or who had committed a serious criminal offence. The Bill would have also conferred upon the House of Lords Appointments Commission sole responsibility for appointing Members, therefore ending Prime Ministerial patronage. The Bill contained a range of provisions governing how the Commission should utilise these powers, including a requirement to monitor party affiliation in the House of Lords.⁹

2.3 The Government's changing view on minimal reform

Until the second reading debate on the *House of Lords Reform (No 2) Bill*, in October 2013, the Government regularly said that it did not want to see small changes to the Lords but, during the debate, it announced that it would support the Bill.

Previously, on 16 October 2012, Chloe Smith, then Parliamentary Secretary, Cabinet Office told the House that the provisions of the *House of Lords (Cessation of Membership) Bill [HL]* “do not address the issues that make reform of the House of Lords necessary” and that:

Minimal alternatives such as those set out in the noble Lord's Bill are, in the Government's view, no alternatives at all. The Government have been clear that any changes must include the introduction of elected Members to the House of Lords.¹⁰

In February 2013, the Lords were told that “the Government have no further plans for legislation to reform this House in this Parliament”.¹¹

⁸ Details of the Bill and its passage can be found on the [Bills before Parliament 2012-13 webpages](#)

⁹ House of Lords Library Note, [Debate on 12 December \[2013\]: Reducing the Size of the House of Lords](#), LLN 2013/039, 9 December 2013

¹⁰ [HC Deb 16 October 2012 c143](#)

¹¹ [HL Deb 6 February 2013 c259](#)

In June 2013, the Deputy Prime Minister said that “I see no need for a stand-alone Bill on House of Lords reform”.¹²

However, by 9 July 2013, the position was slightly different. Nick Clegg informed the House that:

The Government has no further plans for major reforms of the House of Lords in this Parliament.

However, recent events have shown that there is still work to do to clean up our political system and restore public confidence. That spans both Houses of Parliament. So as part of developing other reforms, like our proposals for recall of MPs, if there are 'housekeeping' changes for the Lords that require legislation we are willing to look seriously at the case for a package covering both Houses.¹³

Then during the second reading debate on the *House of Lords Reform (No 2) Bill*, on 18 October 2013, the Minister of State, Cabinet Office, Greg Clark, told the House that “the Bill contains modest proposals that the Government are prepared to support”.¹⁴ In November 2013, the Leader of the House of Lords, Lord Hill of Oareford, confirmed this in the House of Lords, saying that “the Government’s position has moved to one of support for the Private Member’s Bill sponsored by Dan Byles”.¹⁵

2.4 Political and Constitutional Reform Committee report “House of Lords reform: what next?”

On 17 October 2013, the Political and Constitutional Reform Committee’s report *House of Lords reform: what next?* was published.¹⁶ In its summary, the Committee said that it had focused on “the desirability, practicality and effectiveness of a range of small-scale reforms to reduce the size of the House of Lords and considers which, if any, of these measures, would be likely to command a consensus”.

The Committee found that there was a clear consensus in favour of introducing legislation to expel members of the House of Lords who had been convicted of a serious offence; and that there was “widespread support for no longer replacing hereditary peers in the House of Lords when they die and for tackling the issue of persistent non-attendance”. The Committee also concluded that there should not be a long-term moratorium on new peers nor should a compulsory retirement age be introduced.¹⁷

¹² [HC Deb 4 June 2013 c1366](#)

¹³ [HC Deb 9 July 2013 c196W](#)

¹⁴ [HC Deb 18 October 2013 c1011](#)

¹⁵ HL Deb 19 November 2013 c850, see also [HC Deb 7 January 2014 cc153-154](#)

¹⁶ Political and Constitutional Reform Committee, [House of Lords reform: what next?](#), 17 October 2013, HC 251 2013-14

¹⁷ Political and Constitutional Reform Committee, [House of Lords reform: what next?](#), 17 October 2013, HC 251 2013-14, Summary

The Government's response to the Committee was published on 17 February 2014.¹⁸ The Government welcomed the Committee's report and said that "it now supports those recommendations that are in line with the provisions contained within the House of Lords Reform (No 2) Bill". The Government also told the Committee that it was "committed to a mainly elected upper chamber and it is in that context that wider and substantive reform should be pursued".¹⁹

The Government said that it supported proposals to remove persistent non-attenders; to allow peers to resign; and to expel peers convicted of a serious offence, in line with the provisions of the *House of Lords Reform (No 2) Bill 2013-14*. The Government commented on the other proposals considered by the Political and Constitutional Reform Committee.

