

Government Defeat in Lords on Non-Contentious Probate (Fees) Order 2018

Tuesday 18/12/2018

On 18/12/2018 the government had a defeat in the House of Lords on an amendment to the Non-Contentious Probate (Fees) Order 2018: To regret that the order introduces a probate fee described by the Secondary Legislation Scrutiny Committee as a stealth tax, and that it contravenes the principle that fees for a public service should only recover the cost of provision (non-fatal).

This was defeat number 40 in the parliamentary session.

| Breakdown of Votes | For Govt | Against Govt | Total | No vote |
|---------------------------|-----------------|---------------------|--------------|----------------|
| Conservative | 140 | 1 | 141 | 107 |
| Labour | 0 | 100 | 100 | 88 |
| Liberal Democrat | 0 | 65 | 65 | 33 |
| Crossbench | 13 | 17 | 30 | 161 |
| Bishops | 0 | 0 | 0 | 27 |
| Other | 8 | 3 | 11 | 36 |
| Total | 161 | 186 | 347 | 452 |

Conservative Votes with the Government

| | | |
|------------------------------|---|-------------------------------|
| Lord Agnew of Oulton | Lord Ahmad of Wimbledon | Baroness Altmann |
| Baroness Anelay of St Johns | Lord Arbuthnot of Edrom | Earl Arran |
| Earl Attlee | Lord Baker of Dorking | Lord Balfe |
| Lord Barker of Battle | Baroness Barran | Lord Bethell |
| Lord Black of Brentwood | Baroness Bloomfield of Hinton Waldrist | Lord Bourne of Aberystwyth |
| Lord Brabazon of Tara | Baroness Brady | Lord Bridges of Headley |
| Lord Brougham and Vaux | Baroness Buscombe | Baroness Byford |
| Lord Caine | Lord Callanan | Lord Carrington of Fulham |
| Baroness Chalker of Wallasey | Baroness Chisholm of Owlpen | Lord Coe |
| Lord Colgrain | Lord Colwyn | Lord Cope of Berkeley |
| Earl Courtown | Baroness Coultie | Lord Crathorne |
| Baroness Cumberlege | Lord De Mauley | Lord Deben |
| Lord Deighton | Lord Dixon-Smith | Lord Dobbs |
| Lord Duncan of Springbank | Earl Dundee | Lord Dunlop |
| Lord Elton | Baroness Evans of Bowes Park | Lord Fairfax of Cameron |
| Lord Farmer | Lord Faulks | Lord Fink |
| Lord Finkelstein | Baroness Finn | Lord Fraser of Corriegarth |
| Lord Freud | Baroness Gardner of Parkes | Lord Garnier |
| Lord Geddes | Lord Gilbert of Panteg | Lord Gold |
| Baroness Goldie | Lord Goodlad | Lord Green of Hurstpierpoint |
| Viscount Hailsham | Lord Hamilton of Epsom | Baroness Harding of Winscombe |
| Lord Haselhurst | Lord Hayward | Baroness Helic |

