

HOUSE OF LORDS

Procedure and Privileges Committee

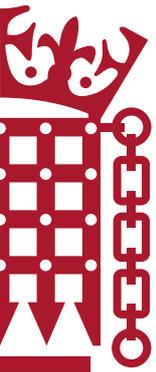
8th Report of Session 2019–21

Resumption of hereditary peers' by-elections

Ordered to be printed 26 April 2021

Published by the Authority of the House of Lords

HL Paper 273



Procedure and Privileges Committee

The Select Committee on Procedure and Privileges of the House is appointed each session to consider any proposals for alterations in the procedure of the House that may arise from time to time, and whether the standing orders require to be amended.

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Hereditary peers by-elections

Background to this report

1. During the course of the COVID-19 pandemic, the Procedure and Privileges Committee has kept under review the question of the conduct of hereditary peers' by-elections. On the basis of the advice of this Committee, the House has at regular intervals suspended Standing Order 10 (6), (now renumbered as Standing Order 9(5)) which states that by-elections for hereditary peers must be held within three months of a vacancy occurring.¹

Resuming the by-elections

2. As we have stated in previous reports, these suspensions were temporary and time-limited, and recommended because of the practical difficulties posed by the COVID-19 pandemic to conducting by-elections in a safe and satisfactory manner.
3. The Committee has been cognisant of the legal position, which is that the conduct of by-elections is required under the House of Lords Act 1999. We are aware that there are strong views in the House for and against the continuation of by-elections. This range of views has been represented throughout on the Committee. But we are all aware of the point of law and our responsibility to ensure that the House does not act in a way which frustrates an Act of Parliament and therefore the eventual resumption of by-elections has only ever been a matter of timing and practicality.
4. The Committee decided at its meeting on 2 March that in principle by-elections should be resumed after the Easter recess, having at the same meeting agreed processes which have since led to the satisfactory conduct of the Lord Speakership election using electronic means. On 22 April it met to agree the process which should be followed, staying in line with the approach taken to the Lord Speakership election. The process for the by-elections will be communicated through Lords Notices.
5. **In making this report to the House for information, we have satisfied the terms of the motion passed by the House on 22 February 2021. Standing Order 9 (5) will from the publication of this report no longer be suspended. Four by-elections are pending and we anticipate that they will be conducted in the order in which the vacancy arose in the period between the publication of this report and the anticipated adjournment of the House for its summer recess. Should any further vacancies arise in the same party or group as an existing vacancy in time for them to be added to the same ballot, they will, where practicable, be added.**

¹ The initial suspension of the Standing Order was on 23 March 2020 until 8 September; on 8 September it was further suspended until 31 December; and on 14 December it was further suspended until after a further report from the Committee could be considered, on 22 February that report was debated and a further motion approved to suspend the Standing Order until after Easter when a report of the Committee had been made. This is that report.