

= House of Lords Act 1999 =

The House of Lords Act 1999 (c . 34) was an Act of the Parliament of the United Kingdom that was given Royal Assent on 11 November 1999 . The Act reformed the House of Lords , one of the chambers of Parliament . For centuries , the House of Lords had included several hundred members who inherited their seats ; the Act removed such a right . However , as part of a compromise , the Act did permit ninety @-@ two hereditary peers to remain in the House on an interim basis . Another ten were created life peers to enable them to remain in the House .

The Act decreased the membership of the House from 1 @,@ 330 in October 1999 to 669 in March 2000 . As another result of the Act , the majority of the Lords were now life peers , whose numbers had been gradually increasing since the Life Peerages Act 1958 . As of August 2012 , there were 825 Peers , of whom 26 were senior Church of England bishops , whose determination is governed by the Bishopric of Manchester Act 1847 .

= = Background = =

Prior to the 16th century , the Lords was the stronger of the two houses of Parliament . A process of gradual evolution combined with such moments of crisis as the English Civil Wars transferred the political control of England , first from the Crown to the House of Lords and then to the House of Commons . The rising wealth of the Commons eventually allowed it to wage two civil wars , dethrone two Kings , and gradually reduce the power of the Lords . Prior to the House of Lords Act 1999 the power of the Lords had been diminished by the Parliament Acts 1911 and 1949 which stripped the Lords of the ability to block , or veto , adoption of most bills ; at most it could delay bills for one year . Furthermore , the Commons has absolute power when it comes to money bills .

After eighteen years of Conservative rule , the Labour party led by Tony Blair won a landslide victory at the 1997 general election , in the process inflicting the biggest defeat for the Conservatives since 1832 . The Labour Party had for years endorsed abolition of the unelected House of Lords in its election platforms , though since 1992 this had changed to a policy of reforming the House instead .

During the 20th century Liberal and Labour governments proposed many bills that were opposed by the House of Lords , which had been dominated by Conservatives since the 1890s , leading to delay and where proposed before elections , their dropping from the legislative agenda . In the first year of the Blair government , the Lords passed back Government bills 38 times . The rejection considered the most contentious was of the European Elections Bill , against which the Lords voted five times . Blair stated that the Conservatives were using the hereditary peers to " frustrate " and " overturn the will of the democratically elected House of Commons " . Here Blair found an opportunity to implement one of Labour 's campaign promises , reforming the Lords .

On 24 November 1998 , in opening the second session of Parliament , the Queen delivered her annual Speech from the Throne ; the Speech is written for her by the ruling party and outlines that party 's legislative agenda for the upcoming year . In it , she suggested that her Government (i.e. the ruling Labour Party) would pursue a reform of the House of Lords . These remarks were followed by shouts of " Hear ! Hear ! " from supportive Labour Members of Parliament , and by similar shouts of " Shame ! Shame ! " from Conservative peers ; such outbursts were unprecedented , for the Queen 's Speech is with few exceptions heard by a silent Parliament .

= = The House of Lords Bill = =

The House of Lords Bill was expected to face a tough fight in the House of Lords . Several Lords threatened to disrupt the Government 's other bills if they continued with the plan to abolish the hereditaries ' right to sit in the House of Lords . The Earl of Onslow , for instance , said , " I 'm happy to force a division on each and every clause of the Scotland Bill . Each division takes 20 minutes and there are more than 270 clauses . " Lords had plenty of other means by which they could obstruct the Government 's programme .

Lord Randall put forward the idea of phasing out the hereditary peers by disqualifying their heirs .
Baroness Jay reminded the House that under the Salisbury Convention they could not block the bill .

In order to convince some peers to vote for reform , Tony Blair announced that he would compromise by allowing a number of hereditary peers to remain in the House of Lords on an interim basis . On 2 December 1998 , the Conservative Leader of the Opposition , William Hague , rose in the House of Commons to attack Blair 's plans . He suggested that Blair 's changes indicated his lack of principles , claiming that Blair wanted to turn the House of Lords into a " House of Cronies " . Hague further suggested that the Conservative Party would never agree to such constitutional reforms that were " based on no comprehensive plan or principle . " Hague 's remarks backfired when Blair revealed that the Conservative Party in the House of Lords , rather than oppose his reforms , would definitely support them , and that he had done a secret deal with the Conservative leader in the House of Lords , Viscount Cranborne . Hague immediately removed Cranborne from office , but , in protest , several Conservative Lords who held front @-@ bench positions resigned .

