



Constitutional Reform and Governance Act 2010

2010 CHAPTER 25

PART 4

TAX STATUS OF MPS AND MEMBERS OF THE HOUSE OF LORDS

42 Tax status of members of the House of Lords: transitional provision

- (1) This section applies if, before the end of the period of 3 months beginning with the day on which this section comes into force, a member of the House of Lords (“M”) gives written notice to the Clerk of the Parliaments that M does not want section 41 to apply to M.
- (2) M shall not be a member of the House of Lords at any time after the notice is given and accordingly—
 - (a) M shall not be entitled to receive writs of summons to attend the House, and
 - (b) any writ of summons previously issued to M has no further effect.
- (3) If M is a person excepted from section 1 of the House of Lords Act 1999 by virtue of section 2 of that Act—
 - (a) M shall no longer be excepted from section 1 of the 1999 Act, and
 - (b) if M counted towards the limit under section 2(2) of the 1999 Act, that limit is reduced by one.
- (4) But section 3(1)(b) of the 1999 Act does not apply in relation to M before the end of the period of three years beginning with the date on which the notice is given.
- (5) If M is not such a person, M ceases to be disqualified by virtue of M’s peerage (or dignity) for—
 - (a) voting at elections to the House of Commons, or
 - (b) being, or being elected as, a member of that House.

Changes to legislation: There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Section 42. (See end of Document for details)

(6) But subsection (5)(b) does not apply before the end of the period of three years beginning with the date on which the notice is given.

^{F1}(7)

(8) If, after the notice is given, a peerage is conferred on M or M succeeds to a peerage, subsection (2) above does not stop M being entitled to receive writs of summons to attend the House of Lords by virtue of that peerage. If subsection (3)(a) has applied to M, it does not stop M becoming excepted from section 1 of the House of Lords Act 1999 again by filling a vacancy under section 2 of that Act after the notice is given.

(9) If, after the notice is given, M becomes the person who is to hold the office of Earl Marshal or perform the office of Lord Great Chamberlain, subsection (2) above does not stop M being entitled to receive writs of summons to attend the House of Lords by virtue of the peerage that led to M becoming the person who is to hold or perform the office in question.

(10) A person to whom regulation 4 of the European Parliament (House of Lords Disqualification) Regulations 2008 (S.I. 2008/1647) applies is to be treated as a member of the House of Lords for the purposes of this section.

Textual Amendments

F1 S. 42(7) omitted (16.1.2024) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 7 para. 8** (with Sch. 7 para. 13); S.I. 2023/1405, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Section 42.