

STANDING ORDERS OF THE HOUSE OF LORDS

RELATING TO PUBLIC BUSINESS

ARRANGEMENTS WHEN HER MAJESTY IS PRESENT

I Arrangements when Her Majesty present [22 December 1720]*

- (1) When Her Majesty comes publicly to the House, the Lords shall be attired in their robes or in such other dress as may be approved by Her Majesty, and shall sit in their due places.
- (2) At all such solemn times, before Her Majesty comes, no person other than a Lord shall be allowed on the floor of the House except:
 - (a) such members of the Royal Family as Her Majesty may direct;
 - (b) Judges summoned by writ and the officers and attendants of this House; and
 - (c) such Peeresses and members of the Diplomatic Corps as are in possession of an invitation issued by the Lord Great Chamberlain.
- (3) No person whatsoever shall presume to stand upon the steps of the Throne but such as carry Her Majesty's train and those that bear the Regalia.
- (4) The approaches to the House shall be kept clear from all unauthorised persons, and the Lord Great Chamberlain

* The dates given are those on which a Standing Order on the subject is first recorded. Most of the Orders have been amended subsequently.

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shall be desired to take care to see this Order duly observed.

LORDS AND THE MANNER OF THEIR INTRODUCTION

2 Lords not to sit in Parliament before twenty-one [22 May 1685]

No Lord under the age of one and twenty years shall be permitted to sit in the House.

3 Peers by descent not to be introduced [27 July 1663]

Peers summoned by writ by virtue of their descent, being of the age of one and twenty years, may sit in the House without any introduction, and no such peers shall be introduced by any herald or with any ceremony.

4 No fee to be paid on introduction [27 July 1663]

No peer shall pay any fee to any herald upon their first coming or introduction into the House.

5 Difference in form or style of writs [27 March 1621]

If there be any difference in the form or style of the writs from the ancient, it is to be examined how it came to pass.

6 Bishops Lords of Parliament to be introduced [27 March 1621]

Bishops to whom a writ of summons has been issued are not peers but are Lords of Parliament, and shall be introduced on first receiving a writ and also on translation to another See.

7 Lords' higher titles to be used [1 June 1954]

When any Lord who has a higher title or dignity than that by which they sit in Parliament shall be named in any record of the proceedings of the House, or of any committee thereof, the said higher title alone shall be used, but when such a Lord takes the oath of allegiance the title or dignity by which they sit in Parliament shall be added in brackets after such higher title or dignity.

8 Precedency [10 April 1628]

Every peer, upon new creation, shall have place according to their degree and the date of their Letters Patent, and every peer shall hold their place according to their ancienty in their degree, unless it be in case of such persons as are particularly mentioned in any Act of Parliament.

EXCEPTED HEREDITARY PEERS**9 Hereditary peers: by-elections [26 July 1999]**

- (1) In implementation of section 2 of the House of Lords Act 1999, this Standing Order makes provision for hereditary peers who are excepted from section 1 of that Act.
- (2) The excepted hereditary peers shall consist of the following categories:
 - (i) (a) Two peers elected by the Labour hereditary peers;
 - (b) 42 peers elected by the Conservative hereditary peers;
 - (c) Three peers elected by the Liberal Democrat hereditary peers;
 - (d) 28 peers elected by the Crossbench hereditary peers;

- (ii) 15 peers, elected by the whole House, from among those ready to serve as Deputy Speakers or in any other office as the House may require; and
 - (iii) any peer holding the office of Earl Marshal or performing the office of Lord Great Chamberlain.
- (3) Vacancies among excepted hereditary peers occurring by death, or resignation or expulsion from the House under the House of Lords Reform Act 2014 or expulsion under the House of Lords (Expulsion and Suspension) Act 2015, shall be filled through by-election.
- (4) The Clerk of the Parliaments shall maintain, and publish annually, a register of hereditary peers (other than peers of Ireland) who wish to stand in any by-election.
- (5) By-elections shall be conducted in accordance with arrangements made by the Clerk of the Parliaments and shall take place within three months of a vacancy occurring.
- (6) In the event of the death or resignation or expulsion of a hereditary peer excepted under paragraph (2)(i), only the excepted hereditary peers in the group in which the vacancy has occurred shall be entitled to vote.
- (7) In the event of the death or resignation or expulsion of a hereditary peer excepted under paragraph (2)(ii), the whole House shall be entitled to vote.
- (8) A peer may not vote in any by-election if they have not taken the oath or are on leave of absence.
- (9) In the event of a tie between two or more candidates standing in any by-election, the matter (if not resolved by the electoral arrangements adopted by the House) shall be decided by the drawing of lots.
- (10) The Clerk of the Parliaments may refer any question concerning the propriety of the electoral process to the Committee for Procedure and Privileges.

10 Register of hereditary peers [23 January 2001]

Any hereditary peer (not previously in receipt of a writ of summons) who wishes to be included in the register maintained by the Clerk of the Parliaments pursuant to SO 9(4) shall petition the House and any such petition shall be referred to the Lord Chancellor to consider and report upon whether such peer has established their right to be included in the register.

EXPULSION OR SUSPENSION OF A MEMBER

11 Expulsion or suspension of a member [16 July 2015]

- (1) In implementation of section 1 of the House of Lords (Expulsion and Suspension) Act 2015, this Standing Order makes provision for expelling or suspending a member under that Act.
- (2) A motion to expel or suspend a member must follow a recommendation from the Conduct Committee that the member be expelled or suspended (as the case may be) because the member has breached the Code of Conduct.
- (3) Such a recommendation may be made by the Conduct Committee only if the Commissioner for Standards has found the member in breach of the Code of Conduct or the member is in breach of the Code in accordance with paragraph 18 or 19 of the Code.
- (4) A motion to expel or suspend a member must state that, in the opinion of the House, the conduct giving rise to the motion occurred:
 - (a) on or after 26 June 2015, or
 - (b) before 26 June 2015 but was not public knowledge before 26 June 2015.
- (5) A motion to suspend a member must specify the period for which the suspension is to last (which may be until the occurrence of a specified event).

