

EXPLANATORY NOTES

House of Lords (Hereditary Peers) Act 2026

Chapter 12

£8.90

HOUSE OF LORDS (HEREDITARY PEERS) ACT 2026

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the House of Lords (Hereditary Peers) Act 2026 ("the Act") which received Royal Assent on 18 March 2026 (c. 12).

- These Explanatory Notes have been prepared by the Cabinet Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

Table of Contents

Subject	Page of these Notes
Overview of the Act	3
Policy background	3
Legal background	4
Territorial extent and application	4
Commentary on provisions of Act	5
Commencement	5
Related documents	5
Annex A - Hansard References	6
Annex B - Progress of Bill Table	7

Overview of the Act

1 The main purpose of this Act is to remove the right of hereditary peers to sit and vote in the House of Lords.

Policy background

2 Prior to the House of Lords Act 1999 ("the 1999 Act") a hereditary peerage generally carried with it the right to sit and vote in the House of Lords[1]. The 1999 Act removed the right of most hereditary peers to membership of the House of Lords (and therefore their right to sit and vote in the House). The original intention was that the 1999 Act should remove the membership of all hereditary peers. However, under a compromise agreement reached during the passage of the Bill, an amendment was made which excepted from that removal 90 hereditary peers, as well as hereditary peers holding the offices of the Earl Marshal and Lord Great Chamberlain.

3 In its 2024 General Election manifesto, the Government committed to removing the right of the 'excepted' hereditary peers to sit and vote in the House of Lords. This Act gives effect to that commitment.

4 As a result of the Act, there are no longer be members of the House of Lords by virtue of their hereditary peerage. The Earl Marshal and Lord Great Chamberlain continue to be able to exercise their ceremonial functions in the House but are no longer members.

5 The House of Lords Reform Act 2014 ("the 2014 Act") allows peers to retire or otherwise resign from the House of Lords. The Act makes provision for Standing Orders of the House of Lords to set out how a person acting on behalf of a peer who lacks capacity can give and sign the necessary notice to allow the peer to resign under the 2014 Act. The Standing Orders may provide, for example, how a notice should be given by a person acting on behalf of a peer under a lasting power of attorney under the Mental Capacity Act 2005, and equivalents in Scotland and Northern Ireland.

6 As well as removing the final link between the hereditary peerage and membership of the House of Lords, the Act also abolishes the jurisdiction of the House of Lords in hereditary peerage claims. The intention is that:

a. any complex or disputed peerage claims that would have otherwise been considered by the House of Lords will instead be referred to the Judicial Committee of the Privy Council by way of section 4 of the Judicial Committee Act 1833; and

b. claimants to a peerage of Ireland will no longer petition the House of Lords to confirm their succession.

[1] A hereditary peerage is a dignity created by the Crown and passed to successive generations. A hereditary peerage covers a peerage of England, Scotland, Ireland, Great Britain and the United Kingdom. Previously, Scottish peers and Irish peers could only elect some of their number to represent them in the House of Lords and peeresses were barred from sitting. The Peerage Act 1963 removed the disqualification for peeresses and Scottish peers. Irish peers no longer sit and vote in the House of Lords.

Legal background

7 The membership of the House of Lords consists of Lords Spiritual and Temporal. The Lords Spiritual are the Archbishops of Canterbury and York and 24 other senior Bishops of the Church of England. The Lords Temporal comprise life peers created under the Life Peerages Act 1958 and Lords created for life under the Appellate Jurisdiction Act 1876 to serve as Lords of Appeal in Ordinary[2] and, prior to this Act, included the excepted hereditary peers referred to above.

8 Section 1 of the 1999 Act provides that no-one shall be a member of the House of Lords by virtue of a hereditary peerage. Section 2 of the 1999 Act (repealed by the Act) provided that this exclusion from membership of the House of Lords did not apply to the excepted hereditary peers referred to above. Once a person was excepted by virtue of section 2 from the exclusion in section 1, they were excepted for life. Section 2 also provided that the arrangements for selecting the 90 excepted hereditary peers, and for subsequently filling any vacancies via a by-election, were to be set out in the Standing Orders of the House of Lords.

9 Section 1 of the 2014 Act makes provision for a member of the House of Lords who is a peer to retire or otherwise resign by giving notice in writing to the Clerk of the Parliaments. The notice must specify a date from which the resignation is to take effect and must be signed by the peer and by a witness.

10 In addition, the House of Lords had a role in considering disputed or complex peerage claims, as well as confirming the succession to peerages of Ireland. As outlined in the Royal Warrant of 2004, applications to be entered onto the Roll of the Peerage are made to the Lord Chancellor in the first instance. Disputed or complex peerage claims (which occur infrequently) could have been referred to the House of Lords following a petition to the Crown. The House of Lords Standing Orders provided for referral of claims to a committee for peerage claims, which was set up on an ad hoc basis to consider such claims and report to the House. The process for those claiming Irish peerages was similar, save that the claimants petitioned the House of Lords directly to confirm their succession, as well as applying to the Lord Chancellor to be entered onto the Roll of the Peerage.

