



Early Parliamentary General Election Bill HL Bill 43 of 2019–20

On 30 October 2019, the second reading of the Early Parliamentary General Election Bill is scheduled to take place in the House of Lords. The remaining stages of the bill are also due to take place on 30 October 2019 if the House agrees to a government motion to dispense with the standing order that would normally prevent more than one bill stage taking place on the same day.

Summary

- On 29 October 2019, the House of Commons passed a bill to set the date of the next parliamentary general election as 12 December 2019.
- Under the Fixed-term Parliaments Act 2011 (FTPA), the next parliamentary general election was scheduled to take place in May 2022, unless the Commons followed one of the routes in the FTPA for holding an early general election.
- Since September 2019, the Prime Minister, Boris Johnson, has tried three times to secure an earlier election by asking the House of Commons to agree a motion for an early general election. This is one of the mechanisms set out in the FTPA for holding a general election ahead of the usual schedule. However, on each occasion, Mr Johnson failed to secure the two-thirds Commons majority that is required by the FTPA for an early election to go ahead.
- If a general election takes place on 12 December 2019, Parliament will be dissolved just after midnight at the start of 6 November 2019.
- The date for Parliament to return after a general election would be appointed by the Queen in a proclamation. Boris Johnson has suggested he would recommend to the Queen that the first meeting of the new Parliament should take place before 23 December 2019.
- The bill was fast-tracked through the House of Commons in one day on 29 October 2019. The Government is seeking to do the same in the House of Lords on 30 October 2019.
- A Labour amendment, supported by the Liberal Democrats, to set the date of the election as 9 December 2019 was defeated in the Commons by 315 votes to 295.

Nicola Newson | 30 October 2019

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I. Fixed-term Parliaments Act 2011: Timing of Parliamentary General Elections

The Fixed-term Parliaments Act 2011 (FTPA) sets a schedule for parliamentary general elections. It states that the polling day for a general election is the first Thursday in May in the fifth calendar year following that in which the polling day for the previous general election fell (section 1(3)).

The last general election took place on Thursday 8 June 2017. Under the FTPA's timetable, the next general election would normally be scheduled to take place on Thursday 5 May 2022.

Section 2 of the FTPA provides two routes to holding an early general election:

- The House of Commons votes by a two-thirds majority (or agrees without division) in favour of the motion "That there shall be an early parliamentary general election". This was the mechanism by which an early general election was held in June 2017.¹
- The House of Commons passes a motion of no confidence in the Government, and then does not pass a motion of confidence in a government within the next 14 days.

Boris Johnson has tried three times to secure an early general election using the first route, a vote on a motion for an early election. On each occasion, although he won a simple majority of the votes, he failed to secure the two-thirds majority of at least 434 votes required by the FTPA for an early election to take place:

- On 4 September 2019, the Commons voted by 298 to 56 in favour of an early election.²
- On 9 September 2019, the Commons voted by 293 to 46 in favour of an early election.³
- On 28 October 2019, the Commons voted by 299 to 70 in favour of an early election.⁴

Speaking after the third vote, Mr Johnson said that he would "not allow this paralysis to continue", arguing that "one way or another we must proceed to an early general election".⁵ He announced his intention to introduce a bill the following day that would enable a general election to take place on 12 December 2019. This followed a similar proposal put forward by the Liberal Democrats and the Scottish National Party (SNP) two days previously for a bill to enable a general election to take place on 9 December 2019.⁶

2. What Does the Bill Do?

The bill provides that an early parliamentary general election will take place on 12 December 2019 (clause 1(1)).

Clause 1(2) provides that this date is to be treated as a polling day appointed under section 2(7) of the FTPA. The usual routes for securing an early general election under the FTPA do not involve

¹ [HC Hansard, 19 April 2017, cols 681–712.](#)

² [HC Hansard, 4 September 2019, cols 314–15.](#)

³ [HC Hansard, 9 September 2019, cols 637–9.](#)

⁴ [HC Hansard, 28 October 2019, cols 77–9.](#)

⁵ *ibid*, col 79.

⁶ Robert Peston, '[SNP and Lib Dems Unite to Force December General Election](#)', ITV News, 26 October 2019.

formally specifying the date the general election will take place. Section 2(7) of the FTPA provides that if an early general election is secured through either of the available routes, the polling day for the election is then appointed by Her Majesty the Queen by proclamation on the recommendation of the Prime Minister.