- (6) Notice must be given of a motion to expel or suspend a member.
- (7) Expulsion or suspension takes effect as soon as the House has agreed the motion.
- (8) This Standing Order does not affect the House's inherent power to suspend a member for a period no longer than the remainder of the Parliament then in existence in respect of conduct occurring before 26 June 2015 which was public knowledge before 26 June 2015.

THE HOUSE AND ITS ARRANGEMENTS

12 Right to be present in House when sitting [5 April 1707]

- (1) When the House is sitting, no person shall be on the floor of the House except Lords of Parliament and such other persons as assist or attend the House. Upon an Order of the House, the persons in all or any of the galleries or in the spaces about the Throne and below the Bar are to withdraw.

13 Duties and powers of Black Rod [31 January 1973]

- (1) The admission of strangers to the Chamber and the precincts of the House, whether or not the House is sitting, shall be subject to such orders and rules as the House may make. The Gentleman or Lady Usher of the Black Rod (Black Rod) shall give effect to such orders and rules and shall have such powers (including the power to take into custody) as are necessary for that purpose.
- (2) Respect is to be had to the Chamber, whether or not the House is sitting.
- (3) Black Rod shall take into their custody any person whom the House may order to be detained.
- (4) In the absence of Black Rod, the Yeoman Usher may act in their place.

**14 Doorkeepers not to stay within the House when sitting
[14 February 1704]**

No doorkeeper attending the House shall presume to come or stay within the doors of the House when sitting (unless ordered so to do).

15 Secret sittings [1 June 1954]

Upon an Order for a secret sitting, the Chamber shall be cleared of all persons, except Lords of Parliament, the Clerks at the Table, Black Rod and the Serjeant-at-Arms, and thereupon the proceedings shall be secret. Members of the House of Commons shall not be required to withdraw under this Standing Order.

16 Recall of the House [20 May 1970]

- (1) If, during any adjournment of the House, the Lord Speaker, after consultation with Her Majesty's Government, is satisfied that the public interest requires that the House should meet at a time earlier than that appointed, they may signify that they are so satisfied and notice shall be given and thereupon the House shall meet at the time stated in the notice, as if it had been duly adjourned to that time.
- (2) If the Lord Speaker is unable to act for the purposes of this Standing Order, the Chairman of Committees, after consultation with Her Majesty's Government, may act in their stead.

SPEAKER OF THE HOUSE

17 Speaker of the House [9 June 1660]

It is the duty of the Lord Speaker ordinarily to attend the Lords House of Parliament as Speaker of the House; and in case the Lord Speaker be absent, their place on the

Woolsack or in the Chair may be taken either by a Deputy Speaker, authorised under the Great Seal from the Queen to supply that place, or by a Deputy Chairman, appointed by the House; and if neither a Deputy Speaker nor a Deputy Chairman be present, the Lords may then choose their own Speaker during that vacancy.

18 Election of Lord Speaker [3 May 2006]

- (1) An election of a Lord Speaker shall be held on 13th July 2011. Subsequently, elections shall, subject to paragraphs (2) and (3), be held in the fifth calendar year following that in which the previous election was held, on a day no later than 15th July in that year. If the result of the election is approved under paragraph (7), a Lord Speaker elected under this paragraph shall take office on 1st September in the year of election.
- (2) Where a Lord Speaker (including a person elected as Lord Speaker who has not yet taken office) dies, resigns or is deemed to have resigned pursuant to paragraph (10), an election of a Lord Speaker shall, subject to paragraph (3), be held within three months of the death, the giving notice of resignation or the deemed resignation. For the purposes of paragraph (1), this election is then “the previous election”.
- (3) Where a dissolution of Parliament is announced after a date has been set for an election, the election shall take place either on the date originally set, or on a day no later than one month after the opening of the next Parliament, whichever is later.
- (4) All members of the House shall be entitled to stand for election and to vote, save that (a) Lords who have not taken the oath in the current Parliament, who are subject to statutory disqualification, who are suspended from the service of the House, or who are on leave of absence, may not stand or vote and (b) a Lord who has been successful in two previous elections may not stand. Before they can

stand, candidates shall require a proposer and a seconder, who must themselves be eligible to stand.

- (5) The election shall be conducted in accordance with arrangements made by the Clerk of the Parliaments. The Clerk of the Parliaments may refer any question concerning the propriety of the electoral process to the Procedure and Privileges Committee.
- (6) In the event of a tie between two or more candidates, the matter (if not resolved by the electoral arrangements adopted by the House) shall be decided by the drawing of lots.
- (7) The result of the election shall be subject to the approval of Her Majesty The Queen.
- (8) The Chairman of Committees may act during any vacancy in the office of Speaker.
- (9) The Lord Speaker may resign at any time by giving written notice to the Leader of the House.
- (10) If the House passes a motion for an Address to Her Majesty seeking the Lord Speaker's removal from office, the Lord Speaker shall be deemed to have resigned with effect from the date on which the motion was passed.

GENERAL OBSERVANCES

19 Order in the House [27 March 1621]

- (1) The Lords in the Upper House are to keep dignity and order, and not to remove out of their places without just cause, to the hindrance of others that sit near them and the disorder of the House; and are not to pass between the Woolsack and the Table, nor between the Woolsack and the Lord who is speaking.
- (2) When the House is sitting, every Lord is to make obeisance to the Cloth of Estate on entering the House.

