

12 May 2021

By-elections to replace six hereditary peers

Notice to hereditary peers on the register

Hereditary peer by-elections have been suspended since 23 March 2020 due to the COVID-19 pandemic. The Procedure and Privileges Committee, cognisant of the legal position, which is that the conduct of by-elections is required under the House of Lords Act 1999, decided on 22 April 2021 that the by-elections should start again. Their report on this was published on 26 April.¹ By-elections are to be conducted using electronic means.

During the period since the first suspension, six vacancies have occurred among the excepted hereditary peers who sit in the House of Lords:

- Following the retirement of the Earl of Selborne on 26 March 2020, the retirement of Lord Denham on 26 April 2021 and the non-attendance of Lord Selsdon during the 2019-21 Parliamentary session there are three vacancies among the excepted Conservative hereditary peers who sit in the House of Lords. The replacements for the Earl of Selborne, Lord Denham and Lord Selsdon will be elected in one ballot.
- Following the retirement of the Countess of Mar on 1 May 2020 there is a vacancy among the excepted hereditary peers who sit in the House of Lords.
- Following the death of Lord Rea on 1 June 2020 there is a vacancy among the excepted Labour hereditary peers who sit in the House of Lords.
- Following the retirement of Lord Elton on 29 October 2020 there is a vacancy among the excepted hereditary peers who sit in the House of Lords.

Under Standing Order 9, the vacancies are to be filled by means of by-elections. Those eligible to stand are all hereditary peers whose names are on the register of hereditary peers wishing to stand for election as members of the House of Lords, maintained by the Clerk of the Parliaments.

Conservative hereditary peer by-election

The Earl of Selborne, Lord Denham and Lord Selsdon were three of 42 hereditary peers elected by the Conservative hereditary peers. Under Standing Order 9(2), the voters in this by-election will be the excepted hereditary peers belonging to the Conservative group, of whom there are currently 43² eligible to vote. A list is in Annex 1.

¹ <https://committees.parliament.uk/publications/2716/documents/55566/default/>

² This figure comprises 35 hereditary peers elected by Conservative hereditary peers who currently are in the Conservative group; and eight hereditary peers elected by the whole House who currently are in the Conservative group.



Whole House hereditary peer by-election (Crossbench)

The Countess of Mar was one of the 15 hereditary peers elected by the whole House in 1999 from among those ready to serve as Deputy Speakers or in any other office. Therefore, under Standing Order 9(3), her successor will be elected by the whole House. In 1999 the Procedure Committee recommended that any peer elected at a by-election in this category should not be expected to serve as a Deputy Speaker. Under the terms of an informal agreement amongst the parties and groups in the House of Lords, it is expected that this vacancy will be filled by an hereditary peer who will sit as a crossbench member of the House.

Labour hereditary peer by-election

Lord Rea was one of two hereditary peers elected by the Labour hereditary peers. Under Standing Order 9(2), the voters in this by-election will be the excepted hereditary peers belonging to the Labour group, of whom there are currently three³ eligible to vote. A list is in Annex 1.

Whole House hereditary peer by-election (Conservative)

Lord Elton was one of the 15 hereditary peers elected by the whole House in 1999 from among those ready to serve as Deputy Speakers or in any other office. Therefore, under Standing Order 9(3), his successor will be elected by the whole House. In 1999 the Procedure Committee recommended that any peer elected at a by-election in this category should not be expected to serve as a Deputy Speaker. Under the terms of an informal agreement amongst the parties and groups in the House of Lords, it is expected that this vacancy will be filled by an hereditary peer who will sit as a Conservative member of the House.

This notice is being sent to all those on the register of hereditary peers. Its purpose is to invite you to state whether you wish to be a candidate in any of the four by-elections.

