

FIXED-TERM PARLIAMENTS ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 3: Dissolution of Parliament

31. **Section 3** makes the key necessary changes to elections law and the law concerning the meeting of Parliament in light of fixed days for elections. It:
- provides that Parliament dissolves automatically 17 working days before the polling day which has been fixed for the general election under the Act (this enables Parliament to dissolve, which will begin the parliamentary elections timetable in the Parliamentary Elections Rules);
 - provides that Parliament cannot otherwise be dissolved; the Queen will not be able to dissolve Parliament in exercise of the prerogative;
 - gives the authority to the Lord Chancellor and Secretary of State for Northern Ireland to issue the writs for elections after dissolution (this is presently dealt with in the proclamation summoning the new Parliament and an associated Order in Council); and
 - specifically preserves the power to set the first day for the meeting of the new Parliament by proclamation and any other matter which was normally dealt with by the proclamation, except those matters where the Act sets out procedure.
32. **Subsection (5)** sets out the definition of “working day” for the purposes of calculating the period between dissolution and the date of the poll. This definition is the same as the definition in rule 2 of the Parliamentary Elections Rules. The definition includes as days which are not working days, bank holidays and days appointed for public thanksgiving or mourning. It is possible for such days to be fixed or appointed from time to time thereby bringing forward the day for dissolution. The effect of **subsection (6)** is that the fixing or appointment of a bank holiday or day for public thanksgiving or mourning is to be disregarded if it would bring forward dissolution to a day which is earlier than 30 days after the day on which the fixing or appointment occurs. The purpose of this provision is so that there is no uncertainty about the date of dissolution at a certain point in advance of dissolution.