**20 Lords not to converse whilst the House is upon business
[30 March 1670]**

If any Lord has occasion to speak with another Lord while the House is sitting, they are to retire to the Prince's Chamber, and not converse in the space behind the Woolsack; or else the Lord Speaker is to call them to order, and, if necessary, to stop the business in agitation.

21 Leave of absence [16 June 1958]

- (1) Members of the House are to attend the sittings of the House or, if they cannot do so for reasons of temporary circumstance, obtain leave of absence, which the House may grant at pleasure.
- (2) A member of the House may apply for leave of absence at any time during a session for the remainder of that session.
- (3) When applying for leave of absence, a member of the House should state in their written application the date by which they expect to return, the reason for their leave of absence and that they have a reasonable expectation that they will be in a position again to take part in the proceedings of the House.
- (4) The provisions of paragraph (3) do not apply to the Earl Marshal and the Lord Great Chamberlain.
- (5) At the end of a session of Parliament, the Clerk of the Parliaments shall in writing ask every member of the House who was on leave of absence at the end of the preceding session whether they wish to resign under the House of Lords Reform Act 2014 or, if they expect to attend again in the future, apply for leave of absence for the new session.
- (6) A member of the House who has been granted leave of absence should not attend the sittings of the House until the period for which the leave was granted has expired or

the leave has sooner ended, unless it be to take the oath of allegiance.

- (7) If a member of the House having been granted leave of absence, wishes to attend during the period for which the leave was granted, they should give notice to the House accordingly at least three months before the day on which they wish to attend; and at the end of the period specified in the notice, or sooner if the House so direct, the leave shall end.
- (8) In applying the provisions of this Standing Order the Clerk of the Parliaments may seek the advice of the Leave of Absence Sub-Committee of the Procedure and Privileges Committee.

**22 Lords not to answer accusations in the House of Commons
[20 January 1674]**

No Lord shall either go down to the House of Commons or send their answer in writing or appear by Counsel, to answer any accusation there.

**23 Lords' attendance at Commons select committees
[26 July 1983]**

Any Lord requested by a committee appointed by the Commons to attend as a witness before it or before any sub-committee appointed by it shall have the leave of this House to attend, if the Lord thinks fit.

24 Messages between the two Houses [22 March 1889]

One of the clerks of either House may be the bearer of messages from the one to the other.

DEBATES

25 Lords to speak standing [27 March 1621]

Every Lord is to speak standing and uncovered, except by permission of the House.

26 Speeches to be addressed to House [27 March 1621]

When any Lords speak, they are to address their speech to the rest of the Lords in general.

27 Every motion to be proposed from Woolsack or Chair before debate thereon and debate to be relevant to last Question proposed [22 June 1908]

Every motion, after it has been moved, shall be proposed from the Woolsack or the Chair before debate thereon. Debate must be relevant to the Question before the House, and, where more than one Question has been put, the debate must be relevant to the last Question so proposed until it has been disposed of.

28 No speaking after Question put [9 January 1674]

When, at the end of a debate, the Question has been put, no Lord is to speak.

29 No Lord to speak more than once to a motion [27 March 1621]

- (1) No Lord is to speak more than once to any motion, save only:
- (a) when the House is in committee;
 - (b) the mover of a motion in reply; or
 - (c) with the leave of the House, which may only be granted:

- (i) to a Lord to explain themselves in some material point of their speech (no new matter being introduced); or
 - (ii) to the Chairman of Committees, or in their absence a Deputy Chairman, the Chair of a select committee on the report of such a committee, or a Minister of the Crown.
- (2) No Lord may speak more than once to any question for short debate except, with the leave of the House, for the purpose of explaining themselves in some material point of their speech (no new matter being introduced).

30 Leave of the House [8 June 1971]

Leave of the House or of a committee of the House must be unanimous in those cases where, if leave were granted, the House or committee would be deprived of a Question which would otherwise have been put from the Woolsack or the Chair. In all other cases where leave is sought, it is granted by a majority of the House and the objection of a single peer does not suffice to withhold it.

31 Personally insulting and offensive speeches to be avoided [11 February 2021]

In the House and its committees, members should be careful to avoid personally insulting or offensive speeches, which offend the customary courtesy of the House. Members should be prepared to give a favourable interpretation to another member's words but, if they or the House consider remarks to be personally insulting or offensive, the member responsible should be given an opportunity to apologise. By ordering that this Standing Order be read, the House requires that an apology should be made.

32 Quarrels, to prevent [9 August 1641]

For avoiding of all mistakes, unkindnesses, or other differences which may grow to quarrels, tending to the

breach of peace, it is ordered, that if any Lord shall conceive themselves to have received any affront or injury from any other member of the House, either in the Chamber or at any committee, or in any of the rooms belonging to the Lords House of Parliament, they shall appeal to the Lords in Parliament for their reparation; which, if they shall not do, but occasion or entertain quarrels, declining the justice of the House, then the Lord that shall be found therein delinquent shall undergo the severe censure of the Lords House of Parliament.

33 Oral questions [1 June 1954]

Questions to which a star is attached, indicating that they are asked for information only, may be placed on the order paper for any day on which the House is sitting other than a Friday. No debate may take place on such questions, and supplementary questions must be confined to the subject of the original question.

34 Private notice questions and statements [2 April 1868]

Questions of which private notice has been given may be asked, and statements made, without notice given in the order paper, but these should not be made the occasion for immediate debate.

35 Questions for short debate and motions [8 June 1971]

Questions which may give rise to discussion (known as questions for short debate), and motions of which notice is required, shall appear on the order paper of the day on which they are to be taken.

36 Balloted and time-limited debates [3 April 1973]

- (1) If a balloted debate or a time-limited debate is continuing at the end of the time allotted to it, the Clerk at the Table

shall rise and thereupon the Lord Speaker shall either put the Question forthwith or ask the mover of the motion whether or not they wish to withdraw it. If the mover does not ask leave to withdraw, or if leave to withdraw is refused, the Lord Speaker shall put the Question forthwith.

