

*These notes refer to the House of Lords Act 1999 (c.34)  
which received Royal Assent on Thursday 11 November 1999*

# HOUSE OF LORDS ACT 1999

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 2: Exception from section 1*

12. The general exclusion of hereditary peers from membership of the House in section 1 of the Act does not apply to 90 hereditary peers or to the holder of the office of Earl Marshal (who is responsible for ceremony) or the person performing the office of Lord Great Chamberlain (who is The Queen's representative), as provided for in Standing Orders of the House of Lords. Any hereditary peer excepted from the general exclusion from the House of Lords remains a member of the House of Lords for life, or until such time as a further Act of Parliament is enacted to the contrary to implement further, long-term reform of the House of Lords.
13. Standing Orders provide for the 90 excepted peers to be elected. The Act provides that Standing Orders can, if necessary, be made in anticipation of the Act itself being passed, to enable elections to take place before Royal Assent and the successful candidates to be identified ready for the start of the next Session. Standing Order 9 (Election of Hereditary Peers) and Standing Order 10 (By-elections) of the Standing Orders of the House of Lords Relating to Public Business 1999 were made on 26 July 1999. The elections took place on 27, 28 October and 3 and 4 November 1999.
14. Standing Order 9 (Election of Hereditary Peers) provides for 75 of the 90 excepted peers to be elected from among the overall number of hereditary peers. In accordance with the Standing Order, they were elected in proportion to the four organised groupings in the House of Lords by the hereditary peers in their respective groupings. This gives 42 Conservatives, 28 Cross-bench, 3 Liberal Democrats and 2 Labour. The remaining 15 were elected by the whole House, in accordance with the Standing Order, to stand ready to serve as Deputy Speakers or in any other office that may be required by the House. Of the successful candidates in the election of these 15, 9 are Conservative, 2 Labour, 2 Liberal Democrats and 2 Cross-bench.
15. Standing Order 9 also provides that any vacancies arising due to the death of one of the 90 excepted peers shall be filled by the nearest runner-up in the relevant election or, if none is willing or available, by whatever means the House of Lords itself decides.
16. After the end of the first session of the next Parliament, Standing Order 10 provides that any vacancy due to the death of one of the 90 excepted peers shall be filled by the holding of a by-election. In accordance with the Standing Order, in the event of a vacancy among the 75 elected in proportion to the groupings, only the excepted peers in the party or cross-bench group in which the vacancy has occurred shall be entitled to vote. The whole House shall be entitled to vote in the event of the death of any of the 15 excepted peers ready to serve as Deputy Speakers or other office holders.
17. The certificate of the Clerk of the Parliaments is conclusive identification of the excepted peers.