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# Parliamentary Election Timetables

This Research Paper sets out the model timetables for Parliamentary general elections and by-elections. It explains the factors affecting the timetables and details changes following the *Representation of the People Act 2000*. Illustrative tables for some possible general election dates during the remainder of the current Parliament are also included. This paper replaces Research Paper 97/40 *Parliamentary Election Timetables*.

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## Summary of main points

This paper sets out the model electoral timetables for general and by-elections as laid down in the *Parliamentary Elections Rules* appended to the *Representation of the People Act 1983* as subsequently amended.

The date of an election is governed by the date on which the timetable starts, with the proclamation summoning the new Parliament/dissolving the old Parliament and issue of writ occurring on Day 0 and polling day being Day 17. For the purposes of the timetable weekends and public holidays are disregarded. The paper includes explanations of the regulations and conventions surrounding elections, including days which are disregarded for the purposes of the timetable.

Changes as a result of the *Representation of the People Act 2000* are explained and have been incorporated into the electoral timetable. The question of the last possible date for the next general election is examined in some detail.

The paper includes some timetables for selective dates for the next general election. It is important to note that these tables are illustrative examples only. The House of Commons Library has no knowledge of proposed general election dates.

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## I General elections

Statutory electoral timetables for both general and by-elections are laid down in the *Parliamentary Elections Rules* appended to the *Representation of the People Act 1983*. The timetables were amended in the *Representation of the People Act 1985*, and will be amended again shortly in respect of the postal vote deadline.

### A. Model general election timetable

|  |        |
|--|--------|
| Proclamation summoning new Parliament/dissolution of old Parliament/issue of writ  | Day 0  |
| Receipt of writ  | Day 1  |
| Last day for publication of notice of election (4pm)   | Day 3  |
| Last day for delivery of nomination papers/withdrawals of candidature/appointment of election agents(4pm)  | Day 6  |
| Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |        |
| Last day for receipt of absent voting applications (5pm)   | Day 11 |
| Last day for appointment of polling and counting agents  | Day 15 |
| Polling Day (7 am – 10 pm)   | Day 17 |

For the purposes of the timetable, Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday and any day appointed for public thanksgiving or mourning are disregarded. This table incorporates imminent changes to the timetable for absent voting applications. See below, under B.

A royal proclamation is a formal notice issued to the people by the Sovereign. The role of proclamations in modern times has diminished, but the most important are those which announce the accession of a new Sovereign, and those which dissolve parliament and trigger the campaign for a general election. The form of a proclamation is contained in statutory regulations, the draft is submitted for approval and signature to the Queen in Council, and at the same time an order is approved, directing the Lord Chancellor to cause the ‘Great Seal of the Realm’ to be affixed to the proclamation. The proclamation takes effect the moment it is sealed and the same regulations detail how the proclamation should be publicised.

## **B. Absent voting application changes**

The draft *Representation of the People (England and Wales) Regulations 2001* under the *Representation of the People Act 2000* were laid on 17 January 2001 and are expected to come into force on 16 February 2001. They are subject to the affirmative resolution procedure. One of the changes in the regulations affects the election timetable. Instead of the latest day of receipt of absent voting applications being the 11<sup>th</sup> working day before polling (i.e. Day 6) with a later deadline of the 6<sup>th</sup> day (Day 11) for absent voting applications on health grounds, the regulations substitute Day 11 as the latest day for receipt for all absent voting applications. The changes affect both postal and proxy votes. No reason for an application will be required for postal votes. This means that the current references to absent voting applications in the statutory timetable will shortly be redundant. The timetable given above incorporates the changes made by the regulations. The timetables set out in Part II of this paper are compiled on the assumption that the provisions of the 2001 Regulations will be in operation. Further information is available on the HMSO website: <http://www.legislation.hmso.gov.uk/si/dsis2001.htm>

## **C. Day of election**

It has been assumed that the general election would continue to be held on a Thursday. There is no statutory requirement for parliamentary elections to be held on Thursdays; they can be held on any weekday except those set out in paragraph A above. Using Thursday has become an election convention. Since 1935 every general election has been held on a Thursday. The month for the election varies but 1918 was the last time that an election was held in December, and there have been no polling days in January since 1910. For a full list of months in which elections have been held see *British Electoral Facts 1832–1999*, Table 5.02<sup>1</sup>

## **D. Days of public thanksgiving or mourning**

The reference to days of public thanksgiving or mourning may need some further explanation. While the *Representation of the People Act 1983* states these days are to be disregarded for the purpose of the election timetable, no definitions of such days are provided by the Act or elsewhere.