2.5 Concerns about the size of the House of Lords

Debates and questions in the House of Lords relating to Lords reform concentrated on the size of the House. In January 2011, a Group appointed by the Leader of the House of Lords published a report entitled *Members Leaving the House*.²⁰

On 12 December 2013 there was a debate on reducing the size of the House of Lords.²¹ Lord Hill of Oareford, the Leader of the House, answered questions on the size of the House on 19 November 2013.²²

The House of Lords also debated the report from the Joint Committee on the Draft House of Lords Reform Bill on 30 April and 1 May 2012.²³

In 2011, the House of Lords adopted a voluntary retirement scheme.²⁴ The Procedure Committee considered a recommendation from the Leader's Group on Members Leaving the House. It set out a proposal for implementing a voluntary scheme.²⁵ Four members left the House under this scheme (see Appendix). One, Lord Grenfell, subsequently retired permanently under the provisions of the *House of Lords Reform Act 2014*.²⁶

¹⁸ Political and Constitutional Reform Committee, *House of Lords reform: what next? Government's Response to the Committee's Ninth Report of 2013-14*, 17 February 2014, HC 1079 2013-14

¹⁹ Political and Constitutional Reform Committee, *House of Lords reform: what next? Government's Response to the Committee's Ninth Report of 2013-14*, 17 February 2014, HC 1079 2013-14, para 4

²⁰ Leader's Group on Members Leaving the House, *Members Leaving the House*, 13 January 2011, HL Paper 83 2010-11

²¹ [HL Deb 13 December 2013 cc972-1000](#)

²² [HL Deb 19 November 2013 cc849-852](#)

²³ [HL Deb 30 April 2012 cc1937-2001](#), 2013-2080; [1 May 2012 cc2081-2113](#)

²⁴ [HL Deb 27 June 2011 cc1519-1531](#)

²⁵ Procedure Committee, *Members leaving the House*, 24 May 2011, HL Paper 151 2010-12

²⁶ House of Lords, *Retired members of the House of Lords* (last viewed 28 June 2016); see Appendix

3. House of Lords Reform (No 2) Bill 2013-14 – Overview

In opening the second reading debate, Dan Byles outlined the effect of his Bill and, in the context of the wider debate on Lords reform, indicated what it did not do:

As Lord Steel stated when he introduced the first of his five private Members' Bills on this subject, some six years ago, the years of debate about the long-term reform of the House of Lords have obscured the need for effective, immediate, yet modest, reform. Today, I hope that we can all set aside any differences we may have on long-term, substantial reform of the House of Lords and instead focus on delivering the very modest reform that this Bill delivers—although modest, it is overdue and increasingly necessary. ...

[The Bill] is not certainly not an attempt to close off any potential future reform. I wish to tackle head on the issue of the debate over an elected House of Lords, because this Bill makes no contribution to that debate whatsoever. The Bill does not prevent or preclude further reform of the House of Lords, at any time or of any type. ...

[The Bill] contains three core elements, all of which have already been agreed by the House of Lords during the passage of Lord Steel's most recent Bill. First, my Bill provides for the retirement or resignation of peers who are Members of the House of Lords; secondly, it provides that those peers who do not attend should be cease to be Members of the House; and, finally, it provides that those Members convicted of a serious offence should also cease to be Members.²⁷

4. House of Commons stages

4.1 Bill given a second reading

As already noted, at second reading, Greg Clark told the House that “the Bill contains modest proposals that the Government are prepared to support”.²⁸ From the Opposition front bench, Emily Thornberry said that the Opposition was supporting the Bill.²⁹

During the course of the debate, concerns were raised that

- the Bill did not rule out offering inducements to encourage retirement;³⁰
- those disqualified from attending were subject to permanent removal for non-attendance³¹ (this was addressed, in committee, by amendments to clause 2, see below); and
- nothing prevented “the ping-ponging of people” from the Commons to the Lords and back again if there were no restrictions on former Members of the Lords contesting elections to the House of Commons³² (amendments to clause 4, in committee, confirmed that a member departing the House of Lords under the legislation could not return (see below) but the question of a delay before standing for election to the Commons was not addressed).³³

During the second reading debate, some Members suggested that because the Bill was a constitutional bill it should be considered by a Committee of the whole House.³⁴ However, the House defeated a motion to refer the Bill to a Committee of the whole House by 39 votes to 7, after giving the Bill an unopposed second reading.³⁵

4.2 Committee stage

The Bill was scrutinised by a public bill committee on 15 January 2014. The Bill was amended. Dan Byles tabled 27 amendments and proposed adding a new clause to the Bill. No other amendments were tabled. All Mr Byles’s amendments were made.

