12 May 2021

By-elections to replace six hereditary peers

Notice to electors

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 and 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. All those on this register, who are wishing to stand as a candidate, are asked to indicate by:

- 12 noon on Friday 28 May to stand as a candidate 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 to stand as a candidate for the by-election to replace Lord Rea and the by-election to replace Lord Elton.

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

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[1] Procedure Committee Report

the excepted hereditary peers belonging to the Conservative group[2], of whom there are currently 43[3] eligible to vote. A list is in Annex 1.

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.[4] 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[5], of whom there are currently three[6] 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.[7] 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 sets out the timetable for two by-elections:

- **By-election to replace the Earl of Selborne, Lord Denham and Lord Selsdon; and**
- **By-election to replace the Countess of Mar.**

The timetable for the by-elections to replace Lord Rea and Lord Elton will be set out in a Notice which will be issued in the week of 14 June.

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[2] All peers in this group who have taken the oath on or before 9 June are eligible to vote, except those who are: subject to statutory disqualification; suspended from the service of the House; or on leave of absence.

[3] 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.

[4] All members of the House who have taken the oath on or before 9 June are eligible to vote, except those who are: subject to statutory disqualification; suspended from the service of the House; or on leave of absence.

[5] All peers in this group who have taken the oath on or before 7 July are eligible to vote, except those who are subject to statutory disqualification, suspended from the service of the House or on leave of absence.

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

[7] All peers who have taken the oath on or before 7 July are eligible to vote, except those who are subject to statutory disqualification, suspended from the service of the House or on leave of absence.

Conduct of the by-elections

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

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

Timetable for the by-election to replace the Earl of Selborne, Lord Denham and Lord Selsdon (Conservative group electors)

Friday 28 May, 12 noon	Deadline for candidate registration and deadline for members to register for a postal vote (only members with accessibility requirements or members without a parliamentary email address may request a postal vote).
Friday 4 June	Ballot papers sent by Civica Election Services to those requesting a postal vote.
Friday 4 June	List of candidates and statements issued to electors.
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.

Timetable for the by-election to replace the Countess of Mar (whole House election)

Friday 28 May, 12 noon	Deadline for candidate registration and deadline for members to register for a postal vote (only members with accessibility requirements or members without a parliamentary email address may request a postal vote).
Friday 4 June	List of candidates and statements issued to electors. Ballot papers sent by Civica Election Services to those requesting a postal vote.
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 postal ballot papers.[8]
Thursday 17 June	Result of the by-election reported to the House.

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[8] This by-election will be held over two days due to the larger electorate of the whole House.

Voting system

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.

Results

The results of both elections 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.

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.

Postal ballots – 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

Members who have accessibility needs which mean they cannot use the online voting system or who do not have a parliamentary email address may request a postal vote. Such requests for postal votes must be received by noon on Friday 28 May by returning the form below. Members should specify the address to which the ballot paper should be posted. Ballot papers will be posted on Friday 4 June. The ballot papers for postal votes will be sent by Civica Election Services. The ballot papers must be returned by post to Civica Election Services (a prepaid addressed envelope will be provided). Postal votes must be returned to Civica Election Services by:

- 5pm on Monday 14 June for the by-election to replace the Earl of Selborne and Lord Denham.
- 5pm on Wednesday 16 June for the by-election to replace the Countess of Mar.

Postal ballot papers arriving after the deadlines will not be counted.

Data sharing

Electors should note that their name, parliamentary email address and, if they wish to request a postal ballot, their postal address will be shared with Civica Election Services for the purposes of the administration of the by-election. The lawful basis for processing this information is Article 6(1)(e) of

the UK General Data Protection Regulation, as supplemented by the Data Protection Act 2018.

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 11 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.

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

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APPLICATION FOR POSTAL VOTE

I wish to apply for a postal vote in this election. I have accessibility needs which mean I cannot use the online voting portal or I do not have a parliamentary email address.

I understand that the ballot paper will be posted on Friday 4 June to the address I have provided in the box below.

Electors should note that their name, parliamentary email address and the postal address provided below will be shared with Civica Election Services for the purposes of the administration of the by-election. The lawful basis for processing this information is Article 6(1)(e) of the UK General Data Protection Regulation, as supplemented by the Data Protection Act 2018.

I would like the ballot paper to be sent to me at the following address:

Signature: _____

Title (please print): _____

Please return this form to arrive by 12 noon on Friday 28 May to:

Journal Office
House of Lords
London SW1A 0PW

Or scan and email it to: hlbyelections@parliament.uk