

*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 1: Exclusion of hereditary peers*

5. The main provision of the Act restricts membership of the House of Lords by virtue of a hereditary peerage. No present or future holders of a hereditary peerage in the peerage of England, Scotland, Ireland<sup>1</sup>, Great Britain or the United Kingdom, or their heirs, have the right to sit and vote in the House of Lords by virtue of that peerage, or to sit and vote in committees of the House, or to speak in the House, or to receive a writ of summons, unless they are excepted from this general exclusion by section 2 of the Act.
6. The exclusion from membership applies to all those who are members of the House by virtue of a hereditary peerage, unless they are excepted from the exclusion under the terms of section 2. The general exclusion covers –
  - members of the Royal Family with the right to sit and vote in the House (the Prince of Wales<sup>2</sup>, the Duke of Edinburgh, the Duke of York, the Duke of Gloucester, the Duke of Kent and the Earl of Wessex);
  - first holders of a hereditary peerage (of whom there were eight at the time of Royal Assent to the Act);
  - any holder of a peerage by virtue of acceleration, being the eldest son of a hereditary peer who is sitting by virtue of one of his father's peerages while the father is still alive; and
  - any holder of a hereditary peerage by virtue of the termination of a peerage in abeyance (where only female co-heirs survive to inherit the peerage and one is preferred by the Crown against another for the peerage).
7. The Act deprives excluded hereditary peers of all the privileges of membership of the House of Lords, including the privileges they enjoyed as members of Parliament. Parliamentary privileges cover various matters, many of which relate to the House of Lords as a whole (such as punishing improper conduct within the House itself), but include some that are personal to individual peers. One of the most important personal privileges is that no action can be taken against a peer for what he or she may say in Parliament. Hereditary peers excluded by the Act also lose the right to be paid allowances and to use the facilities of the House that are available to members, such as its library, research and restaurant facilities. The removal of these rights does not prevent the House from deciding to grant some rights to use the facilities of the House to a hereditary peer under the exercise of its own authority.

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<sup>1</sup> Peers of Ireland have not been able to sit and vote in the House of Lords since the Irish Free State (Agreement) Act 1922. However, those who were members of the House of Lords at the time of the passing of that Act remained members until their death (see *The Petition of the Earl of Antrim and eleven other Irish peers* [1967] A.C. p. 691). The House of Lords Act does not change the position of peers of Ireland.

<sup>2</sup> Section 6 (1) makes it clear that "hereditary peerage" includes the principality of Wales and the earldom of Chester.

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8. Holders of a hereditary peerage whose membership is ended by the Act cease to be excusable as of right from jury service. (They no longer fall within Part III of Schedule 1 to the Juries Act 1974, or Part III of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, or Schedule 3 to the Juries (Northern Ireland) Order 1996.)
9. The Act does not affect the rights of holders of a hereditary peerage excluded from the House of Lords to keep all the other titles, rights, offices, privileges and precedents attaching to the peerage which are unconnected with membership of the House of Lords.
10. At 1 November 1999, the House of Lords was composed of 758 hereditary peers, 542 life peers and 26 Archbishops and Bishops. The Act does not affect the position of members of the House of Lords who do not sit by virtue of a hereditary peerage: the Archbishops and Bishops of the Church of England; retired and existing Law Lords (who are created life peers under the Appellate Jurisdiction Act 1876) and life peers created under the Life Peerages Act 1958.
11. The Act does not affect the position of The Queen, who is not a member of the House of Lords by virtue of a hereditary peerage.