²⁸ [HC Deb 18 October 2013 c1011](#)

²⁹ [HC Deb 18 October 2013 c1014](#)

³⁰ [HC Deb 18 October 2013 cc1021-1022](#)

³¹ [HC Deb 18 October 2013 c1036](#)

³² [HC Deb 18 October 2013 cc1042-1043](#)

³³ In a Constitution Unit blog post, Meg Russell argued that it had become a principle of Lords reform proposals that departing members of the House of Lords “should not immediately be able to stand for the Commons” [Meg Russell, “[The Byles bill on Lords reform is important: but needs amending if it is not to damage the Lords](#)”, *Constitution Unit Blog*, 13 February 2014; see also Meg Russell, “[The Byles/Steel bill – unless amended – holds rave dangers for the Lords](#)”, *Constitution Unit Blog*, 5 March 2014; Dawn Oliver, “[Reform of the Lords – next steps](#)”, *Hansard Society news*, 25 March 2014]. Reform proposals including elections to the House of Lords have recommended such measures but the *House of Lords (Cessation of Membership) Bill [HL] 2012-13* did not include such a provision

³⁴ [HC Deb 18 October 2013 cc1003-1004](#); [c1018](#); [c1038](#)

³⁵ [HC Deb 18 October 2013 cc1057-1058](#)

At the public bill committee meeting, he explained the reasons for the changes he proposed.

Clause 1 – Retirement or resignation: The original Bill provided for peers to retire or resign but as the legal definition of “resignation” includes retirement, Dan Byles argued that there was “no need to include references to “retirement” separately throughout the Bill”. But he continued that “It is appropriate in terms of terminology, however, for peers to be aware that they may either retire or resign, which is why the reference is retained in clause 1(1)”.³⁶

Clause 2 – Non-attendance: The original Bill provided that peers who did not attend during a session (which lasted at least six months) would cease to be members, unless they had leave of absence. Amendments were made to ensure that any peer disqualified from sitting or voting could continue as a member and a provision was added to allow the House of Lords to take into account special circumstances. Mr Byles gave the following example:

the House will have the discretion to disregard disqualification on the grounds of non-attendance to deal with situations in which peers are unable to attend or unable to apply for a leave of absence. The example given on Second Reading was that of a peer who might be taken as a prisoner of war.³⁷

Other amendments clarified what was meant by attendance.

Clause 3 – Conviction of serious offence: The original Bill provided for members of the House of Lords convicted of a serious offence (that is convicted of a criminal offence and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year) to no longer be members of the House. It would be given effect by the Lord Speaker issuing a certificate, which could be rescinded in the case of a successful appeal against conviction or sentence. The Bill provided that the House could resolve that the Lord Speaker should not issue a certificate.

Amendments were made to ensure that the application of the clause to convictions and sentences was not retrospective; and to allow Members who received a suspended sentence of imprisonment to retain their seat. However, Mr Byles confirmed that “the clause applies to offences that were committed at any time and to offences that are committed abroad”. He also confirmed that “Disqualification from the House will be automatic, although it will be open to the House to disregard a foreign conviction if special circumstances apply”.³⁸ At report stage, these provisions were amended so that disqualification on conviction of a serious offence abroad would no longer be automatic (see section 4.3).

Clause 4 – Effect of ceasing to be a Member: Mr Byles outlined the effect of the amended clause. First, “A departing peer will be disqualified from attending proceedings of the House of Lords and they

³⁶ [PBC 15 January 2014 c4](#)

³⁷ [PBC 15 January 2014 c6](#)

³⁸ [PBC 15 January 2014 c10](#)

will no longer receive a writ to attend". Second, "a peer who ceases to be a Member is no longer disqualified from voting at elections or from being elected to the House of Commons". The amended clause provided for by-elections to take place so that hereditary peers who resigned, retired or who are disqualified could be replaced. It also provided that any peer departing under the legislation could not return.³⁹

Clause 5 – Certificate of the Lord Speaker: An amendment was agreed to remove the words "and shall not be questioned in a court of law" from the clause, as "Matters of parliamentary privilege do not need to be expressly stated in legislation not to be justiciable".⁴⁰

New clause 1 – Interpretation: Dan Byles explained that:

The new clause is straightforward in that it provides clarity on the definition of "member of the House of Lords" and "peer" for the purposes of the Bill. It makes it clear that peers who are disqualified from attending under other provisions, such as MEPs, retain their membership and that the Bill applies to the Law Lords.⁴¹

4.3 Report stage

Three groups of amendments were considered at report stage, relating to:

- retirement or resignation;
- conviction of a serious offence; and
- effect of ceasing to be a member.