Once a polling day has been appointed under section 2(7) of the FTPA, it replaces the day which would otherwise have been the next polling day. Clause 1(2) would mean that 12 December 2019 would be the date of the next general election, and no general election would take place on the previously scheduled date of 5 May 2022. The next general election after that would then take place on the first Thursday in May in the fifth calendar year following 12 December 2019, ie on Thursday 2 May 2024.

Clause 1(3) amends requirements in the Welfare Reform Act 2012 and the Business, Enterprise and Employment Act 2015 about the timescales for reviewing the benefit cap and making certain reports. The Government has stated that this is “necessary” to ensure the specified timescales will “work correctly given the changes to the period of the Parliament that will result from the holding of an early parliamentary general election”.⁷

Monday 2 December 2019 is a bank holiday in Scotland for St Andrew’s Day (St Andrew’s Day itself falls on Saturday 30 November 2019). Clause 1(4) provides that 2 December 2019 would not be counted as a bank holiday for the purposes of the regulations that set out a period for objecting to applications for electoral registration in Scotland.⁸ The Government has explained that this would have the effect of aligning the registration deadline for Scotland with the deadline in the rest of the UK.⁹

3. Timing of Parliamentary Sittings Before and After a General Election

Section 3 of the FTPA provides that Parliament is dissolved at the beginning of the 25th working day before polling day. For an election on 12 December 2019, this means that Parliament would be dissolved just after midnight at the start of 6 November 2019.¹⁰

The FTPA also provides that once Parliament dissolves, Her Majesty may issue the proclamation summoning the new Parliament. This proclamation may appoint the day for the first meeting of the new Parliament. Boris Johnson made a written statement on 28 October 2019 suggesting that if there was a general election on 12 December 2019, he would recommend to the Queen that the first meeting of the new Parliament should take place before 23 December 2019.¹¹

⁷ [Explanatory Notes](#), para 18. These are the explanatory notes for the bill as introduced in the House of Commons. At the time of writing this briefing, explanatory notes for the bill as introduced in the House of Lords had not been published.

⁸ The relevant regulations are regulations 29(4) and 8(3) of the Representation of the People (Scotland) Regulations 2001 (SI 2001/497).

⁹ Member’s explanatory statement to amendment 14 in House of Commons, [Committee of the Whole House Amendments as at 29 October 2019](#), 29 October 2019.

¹⁰ Monday 2 December 2019 would count as a bank holiday for the purposes of counting 25 working days under the Fixed-term Parliaments Act 2011.

¹¹ House of Commons, [Written Statement: Early General Election: Date of Poll](#), 28 October 2019, HCWS43. The written statement was not made directly in connection with the bill. It was made ahead of the debate on 28 October 2019 on a motion an early general election.

4. Schedule for the Bill in the Lords

The bill would need to be fast-tracked in the House of Lords if it is to receive royal assent before a dissolution early on 6 November 2019.

The *Companion to the Standing Orders and Guide to the Proceedings of the House of Lords* notes that:

Under SO [standing order] 46, no two stages of a bill may be taken on one day, except if a bill is not amended in committee of the whole House, in which case the report stage may be taken immediately thereafter. So, if it is intended to take more than one stage of a bill on one day, other than the report stage of a bill which has not been amended in committee of the whole House, SO 46 must be suspended or dispensed with; SO 86 requires that notice of this must be given.¹²

The *Companion* also sets out recommended minimum intervals between stages of public bills that should be observed, including:¹³

- two weekends between the first reading (whether of a new bill or one brought from the Commons) and the debate on second reading;
- fourteen days between second reading and the start of the committee stage;
- three sitting days between the end of the report stage and third reading.

The *Companion* notes that:

When these minimum intervals are departed from, notice is given by means of a § against the bill in *House of Lords Business*. However, such notice is not required when SO46 has been dispensed with.¹⁴

There is a motion in the name of Baroness Evans of Bowes Park, Leader of the House of Lords, on the order paper to move that standing orders 46 and 48 be dispensed with on 30 October 2019.¹⁵ This would allow the bill to be taken through its remaining stages after second reading in one day and manuscript amendments to be tabled and moved on third reading.

The *Companion* also states that where a bill is being fast-tracked, the explanatory notes accompanying it “will contain a full explanation of the reasons for using a fast-track procedure”.¹⁶ In the explanatory notes to the bill, the Government argued that fast-tracking is necessary:

Fast-tracking enables a polling date of 12 December, whilst maintaining the 25 working day period between the dissolution of Parliament and polling day (as provided for by the 2011 Act).