- (2) If an amendment is moved to a motion which is the subject of a time-limited debate, paragraph (1) shall have effect in relation to the amendment in like manner as it has in relation to the original motion.

ARRANGEMENT OF BUSINESS

37 Order of business [26 March 1852]

Except as provided in SO 42(3), the House shall proceed with the notices and orders of the day in the order in which they stand in the order paper.

38 Arrangement of the order paper [1 June 1954]

Notices shall be entered in the order paper in the order in which they are received at the Table, provided that:

- (1) Oral questions shall be entered before other business.
- (2) Notices relating to private business may be entered before public business. At the discretion of the Chairman of Committees they may also be entered later in the order paper.
- (3) Subject to paragraph (1), notices relating to the business of the House, to the Chairman of Committees' business, and to the business of the Conduct, Finance and Services Committees shall have priority over other public business if the mover so desires.

- (4) On all sitting days except Thursdays, notices and orders relating to public bills, measures, affirmative instruments and reports from select committees of the House shall have precedence over other notices and orders save the foregoing.
- (5) On Thursdays, notices of motions shall have precedence over notices and orders relating to public bills, measures and delegated legislation.
- (6) Any motion relating to a report from the Delegated Powers and Regulatory Reform Committee on a draft order laid under the Legislative and Regulatory Reform Act 2006, or a subordinate provisions order made or proposed to be made under the Regulatory Reform Act 2001, shall be entered before a motion to approve that order.
- (7) Any motion relating to a report from the Joint Committee on Human Rights on a remedial order or draft remedial order laid under Schedule 2 to the Human Rights Act 1998 shall be entered before a motion to approve that order or draft order.
- (8) Subject to paragraphs (4) to (7) the precedence of notices and orders relating to public bills, measures, affirmative instruments, negative instruments and reports from select committees of the House may be varied on any day, if the convenience of the House so requires.
- (9) Questions for short debate shall be entered last, except for balloted topical questions for short debate on Thursdays, which shall be entered after the first motion for general debate.

39 Business of which notice is not necessary [1 June 1954]

- (1) Messages from the Crown may be delivered without notice at the beginning of a sitting or at any time during a sitting and

may, upon motion, be taken into consideration forthwith.

- (2) Messages from the House of Commons may be received at any time during a sitting without interruption of business.
- (3) Bills may be presented either at the beginning or end of public business. Bills brought from the House of Commons may be read the first time at any convenient time during public business.
- (4) Commons amendments to bills and Commons Reasons may be considered without notice at any convenient time during public business.
- (5) The oath of allegiance should be taken at the beginning of business after prayers, or at the end of business before the adjournment.
- (6) Other business of which notice is not necessary may be disposed of at any time by leave of the House.

40 Postponement and advancement of business [26 March 1852]

- (1) A notice on the order paper may be withdrawn or postponed to a later date at the request of the Lord in whose name it stands but, except for oral questions and questions for short debate, no notice shall be advanced to an earlier date than that for which it had been set down, without the leave of the House obtained on a motion of which notice must be given in the order paper.
- (2) If a Lord be absent at the appointed time for the House to enter upon consideration of their motion or question, and has not authorised another Lord to take their place, it shall not be proceeded with until after notice thereof is renewed, unless unanimous leave is granted by the House.
- (3) Business may, on motion, be postponed to later the same day without notice: provided that the Question shall not be put on any such motion if a single Lord objects.

41 Notices not to be placed on order paper more than four weeks ahead [23 July 1934]

- (1) No notice of a question or motion, other than a motion relating to a public bill or Order, shall be put upon the order paper for a date more than four weeks ahead, but a Lord may give notice of a motion or question without fixing a date for the same.
- (2) Except in the case of oral questions, the period of four weeks shall not include any time during which the House is in recess.

42 Questions for written answer [1 June 1954]

A question to which an answer in writing is desired may be placed on the order paper under the heading "For Written Answer". The reply shall be printed in the Official Report.

43 Precedence of adjourned business [22 March 1889]

If at the close of the speech of any Lord it shall be moved that the business then in hand be adjourned, or, the House being in committee, that the House be resumed, and it shall be so ordered, it shall be lawful for the House thereupon, without notice given, to make further order that the business in question shall be taken first, either at some later hour of the evening, or on some future sitting day to be then fixed.

BILLS**44 No two stages of a bill to be taken on one day [28 June 1715]**

No bill shall be read twice the same day; no committee of the whole House or Grand Committee shall proceed on any bill the same day as the bill has been read the second

time; no report shall be received from any committee of the whole House or Grand Committee the same day such committee goes through the bill, when any amendments are made to such bill; and no bill shall be read the third time the same day that the bill is reported from the committee, or the order of commitment is discharged.

45 Commitment of bills [27 March 1621]

- (1) After second reading, bills are committed to a committee on a motion in the name of the Lord in charge of the bill (except that in case of a bill of supply, or a bill certified by the Speaker as a money bill, the House may order that the bill be not committed).
- (2) If, at the time appointed for the House to go into committee on a bill, no amendment has been set down and it appears that no Lord wishes to speak to the bill or to table a manuscript amendment, the Lord in charge of the bill may, having given notice, move, "That the order of commitment (or re-commitment) be discharged": provided that the Question shall not be put on any such motion if a single Lord objects.

46 Consistency of amendments [22 June 1908]

An amendment to a bill must not be inconsistent with a previous decision given on the same stage of the bill.

47 Amendments on third reading [8 July 1930]

No amendment, other than a privilege amendment, shall be moved upon the third reading of a public bill unless notice of the amendment has been given to the clerk not later than the day preceding that on which the amendment is to be moved, in sufficient time to enable the amendment to be printed and circulated in the form in which it is to be moved.