Territorial extent and application

11 An amendment or repeal made by the Act has the same extent as the provision amended or repealed. Subject to this, the Act extends to England and Wales, Scotland and Northern Ireland.

12 The Act relates to the reserved matter of the Parliament of the United Kingdom in the Scottish and Welsh devolution settlements, and the excepted matter of the Parliament of the United Kingdom in relation to Northern Ireland.

[2] The Appellate Jurisdiction Act 1876 has been repealed but Lords previously created under the Act remain members of the House.

Commentary on provisions of Act

Section 1: Exclusion of remaining hereditary peers

13 Section 1 repeals section 2 of the 1999 Act so that there are no longer any hereditary peers who are members of the House of Lords by virtue of the exception in that section to the exclusion in section 1 of the 1999 Act. This means that no present or future holders of a hereditary peerage have the right to sit and vote in the House of Lords by virtue of that peerage.

Section 2: Resignation

14 Section 2 amends section 1 of the 2014 Act to provide that where a peer retires or otherwise resigns from the House of Lords and notice of that resignation is given and signed by a person acting on behalf of a peer who lacks capacity, the notice must be given and signed in accordance with Standing Orders of the House.

Section 3: Claims to hereditary peerages

15 Section 3 abolishes the jurisdiction of the House of Lords in relation to hereditary peerage claims.

Section 4: Consequential amendments

16 Section 4 makes consequential amendments to reflect the removal of the exception in section 2 of the 1999 Act to the exclusion in section 1 of that Act, and more generally the position that there will no longer be any members of the House of Lords by virtue of their hereditary peerage.

Section 5: Extent and commencement

17 Section 5 sets out the territorial extent of the Act, as per the 'Territorial extent and application' section above; and the commencement of the Act, as per the 'Commencement' section below.

Section 6: Short title

18 Section 6 establishes the short title of the Act as the House of Lords (Hereditary Peers) Act 2026.

Commencement

19 Sections 2, 5 and 6 of the Act came into force on Royal Assent. The remaining provisions in the Act come into force the end of the parliamentary Session which began on 17 July 2024. Section 4(4) provides that any writ of summons in respect of a hereditary peerage issued for the Parliament during which the Act came into force, has no effect after the end of the parliamentary Session which began on 17 July 2024.

Related documents

20 The following documents are relevant to the Act and can be read at the stated locations:

- House of Lords Act 1999, https://www.legislation.gov.uk/ukpga/1999/34
- Royal Warrant establishing the Roll of the Peerage, https://www.college-of-arms.gov.uk/RoyalWarrant2004.pdf
- Judicial Committee Act 1833, https://www.legislation.gov.uk/ukpga/Will4/3-4/41
- House of Lords Reform Act 2014, https://www.legislation.gov.uk/ukpga/2014/24

Annex A - Hansard References

21 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
House of Commons		
Introduction	5 September 204	Vol. 753, Col. 453
Second Reading	15 October 2024	Vol. 754, Col. 719
Public Bill Committee	12 November 2024	Vol. 756, Col. 671
Report and Third Reading	12 November 2024	Vol. 756, Col. 754
House of Lords		
Introduction	13 November 2024	Vol. 840, Col. 1819
Second Reading	11 December 2024	Vol. 841, Col. 1721
Grand Committee	3 March 2025	Vol. 844, Col. 16
Report	2 July 2025	Vol. 847, Col. 737
Third Reading	21 July 2025	Vol. 848, Col. 17
Commons Consideration of Lords Amendments	4 September 2025	Vol. 772, Col. 501
Lords Considerations of Commons amendments and / or reasons	10 March 2026	Vol. 854, Col. 250
Royal Assent	18 March 2026	House of Commons Vol. 782, Col. 957
		House of Lords Vol. 854, Col. 940

Annex B - Progress of Bill Table

22 This Annex shows how each section of the Act was numbered during the passage of the Bill through Parliament.

Section of the Act	Bill as Introduced in the Commons	Bill as amended in Committee in the Commons	Bill as introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords
					New Clause 1
					New Clause 2
					New Clause 3
Section 1	Clause 1	Clause 1	Clause 1	Clause 1	
Section 2					
Section 3	Clause 2	Clause 2	Clause 2	Clause 2	Clause 4
Section 4	Clause 3	Clause 3	Clause 3	Clause 3	Clause 5
Section 5	Clause 4	Clause 4	Clause 4	Clause 4	Clause 6
Section 6	Clause 5	Clause 5	Clause 5	Clause 5	Clause 7

© Crown copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

williams lea | tso
An RRD Company

Published by TSO (The Stationery Office), part of Williams Lea, and available from:

Online
www.tsoshop.co.uk

Mail, Telephone & E-mail
TSO
PO Box 29, Norwich, NR3 1GN
Telephone orders/General enquiries: 0333 202 5070
E-mail: customer.services@tso.co.uk
Textphone: 0333 202 5077

ISBN 978-0-10-561115-8

9 780105 611158