Please indicate using the enclosed candidature form, which you can either fill in electronically or print out, fill in and then scan (or photograph) and send back to us, whether you wish to be a candidate in any of these by-elections. Completed candidature forms should reach hlbyelections@parliament.uk no later than:

- **12 noon on Friday 28 May** for the by-election to replace the Earl of Selborne, Lord Denham and Lord Selsdon and the by-election to replace the Countess of Mar.
- **12 noon on Wednesday 30 June** for the by-election to replace Lord Rea and the by-election to replace Lord Elton.

Eligibility to stand

In order to stand, candidates must be eligible to receive a writ of summons. The principal considerations are:

³ This figure comprises one hereditary peer elected by Labour hereditary peers who currently is in the Labour group; and two hereditary peers elected by the whole House who currently are in the Labour group.



- Nationality: candidates must be British or Commonwealth citizens or citizens of the Republic of Ireland.
- Bankruptcy: anyone who is subject to bankruptcy or debt relief restrictions orders or undertakings, or in Scotland whose estate is sequestered, may not stand.

You should also be aware that, should you be successful in a by-election, you would:

- be treated as resident, ordinarily resident and domiciled in the United Kingdom for the purposes of income tax, capital gains tax and inheritance tax (as required by section 41 of the Constitutional Reform and Governance Act 2010);
- be expected to sign an undertaking to abide by the House of Lords Code of Conduct (see <https://www.parliament.uk/hl-code>).

Timetable and conduct for the by-election

Candidates are invited, but not required, to submit statements in support of their candidature. Such statements will be circulated by the House administration to all electors. Statements must not exceed 75 words.

The Code of Conduct for the by-election is in Annex 2. Civica Election Services are assisting the Clerk of the Parliaments with organising the by-election.

The timetable for the by-election to replace the Earl of Selborne, Lord Denham and Lord Selsdon is:

Friday 28 May, 12 noon	Deadline for candidate registration and receipt of postal ballot applications.
Friday 4 June	List of candidates and statements issued to electors. Postal ballot papers issued.
Monday 14 June	Voting to take place electronically from 10am – 5pm. 5pm is also the deadline for receipt of ballot papers.
Thursday 17 June	Result of the by-election reported to the House.

The result will be announced in the House of Lords chamber by the Clerk of the Parliaments at a convenient moment (likely to be after oral questions) on Thursday 17 June 2021.

The timetable for the by-election to replace the Countess of Mar is:

Friday 28 May, 12 noon	Deadline for candidate registration and receipt of postal ballot applications.
Friday 4 June	List of candidates and statements issued to electors. Postal ballot papers issued.
Tuesday 15 – Wednesday 16 June	Voting to take place electronically from 10am on Tuesday 15 June – 5pm on Wednesday 16 June. 5pm on 16 June is also the deadline for receipt of ballot papers.
Thursday 17 June	Result of the by-election reported to the House.



The result will be announced in the House of Lords chamber by the Clerk of the Parliaments at a convenient moment (likely to be after oral questions) on Thursday 17 June 2021.

The voting system will be conducted via a secret ballot. The Alternative Vote system will be used for all by-elections.

Voters place the figure 1 in the box next to the name of the candidate they most strongly support, the figure 2 against the next most favoured candidate, and so on. Voters may cast as many or as few votes as they wish. In order to be elected, the first successful candidate must receive at least as many votes as all the other candidates put together. In the event of this not happening after first preference votes have been allocated, the votes of the candidates receiving the lowest number of first preference votes will be shared out according to the second preference marked on them. This will be repeated until one candidate has at least half of the total valid votes.

To replace the Earl of Selborne, Lord Denham and Lord Selsdon, one election, with one ballot paper, will be held to elect three hereditary peers. The process outlined in the previous paragraph will be followed. Once the first candidate has been elected all ballot papers are re-counted to elect the second candidate. In this second count all preferences for the already-elected candidate are transferred to the next preference on the ballot paper. This process is then repeated as per the explanation above for the third candidate. Even though three candidates are being elected, the ballot paper should be marked with only one “1”, one “2”, one “3”, etc.