48 Commons bills, if not taken up in twelve sitting days, to be dropped and not to be further proceeded with except after eight days' notice [4 August 1871]

When a bill brought from the House of Commons shall have remained on the Table of this House for twelve sitting days without any Lord giving notice of the second reading thereof, such bill shall not be further proceeded with in the same session, except after eight days' notice given by a Lord of the second reading thereof.

49 Printing of bills brought from the Commons [9 November 1961]

- (1) If a public bill is passed by the Commons and is brought to the Office of the Clerk of the Parliaments at a time when this House is not sitting, whether adjourned until a future day or during pleasure, and if it is for the convenience of this House that copies of the bill should be circulated before the bill is read a first time, the bill shall be deemed to have been brought from the Commons and the Clerk of the Parliaments shall arrange for the printing and circulation of copies of the bill and any Explanatory Notes thereto.
- (2) Likewise, if a public bill is returned from the Commons with amendments or Reasons at a time when this House is not sitting, whether adjourned until a future day or during pleasure, the Clerk of the Parliaments may, pursuant to this Standing Order, arrange for the printing and circulation of any such amendments and reasons and any Explanatory Notes on the amendments.

50 Joint Committee on Consolidation etc. Bills [5 May 1971]

There shall be a select committee consisting of twelve Lords, who shall be appointed at the commencement of every session to join with a committee of the House of Commons as the Joint Committee on Consolidation etc. Bills, to which shall be referred:

- (1) consolidation bills whether public or private;
- (2) statute law revision bills;
- (3) bills prepared pursuant to the Consolidation of Enactments (Procedure) Act 1949, together with any memoranda laid pursuant to that Act and any representations made with respect thereto;
- (4) bills to consolidate any enactments with amendments to give effect to recommendations made by one or both of the Law Commissions together with any report containing such recommendations; and
- (5) bills prepared by one or both of the Law Commissions to promote the reform of the statute law by the repeal, in accordance with Law Commission recommendations, of certain enactments which (except in so far as their effect is preserved) are no longer of practical utility, whether or not they make other provision in connection with the repeal of those enactments, together with any Law Commission report on any such bill.

51 No clause to be annexed to a bill of aid or supply foreign to the matter [9 December 1702]

The annexing of any clause or clauses to a bill of aid or supply, the matter of which is foreign to and different from the matter of the said bill of aid or supply, is unparliamentary and tends to the destruction of constitutional Government.

DIVISIONS

52 Divisions [27 June 1865]

- (1) When, on the Question being put, a division is called for, the member on the Woolsack or in the Chair shall order

the Bar to be cleared. Two Tellers shall be appointed by the Contents and two by the Not-contents. After the lapse of three minutes from the time when the Bar is ordered to be cleared, the member on the Woolsack or in the Chair shall again put the Question.

- (2) If, after a lapse of three minutes from the time when the Bar is ordered to be cleared, Tellers have not been appointed either for the Contents or for the Not-contents, a division cannot take place. The member on the Woolsack or in the Chair shall declare the Question decided in favour of the side which has appointed Tellers.
- (3) One Teller for the Contents and one for the Not-contents shall be appointed for each division lobby without respect to their degree; and clerks shall be in attendance in each lobby to record the names of the Contents and Not-contents respectively; the Tellers shall count the votes and announce the numbers to the member on the Woolsack or in the Chair.
- (4) After the lapse of eight minutes from the time when the Bar is ordered to be cleared, or longer at the discretion of the member on the Woolsack or in the Chair, the doors of the Chamber shall be locked, and the member on the Woolsack or in the Chair shall inform the House or the committee of the Question which is the subject of the division.
- (5) A Lord may vote in a division although they did not hear the Question put.

53 Votes counted in the House [27 June 1865]

Any Lord may, on the ground of infirmity, have the privilege of being told in their seat; and the votes of such Lords and of the Lord on the Woolsack or in the Chair shall be taken first by the Clerk and notified to the Tellers on their return from the division lobbies.

54 Voting in wrong lobby [27 June 1865]

If any Lord shall have by mistake gone out with the Contents or Not-contents (as the case may be), having intended to vote on the other side, they shall wait until the other Lords in the same lobby shall have passed out, and on presenting themselves to the Tellers desire that they may not be counted by them, they having entered that lobby by mistake; and the Tellers shall thereupon come with such Lord to the Table, and inform the House of the circumstances, and shall ask the said Lord whether they desire to vote Content or Not-content, and the vote of the said Lord as then declared by them shall be taken by the Tellers in the House, and recorded by the Tellers accordingly.

55 Equality of votes [20 March 1951]

- (1) In relation to bills and subordinate legislation, the practice of the House is governed by the principle that no proposal to reject or amend a bill or instrument in the form in which it is then before the House shall be agreed to unless there is a majority in favour of such rejection or amendment.
- (2) Similarly, no proposal to reject or amend any motion relating to the stages of a bill shall be agreed to unless there is a majority in favour of such rejection or amendment.
- (3) In relation to all other matters, the practice of the House is governed by the principle that the Question before the House shall be decided in the negative unless there is a majority in its favour.
- (4) In this Standing Order, "stages of a bill" means first reading, second reading, committee of the whole House, report, third reading, consideration of Commons amendments and consideration of Commons reasons.

**56 Quorum for division on bills and subordinate legislation
[22 March 1889]**

If, on a division upon a bill, or upon a Question for the approving or disapproving of subordinate legislation, less than thirty Lords have voted, the Lord Speaker shall declare the Question not decided, and the debate thereon shall stand adjourned to a subsequent sitting; and, if such division take place when the House is in committee, the Chair shall declare the Question not decided, whereupon the House shall resume, and shall be again in committee at a subsequent sitting.

57 Division lists [27 June 1865]

Lists of the Lords voting, in which the names of Lords shall be inserted in alphabetical order, shall be published.

