



House of Lords Act 1999

1999 CHAPTER 34

An Act to restrict membership of the House of Lords by virtue of a hereditary peerage; to make related provision about disqualifications for voting at elections to, and for membership of, the House of Commons; and for connected purposes. [11th November 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Exclusion of hereditary peers

No-one shall be a member of the House of Lords by virtue of a hereditary peerage.

2 Exception from section 1

- (1) Section 1 shall not apply in relation to anyone excepted from it by or in accordance with Standing Orders of the House.
- (2) At any one time 90 people shall be excepted from section 1; but anyone excepted as holder of the office of Earl Marshal, or as performing the office of Lord Great Chamberlain, shall not count towards that limit.
- (3) Once excepted from section 1, a person shall continue to be so throughout his life (until an Act of Parliament provides to the contrary).
- (4) Standing Orders shall make provision for filling vacancies among the people excepted from section 1; and in any case where—
 - (a) the vacancy arises on a death occurring after the end of the first Session of the next Parliament after that in which this Act is passed, and
 - (b) the deceased person was excepted in consequence of an election,that provision shall require the holding of a by-election.

- (5) A person may be excepted from section 1 by or in accordance with Standing Orders made in anticipation of the enactment or commencement of this section.
- (6) Any question whether a person is excepted from section 1 shall be decided by the Clerk of the Parliaments, whose certificate shall be conclusive.

3 Removal of disqualifications in relation to the House of Commons

- (1) The holder of a hereditary peerage shall not be disqualified by virtue of that peerage for—
 - (a) voting at elections to the House of Commons, or
 - (b) being, or being elected as, a member of that House.
- (2) Subsection (1) shall not apply in relation to anyone excepted from section 1 by virtue of section 2.

4 Amendments and repeals

- (1) The enactments mentioned in Schedule 1 are amended as specified there.
- (2) The enactments mentioned in Schedule 2 are repealed to the extent specified there.

5 Commencement and transitional provision

- (1) Sections 1 to 4 (including Schedules 1 and 2) shall come into force at the end of the Session of Parliament in which this Act is passed.
- (2) Accordingly, any writ of summons issued for the present Parliament in right of a hereditary peerage shall not have effect after that Session unless it has been issued to a person who, at the end of the Session, is excepted from section 1 by virtue of section 2.
- (3) The Secretary of State may by order make such transitional provision about the entitlement of holders of hereditary peerages to vote at elections to the House of Commons or the European Parliament as he considers appropriate.
- (4) An order under this section—
 - (a) may modify the effect of any enactment or any provision made under an enactment, and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6 Interpretation and short title

- (1) In this Act “hereditary peerage” includes the principality of Wales and the earldom of Chester.
- (2) This Act may be cited as the House of Lords Act 1999.

SCHEDULES

SCHEDULE 1

Section 4(1).

AMENDMENTS

Peerage Act 1963 (c. 48)

- 1 In section 1(2) of the Peerage Act 1963 (disclaimer of certain hereditary peerages) for the words from “has” to the end there shall be substituted the words “is excepted from section 1 of the House of Lords Act 1999 by virtue of section 2 of that Act”.

Recess Elections Act 1975 (c. 66)

- 2 In section 1 of the Recess Elections Act 1975 (issue of warrants for making out writs to replace members of the House of Commons whose seats have become vacant), in—
- (a) subsection (1)(a), and
 - (b) paragraph (a) of the definition of “certificate of vacancy” in subsection (2),
- for the words “become a peer” there shall be substituted the words “become disqualified as a peer for membership of the House of Commons”.
- 3 In Schedule 1 to that Act (certificate of vacancy), for the words “has become a peer of Parliament” there shall be substituted the words “has become disqualified as a peer for membership of the House of Commons”.

SCHEDULE 2

Section 4(2).

REPEALS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1963 c. 48.	The Peerage Act 1963.	In section 1(3), paragraph (b) and the word “and” immediately preceding it. Section 2. In section 3, in subsection (1) (b), the words from “(including” to “that House)” and, in subsection (2), the words from “and” to the end of the subsection. Section 5.