Civica Election Services are assisting the Returning Officer with the organisation and running of this election.

The full results, including the number of first-preference votes cast for each candidate and the position after each transfer of votes, will be available in the Printed Paper Office soon after the announcement by the Clerk of the Parliaments. The results will also be published online at www.parliament.uk



Additional information

Please find enclosed:

- A candidature form. If you wish to be a candidate please return the completed form by email to hlbyelections@parliament.uk, along with an accompanying candidature statement if desired, to arrive:
 - By 12 noon on Friday 28 May if you wish to be a candidate in either the by-election to replace the Earl of Selborne, Lord Denham and Lord Selsdon or the by-election to replace the Countess of Mar.
 - By 12 noon on Wednesday 30 June if you wish to be a candidate in either the by-election to replace Lord Rea or the by-election to replace Lord Elton (you may of course declare your candidacy for either of these by-elections at the same time as declaring your candidacy for either of the first two by-elections).

If submitting a statement please ensure it does not exceed 75 words. Alternatively you may return this form by post to the Journal Office, House of Lords, London, SW1A 0PW.

- A form for notifying a change of address or for providing an email address for correspondence. Please notify the Journal Office of any change, regardless of whether you wish to be a candidate in this by-election.

A peer who does not return the form will not be entered as a candidate.

Enquiries

Enquiries may be addressed as follows:

- By e-mail: hlbyelections@parliament.uk
- By telephone: 0207 219 4808 / 2257

SIMON BURTON
Clerk of the Parliaments



Annex 1: Excepted Conservative and Labour hereditary peers as at 12 May 2021

Elected by a party or group and sitting as Conservative peers

Arran, E	Glenarthur, L	Strathclyde, L
Ashton of Hyde, L	Goschen, L	Swinfen, L
Astor, V	Henley, L	Trefgarne, L
Astor of Hever, L	Home, E	Trenchard, L
Attlee, E	Howe, E	Younger of Leckie, V
Bethell, L	Lindsay, E	
Brabazon of Tara, L	Liverpool, E	
Bridgeman, V	Lucas, L	
Caithness, E	Mancroft, L	
Cathcart, E	Montrose, D	
Courtown, E	Moynihan, L	
Crathorne, L	Northbrook, L	
De Mauley, L	Ridley, V	
Dundee, E	Rotherwick, L	
Fairfax of Cameron, L	Shrewsbury, E	

Elected by the whole House and sitting as Conservative peers

Borwick, L.
Brougham and Vaux, L.
Colgrain, L.
Colwyn, L.
Eccles, V.
Geddes, L.
Reay, L.
Ullswater, V.

Elected by a party or group and sitting as Labour peers

Grantchester, L.

Elected by the whole House and sitting as Labour peers

Hanworth, V.
Simon, V.

For the full list of current members⁴ eligible to vote in the whole House elections (to replace the Countess of Mar and Lord Elton) please see: <https://members.parliament.uk/members/Lords>

⁴ Excluding Black of Strome, B., Carter of Haslemere, L., Casey of Blackstock, B., Sedwill, L., Sentamu, L. who have yet to be introduced as at 12 May 2021.



Annex 2: Code of Conduct

1. Voting instructions will not indicate any qualification or reason why a candidate should be elected.
2. Candidates may not offer hospitality, entertainment or financial inducements to electors intended to influence their votes or likely to have that effect.
3. Candidates may not engage in any activity intended or likely to discredit other candidates in the election.
4. If the Clerk of the Parliaments suspects, on reasonable grounds, that some material irregularity or improper conduct may have occurred in the electoral process, he may refer the matter to the Committee for Procedure and Privileges. The committee may, if it thinks fit, recommend the disqualification of a successful candidate if their election appears to have been influenced by material irregularity or improper conduct.
5. In this code of conduct, “candidate” includes an agent or supporter acting on behalf of the candidate.