58 Protests [5 March 1642]

Such Lords as shall make protestation, or enter their dissents to any votes of the House, as they have a right to do without asking leave of the House, either with or without their reasons, shall enter and sign their protestation or dissents in the Clerk's book not later than the next sitting day.

59 Proxies not to be revived [31 March 1868]

The ancient practice of calling for proxies shall not be revived except upon the suspension of this Standing Order; and not less than two days' notice shall be given of any motion for such suspension.

COMMITTEES

60 Chairman of Committees [3 July 1848]

The Lord nominated Chairman of Committees at the commencement of every session or, in their absence, a Deputy Chairman shall take the Chair in all committees of the whole House, and in all other committees of the House, unless the House otherwise directs.

61 Committees of the whole House [27 March 1621]

To have more freedom of debate, and that arguments may be used (*pro* and *contra*), committees of the whole House are appointed, sometimes for bills, sometimes to discuss matters of great moment. Whenever the House resolves itself into a committee, the Lord Speaker leaves the Woolsack and they or the Lord Chairman of Committees presides over the committee from the Chair; SO 29 (No Lord to speak more than once to a motion) shall not apply when the House is in committee.

62 Committee of Selection [3 April 1973]

- (1) At the commencement of each session the House shall appoint a Committee of Selection consisting of the Chairman of Committees and such other members of the House as the House shall name.
- (2) At the beginning of each January, the Committee of Selection shall select and propose to the House the names of the members of the House to form each select committee of the House except the Committee of Selection itself, any committee otherwise provided for by statute or by Order of the House and, unless the Chairman of Committees is of the opinion that the members of any such committee should be appointed by the Committee of Selection or unless two or more

members of that Committee request a meeting for that purpose, the following committees:

- (a) select committees on private bills;
 - (b) select committees on opposed personal bills;
 - (c) select committees on opposed provisional order confirmation bills;
 - (d) joint committees under the Private Legislation Procedure (Scotland) Act 1936 (Lords members); and
 - (e) joint committees under the Statutory Orders (Special Procedure) Act 1945 (Lords members).
- (3) The Committee of Selection may propose to the House the name of the member of the House to be chair of a select committee.
- (4) In the absence of any Chair appointed in pursuance of paragraph (3) of this Standing Order, a committee may appoint its own chair.
- (5) The Committee of Selection shall select and propose to the House the names of the panel of Lords to act as Deputy Chairmen of Committees for each session.
- (6) The Committee of Selection shall also have power to select and propose to the House the names of the members of the House to form any other body, not being a select committee, referred to it by the Chairman of Committees.
- (7) The Chairman of Committees shall have discretion to propose to the House, without reference to the Committee of Selection, the names of members of the House to fill casual vacancies occurring in the membership of select committees.

63 Sessional committees [10 November 1975]

The orders of appointment of the following committees, and any of their sub-committees, shall remain in force and effect, notwithstanding the prorogation of Parliament, until

such time as the House or committee makes further orders of appointment in the next succeeding session:

Communications and Digital Committee
 Conduct Committee
 Consolidation Bills Committee
 Constitution Committee
 Delegated Powers and Regulatory Reform Committee
 Economic Affairs Committee
 European Union Committee
 Finance Committee
 House of Lords Commission
 Human Rights Committee
 Hybrid Instruments Committee
 International Agreements Committee
 International Relations and Defence Committee
 Liaison Committee
 National Security Strategy Committee
 Procedure and Privileges Committee
 Public Services Committee
 Science and Technology Committee
 Secondary Legislation Scrutiny Committee
 Services Committee
 Standing Orders (Private Bills) Committee
 Statutory Instruments Committee.

**64 All Lords may attend and speak, but not vote
 [27 March 1621]**

At a select committee of the House, any Lord, although not of the committee, is not excluded from coming in and speaking, but they must not attend any meeting while the committee deliberate, unless invited by the committee to do so, and they must not vote.

65 Power to hear counsel [1 June 1954]

A select committee shall call such evidence as it may require, but shall not hear parties by counsel unless so authorised by Order of the House.

66 Concurrent meetings [25 July 1991]

Any select committee of the House shall have leave to confer and meet concurrently with any committee or sub-committee of the Commons appointed to consider a similar matter, for the purpose of deliberating or taking evidence, and may communicate to any such committee or sub-committee its evidence or any other documents relating to matters of common interest. Any select committee of the House shall also have leave to give this power to confer and meet concurrently to any sub-committee appointed by it.

67 Reports of select committees [18 May 1865]

Reports from select committees shall be laid on the Table and ordered to be printed. Notice shall be given on the order paper of the day on which the report is to be considered.

68 Reports from the Conduct Committee [9 May 2019]

Reports from the Conduct Committee resulting from an investigation under the Code of Conduct, together with any motion on a sanction, are decided without debate.

PARLIAMENTARY PAPERS

69 Presentation of Command papers [28 April 1902]

If, during the existence of a Parliament, papers are commanded to be presented to the House by Her Majesty

at any time, the delivery of such papers to the Clerk of the Parliaments shall be deemed to be for all purposes the presentation of them to the House.

70 Laying of statutory instruments [28 July 1948]

- (1) Where, under any Act of Parliament, a statutory instrument is required to be laid before Parliament after being made, the deposit of a copy of the instrument with the Clerk of the Parliaments in accordance with this Order, at any time during the existence of a Parliament when the House is not sitting for public business, shall constitute the laying of it before the House, provided that nothing in this Order shall apply to any special procedure order, to any statutory instrument which requires an affirmative resolution before it can come into operation, or to any other instrument which is required to be laid before Parliament for any period before it comes into operation.
- (2) The Clerk of the Parliaments shall cause to be published, either in the Minutes of Proceedings or in some other manner, particulars of the deposit of statutory instruments under this Standing Order.

