

LORDS SPIRITUAL (WOMEN) ACT 2015

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Lords Spiritual (Women) Act 2015 which received Royal Assent on 26 March 2015.

- These Explanatory Notes have been prepared by the Cabinet Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- The Notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

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Overview of the Act

1. The Act has a single purpose, which is to enable vacancies among Church of England bishops in the House of Lords to be filled, for a limited period, by female bishops instead of male bishops who would otherwise have become members of the House under the Bishops Act 1878.

Policy background

2. The two Church of England Archbishops and 24 of its other diocesan bishops are entitled to sit in the House of Lords, as the Lords Spiritual. They do so by virtue of ancient usage and statute. Five of the 26 automatically receive writs of summons to attend the House of Lords on the basis of the sees they occupy (Canterbury, York, Durham, London and Winchester; 'the five ex officio sees'). The remaining 21 are issued with writs of summons on the basis of seniority (i.e. length of tenure as a diocesan bishop) when a vacancy arises. This mechanism is set out in section 5 of the Bishops Act 1878: <http://www.legislation.gov.uk/ukpga/Vict/41-42/68/contents>.

3. On 17 November 2014 the General Synod of the Church of England enacted the final legislation necessary to allow women to become bishops. Were the arrangements under the Bishops Act 1878 to be left unchanged it would obviously take some years before a newly appointed female diocesan bishop became sufficiently senior to take a place in the House of Lords (unless she were appointed to one of the five ex officio sees). In consequence, the Archbishop of Canterbury, after consultation with the Lords Spiritual and others, requested on behalf of the Church of England that amendments be made to the arrangements under the Bishops Act 1878 to enable the accelerated entry of female bishops to the House of Lords. The Government welcomed the decision by the Church of England to enable women to become bishops and wishes to see female bishops represented in the House of Lords as soon as possible.

4. The Act makes time-limited provision for vacancies among the 21 places which are normally filled by seniority to be filled as they arise by eligible female bishops if there are any available at that point (an eligible bishop is a bishop of a diocese in England who is not already entitled as such to a writ of summons). Essentially, for a period of 10 years, the most senior eligible female bishop at any time will fill a vacant Lords Spiritual seat in preference to the most senior eligible male bishop.

5. Male bishops will continue to enter the Lords, in accordance with the arrangements under the Bishops Act 1878 for determining seniority of precedence, if there are no eligible female bishops at the time a vacancy arises. After the end of the period, the provision made by the Act will come to an end and the arrangements under the Bishops Act 1878 for determining which bishops are to fill vacancies among the Lords Spiritual will be restored. The arrangements in relation to the five ex officio sees are left unchanged since any woman appointed to one of those sees will in any event become a Lord Spiritual immediately.

Territorial application of the Act in the UK

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6. Section 2 of the Act provides that it extends to England and Wales, Scotland and Northern Ireland, since the House of Lords is part of the Parliament of the United Kingdom; however, it relates only to bishops of the Church of England.

Commentary on provisions of Act

Section 1: Vacancies among the Lords Spiritual

7. Section 1 applies where there is a vacancy among the Lords Spiritual other than a vacancy in connection with one of the five senior ex officio sees. If at that time there is an eligible female bishop - which is to say a bishop of a diocese in England, who is not already entitled as such to a writ of summons, and who is a woman - the vacancy is to be filled by the issue of a writ of summons to her and she will be entitled to a writ in subsequent Parliaments until she ceases to be a diocesan bishop or is appointed to one of the five ex officio sees. If there is more than one eligible female bishop then the one whose election as a bishop of a diocese was confirmed first will receive the writ (this reflects the arrangements under the Bishops Act 1878 for determining seniority of precedence). If there is no eligible female bishop the most senior male bishop will become a member of the House of Lords under the 1878 Act. The section is time-limited and the mechanism it provides for will end 10 years after the Act comes into force.