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|--------------------------------|----------------------------------|--------------------------------|
| Lord Henley | Lord Higgins | Lord Hill of Oareford |
| Lord Hodgson of Astley Abbotts | Lord Holmes of Richmond | Lord Horam |
| Earl Howe | Lord Hunt of Wirral | Lord James of Blackheath |
| Baroness Jenkin of Kennington | Lord Jopling | Lord Keen of Elie |
| Lord King of Bridgwater | Lord Kirkhope of Harrogate | Lord Lang of Monkton |
| Lord Lansley | Lord Leigh of Hurley | Lord Lilley |
| Earl Lindsay | Lord Lingfield | Earl Liverpool |
| Lord Livingston of Parkhead | Lord MacGregor of Pulham Market | Lord Mackay of Clashfern |
| Baroness Manzoor | Lord Maude of Horsham | Lord McInnes of Kilwinning |
| Baroness Meyer | Baroness Mone | Duke of Montrose |
| Baroness Morris of Bolton | Lord Moynihan | Baroness Neville-Jones |
| Baroness Neville-Rolfe | Baroness Newlove | Lord Norton of Louth |
| Lord O'Shaughnessy | Lord Palumbo | Lord Pickles |
| Baroness Pidding | Lord Price | Lord Randall of Uxbridge |
| Baroness Rawlings | Baroness Redfern | Lord Risby |
| Lord Robathan | Baroness Sater | Baroness Seccombe |
| Lord Selkirk of Douglas | Baroness Shackleton of Belgravia | Baroness Shephard of Northwold |
| Lord Sherbourne of Didsbury | Lord Shinkwin | Lord Smith of Hindhead |
| Baroness Stedman-Scott | Lord Strathclyde | Baroness Stroud |
| Baroness Sugg | Lord Suri | Lord Taylor of Holbeach |
| Viscount Trenchard | Lord Trimble | Lord Tugendhat |
| Viscount Ullswater | Baroness Vere of Norbiton | Baroness Verma |
| Lord Wakeham | Baroness Warsi | Lord Wasserman |
| Lord Whitby | Baroness Wilcox | Baroness Williams of Trafford |
| Lord Young of Cookham | Viscount Younger of Leckie | |

Conservative Votes against the Government

Lord Northbrook

Labour Votes with the Government

Labour Votes against the Government

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|---------------------------------|----------------------------------|---------------------------------|
| Baroness Adams of Craigielea | Lord Anderson of Swansea | Baroness Andrews |
| Lord Bassam of Brighton | Lord Beecham | Lord Berkeley |
| Lord Boateng | Lord Bradley | Lord Brennan |
| Lord Brooke of Alverthorpe | Lord Brookman | Lord Browne of Ladyton |
| Baroness Bryan of Partick | Lord Campbell-Savours | Lord Cashman |
| Baroness Chakrabarti | Viscount Chandos | Lord Clark of Windermere |
| Lord Collins of Highbury | Baroness Corston | Baroness Crawley |
| Lord Cunningham of Felling | Lord Davies of Oldham | Lord Davies of Stamford |
| Baroness Donaghy | Baroness Drake | Lord Dubs |
| Lord Elder | Lord Faulkner of Worcester | Lord Foulkes of Cumnock |
| Baroness Gale | Lord Giddens | Baroness Golding |
| Lord Gordon of Strathblane | Baroness Goudie | Lord Griffiths of Burry Port |
| Lord Grocott | Lord Hain | Viscount Hanworth |
| Lord Harris of Haringey | Lord Haworth | Baroness Hayter of Kentish Town |
| Baroness Healy of Primrose Hill | Baroness Henig | Baroness Howells of St Davids |
| Lord Hughes of Woodside | Baroness Jones of Whitchurch | Lord Jones |
| Lord Judd | Baroness Kennedy of Cradley | Lord Kennedy of Southwark |
| Lord Kinnock | Baroness Kinnock of Holyhead | Lord Layard |
| Lord Lea of Crondall | Lord Liddle | Baroness Lister of Burtersett |
| Lord Livermore | Baroness Massey of Darwen | Lord Maxton |
| Lord McAvoy | Lord McConnell of Glenscorrodale | Baroness McDonagh |
| Baroness McIntosh of Hudnall | Lord McKenzie of Luton | Lord McNicol of West Kilbride |
| Lord Morris of Aberavon | Lord Morris of Handsworth | Baroness Morris of Yardley |
| Lord Murphy of Torfaen | Baroness Nye | Baroness Osamor |
| Baroness Pitkeathley | Baroness Prosser | Baroness Quin |