71 Laying of documents under Schedule 7 to the European Union (Withdrawal) Act 2018 [24 July 2018]

Where, under paragraphs 3(3) and 17(3) of Schedule 7 to the European Union (Withdrawal) Act 2018 or paragraph 8(3) of Schedule 5 to the European Union (Future Relationship) Act 2020, any document is to be laid before Parliament, the deposit of a copy of the document with the Clerk of the Parliaments in accordance with this Order at any time during the existence of a Parliament when the House is not sitting for public business shall constitute the laying of it before the House.

72 Notifications [28 July 1948]

In cases where it has been necessary to bring a statutory instrument into operation before it has been laid before Parliament, the notification thereof (which is required by the Statutory Instruments Act 1946 to be sent to the Lord Speaker) shall be laid upon the Table of the House.

73 Affirmative instruments [27 March 1975]

- (1) No motion for a resolution of the House to approve an affirmative instrument shall be moved until:
 - (a) except in the case of a draft remedial order or remedial order laid under Schedule 2 to the Human Rights Act 1998, a draft order proposed to be made under Part 1 of the Legislative and Regulatory Reform Act 2006, a subordinate provisions order made or proposed to be made under the Regulatory Reform Act 2001, a draft order laid under or by virtue of section 7 or section 19 of the Localism Act 2011, or a draft order laid under or by virtue of section 5E of the Fire and Rescue Services Act 2004 there has been laid before the House the report thereon of the Joint Committee on Statutory Instruments;
 - (b) in the case of a draft order proposed to be made under Part 1 of the Legislative and Regulatory Reform Act 2006, a subordinate provisions order made or proposed to be made under the Regulatory Reform Act 2001, a draft order laid under or by virtue of section 7 or section 19 of the Localism Act 2011, or a draft order laid under or by virtue of section 5E of the Fire and Rescue Services Act 2004 there has been laid before the House the report thereon of the Delegated Powers and Regulatory Reform Committee; and
 - (c) in the case of a draft remedial order or remedial order laid under Schedule 2 to the Human Rights

Act 1998, there has been laid before the House the report thereon of the Joint Committee on Human Rights:

Provided that the report is laid

- (i) in the case of a draft remedial order, within 60 days of the laying of the draft order or
 - (ii) in the case of an order not approved in draft, within 119 days of making the order, such periods to be calculated in the manner prescribed by Schedule 2 to the Act; and
 - (d) in the case of a hybrid instrument, the proceedings under Private Business Standing Order 216 or 216A have been terminated.
- (2) In this Standing Order, “affirmative instrument” means an Order in Council, departmental order, rules, regulations, scheme or other similar instrument presented to or laid or laid in draft before the House where an affirmative resolution is required before it, or any part of it, becomes effective, or is made, or is a condition of its continuance in operation, but the expression does not include a measure laid before the House under the Church of England Assembly (Powers) Act 1919 nor regulations made under Part 2 of the Civil Contingencies Act 2004.
- (3) An Order in Council that may not be made except in response to an address by the House to Her Majesty is an affirmative instrument within the meaning of this Standing Order, and a motion for an address to Her Majesty praying that an order be made is a motion to approve the order.
- (4) An order, rules, regulations, scheme or instrument laid in draft before the House for the purpose of being approved by resolution of the House is an affirmative instrument within the meaning of this Standing Order notwithstanding that, if the draft is not approved, that instrument is subject to annulment in pursuance of a resolution of either House.

JOINT COMMITTEE ON STATUTORY INSTRUMENTS

**74 Joint Committee on Statutory Instruments
[15 December 1997]**

There shall be a select committee consisting of seven Lords, which shall join with a committee of the House of Commons as the Joint Committee on Statutory Instruments, to consider:

- (1) every instrument which is laid before each House of Parliament and upon which proceedings may be or might have been taken in either House of Parliament, in pursuance of an Act of Parliament; being
 - (i) a statutory instrument, or a draft of a statutory instrument;
 - (ii) a scheme, or an amendment of a scheme, or a draft thereof, requiring approval by statutory instrument;
 - (iii) any other instrument (whether or not in draft), where the proceedings in pursuance of an Act of Parliament are proceedings by way of an affirmative resolution; or
 - (iv) an Order subject to special parliamentary procedure;

but excluding any remedial order or draft remedial order under Schedule 2 to the Human Rights Act 1998, any draft order proposed to be made under Part 1 of the Legislative and Regulatory Reform Act 2006 and any subordinate provisions order made or proposed to be made under the Regulatory Reform Act 2001, any draft order laid under or by virtue of section 7 or section 19 of the Localism Act 2011, and any draft order laid under or by virtue of section 5E of the Fire and Rescue Services Act 2004; and

- (2) every general statutory instrument not within the foregoing classes, and not required to be laid

before or to be subject to proceedings in the Commons only; but not including any Scottish statutory instrument or any statutory instrument made by the Welsh ministers unless it is required to be laid before Parliament or either House of Parliament, and not including measures under the Church of England Assembly (Powers) Act 1919 and instruments made under such measures;

with a view to determining whether the special attention of the House should be drawn to it on any of the following grounds—

- (a) that it imposes a charge on the public revenues or contains provisions requiring payments to be made to the Exchequer or any Government department, or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payments;
- (b) that it is made in pursuance of any enactment containing specific provisions excluding it from challenge in the courts, either at all times or after the expiration of a specific period;
- (c) that it purports to have retrospective effect where the parent statute confers no express authority so to provide;
- (d) that there appears to have been unjustifiable delay in the publication or in the laying of it before Parliament;
- (e) that there appears to have been unjustifiable delay in sending a notification under the proviso to section 4(1) of the Statutory Instruments Act 1946, where an instrument has come into operation before it has been laid before Parliament;

- (f) that there appears to be a doubt whether it is *intra vires* or that it appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made;
 - (g) that for any special reasons its form or purport call for elucidation;
 - (h) that its drafting appears to be defective;
- or on any other ground which does not impinge on its merits or on the policy behind it, and to report their decision with the reasons thereof in any particular case.

