



THE DEPUTY LEADER OF THE HOUSE OF LORDS

26 February 2020

Dear Lord Brown,

Thank you for your contribution during the second reading of Lord Naseby's Extension of the Franchise Bill on Friday 7 February 2020.

I am writing in response to your query about the specific cases of the President of the Supreme Court and the Lord Chief Justice, who are Members of the House of Lords but disqualified from voting in UK General Elections. Specifically, you expressed concern that they cannot sit in the House of Lords, while also not having a vote in Parliamentary elections, and felt this to be a regrettable anomaly.

It is correct that the current President of the Supreme Court and current Lord Chief Justice are unable to sit or vote in the House of Lords, however, I am pleased to inform you that they are allowed to vote in Parliamentary elections, whilst their membership of the House of Lords remains in suspension. It may be helpful if I set out the historical context for this.

The twelve Lords who were appointed from the House of Lords to be the first justices of the Supreme Court were disqualified from sitting or voting in the House of Lords upon becoming Supreme Court Justices. While not occupying their seat in the House of Lords, they will be able to vote in Parliamentary elections. As things stand, there is just one remaining original appointment, who will be allowed to return to the House of Lords when he retires from judicial office.

In terms of newly-appointed Justices to the Supreme Court, they do not hold seats in the House of Lords, and will therefore not have seats to return to as of right following resignation from judicial office. They may receive life peerages following their retirement; but they do not hold peerages at present and are not subject to the disqualifications from voting applied to Peers.

I hope this addresses the concerns you raised, and I would like to take this opportunity to thank you again for engaging on this important issue.

I will also place a copy of this letter in the House library.

Yours sincerely,

Richard Howarth

EARL HOWE

House of Lords, London, SW1A 0PW
E: psdeputyleaderofthelords@cabinetoffice.gov.uk
Tel: 020 7219 3778