

*These notes refer to the Fixed-term Parliaments Act 2011
(c.14) which received Royal Assent on 15 September 2011*

FIXED-TERM PARLIAMENTS ACT 2011

EXPLANATORY NOTES

BACKGROUND

7. The provisions contained within the Fixed-term Parliaments Act 2011 stem from the Government's publication *The Coalition: our programme for government*, which included the following commitment:

“We will establish five-year fixed-term Parliaments. We will put a binding motion before the House of Commons stating that the next general election will be held on the first Thursday of May 2015. Following this motion, we will legislate to make provision for fixed-term Parliaments of five years. This legislation will also provide for dissolution if 55% or more of the House votes in favour.

8. This document can be found on the Cabinet Office's website:

http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf

9. The Fixed-term Parliaments Bill was introduced to the House of Commons on 22nd July 2010 and received Royal Assent on 15th September 2011.

10. The Bill was the subject of a report by the Political and Constitutional Reform Committee, published on 16th September 2010 (2nd Report of Session 2010-11) a copy of which can be found at:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmpolcon/436/436.pdf>

11. The Government response to this Report was published as a command paper (Cm 7951) on 8th November 2010. This is available at:

<http://www.official-documents.gov.uk/document/cm79/7951/7951.pdf>

12. The House of Lords Constitution Committee published their Report on the Bill on 16th December 2010 (8th Report HL Paper 69) a copy of which can be found at:

<http://www.publications.parliament.uk/pa/ld201011/ldselect/ldconst/69/69.pdf>

13. The Government response to this report was published as a Command Paper (Cm 8011) on 28th February 2011. This is available at:

<http://www.official-documents.gov.uk/document/cm80/8011/8011.pdf>

14. The Delegated Powers and Regulatory Reform Committee published its recommendations on the Bill on 10th February 2011 (10th Report of Session 2010-2011). This is available at:

<http://www.publications.parliament.uk/pa/ld201011/ldselect/lddelreg/100/100.pdf>

15. The Government replied to the Committee's findings on 8th March 2011 and a copy can be found here:

<http://www.parliament.uk/deposits/depositedpapers/2011/DEP2011-0402.pdf>

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16. Prior to the commencement of this Act, the maximum duration of a UK Parliament was five years, as dictated by the Septennial Act 1715 (as amended by the Parliament Act 1911). Under that Act if a Parliament was not dissolved in the period up to five years after the day on which it was summoned to meet, it automatically expired. The prerogative power to dissolve Parliament before the maximum five-year period was exercised by Her Majesty, conventionally on the advice of the Prime Minister. This prerogative power was abolished by this Act.
17. A new Parliament was summoned by proclamation issued by the Queen on the advice of the Privy Council. That proclamation ordered the issuing of the writs for parliamentary elections and appointed a day and place for the meeting of the new Parliament. In practice, the proclamation dissolving the previous Parliament summoned the new one, triggering a general election.
18. The law governing the proceedings at a parliamentary election is set out principally in the Representation of the People Act 1983. In particular, section 23(1) of that Act provides that such proceedings are to be conducted in accordance with Schedule 1 to the Act which sets out the Parliamentary Elections Rules.
19. Rule 1 of the Parliamentary Elections Rules provides that the proceedings at an election must occur on the basis of the timetable set out there. In particular:
 - the writs for parliamentary elections must be issued as soon as practicable after the issue of the proclamation summoning the new Parliament;
 - nomination papers must be delivered, not later than 4 pm on the sixth day after the date of the proclamation summoning the new Parliament;
 - the poll takes place on the eleventh day after the last day for delivery of nomination papers.
20. Rule 2 provides that the following days are disregarded in computing any time period in the timetable: Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, bank holidays and any day appointed for public thanksgiving or mourning.
21. The Government wrote to the Presiding Officers of the Scottish Parliament and the National Assembly for Wales on 17th February 2011 proposing that if the Scottish Parliament and the National Assembly for Wales passed resolutions, with the support of at least two-thirds of all members, agreeing that the 2015 Scottish Parliamentary and the National Assembly general elections should be moved a year later or earlier, the Government would then be willing to table an amendment to the Fixed-term Parliaments Bill which would, if accepted, make this change. A copy of this letter can be found at:

<http://www.parliament.uk/deposits/depositedpapers/2011/DEP2011-0339.pdf>
22. A motion was passed in the Scottish Parliament on 3rd March 2011 calling on the UK Government to bring forward provision to defer the 2015 Scottish Parliamentary general elections until 5th May 2016 in order to avoid the two sets of elections coinciding. See section 4.
23. A similar motion was passed in the National Assembly for Wales on 16th March 2011. See section 5.