Retirement or resignation

No changes were made to the rules relating to retirement. Jacob Rees-Mogg introduced amendments to prevent peers from resigning unless they had been a peer for ten years or they had been a peer for ten years and were over 65. He argued that "If somebody accepts a great honour from the Crown, it seems to me that they have an obligation to live up to that honour".⁴² He explained that "These two amendments, in essence, offer the House the choice of saying that there ought to be a minimum period and that it ought to be longer than a single Parliament. Ten years obviously equates to two Parliaments under the Fixed-term Parliaments Act 2011. That gets away from the risk that people might use the House of Lords as a means of advancing their political career in relation to the Commons".⁴³

Dan Byles argued that an objective of the Bill was to allow peers to make "a dignified and honourable resignation" and that it was not appropriate to prevent someone who had made that difficult decision from doing so because they had not served a minimum period.⁴⁴

³⁹ [PBC 15 January 2014 c14](#)

⁴⁰ [PBC 15 January 2014 c17 and c6](#)

⁴¹ [PBC 15 January 2014 c18](#)

⁴² [HC Deb 28 February 2014 c524](#)

⁴³ [HC Deb 28 February 2014 c525](#)

⁴⁴ [HC Deb 28 February 2014 c532](#)

Conviction overseas

The Bill provided that someone convicted of a serious offence (i.e. convicted of a criminal offence and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year) ceased to be a member of the House of Lords. Thomas Docherty proposed reducing the threshold to six months.⁴⁵ He withdrew his amendment.⁴⁶

Other amendments in this group related to the consequences of being convicted of serious offence abroad. An amendment, tabled by Dan Byles, was made to allow the House of Lords to determine whether a conviction outside the UK should apply, following concerns expressed in earlier debates about the automatic nature of the provision:

My amendment 23 would make disqualification on the ground of a conviction for a serious offence abroad non-automatic. Instead, the House of Lords would need to resolve that the penalty should apply in each case. This would provide a sensible mechanism by which noble Lords could assure themselves that the conviction and sentencing were safe and met British perceptions of justice before disqualifying Members. I will therefore be pressing this amendment and I urge the House to support it.⁴⁷

Ceasing to be a member: limits on standing for the Commons

An amendment preventing those who ceased to be members of the House of Lords from standing for election to the House of Commons was debated (with a similar amendment limiting the restriction to two Parliaments) and withdrawn. In the debate the Minister, Greg Clark, undertook to review the concern of the House of Lords becoming “a nursery for the Commons”, if it became a problem.⁴⁸

4.4 Third reading

Dan Byles reiterated that the *House of Lords Reform (No 2) Bill* contained “housekeeping reforms” and that it did not prevent debate on securing further reforms from happening.⁴⁹

He was congratulated on securing the passage of the Bill by both front benches, and both Stephen Twigg (for Labour) and the Minister, Greg Clark, reaffirmed their support for the Bill.⁵⁰

⁴⁵ [HC Deb 28 February 2014 c540](#)

⁴⁶ [HC Deb 28 February 2014 c555](#)

⁴⁷ [HC Deb 28 February 2014 c546](#)

⁴⁸ [HC Deb 28 February 2014 cc555-563](#)

⁴⁹ [HC Deb 28 February 2014 cc563-564](#)

⁵⁰ [HC Deb 28 February 2014 c565, c568](#)

5. Consideration in the House of Lords

The Bill was introduced in the House of Lords on 3 March 2014,⁵¹ where it was sponsored by Lord Steel of Aikwood. It was given a second reading on 28 March 2014. No amendments were tabled at committee stage, so the order of commitment was discharged. Third reading was taken on 13 May 2014.

A Lords Library Note was prepared ahead of the Bill's second reading.⁵²

5.1 Constitution Committee Report

The House of Lords Constitution Committee is appointed to examine the constitutional implications of all public bills coming before the House of Lords. Its report on the Bill was published on 21 March 2014. It concluded that "The bill is clearly a measure of constitutional reform but, in our view, it raises no problems of constitutional concern".⁵³

The Committee also commented on Meg Russell's concerns that the Bill would permit members who left the House of Lords to immediately stand for election to the House of Commons (see footnote 33). The Committee welcomed the Minister's statement in the Commons report stage debate that "We do not want to see the House of Lords become a nursery for the Commons",⁵⁴ and the Committee stated that "we likewise welcome the minister's undertaking that should this prove to be a problem in the future, it would be reviewed". The Committee concluded that "If it proves to be a problem, we would expect legislative action to be taken".⁵⁵

5.2 Second reading

In outlining the provisions of the Bill, Lord Steel noted the changes that had been made in the Commons. He suggested that financial incentives may be needed to encourage peers to retire.⁵⁶

He said that provisions that had been included in his bills in previous sessions had been dropped on this occasion. However, ending hereditary peer by-elections and a statutory appointments commission would "reappear in the next Session", in a bill to be introduced by Baroness Hayman.⁵⁷

