



DEPUTY PRIME MINISTER
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From the Deputy Prime Minister

25 January 2011

Thank you for your letter of 11 January concerning the right of peers to vote in general elections.

You have asked me to explain the justification for disqualifying peers from voting in general elections and to advise whether the Government plans to remove the disqualification.


Parliament consists of the three estates of the Sovereign, the Lords and the Commons. The Lords sit in their own right. The Commons are elected by the remainder of the estate of commoners to represent them in Parliament. There was therefore no case for the Lords to vote to elect representatives, since they were able to sit in Parliament anyway.

Thus life peers, and those hereditary peers excepted from section 1 of the House of Lords Act 1999, are disqualified from voting in elections to the House of Commons. Section 3 of that Act provides that hereditary peers who are not members of the House of Lords are not disqualified for voting in Commons elections.

Although in the past it was also argued that as peers did not belong to the estate from which the Commons was elected and which it represented and that this was an additional reason why they should not be able to vote, the then Government decided in 1999 that hereditary peers who left the House of Lords should be enfranchised. It was recognised that it would be unacceptable to take away their right to sit but not replace it with a right to vote, bearing in mind that peerages were awarded for life.

Article 3 Protocol 1 of ECHR provides for a requirement to hold regular, free and fair elections, and the Strasbourg courts have taken this to include the individual's right to vote. However, that right is not absolute and limitations may be imposed on it. The fact that members of the House of Lords have a voice in Parliament makes it legitimate to deprive them of a right to have their voice also heard through their elected representative in the Commons.

The cross-party Committee on House of Lords reform, which I chair, is considering all issues pertinent to reform of the House of Lords, including conditions of office. The Committee is charged with bringing forward a draft bill early this year, which will then be subject to pre-legislative scrutiny. The Government hopes that this will be carried out by a joint committee of both Houses.

Yours,


NICK CLEGG