

Hereditary Peers and Hereditary Peer By-Elections

March 2021

The House of Lords Act 1999 led to the removal of all but 90 hereditary peers, plus the holders of the offices of Earl Marshal and Lord Great Chamberlain – in total, 92 hereditary peers remain in the chamber, though only 90 are replaced via by-elections. The 1999 reforms meant that 667 hereditary peers lost their right to sit in the Lords.

Vacancies and elections

Vacancies among hereditary peers that result from death or, since the House of Lords Reform Act 2014 and House of Lords (Expulsion and Suspension) Act 2015, retirement, resignation or exclusion are filled through a by-election.

Eligible candidates are drawn from the Register of Hereditary Peers held by the Clerk of Parliaments.¹ This list contains any hereditary peer who has expressed an interest in standing in a by-election. Peers can join or leave the list at any time. Out of 210 on the list, there is only one woman – hereditary peerages still follow the principle of male primogeniture.

By-elections take place within party groups – except for 15 hereditary peers, originally elected to serve as office holders, whose successors are elected by the whole house. These party groups reflected the proportion of party affiliation at the time of the 1999 reforms of the House of Lords.

Elections to the House of Lords use the Alternative Vote.²

By-elections so far

Thirty-seven hereditary peer by-elections have taken place to date, the first in 2003 following the death of Viscount Oxfuird.

Excluding whole house by-elections (of which there have been only eight), the average electorate for ‘normal’ hereditary peer by-elections is just 32 (this is 187 if we include whole house elections). At its highest, the electorate has been 803, at its lowest just three.

Hereditary peer by-elections have had an average turnout of 29 voters, excluding elections by the whole house (the average turnout is 97 voters if these elections are included). This compares to an average of 28,748 votes cast over the last 37 by-elections to the House of Commons – a larger democratic mandate by a factor of almost 1,000.

In percentage terms, the average turnout for hereditary peer by-elections is 82 percent. Three by-elections have had 100 percent turnout, all of which have had an electorate of four or fewer. Whole house elections tend to have a lower turnout, with an average of 46 percent.

In total, 3,575 votes have been cast in the 37 hereditary peer by-elections since 2003. By contrast, 1,063,680 votes have been cast in the last 37 House of Commons by-elections.

Four by-elections have had more candidates than electors. This includes the only by-election within the Labour group of hereditary peers for which there were 11 candidates and only three voters.

Suspension of elections

Hereditary peer by-elections are currently suspended due to the coronavirus

1. <https://www.parliament.uk/business/publications/house-of-lords-publications/records-of-activities-and-membership/register-of-all-hereditary-peers/register-of-hereditary-peers-running-list/>

2. <https://www.electoral-reform.org.uk/voting-systems/types-of-voting-system/alternative-vote/register-of-hereditary-peers-running-list/>

3. <https://hansard.parliament.uk/lords/2021-02-22/debates/034D1F59-FE50-48E9-A217-E3377EBF612A/HereditaryPeersBy-Elections>

4. <https://hansard.parliament.uk/lords/2020-03-23/debates/04CDE124-8317-4C5E-974D-1E91E497E4BF/BusinessOfTheHouse>

5. <https://hansard.parliament.uk/lords/2020-09-07/debates/6D678FF9-AA10-4FF7-A515-12D89AB5C916/HereditaryPeers%E2%80%99By-Elections>

6. <https://members.parliament.uk/parties/Lords>

7. <https://www.parliament.uk/business/lords/whos-in-the-house-of-lords/house-of-lords-expenses/>

pandemic, following a meeting of the House of Lords Procedure Committee in January 2021.³

This is the third time that these elections have been suspended since the outbreak of the pandemic. By-elections had been initially suspended for six months in March 2020 and were due to resume on 8 September, the first day back from summer recess.⁴ However, the Procedures and Privileges Committee agreed in the summer that a further suspension until 31 December was necessary, and a standing order motion to that end was given effect in the House, with reasons including the ‘difficulty of holding hustings, of allowing Members to vote in person in whole-House by-elections, and [...] for newly elected hereditary Peers to come in to take the Oath in person before contributing.’⁵

According to the House of Lords standing orders, hereditary peer by-elections should take place three months after a vacancy arises. This would have meant that, without suspension, a hereditary peer by-election would have had to take place on 26th June 2020 following the retirement of the Earl of Selborne in late March.