Lord Steel commented on Meg Russell's concerns, saying:

⁵¹ [HL Deb 3 March 2014 c1108](#); [House of Lords Reform \(No 2\) Bill \[HL Bill 92 of 2013-14\]](#)

⁵² House of Lords Library Note, [House of Lords Reform \(No 2\) Bill \(HL Bill 92 of 2013-14\)](#), 7 and 18 March 2014, LLN 2014/009

⁵³ Constitution Committee, [House of Lords Reform \(No 2\) Bill](#), 21 March 2014, HL Paper 155 2013-14, para 14

⁵⁴ [HC Deb 28 February 2014 c562](#)

⁵⁵ Constitution Committee, [House of Lords Reform \(No 2\) Bill](#), 21 March 2014, HL Paper 155 2013-14, para 13

⁵⁶ [HL Deb 28 March 2014 c702](#)

⁵⁷ [HL Deb 28 March 2014 c701](#)

I do not, however, share the anxiety expressed by some distinguished academics that this will lead to people being nominated as Peers to train as parliamentary candidates. It is somewhat fanciful to think that any party leader would nominate in such a way.⁵⁸

Other members of the House of Lords supported Lord Steel, for example, Lord MacGregor of Pulham Market thought “such circumstances are most unlikely to happen”.⁵⁹ Lord Wakeham, who chaired the Royal Commission (in 2000) stated that:

... on the question of whether a Member who leaves this House should be able to stand for the House of Commons. ... We said that that should happen in a reformed House—with elected Members in this Chamber as well as in the other. That was the important point.⁶⁰

However, others, such as Lord Jay of Ewelme said that “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”.⁶¹

Lord Steel also cautioned against amending the Bill: “As we have little time left in this Session, we cannot play ping-pong with the Bill, so we cannot have any amendments if it is to pass into law; today’s debate really has to be the last if we want these reforms”.⁶²

Lord Grenfell announced that he was retiring under the existing voluntary scheme.⁶³ He welcomed the Bill and argued that although it was a modest bill, the provisions on retirement and on removing those who failed to attend would “slowly but surely” reduce the size of the House of Lords.⁶⁴

From the Opposition front bench, Lord Hunt of King’s Heath confirmed Opposition support for the Bill, he added that he had “come round to the view that we should support small steps taking place on a frequent basis” and that that would not prevent substantive change if it were proposed.⁶⁵ For the Government, Lord Hill of Oareford confirmed that he could support the Bill.⁶⁶

There was broad support for the Bill and an incremental approach to Lords reform. Although some specific concerns about aspects of the Bill were raised, there was acceptance that any amendment would prevent the Bill receiving Royal Assent.

5.3 Remaining stages

When the Bill was scheduled to be considered in Committee on 6 May 2014, Lord Steel informed the House that no amendments had been

⁵⁸ [HL Deb 28 March 2014 c703](#)

⁵⁹ [HL Deb 28 March 2014 c707](#)

⁶⁰ [HL Deb 28 March 2014 c732](#)

⁶¹ [HL Deb 28 March 2014 c709](#)

⁶² [HL Deb 28 March 2014 c703](#)

⁶³ The existing voluntary retirement scheme is described in paras 1.32-1.37 of the House of Lords *Companion to Standing Orders and Guide to the Proceedings of the House of Lords*, 2013

⁶⁴ [HL Deb 28 March 2014 c704](#)

⁶⁵ [HL Deb 28 March 2014 cc732-733](#)

⁶⁶ [HL Deb 28 March 2014 c735](#)

tabled and he moved that the order of commitment be discharged. The House agreed.⁶⁷ Because the order of commitment was discharged, the Bill proceeded to third reading.⁶⁸

The Bill was given a formal third reading on 13 May 2014.⁶⁹

The Bill received Royal Assent on 14 May 2014.⁷⁰ The provisions relating to resigning from the House and on non-attendance leading to the ending of membership of the House came into force three months after the Act was passed (i.e. 14 August 2014), with the non-attendance rules starting at the beginning of the first session after the provision came into force. Non-attendance in the 2015-16 Session led to four members ceasing to be members from the beginning of 2016-17.⁷¹ The remaining provisions came into force on Royal Assent.

