

*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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2: Repeals

24. Having removed the restriction on disclaiming when in receipt of a writ of summons, the exemption from this requirement in cases prior to the commencement of the 1963 Act becomes redundant and therefore section 1(3)(b) of that Act can be repealed.
25. Section 2 of the 1963 Act makes special provision in relation to a person who is a member of the House of Commons or a Parliamentary candidate when he succeeds to the peerage. A person succeeding to a hereditary peerage will in accordance with section 3 of the House of Lords Act not be disqualified from membership of the House of Commons. A person will only be so disqualified if he becomes an excepted peer. As a peer who is a member of the House of Commons can refuse to become an excepted peer, there is no need to provide for the possibility of disclaimer. If, however, such a person decides to become an excepted peer then it is right that he should cease to be a member of the House of Commons and not be able to disclaim. Section 2 of the 1963 Act can therefore be repealed.
26. Section 3 of the 1963 Act sets out the effects of disclaimer of a peerage, one of which is that a person is not disqualified from membership of, or voting in elections to, the House of Commons. Since section 3 of the House of Lords Act removes these disqualifications for all hereditary peers who are not excepted peers, and since excepted peers cannot disclaim, this will no longer be one of the effects of disclaimer. Therefore the repeal in section 3(1)(b) of the 1963 Act removes the reference to membership of, and elections to, the House of Commons.
27. One of the effects of section 3(2) of the 1963 Act is to prohibit the issue of a writ in acceleration to the person entitled to succeed to a disclaimed hereditary peerage on the death of its present holder. This provision can be repealed because in future writs in acceleration, which are a form of writ of summons, will not be issued.
28. Section 5 of the 1963 Act covers the same ground as section 3 of the House of Lords Act, but only in removing the disqualification of hereditary peers of Ireland from voting in elections to, and standing as candidates for, the House of Commons. Section 5 of the 1963 Act therefore becomes redundant and can be repealed.