

HOUSE OF LORDS REFORM ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2: Non-attendance

17. Subsection (1) provides that if a member of the House of Lords who is a peer fails to attend the House during a Session the member ceases to be a member of the House at the beginning of the following Session. At present it is open to a member to obtain leave of absence from the House but there are no sanctions where someone who does not have leave of absence persistently fails to attend.
18. Subsection (2) requires there to be a certificate by the Lord Speaker to the effect that the peer at no time during the Session attended the House, according to officials' attendance records; and that the peer had not been given leave of absence from the House for the Session in accordance with the procedures of the House.
19. Subsection (3) contains exceptions to subsection (1). It is not to apply if the peer was disqualified from sitting or voting in the House, or suspended from the House, for the whole of the Session. For example, a peer who is a member of the House of Lords and also a member of the European Parliament is disqualified from sitting in the former legislature while a member of the latter. Such a peer would not be disqualified under subsection (1). It is also open to the House of Lords to decide that subsection (1) should not apply by reason of special circumstances. If, for example, the House decided under section 3(9) that a peer who had been imprisoned abroad for over a year should not be disqualified under that section, it could also decide that the peer's absence from the House because of the imprisonment should not lead to disqualification under section 2.
20. Subsection (4) provides that subsection (1) does not apply if the Session in question is less than six months long.
21. Subsection (5) states that the reference to attendance is to attending the proceedings of the House, including any of its committees. The reference to committees would include a joint committee of the House of Lords and the House of Commons. It would not include, for example, simply being within the precincts of the House or using its facilities.
22. Subsection (6) provides that the section applies to the first Session that begins after it comes into force, as well as subsequent Sessions. A peer who had not attended the House during the Session in which the Act was passed would therefore not fall within the section.