⁶⁷ [HL Deb 6 May 2014 c1402](#)

⁶⁸ House of Lords, *Companion to Standing Orders and Guide to the Proceedings of the House of Lords*, 2013, para 8.95

⁶⁹ [HL Deb 13 May 2014 c1780](#)

⁷⁰ [HL Deb 14 May 2014 c1920](#)

⁷¹ House of Lords, [Non-attending Lords](#); [HL Deb 19 May 2016](#) [Baroness D'Souza]

6. Former members: access to facilities of the House of Lords

6.1 Retired members

In November 2014, the House Committee of the House of Lords recommended that, like retired bishops, members of the House of Lords who retired under section 1 of the *House of Lords Reform Act 2014* should be entitled to “a photo-identity pass, and may sit on the steps of the Throne, use the Library (though not the research facilities), the Peers’ Guest Room, the Peers’ Dining Room with up to five guests and the Barry Room with up to six guests”.⁷²

The House of Lords agreed to this recommendation on 24 November 2014.⁷³

In a subsequent report, the House Committee proposed that it should have the authority to decide “on a case-by-case basis, to withdraw the access privileges of a member following their resignation from the House under section 1 of the House of Lords Reform Act 2014”.⁷⁴

This recommendation was agreed to by the House of Lords on 14 April 2016.⁷⁵ In the short debate, Lord Laming, the Chairman Committees, it was “absolutely right” that the House of Lords had the power to withdraw privileges given to retired members.

6.2 Other former members

In February 2015, the House Committee’s view on the access to facilities for other former members was published.⁷⁶ It reviewed the facilities available to retired members; to former hereditary members who left under the *House of Lords Act 1999*; members on leave of absence; and members who were disqualified as a result of holding a judicial office or being an MEP.

The Committee recommended a harmonisation in the access to the Library, to catering facilities and for spouses and civil partners of former members. All former members would have the same access rights as retired members (described in section 6.1), with the exception of more limited access to catering for former hereditary peers who “are only able to use the Peers’ Dining Room once a month with up to three guests, on which occasions they may also use the Peers’ Guest Room”. The Committee recommended that access privileges should no longer be extended to spouses and civil partners of members who are on leave of absence or who are MEPs or a holder of a disqualifying judicial office.

⁷² House Committee, [Access and the use of facilities by retired members](#), 18 November 2014, HL Paper 59 2014-15

⁷³ [HL Deb 25 November 2014 c777](#)

⁷⁴ House Committee, [Access and use of facilities by retired members](#), 21 March 2016, HL Paper 115 2015-16

⁷⁵ [HL Deb 14 April 2016 cc359-360](#)

⁷⁶ House Committee, [Access and the use of facilities by members on leave of absence and disqualified members](#), 23 February 2015, HL Paper 104 2014-15

The Committee also recommended that in the future, members “who are expelled, suspended, or cease to be a member under section 2 or section 3 of the House of Lords Reform Act 2014 should not have any access rights”.⁷⁷

The House of Lords agreed to these changes on 26 February 2015, when Lord Sewel, the Chairman of Committees, told the House that the changes would take effect from the start of the new Parliament.⁷⁸

⁷⁷ House Committee, [Access and the use of facilities by members on leave of absence and disqualified members](#), 23 February 2015, HL Paper 104 2014-15, para 13

⁷⁸ [HL Deb 26 February 2015 c1764](#). In March 2016, the House Committee confirmed that these privileges “are not afforded to members who lose their membership as a result of non-attendance or a sentence of imprisonment, nor by any member expelled under the provisions of the House of Lords (Expulsion and Suspension) Act 2015” [House Committee, [Access and use of facilities by retired members](#), 21 March 2016, HL Paper 115 2015-16]

7. The Act and the House of Lords Code of Conduct

7.1 The Act

The *House of Lords Reform Act 2014*:

- allows a member of the House of Lords to resign;
- provides that a member who does not attend the House in one session ceases to be a member at the beginning of the following session. The Act makes exceptions for peers on leave of absence, disqualified or suspended, and in certain other circumstances; and
- provides that a member sentenced to more than a year in prison ceases to be a member of the House. If convicted outside the UK, the House has to resolve to disqualify the member.

The Act provides that the departing member may not return to the House.

7.2 The House of Lords Code of Conduct

The current Code of Conduct of the House of Lords was agreed on 9 November 2009, amendments were made to it on 30 March and 12 June 2014.⁷⁹

In anticipation of the passage of the *House of Lords Reform (No 2) Bill 2013-14*, the Committee for Privileges and Conduct recommended that:

22. We recommend that it be deemed a breach of the Code of Conduct for a Member to be sentenced to any term of imprisonment. This applies to suspended sentences and convictions outside the United Kingdom. Providing the House of Lords Reform (No. 2) Bill receives Royal Assent, the following scheme should be put into place to deal with the imprisonment of a Member:

- A Member sentenced to imprisonment in the UK for a term of up to and including one year (or given a suspended sentence of imprisonment in the UK of whatever length) would be deemed to have breached the Code. The case would then be referred to the Sub-Committee on Lords' Conduct for sanction. The sub-committee may defer its consideration of sanction if an appeal is lodged in the courts.
- A Member sentenced to imprisonment outside the UK (whether the sentence is suspended or not) would be presumed to have breached the Code. The case would then be referred to the Sub-Committee on Lords' Conduct for it to consider whether the presumption should apply in that case and, if it should, what sanction should apply. The Member would have the right to make representations to the sub-committee, and the sub-committee may take other evidence. If the sentence was for imprisonment for a term

⁷⁹ House of Lords, [Code of Conduct for Members of the House of Lords: guide to the Code of Conduct; Code of Conduct for Staff of Members of the House of Lords](#), Third edition, June 2014, HL Paper 5 2014-15

of more than one year, the sub-committee would defer its consideration of the case until any motion in the House that the Member should cease to be a Member is disposed of.⁸⁰

The House of Lords agreed to the Committee's report on 13 May 2014.⁸¹ Then on 12 June, the House formally agreed to changes to the *Code of Conduct* in that report and in previous reports from the Committee for Privileges and Conduct.⁸²

The *Guide to the Code of Conduct* – published together with the Code – includes very similar wording to that recommended in May 2014, after a statement confirming the effect of the *House of Lords Reform Act 2014*:

A Member of the House of Lords who is sentenced to be imprisoned indefinitely or for more than one year ceases to be a Member of the House and is no longer subject to the House's Code of Conduct.⁸³

In May 2009, the Committee for Privileges reported on *The Powers of the House of Lords in respect of its Members*. It drew the following conclusions, which it invited the House to agree to:

- **The House possesses, and has possessed since before the 1705 resolution, an inherent power to discipline its Members; the means by which it chooses to exercise this power falls within the regulation by the House of its own procedures.**
- **The duty imposed upon Members, by virtue of the writs of summons, to attend Parliament, is subject to various implied conditions, which are reflected in the many rules governing the conduct of Members which have been adopted over time by the House.**
- **The House has no power, by resolution, to require that the writ of summons be withheld from a Member otherwise entitled to receive it; as a result, it is not within the power of the House by resolution to expel a Member permanently.**
- **The House does possess the power to suspend its Members for a defined period not longer than the remainder of the current Parliament.**⁸⁴

The House of Lords agreed the Committee's report on 20 May 2009.⁸⁵

For background to the Committee for Privileges' report in 2009, see House of Commons Library Standard Note, [Resignation, suspension and expulsion from the House of Lords](#), 16 November 2010.

⁸⁰ Committee for privileges and Conduct, [Further amendments to the Code of Conduct and the Guide to the Code of Conduct](#), 12 May 2014, HL paper 182 2013-14

⁸¹ [HL Deb 14 May 2014 cc1776-1780](#)

⁸² [HL Deb 12 June 2014 cc512-513](#)

⁸³ House of Lords, [Code of Conduct for Members of the House of Lords; Guide to the Code of Conduct; Code of Conduct for House of Lords Members' Staff](#), Fourth Edition, May 2015, HL Paper 3 2015-16, Guide, para 144

⁸⁴ Committee for Privileges, [The Powers of the House of Lords in respect of its Members](#), 14 May 2009, HL Paper 87 2008-09, para 8

⁸⁵ [HL Deb 20 May 2009 cc1394-1418](#)

In 2015, legislation was passed giving the House of Lords powers to expel members or to suspend them beyond the end of a Parliament: *House of Lords (Expulsion and Suspension) Act 2015*. For background to the Act, see Commons Library Briefing Paper [*House of \(Expulsion and Suspension\) Act 2015*](#) (SN07093).