On 19 January 1999 , the Leader of the House of Commons , Margaret Beckett , introduced the House of Lords Bill into the House of Commons . The House of Commons passed the bill by a vote of 340 to 132 on 16 March . The next day it was presented to the House of Lords , where debate on the bill was far longer . One significant amendment made to the Bill was the so @-@ called Weatherill Amendment , named for the Lord Weatherill , the former Speaker of the House of Commons . The Weatherill Amendment put into place the deal agreed to by the Prime Minister and Viscount Cranborne , and allowed 92 hereditary peers to remain members of the House of Lords .

Several controversies relating to the technicalities of the bill were brought up in the House of Lords . One issue regarded the language used in clauses 1 to 7 , which was described by Lord Mayhew of Twysden as " uncertain in its effects and would leave the position of most hereditary Peers uncertain if the Bill was enacted . " A second issue was related to the Acts of Union 1707 uniting Scotland and England into the Kingdom of Great Britain . After lengthy debates , both matters were referred to the House of Lords Committee on Privileges .

Under the Acts of Union 1707 , Scottish Lords would be entitled to elect 16 representative peers to sit on their Lordships ' behalf in the House of Lords . In 1963 , the Peerage Act was passed , allowing all Scottish peers to sit in the House , not just 16 of them . It was felt that removing all Scottish representation would breach the Articles . The Government , however , responded that the Articles did envisage a change in the election of representative peers . It was argued that some portions of the Treaty were entrenched , while others were not . For instance , Scotland and England were united " forever , " the Scottish Court of Session was to " remain in all time coming within Scotland as it is now constituted , " and the establishment of the Church of Scotland was " effectually and unalterably secured . " However , it was suggested , the election of Scottish representative peers was not entrenched , and therefore could be amended . Furthermore , the Government argued that Parliament was entirely sovereign and supreme , and could at its will change the Articles of Union . For example , the Treaty of Union joining Great Britain and Ireland required that the two nations be united " forever " . Nonetheless , in 1922 , by an Act of Parliament , most of Ireland was made independent as the Irish Free State . Thus , even entrenched clauses were argued to be open to amendment by the authority of Parliament . The Committee agreed and reported to the House on 20 October 1999 that the Bill was indeed lawful in this regard .

After the Committee 's first and second reports were considered , the Lords passed the bill 221 to 81 on 26 October 1999 . During the session , Charles Beauclerk , son of a hereditary peer , launched a protest at the constitutional implications of the bill from the woolsack , and was ejected from the chamber . Once the Lords settled the differences between their version of the bill and the Commons version thereof , the Bill received Royal Assent on 11 November 1999 and became an Act of parliament . The Act then came into force the same day .

= = Membership of the House of Lords = =

The House of Lords Act 1999 provides firstly that " No @-@ one shall be a member of the House of

Lords by virtue of a hereditary peerage . " (The Act treats the Principality of Wales and the Earldom of Chester as hereditary peerages , though those titles , granted normally to the heir @-@ apparent , are never inherited .) The Act then provides that 92 peers , including the Earl Marshal , the Lord Great Chamberlain and 90 other peers elected in accordance with the Standing Orders of the House , would be excepted from the exclusion of hereditary peers , and that after the first session of the next Parliament , whenever one of these seats fell vacant , the Lords would have to proceed to a by @-@ election . The Act also provided that a hereditary peer would be entitled to vote in elections for , and sit in , the House of Commons , unless he or she was a member of the House of Lords . Previously , hereditary peers had been constitutionally disqualified from being electors to , or members of , the House of Commons . The first hereditary peer to gain a seat in the Commons under this provision was John Thurso .

The Act prevents even hereditary peers who are the first to hold their titles from sitting automatically in the House of Lords . The Government did agree , however , to give life peerages (the titles of which are indicated in parentheses) to four such new hereditary peers : Toby Austin Richard William Low , 1st Baron Aldington (Baron Low) , Frederick James Erroll , 1st Baron Erroll of Hale (Baron Erroll of Kilmun) , Francis Aungier Pakenham , 7th Earl of Longford , 1st Baron Pakenham (Baron Pakenham of Cowley) and Antony Armstrong @-@ Jones , 1st Earl of Snowdon (Baron Armstrong @-@ Jones) . Additionally , life peerages were created for former Leaders of the House of Lords : John Julian Ganzoni , 2nd Baron Belstead (Baron Ganzoni) , Peter Alexander Rupert Carington , 6th Baron Carrington (Baron Carington of Upton) , Robert Gascoyne @-@ Cecil , Viscount Cranborne (Baron Gascoyne @-@ Cecil) , George Patrick John Rushworth Jellicoe , 2nd Earl Jellicoe (Baron Jellicoe of Southampton) , Malcolm Shepherd , 2nd Baron Shepherd (Baron Shepherd of Spalding) and David James George Hennessy , 3rd Baron Windlesham (Baron Hennessy) .