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| Baroness Ramsay of Cartvale | Baroness Rebuck | Lord Reid of Cardowan |
| Lord Rooker | Lord Sawyer | Baroness Sherlock |
| Viscount Simon | Baroness Smith of Basildon | Lord Soley |
| Lord Stevenson of Balmacara | Lord Stone of Blackheath | Baroness Taylor of Bolton |
| Baroness Thornton | Lord Tomlinson | Lord Touhig |
| Lord Tunnicliffe | Lord Turnberg | Baroness Warwick of Undercliffe |
| Lord Watson of Invergowrie | Lord Watts | Lord West of Spithead |
| Baroness Wheeler | Baroness Whitaker | Lord Woolmer of Leeds |
| Lord Young of Norwood Green | | |

Liberal Democrat Votes with the Government

Liberal Democrat Votes against the Government

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|-----------------------------|--|----------------------------------|
| Lord Addington | Baroness Bakewell of Hardington Mandeville | Baroness Barker |
| Lord Beith | Baroness Benjamin | Baroness Bowles of Berkhamsted |
| Baroness Brinton | Lord Bruce of Bennachie | Baroness Burt of Solihull |
| Lord Campbell of Pittenweem | Lord Chidgey | Lord Clement-Jones |
| Lord Cotter | Lord Dholakia | Baroness Doocey |
| Lord Foster of Bath | Lord Fox | Baroness Garden of Frognal |
| Lord German | Earl Glasgow | Lord Goddard of Stockport |
| Baroness Greender | Baroness Hamwee | Baroness Humphreys |
| Lord Hussain | Baroness Hussein-Ece | Baroness Janke |
| Baroness Jolly | Lord Jones of Cheltenham | Lord Kirkwood of Kirkhope |
| Baroness Kramer | Lord Lee of Trafford | Lord Marks of Henley-on-Thames |
| Lord McNally | Lord Newby | Baroness Northover |
| Lord Paddick | Lord Palmer of Childs Hill | Baroness Parminter |
| Baroness Randerson | Lord Razzall | Lord Redesdale |
| Lord Rennard | Lord Roberts of Llandudno | Baroness Scott of Needham Market |
| Lord Sharkey | Baroness Sheehan | Lord Shipley |
| Lord Shutt of Greetland | Baroness Smith of Newnham | Lord Steel of Aikwood |
| Lord Stephen | Lord Stoneham of Droxford | Lord Stunell |
| Baroness Suttie | Lord Taylor of Goss Moor | Baroness Thomas of Winchester |
| Lord Thomas of Gresford | Baroness Thornhill | Lord Tope |
| Lord Tyler | Baroness Tyler of Enfield | Lord Wallace of Tankerness |
| Baroness Walmsley | Lord Wrigglesworth | |

Crossbench Votes with the Government

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|---------------------|-----------------------------------|---------------------------|
| Lord Best | Lord Brown of Eaton-under-Heywood | Lord Craig of Radley |
| Lord Greenway | Lord Hope of Craighead | Baroness Howe of Idlicote |
| Lord Judge | Lord Kilclooney | Lord Loomba |
| Lord Low of Dalston | Lord Pannick | Lord Russell of Liverpool |
| Lord Thurlow | | |

Crossbench Votes against the Government

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|--------------------------|----------------------------|-----------------------------|
| Lord Aberdare | Lord Alton of Liverpool | Lord Armstrong of Ilminster |
| Lord Butler of Brockwell | Lord Cameron of Dillington | Earl Clancarty |
| Baroness D'Souza | Lord Dykes | Baroness Finlay of Llandaff |
| Lord Hylton | Lord Kakkar | Earl Lytton |
| Baroness Masham of Ilton | Lord Mawson | Lord Patel |
| Lord Vaux of Harrowden | Viscount Waverley | |

Bishop Votes with the Government

Bishop Votes against the Government

Other Votes with the Government

Lord Empey

Lord Gadhia

Lord Hay of Ballyore

Lord McCrea Magherafelt and
Cookstown

Lord Rogan

Lord Taylor of Warwick

Baroness Tonge

Lord Tyrie

Other Votes against the Government

Lord Lipsey

Lord Mackenzie of Framwellgate

Baroness Uddin

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