There are currently four vacancies to be filled:

- Earl of Selborne (Conservative until September 2019, then non-affiliated), who retired on 26th March 2020
- Countess of Mar (Crossbench), who retired on 1st May 2020
- Lord Rea (Labour), who passed away on 1st June 2020
- Lord Elton (Conservative), who retired on 29th October 2020

Hereditary Peers

Grouping

Excluding the four vacant hereditary peerages, there are currently 45 Conservative hereditary peers, 30 Crossbench hereditary peers, four non-affiliated, three Labour, and three Liberal Democrat hereditary peers.⁶

A further three hereditary peers (two non-affiliated, one Crossbench) are currently ineligible to sit in the House having taken leave of absence.

Gender

Following the retirement of the Countess of Mar in May 2020, there is no female hereditary peer in the House of Lords.

Three of the original five female hereditary peers that remained following the 1999 reforms have since died, and one retired in 2014. All four were replaced by male peers and there is only one female hereditary peer listed on the most recent register of eligible candidates.

No female hereditary peer has been admitted to the House of Lords through a by-election.

Age

Based on the 85 hereditary peers currently sitting in the Lords, the average age is 70. The youngest is 38 years old, the eldest is 93.

Only 10 hereditary peers are under 60 years old (11.8% of all sitting hereditary peers).

Region

Data on place of residence, based on the most recent House of Lords expenses form for October 2020, is available for 62 of the 85 hereditary peers currently in the House of Lords.⁷

As the table below shows, there are currently no hereditary peers based in Wales or the West Midlands, at least as far as can be ascertained based on

expenses data. Almost two thirds (64.5%) of all hereditary peers for whom place of residence is available, reside in only three regions: the South East, Scotland and the South West.

Location	Number of hereditary peers residing in this area	Proportion of hereditary peers residing in an area (as % of all hereditary peers for whom place of residence is available)
South East	17	27.4%
Scotland	12	19.4%
South West	11	17.7%
London	6	9.7%
East of England	5	8.1%
North West	3	4.8%
Yorkshire & Humber	3	4.8%
East Midlands	2	3.2%
North East	1	1.6%
Northern Ireland	1	1.6%
Overseas	1	1.6%
Wales	0	-
West Midlands	0	-

Professional Background

In terms of professions, almost one in five (18.8%) of all current hereditary peers have a background in banking and finance, while one in six (16.5%) have worked primarily in business and commerce and one in 10 in agriculture and horticulture.

Primary Profession	Current hereditary peers	%
Banking and finance	16	18.8%
Business and commerce	14	16.5%
Agriculture and horticulture	9	10.6%
Other private sector	7	8.2%
Unclassified	7	8.2%
Legal professions	6	7.1%
Culture, arts and sport	5	5.9%
Journalism, media and publishing	4	4.7%
Architecture, engineering and construction	3	3.5%
Armed forces	3	3.5%
Representative politics	3	3.5%
Royal family staff	2	2.4%
Voluntary sector, NGOs and think tanks	2	2.4%
Higher education	1	1.2%
Medical and healthcare	1	1.2%
Police	1	1.2%
Transport	1	1.2%
Civil service (UK)	0	-
Clergy or religious	0	-
Education and training (not HE)	0	-
International affairs and diplomacy	0	-
Local authority administration	0	-
Manual and skilled trades	0	-
Other public sector	0	-
Political staff and activists	0	-
Trade unions	0	-

Expenses

The 85 hereditary peers currently sitting in the Lords claimed a total of £1,980,215 for their daily allowance and travel expenses between 1 April 2019 and 31 March 2020 (the latest full House of Lords financial year). This represents 11.1 percent of total claims made by all peers who attended the

House of Lords and made a claim in the same period (a total of £17,767,634).

Their average claim was £23,297 a year or £1,941 a month, if we include the ten currently sitting peers who did not claim any expenses in this period. If these are excluded, the remaining 75 hereditary peers claimed an average of £26,403 per year or £2,170 per month.

According to the Office for National Statistics' latest data on employee earnings,⁸ the median gross weekly earnings for full-time employees was £586 in April 2020, which works out at a median annual gross income of £30,472 per year and a median take-home pay of £24,363. In the year up to 31 March 2020, more than half of the hereditary peers currently sitting in the Lords (47 peers, 55.3% of all currently eligible hereditaries) claimed more than the average take-home pay.

8. <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2020>