Life peerages were also offered to members of the royal family with new hereditary peerages , but declined (as it would have meant they would hold seats in the House of Lords) : Prince Philip , Duke of Edinburgh ; Charles , Prince of Wales ; Prince Andrew , Duke of York ; and Prince Edward , Earl of Wessex . The Dukes of Gloucester and Kent had both inherited their titles from their fathers , the first dukes .

= = = First election to the House of Lords = = =

Before the granting of Royal Assent , the Lords had adopted a Standing Order making provision for the election of peers . The Order provided that there be elected :

Two Labour peers

Three Liberal Democrat peers

Twenty @-@ eight Crossbench peers

Forty @-@ two Conservative peers

Fifteen peers , to serve as Deputy Speakers and in other offices , by the entire House of Lords

The elections for officers of the House were held on 27 and 28 October 1999 , while those for peers elected by party were held on 3 and 4 November ; the results were proclaimed to the House on 29 October and 5 November . Voters were required to rank in order of preference , on a ballot prepared by the Clerk of the Parliaments , as many candidates as there were places to be filled . The candidates receiving the greatest number of votes (without regard to the ranking on the ballots , so in effect block voting) were declared elected . Only if there were ties would the ranking be examined . Thereafter , until November 2002 , if a vacancy occurred , the next @-@ highest vote @-@ getter (the rankings being examined , again , only in the case of ties) in the original election would fill the seat . This procedure was used on two occasions .

= = = Subsequent by @-@ elections = = =

Since November 2002 , by @-@ elections have been held to fill vacancies . Two by @-@ elections were held in 2003 , one in 2004 , four in 2005 , one in each of 2007 , 2008 and 2009 , two in 2010 ,

four in 2011 , two in 2013 , four in 2014 and six in 2015 . Voting is by preferential voting , with peers ranking the candidates in order of preference . As many or as few preferences as desired may be indicated . To win the election , a peer must receive a majority of first preference votes . If no candidate receives such a majority , the candidate with the fewest number of first preference votes is eliminated , with each of his votes being redistributed according to the second preference marked on the ballot (see Instant @-@ runoff voting) . The process is continued until one candidate receives a majority .

= = Labour proposals to remove remaining hereditary peers = =

The Labour Government expected eventually to present a bill for a second stage of House of Lords reform , thus removing the remaining 92 hereditary peers ; the history of such attempts between 1997 and 2009 is set out in a report in The Guardian . Proposals called The House of Lords : Reform were published by order of the House on 1 January 2007 , with a foreword by Jack Straw . In 2009 , Labour introduced the Constitutional Reform and Governance Bill , which would have ended the by @-@ elections to fill vacancies for hereditary peers , thereby removing them through attrition . However , in order to ensure the passage of the bill through Parliament before the 2010 general election , this clause was dropped from the bill entirely , along with other clauses relating to the exclusion and suspension of peers from the House of Lords .

= = Proposals in 2012 for elections to most seats in the Lords = =

In August 2012 , the coalition government of David Cameron and Nick Clegg dropped plans to reform the House of Lords by making it mostly elected and slashing its size . Deputy Prime Minister and Liberal Democrat leader Nick Clegg spearheaded the push to bring in the changes . The government wanted four @-@ fifths of members of a reformed House of Lords to be elected . They would have served 15 @-@ year terms of office , after which they could not run for re @-@ election . The number of peers was to be almost halved , from 826 to 450 . The chamber would have kept the title of House of Lords , after names like Senate and Reformed House were rejected . Peers were each to represent a specific region of the United Kingdom , as constituted for the election of Members of the European Parliament . One @-@ third of seats would have been filled by elections held every five years . Of the remaining 90 members , 12 ? rather than the current 26 ? would have been Church of England bishops . The remainder were to continue to be appointed , and all hereditary peers were to be removed . The government had scheduled passage of its bill for the spring of 2013 , and the elections were to have taken place in 2015 , but the effort stalled when in July 2012 , 91 Conservatives in the Commons , including Jacob Rees @-@ Mogg , rebelled against the government in a vote on how to timetable the House of Lords Reform Bill .