Commencement

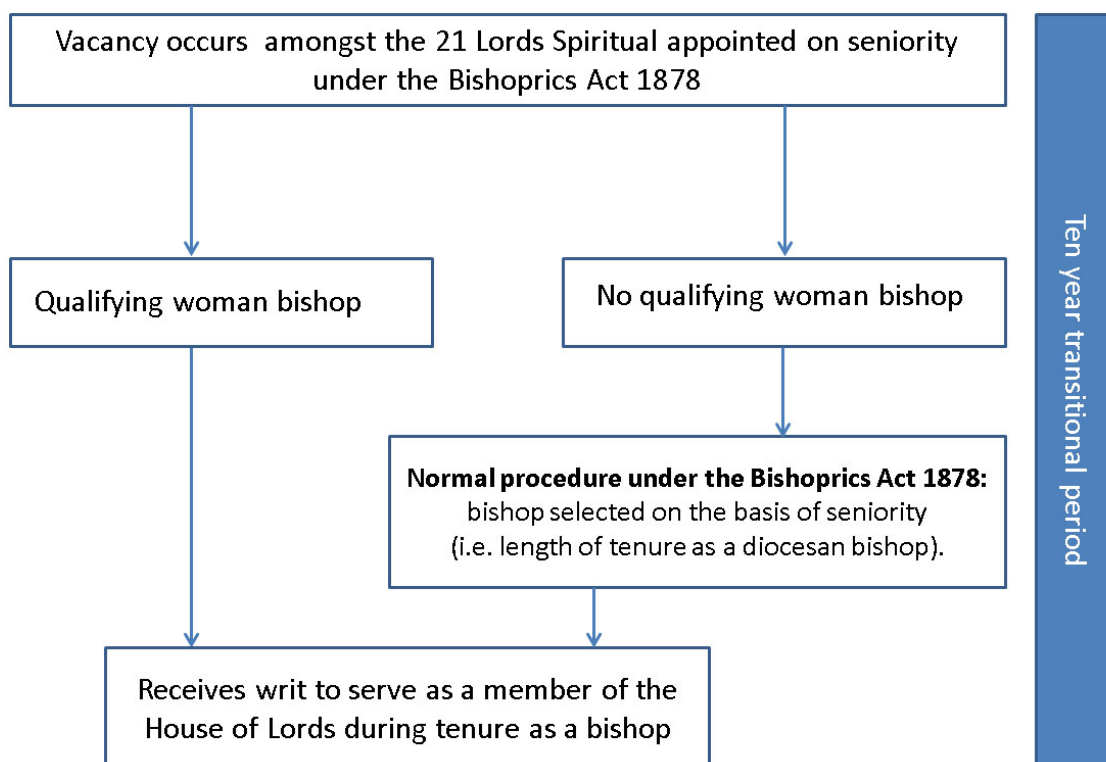
8. Section 2 of the Act provides that it comes into force on the first day that the new parliament meets following the next general election (i.e. the May 2015 general election).

Hansard references

9. The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard reference
<i>House of Commons</i>		
Introduction	18 December 2014	<u>Vol. 589 Col.1614</u>
Second Reading	19 January 2015	<u>Vol. 591 Col. 31</u>
Committee, Report and Third Reading	19 January 2015	<u>Vol. 591 Cols. 53-56</u>
<i>House of Lords</i>		
Introduction	20 January 2015	<u>Vol. 758 Col. 1207</u>
Second Reading	12 February 2015	<u>Vol. 759 Cols. 1364-1386</u>
Order of Commitment discharged	26 February 2015	<u>Vol. 759 Col. 1766</u>
Third Reading	12 March 2015	<u>Vol. 760 Col. 772</u>
Royal Assent	26 March 2015	<u>House of Lords Hansard: Vol. 760 Col. 1589</u>
	26 March 2015	<u>House of Commons Hansard: Vol. 594 Col. 1682</u>

Annex A - Qualification Process



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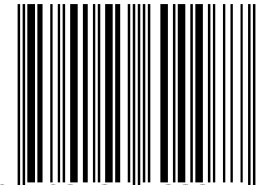
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