The parliamentary election timetable could be affected by a period of mourning following the death of a member of the Royal Family. General mourning is observed by the general public, and is usually restricted to the death of the Sovereign. It lasts only a few days, until the funeral. It is assumed that this would be “public mourning” for the purposes of the *Representation of the People Act 1983*. There was no period of general mourning on the death of King George VI in 1952, but it is possible that a period of general mourning would be announced on the death of the present Sovereign. However it is understood that a period

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<sup>1</sup> Ed Colin Rallings and Michael Thrasher 2000

of general mourning would not be announced on the death of another member of the Royal Family, however senior, although this must remain a possibility.

In practice it could perhaps be assumed that any day of mourning or thanksgiving relevant to the election timetable would be set for a day or days (such as Saturdays or Sundays) which, if otherwise appropriate in the context of the event giving rise to them, would not substantively interfere with the election timetable.

The *Representation of the People Act 1985* provides for a ‘freezing’ of the electoral timetable for 14 calendar days following the demise of the Crown, if this occurs between the Proclamation summoning a new Parliament and polling day. The effect of section 20(2) of the 1985 Act would be to treat the date of the proclamation as if it had been made 14 calendar days after the actual date on which it was given. If this means that proceedings forming part of the electoral timetable will fall on a day which is disregarded under the act the proceedings will fall on the following day. If the death were to occur on or after polling day then the election takes its course.

The interaction between the 1983 Act provisions on public mourning and section 20 of the 1985 Act is far from clear. Days of mourning are not statutorily defined but would seem to encompass the general days of mourning observed by the public on the death of the sovereign, as opposed to the court mourning observed by the Royal Family and others. Although it may be regarded as unlikely that such general mourning would be announced in modern times, if it were to take place, it could last for a number of days, and each day of mourning would lengthen the electoral timetable of the 1983 Act by an additional day. If these days of mourning were proclaimed then either the timetable is frozen for a fortnight and the days of mourning are slotted into the intervening 14 days, or the timetable is lengthened by both the days of mourning and the 14 days. The 14 days come into play automatically on the announcement of the death whereas the days of mourning have to be proclaimed, and the assumption must be that the days of mourning would be slotted into the “frozen fortnight.” The days of mourning would lengthen the timetable if proclaimed after the fortnight had ended, but before polling day

## **E. The last possible date for the next general election**

Under the *Septennial Act 1715*, as amended by Section 7 of the *Parliament Act 1911*, five years is set as the maximum duration for a Parliament. In theory, once five years has passed a Parliament expires but in practice the Prime Minister normally requests a dissolution from the Monarch before that date. The five years run from the first meeting of Parliament following the general election. The timetable for the next general election is then set in motion, unless dissolution has been requested earlier. The current parliament was summoned to meet on Wednesday 7 May 1997, so would cease to exist at midnight on Monday 6 May 2002. The general principles behind the calculation of the latest date for a general election are considered below, using 2002 as an illustration.

There are two ways of examining the calculation of the last possible day for the forthcoming general election. One can assume (a) that a proclamation must be issued *before* Parliament expires under the *Septennial Act* (as amended) and calculate the latest possible date for the issue of proclamation and writs. Parliament has not been allowed to expire in modern times, and some authorities argue that a constitutional convention operates so that Parliament must be dissolved before the Act can take effect. Or (b) one can assume that, in the absence of any proclamation dissolving Parliament, that the Parliament automatically expires at midnight, and a proclamation is then required to summon a new Parliament. Statute law specifically provides for expiry through efflux of time. These two alternatives are considered in more detail:

- (a) *The Septennial Act 1715* (as amended) permits a Parliament to meet for five years.<sup>2</sup> The present Parliament was summoned to meet on 7 May 1997, so it would need to be dissolved before midnight on Monday 6 May 2002. A proclamation dissolving the old Parliament and summoning a new Parliament would, therefore, have to be issued on that Monday. However, Monday 6 May 2002 is a Bank Holiday, and together with legal difficulties with issuing writs at a weekend, it would be expected that the proclamation would be issued on Friday 3 May 2002. This would make polling day Wednesday 29 May 2002 under the timetable set out in *Schedule 1* of the *Representation of the People Act 1983*. It could be argued that the convention of holding the election on a Thursday is now so established that the last realistic day would be Thursday 23 May.<sup>3</sup>
- (b) Alternatively, Parliament is allowed to expire at midnight of Monday 6 May 2002 when the *Septennial Act* (as amended) provisions take effect. Although there is no statutory requirement that a new proclamation be issued immediately, it is expected that a proclamation would be made and writs issued at the earliest practicable day, which would be Tuesday 7 May 2002. Polling day would, therefore, be Thursday 30 May 2002.<sup>4</sup>

By the *Meeting of Parliament Act 1694*, the Crown must issue writs for a general election and meeting of Parliament within three years from the dissolution of the last one. In practice it is not possible for the Crown to allow even one year to elapse before calling a parliament since certain statutory authorities are only conferred on a yearly basis. However, one can argue that once Parliament has expired there are no legal reasons why a

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<sup>2</sup> The Septennial Act (as amended) states:...'this present Parliament, and all Parliaments that shall at any time hereafter be called, assembled, or held, shall and may respectively have continuance for [five years,] and no longer, to be accounted from the day on which by writ of summons this present Parliament hath been, or any future Parliaments shall be, appointed to meet, unless this present or any such Parliament hereafter to be summoned shall be sooner dissolved by his Majesty, his heirs or successors.'

<sup>3</sup> Note that the bank holiday Monday on 27 May 2002 will be moved to 4 June 2002, as part of the Golden Jubilee celebration. See HC Deb 23 November 2000 c 294w

<sup>4</sup> For further detail on the expiry of parliament and consequential polling days see 'Analysis: Putting out the writs' *Public Law* Autumn 1997

proclamation has to be made on the *first* day after the Parliament has expired; a delay of some weeks might be feasible.

## **F. Dissolution procedure**

Dissolution may occur at any time; Parliament does not need to be sitting, nor to be recalled, for the purpose of dissolution. In 1992 and 1997 dissolution was preceded by prorogation of Parliament.

Prorogation of Parliament is a prerogative act of the Crown, which suspends nearly all business of both Houses, including the sitting of committees, until Parliament is summoned again.<sup>5</sup> The ceremony normally takes place when both Houses are sitting; a Commission in the House of Lords, usually made up of five peers, requests the attendance of the Commons and Royal Assent is signified to outstanding Acts followed by a nominal speech from the throne. Alternatively, Parliament can be prorogued by proclamation when either House is adjourned. Prorogation is the normal instrument for ending an individual session of Parliament, but it has been the custom for much of the twentieth century also to prorogue Parliament before its dissolution. The instrument of prorogation will nominate a day for the summoning of Parliament but when superseded by a dissolution a later day is named in the Royal Proclamation announcing the issuing of writs.

From September 1974 until 1992 an alternative practice grew up of dissolving Parliament by proclamation following the adjournment of both Houses. An adjournment merely suspends a House's business within a session for a specified period of time, and the exercise of the power is by the Lords and Commons separately. All that is needed is a resolution of the House or for the Speaker to declare under Standing Order that the House is adjourned. It is not therefore a prerogative act. The practice appears to have been first used in 1922 following the sudden break-up of the coalition government. Since Parliament had already adjourned for the summer recess, Parliament was dissolved by royal proclamation on the same day as the announcement of a general election, and no prorogation took place. Parliament had been adjourned on August 4 until November 18 and the election was announced on 23 October, with dissolution on 26 October.

Thereafter prorogation was used until 1964 when Sir Alec Douglas Home called an election when Parliament was already adjourned for the summer recess; after consultation he decided against a recall of the Commons simply to prorogue them. Harold Wilson was the next Prime Minister to abandon prorogation in September 1974, once again when both Houses were already adjourned for the summer recess<sup>6</sup>; thereafter adjournment became

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<sup>5</sup> All proceedings pending at the time are quashed except impeachments by the Commons and appeals before the House of Lords - Erskine May (22<sup>nd</sup> ed 1997 p232)

<sup>6</sup> Adjournment had come on 29 July until October 15; the election was announced on 15 September and Parliament dissolved on 25 September

the norm, as Professor Robert Blackburn records in his 1990 study, *The Meeting Of Parliament*.

