

HOUSE OF LORDS REFORM ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Effect of ceasing to be a member

31. This section deals with the effect of a person ceasing to be a member of the House of Lords under the Act (subsection (1)).
32. Subsection (2) confirms that the departing member will be disqualified from attending the proceedings of the House of Lords. As in section 2, this includes proceedings of Committees of the House.
33. Subsection (3) confirms that a departing member, whatever their type of membership, is not entitled to receive a writ of summons to attend the House. An existing writ ceases to have effect.
34. Subsection (4) states that in the case of a person who is one of the 92 hereditary peers who are members of the House of Lords under section 2 of the House of Lords Act 1999 and who ceases to be a member, section 1 of that Act will apply to them and they will not be entitled to membership of the House of Lords as a hereditary peer. As a result, under section 3(1) of that Act such a peer is no longer disqualified, by reason of their peerage, from voting in elections to the House of Commons or being elected as a Member of Parliament.
35. Subsection (5) provides for the same effect for peers other than hereditary peers, so that they are not, by reason of their peerage, disqualified from voting at elections to the House of Commons or being elected as a member of that House.
36. Subsection (6) provides that the requirement for an overseas elector to have been on a register of parliamentary electors is met, in the case of a peer who loses their membership under the Act, if they have been on a register of local government electors. Being able to vote in a parliamentary election as an overseas elector depends on the voter having previously been on the register of parliamentary electors. At present a peer who is a member of the House of Lords cannot vote in a parliamentary election and so will not be on that register, but he or she is entitled to vote in a local government election. The subsection therefore converts the relevant legislative reference to the register of parliamentary electors into a reference to the register of local government electors.
37. Subsection (7) requires Standing Orders of the House of Lords to make provision for by-elections to be held to replace hereditary peers who resign or are expelled for non-attendance or as a result of a conviction of a serious offence and who were excepted from section 1 of the House of Lords Act 1999 as a result of being elected. At present section 2(4) of that Act provides for by-elections only where such a peer has died.
38. Subsection (8) provides that a departing member may not return to be a member of the House.