Appendix: Members who have retired from the House of Lords

Member	Reason for retirement	Date of retirement
Lord Hurd of Westwell	Retired under the House of Lords Reform Act 2014	09-Jun-16
Baroness Perry of Southwark	Retired under the House of Lords Reform Act 2014	26-May-16
Lord Inge	Retired under the House of Lords Reform Act 2014	25-Apr-16
Lord Cameron of Lochbroom	Retired under the House of Lords Reform Act 2014	21-Apr-16
Lord Renton of Mount Harry	Retired under the House of Lords Reform Act 2014	14-Apr-16
Earl of Snowdon	Retired under the House of Lords Reform Act 2014	31-Mar-16
Lord Barber of Tewkesbury	Retired under the House of Lords Reform Act 2014	25-Mar-16
Baroness Knight of Collingtree	Retired under the House of Lords Reform Act 2014	24-Mar-16
Lord Vincent of Coleshill	Retired under the House of Lords Reform Act 2014	09-Mar-16
Lord Browne-Wilkinson	Retired under the House of Lords Reform Act 2014	01-Mar-16
Baroness Linklater of Butterstone	Retired under the House of Lords Reform Act 2014	12-Feb-16
Baroness Williams of Crosby	Retired under the House of Lords Reform Act 2014	11-Feb-16
Lord Dixon	Retired under the House of Lords Reform Act 2014	09-Feb-16
Lord Soulsby of Swaffham Prior	Retired under the House of Lords Reform Act 2014	31-Dec-15
Lord Stewartby	Retired under the House of Lords Reform Act 2014	12-Nov-15
Lord Chalfont	Retired under the House of Lords Reform Act 2014	10-Nov-15
Lord Brooke of Sutton Mandeville	Retired under the House of Lords Reform Act 2014	18-Sep-15
Lord Parkinson	Retired under the House of Lords Reform Act 2014	14-Sep-15
Lord Sewel	Retired under the House of Lords Reform Act 2014	30-Jul-15
Lord Simpson of Dunkeld	Retired under the House of Lords Reform Act 2014	30-Jul-15
Viscount Montgomery of Alamein	Retired under the House of Lords Reform Act 2014	23-Jul-15
Baroness Wilkins	Retired under the House of Lords Reform Act 2014	23-Jul-15
Lord Edmiston	Retired under the House of Lords Reform Act 2014	22-Jul-15
Lord Luke	Retired under the House of Lords Reform Act 2014	24-Jun-15
Lord Eden of Winton	Retired under the House of Lords Reform Act 2014	11-Jun-15
Lord Mayhew of Twysden	Retired under the House of Lords Reform Act 2014	01-Jun-15
Baroness Warnock	Retired under the House of Lords Reform Act 2014	01-Jun-15
Lord Prys-Davies	Retired under the House of Lords Reform Act 2014	23-May-15
Lord Roper	Retired under the House of Lords Reform Act 2014	23-May-15
Lord Howe of Aberavon	Retired under the House of Lords Reform Act 2014	19-May-15
Lord Sheldon	Retired under the House of Lords Reform Act 2014	18-May-15
Lord Goodhart	Retired under the House of Lords Reform Act 2014	15-May-15
Lord Sandberg	Retired under the House of Lords Reform Act 2014	08-May-15
Lord Phillips of Sudbury	Retired under the House of Lords Reform Act 2014	07-May-15
Viscount Tenby	Retired under the House of Lords Reform Act 2014	01-May-15
Lord Hope of Thornes	Retired under the House of Lords Reform Act 2014	30-Apr-15
Lord Sharman	Retired under the House of Lords Reform Act 2014	30-Apr-15
Lord Evans of Parkside	Retired under the House of Lords Reform Act 2014	20-Apr-15
Lord Ashcroft	Retired under the House of Lords Reform Act 2014	03-Apr-15
Lord Shaw of Northstead	Retired under the House of Lords Reform Act 2014	31-Mar-15
Lord Tombs	Retired under the House of Lords Reform Act 2014	31-Mar-15
Lord Joffe	Retired under the House of Lords Reform Act 2014	30-Mar-15
Lord Lloyd of Berwick	Retired under the House of Lords Reform Act 2014	27-Mar-15
Lord Nickson	Retired under the House of Lords Reform Act 2014	27-Mar-15
Lord Waddington	Retired under the House of Lords Reform Act 2014	26-Mar-15
Lord Jenkin of Roding	Retired under the House of Lords Reform Act 2014	06-Jan-15
Lady Saltoun of Abernethy	Retired under the House of Lords Reform Act 2014	12-Dec-14
Lord Chorley	Retired under the House of Lords Reform Act 2014	17-Nov-14
Lord Cobbold	Retired under the House of Lords Reform Act 2014	13-Oct-14
Lord Grenfell (1)	Retired under the House of Lords Reform Act 2014	01-Oct-14

Member	Reason for retirement	Date of retirement
Lord Bramall	Retired under voluntary scheme (2)	25-Apr-13
Lord Habgood	Retired under voluntary scheme (2)	03-Oct-11
Lord Hutchinson of Lullington	Retired under voluntary scheme (2)	03-Oct-11
Lord Bagri	Resigned under the CRAG Act 2010	06-Jul-10
Lord Foster of Thames Bank	Resigned under the CRAG Act 2010	06-Jul-10
Baroness Dunn	Resigned under the CRAG Act 2010	30-Jun-10
Lord McAlpine of West Green	Resigned under the CRAG Act 2010	26-May-10
Lord Laidlaw	Resigned under the CRAG Act 2010	15-Apr-10

(1) Lord Grenfell had previously retired under the voluntary scheme on 31 March 2014

(2) in accordance with the Resolution of the House of 27 June 2011

CRAG Act 2010 - Constitutional Reform and Governance Act 2010

Source: House of Lords, [Retired members of the House of Lords](#)

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