

28 April 2023

Hereditary peers' by-election

Following the retirement of Viscount Falkland on 21 March 2023 there is a vacancy among the excepted hereditary peers who sit in the House of Lords.

Under Standing Order 9, the vacancy will be filled by means of a by-election. 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.

Viscount Falkland was one of the 15 hereditary peers elected by the whole House in 1999 from among those ready to serve as Deputy Speakers. Under Standing Order 9(3), his successor will therefore be elected by the whole House¹, although there is no expectation that they will serve as a Deputy Speaker.

Viscount Falkland was originally elected as a Liberal Democrat, and, in accordance with an informal agreement between the parties and groups in the House of Lords, it is expected that his successor will sit as a Liberal Democrat 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 the by-election.

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. Completed candidature forms should reach hlbyelections@parliament.uk no later than 5pm on 15 May.

¹ All members of the House who have taken the oath of allegiance to King Charles III, or made the solemn affirmation, on or before 9 June will be eligible to vote, except those who are subject to statutory disqualification; suspended from the service of the House; or on leave of absence.

Eligibility to stand

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

- 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 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, as amended); and
- be expected to sign an undertaking to abide by the House of Lords *Code of Conduct* (see www.parliament.uk/hl-code).

Timetable and conduct of 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 annexed. Civica Election Services are assisting the Returning Officer with the organisation of this election.

The timetable for the by-election is:

Monday 15 May	Deadline for candidate registration.
Monday 22 May	List of candidates and statements issued to electors.
Monday 12 – Tuesday 13 June	Voting to take place electronically from 10am on Monday 12 June until 5pm on Tuesday 13 June. 5pm on 13 June is also the deadline for receipt of postal ballot papers.
Wednesday 14 June	Result of the by-election reported to the House.

Voting will be conducted via a secret ballot. The Alternative Vote system will be used. Voters will place the name of the candidate they most strongly support at the top of the digital ballot paper, then place their next most favoured candidate below, and so on. Voters may cast as many or as few votes as they wish. To be elected, the 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.

The result of the by-election 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 Wednesday 14 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 result 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 5pm on Monday 15 May. If submitting a statement, please ensure it does not exceed 75 words.
- 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: 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.