¹² House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2017, para 8.02.

¹³ *ibid*, para 8.04.

¹⁴ *ibid*, para 8.05.

¹⁵ House of Lords, [House of Lords Business](#), 30 October 2019.

¹⁶ House of Lords, [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), 2017, para 8.06.

A later polling date would be closer to Christmas, which may have adverse impacts on the administration of the poll.¹⁷

It also argued that fast-tracking was justified as the bill was “straightforward” and could be scrutinised in a short amount of parliamentary time.¹⁸

5. Commons Stages

The bill was introduced and fast-tracked through all its Commons stages in one day on 29 October 2019.

5.1 Business Motion

Stella Creasy (Labour MP for Walthamstow) tabled an amendment to the business of the House motion to allow the Speaker to select amendments and new clauses tabled by any MP, not just those tabled by ministers.¹⁹ MPs voted by 312 to 295 in favour of this amendment.²⁰ The business motion as amended was then agreed to without division.

5.2 Second Reading

The bill received its second reading without a division.²¹

5.3 Committee Stage

Labour moved an amendment, supported by the Liberal Democrats, that would have set the date of a general election as 9 December 2019, rather than 12 December 2019. Moving the amendment, Cat Smith, Shadow Minister for the Cabinet Office, argued a polling day of 9 December 2019 would make the election “as accessible as possible” as it would allow more students to vote at their term-time address.²² Oliver Dowden, Minister for the Cabinet Office, argued there was “no danger of disfranchising” students by holding an election on 12 December 2019.²³ He said that 70 percent of students choose to vote at their home address, and the 40 largest universities would still be in session on 12 December 2019. Mr Dowden also argued that an election date of 12 December 2019 would allow time before dissolution for Parliament to pass the Northern Ireland Budget Bill, which was “necessary to access the funding the Northern Ireland civil service needs after 31 October”.²⁴ He also observed that 12 December 2019 is a Thursday, the day on which by convention elections are usually held in the UK.²⁵ The amendment was defeated by 315 votes to 295.²⁶

¹⁷ [Explanatory Notes](#), para 4.

¹⁸ *ibid*, paras 5 and 6.

¹⁹ Stella Creasy, ‘[Personal Twitter Account](#)’, 29 October 2019.

²⁰ [HC Hansard, 29 October 2019, cols 227–30](#).

²¹ [ibid, col 288](#).

²² [ibid, cols 290–1](#).

²³ *ibid*, col 292.

²⁴ *ibid*, col 291.

²⁵ *ibid*, col 292.

²⁶ *ibid*, cols 323–6.

A government amendment to add subsection (4) to clause I was agreed without division.²⁷ This is the provision that ensures the electoral registration deadline in Scotland is aligned with the deadline in the rest of the UK. Oliver Dowden explained that the amendment sought to address a concern raised by the SNP.²⁸ Tommy Shepherd, Shadow SNP Spokesperson on the Cabinet Office, thanked the Government for bringing forward this technical amendment.²⁹

Other amendments were tabled that sought to, for example:³⁰

- extend the franchise to 16- and 17-year-olds and to EU citizens resident in the UK;
- hold a second referendum on the UK's membership of the EU;
- make holding an early general election conditional on the European Union (Withdrawal Agreement) Bill being passed.

These were not selected for debate.

5.4 Report Stage

The bill, as amended, was reported without formal debate.³¹

5.5 Third Reading

The bill received its third reading by 438 votes to 20.³²

6. Further Information

- House of Commons Library, '[What Does the Early Parliamentary General Election Bill Do?](#)', 29 October 2019
- House of Commons Library, '[Fixed-term Parliaments Act 2011](#)', 27 April 2017
- House of Commons Library, '[Election Timetables](#)', 4 March 2015
- House of Commons Library, '[Fast-track Legislation](#)', 12 November 2012

²⁷ [HC Hansard, 29 October 2019, col 326.](#)

²⁸ *ibid*, col 294.

²⁹ *ibid*, col 298.

³⁰ House of Commons, '[Committee of the Whole House Amendments as at 29 October 2019](#)', 29 October 2019.

³¹ [HC Hansard, 29 October 2019, col 327.](#)

³² *ibid*, cols 328–30.