

Fixed-term Parliaments Act 2011

2011 CHAPTER 14

An Act to make provision about the dissolution of Parliament and the determination of polling days for parliamentary general elections; and for connected purposes.

[15th September 2011]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Polling days for parliamentary general elections

(1) This section applies for the purposes of the Timetable in rule 1 in Schedule 1 to the Representation of the People Act 1983 and is subject to section 2.

(2) The polling day for the next parliamentary general election after the passing of this Act is to be 7 May 2015.

(3) The polling day for each subsequent parliamentary general election is to be the first Thursday in May in the fifth calendar year following that in which the polling day for the previous parliamentary general election fell.

(4) But, if the polling day for the previous parliamentary general election—

(a) was appointed under section 2(7), and

(b) in the calendar year in which it fell, fell before the first Thursday in May, subsection (3) has effect as if for “fifth” there were substituted “fourth”.

(5) The Prime Minister may by order made by statutory instrument provide that the polling day for a parliamentary general election in a specified calendar year is to be later than the day determined under subsection (2) or (3), but not more than two months later.

(6) A statutory instrument containing an order under subsection (5) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.

(7) The draft laid before Parliament must be accompanied by a statement setting out the Prime Minister's reasons for proposing the change in the polling day.

2. Early parliamentary general elections

(1) An early parliamentary general election is to take place if—

(a) the House of Commons passes a motion in the form set out in subsection (2), and

(b) if the motion is passed on a division, the number of members who vote in favour of the motion is a number equal to or greater than two thirds of the number of seats in the House (including vacant seats).

(2) The form of motion for the purposes of subsection (1)(a) is—

“That there shall be an early parliamentary general election.”

(3) An early parliamentary general election is also to take place if—

(a) the House of Commons passes a motion in the form set out in subsection (4), and

(b) the period of 14 days after the day on which that motion is passed ends without the House passing a motion in the form set out in subsection (5).

(4) The form of motion for the purposes of subsection (3)(a) is—

“That this House has no confidence in Her Majesty's Government.”

(5) The form of motion for the purposes of subsection (3)(b) is—

“That this House has confidence in Her Majesty's Government.”

(6) Subsection (7) applies for the purposes of the Timetable in rule 1 in Schedule 1 to the Representation of the People Act 1983.

(7) If a parliamentary general election is to take place as provided for by subsection (1) or (3), the polling day for the election is to be the day appointed by Her Majesty by proclamation on the

recommendation of the Prime Minister (and, accordingly, the appointed day replaces the day which would otherwise have been the polling day for the next election determined under section 1).

3. Dissolution of Parliament

(1) The Parliament then in existence dissolves at the beginning of the 17th working day before the polling day for the next parliamentary general election as determined under section 1 or appointed under section 2(7).

(2) Parliament cannot otherwise be dissolved.

(3) Once Parliament dissolves, the Lord Chancellor and, in relation to Northern Ireland, the Secretary of State have the authority to have the writs for the election sealed and issued (see rule 3 in Schedule 1 to the Representation of the People Act 1983).

(4) Once Parliament dissolves, Her Majesty may issue the proclamation summoning the new Parliament which may—

(a) appoint the day for the first meeting of the new Parliament;

(b) deal with any other matter which was normally dealt with before the passing of this Act by proclamations summoning new Parliaments (except a matter dealt with by subsection (1) or (3)).

(5) In this section “working day” means any day other than—

(a) a Saturday or Sunday;

(b) a Christmas Eve, Christmas Day or Good Friday;

(c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom;

(d) a day appointed for public thanksgiving or mourning.

(6) But, if—

(a) on a day (“the relevant day”) one or more working days are fixed or appointed as bank holidays or days for public thanksgiving or mourning, and

(b) as a result, the day for the dissolution of a Parliament would (apart from this subsection) be brought forward from what it was immediately before the relevant day to a day that is earlier than 30 days after the relevant day,

the day or days in question are to continue to be treated as working days (even if the polling day is subsequently changed).

4. General election for Scottish Parliament not to fall on same date as parliamentary general election under section 1(2)

(1) This section applies in relation to the ordinary general election for membership of the Scottish Parliament the poll for which would, apart from this section and disregarding sections 2(5) and 3(3) of the Scotland Act 1998, be held on 7 May 2015 (that is, the date specified in section 1(2) of this Act).

(2) Section 2(2) of the 1998 Act has effect as if, instead of providing for the poll for that election to be held on that date, it provided (subject to sections 2(5) and 3(3) of that Act) for the poll to be held on 5 May 2016 (and section 2(2) has effect in relation to subsequent ordinary general elections accordingly).

5. General election for National Assembly for Wales not to fall on same date as parliamentary general election under section 1(2)

(1) This section applies in relation to the ordinary general election for membership of the National Assembly for Wales the poll for which would, apart from this section and disregarding sections 4 and 5(5) of the Government of Wales Act 2006, be held on 7 May 2015 (that is, the date specified in section 1(2) of this Act).

(2) Section 3(1) of the 2006 Act has effect as if, instead of providing for the poll for that election to be held on that date, it provided (subject to sections 4 and 5(5) of that Act) for the poll to be

held on 5 May 2016 (and section 3(1) has effect in relation to subsequent ordinary general elections accordingly).

6. Supplementary provisions

- (1) This Act does not affect Her Majesty's power to prorogue Parliament.
- (2) This Act does not affect the way in which the sealing of a proclamation summoning a new Parliament may be authorised; and the sealing of a proclamation to be issued under section 2(7) may be authorised in the same way.
- (3) The Schedule (which contains consequential amendments etc) has effect.

7. Final provisions

- (1) This Act may be cited as the Fixed-term Parliaments Act 2011.
- (2) This Act comes into force on the day it is passed.
- (3) An amendment or repeal made by this Act has the same extent as the enactment or relevant part of the enactment to which the amendment or repeal relates.
- (4) The Prime Minister must make arrangements—
 - (a) for a committee to carry out a review of the operation of this Act and, if appropriate in consequence of its findings, to make recommendations for the repeal or amendment of this Act, and
 - (b) for the publication of the committee's findings and recommendations (if any).
- (5) A majority of the members of the committee are to be members of the House of Commons.
- (6) Arrangements under subsection (4)(a) are to be made no earlier than 1 June 2020 and no later than 30 November 2020.