PUBLIC PETITIONS

75 Public petitions [24 June 1969]

- (1) No petition, other than a petition relating to private business, shall be received, unless it is presented by a Lord and bears their signature.
- (2) A Lord may present a petition in person to the House, or may deposit it with the Clerk of the Parliaments, or may hand it in at the Table of the House.
- (3) In presenting a petition in person to the House, a Lord may only read out the prayer of the petition and state the number of petitioners who have signed it.
- (4) A petition to which this Standing Order applies shall not be printed, unless a Lord gives notice of a motion relating to it for a particular day.

PROCEEDINGS AT OPENING AND CLOSE OF A
PARLIAMENT OR SESSION

76 Proceedings upon opening the Parliament [27 March 1621]

- (1) At the beginning of Parliament, after prayers shall have been said, the Lord Speaker shall take the oath appointed to be taken, according to the Act of Parliament made for that purpose, and then all the peers and Lords of Parliament present shall in like manner take and subscribe the said oath.
- (2) After Her Majesty's Speech from the Throne, some bill (*pro forma*) is to be read; which being done, the Lord Speaker is to report Her Majesty's Speech, and then the House shall proceed to nominate the Chairman of Committees.
- (3) At the beginning of every other session during the same Parliament, after prayers said, some bill (*pro forma*) is to be read, Her Majesty's Speech reported and the Chairman of Committees nominated.

COMMITTEE FOR PEERAGE CLAIMS

77 Committees for peerage claims [17 March 2020]

The House may refer a peerage claim to a committee for determination. In such a case, the Chairman of Committees must table a motion to appoint a committee to consider the peerage claim and report to the House. Four members of the House shall be named of the committee, which shall sit with three holders of high judicial office who shall have the same speaking and voting rights as the members of the committee.

78 Claims of peerage [24 March 1767]

In claims of peerage, the following directions shall apply in

regard to claims by petition which have been referred to a committee to hear the claim.

- (1) The petitioner shall lodge their case, pedigree and proofs with the Clerk of the Parliaments within six weeks from the date of the presentation of their petition to the House.
- (2) Records and documents in public custody may be proved before the committee by copies officially certified as in ordinary legal proceedings. The production of originals of such documents shall not be required except on an order of the Lord Speaker or Chairman of Committees. Originals of records and documents in private custody, together with copies thereof, must be produced and proved before the committee.
- (3) In unopposed claims, the record of the documentary evidence given before the committee shall be examined by an examiner appointed by the Crown Agent. The Crown Agent may, if they think fit, similarly appoint an examiner in opposed claims. The cost of the examination shall be borne by the claimant.
- (4) The fees to be charged shall be such as shall be authorised from time to time by the House.

79 Claims of Irish peerages [2 April 1802]

A claim to any peerage of Ireland shall be made by petition to the House, which petition shall be referred to the Lord Chancellor to consider and report upon to the House.

80 Claims of Irish peerages in abeyance [2 April 1802]

- (1) In case any peerage of Ireland now is, or hereafter shall be, in abeyance, the persons claiming to be co-heirs thereto,

or any of them, may, by petition to the House, state such claim, and pray that the same may be examined by the House.

- (2) No claim of any peerage of Ireland alleged to be in abeyance shall be proceeded upon until the same shall have been recommended by Her Majesty to the consideration of the House, or until Her Majesty shall have been informed of such claim by the House.
- (3) Every such claim shall be referred to a committee for peerage claims to examine the matter and report the same, as it shall appear to them, to the House.
- (4) In case it shall appear to the House that any such peerage is in abeyance, the House shall inform Her Majesty that in the opinion of the House such peerage, although in abeyance, is to be deemed and taken to be an existing peerage, according to the Fourth Article of Union.

81 Report if improper arrangement entered into between co-heirs [1 June 1954]

If, in regard to a claim for the determination of an abeyance existing in a peerage, a committee for the claim is satisfied that any arrangement entered into between the petitioner and any co-heir is tainted with any impropriety, the committee shall make no report to the House except that such arrangement is not shown to have been a proper one.

PRIVILEGE

82 Freedom from arrest [18 April 1626]

The privilege of the House is that, when Parliament is sitting, or within the usual times of privilege of Parliament, no Lord of Parliament is to be imprisoned or restrained without sentence or order of the House, unless upon a criminal charge or for refusing to give security for the peace.

Notification of any order whatsoever for the imprisonment or restraint of a Lord of Parliament should be given to the House by the court or authority ordering such restraint or imprisonment.

83 Minor peers, etc., have no privilege [21 February 1693]

Privilege of Parliament shall not be allowed to minor peers, noblewomen, or widows of peers; and if the widow of any peer shall be married to a commoner, they shall not be allowed privilege of Peerage.

MAKING OR SUSPENDING OF STANDING ORDERS

84 Standing Orders not to be made or dispensed with without notice [28 April 1699]

No motion shall be granted for making any new Standing Order, or for dispensing with a Standing Order of the House, unless notice shall have been given in the order paper to consider the said motion:

Provided that on an occasion of grave national emergency the House may, notwithstanding the provisions of SO 44, resolve without notice that it is essential for reasons of national security that a bill (or bills) should immediately be proceeded with and that the provisions of SO 44 should be dispensed with to enable the House to proceed that day with every stage of a bill (or bills) which it thinks necessary; and if the clerk shall have read SOs 44 and 84 at the Table and the motion for the said resolution shall have been then agreed to, any such bill may be passed through all its stages on that day.