According to Professor Blackburn, discussions took place between officials of both Houses and the Crown between 1974 and 1979 as to the necessity of the prorogation ceremony. The *Royal Assent Act 1967* meant that Commissioners in the Lords were no longer necessary, as Assent by Notification became the accepted practice. Administrative convenience therefore told against the prorogation ceremony, which was time consuming, coming as it did a few days into the election campaign.

However before the 1987 dissolution, Speaker Weatherill expressed sadness that the ceremony was not taking place. Professor Blackburn notes this indication that it had been a Government, not a Commons decision to abandon prorogation. In 1992 prorogation was held before dissolution, Although it is not yet known what prompted the reversion, the Speaker's intervention was no doubt very influential.

In 1997 the decision to continue with prorogation may well have been taken with the 1992 precedent in mind, although the effect on select committees<sup>7</sup> meant unfortunate publicity for the Government and may well contribute to a reversion to adjournment at the next election. The relatively long period between the announcement of the election on March 17 and dissolution on April 8<sup>8</sup> focused attention on the manner of the dissolution. Prorogation came on 21 March, a week before Good Friday, but technically Parliament while prorogued could have been summoned by proclamation for an earlier day than in the prorogation proclamation, pursuant to the *Meeting of Parliaments Act 1797 and 1870* and s43 of the *Parliament (Elections and Meetings) Act 1943*.<sup>9</sup> In reality this power can only be exercised by the Prime Minister through advice to the Crown on the use of the prerogative. In contrast, adjournment could have been rescinded by the Speaker summoning the House back for an earlier date through standing orders, although the order is phrased so that representations from the Government to recall are a pre-condition.<sup>10</sup>

In addition, the meeting of Parliament after an election may be deferred by a further proclamation proroguing Parliament to a later day not less than 14 days after the date of the proclamation under the *Proclamation Act 1867*. In 1950 this power was used to extend prorogation from 24 January to 14 February when Parliament was in recess. In the event, a dissolution proclamation was issued on 3 February and polling took place on February 23. The election had been announced on 11 January.

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<sup>7</sup> There were press reports that the unusually early prorogation had been announced to ensure that the Select Committee on Standards and Privilege report on allegations against Neil Hamilton and others would not be published before the election. This was denied by the then Government

<sup>8</sup> At 22 calendar days, it was the longest since 1950

<sup>9</sup> Erskine May (21<sup>st</sup> ed 1989) p223 See also Erskine May (22<sup>nd</sup> ed 1997) p 234-6. The reference is to Standing Order 13 (Lords Standing Order 14 (1))

<sup>10</sup> Erskine May (21<sup>st</sup> ed 1989) p224

Dissolution is normally carried by royal proclamation with the Great Seal affixed, and announces not only the dissolution but that orders have been given for writs to be issued for summoning of the new Parliament. The date on which the new Parliament will meet is also given but not the date of the General Election. The writs are dispatched by post from the Clerk of the Crown in Chancery<sup>11</sup> and are delivered on the following day to the returning Officer for each constituency. In modern times the royal proclamation has been issued only after either a session has been prorogued or the sittings of both Houses have been adjourned.<sup>12</sup>

The date of the election is therefore normally announced some days before prorogation or adjournment and subsequent dissolution, thus allowing a few days to finish Parliamentary business. In 1997, John Major announced the election date of 1 May on March 17 1997, to the press outside 10 Downing Street. At 44 days this started one of the longest election campaigns of modern times; Parliament prorogued on 21 March and proclamation and issue of writs was on 8 April 1997. In 1992 the Prime Minister made a televised announcement in Downing Street on March 11; Parliament was dissolved on March 16 and the election took place on 9 April.<sup>13</sup> In September 1974 Parliament was dissolved while already adjourned for the long recess. On 28 March 1979, immediately following the carrying of a vote of no-confidence the Prime Minister, Jim Callaghan, announced that he would on the following day request a dissolution from the Queen<sup>14</sup> and the dissolution was on April 7.

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<sup>11</sup> Head of the permanent staff of the Crown Office

<sup>12</sup> For further details see *The Meeting of Parliament* (1990) by Robert Blackburn, Erskine May (22<sup>nd</sup> ed 1997) p232

<sup>13</sup> Table 5.03 General Election Timetable 1918-1997 in *British Electoral Facts 1918-1999* ed Colin Rallings and Michael Thrasher gives further details for earlier Parliaments.

<sup>14</sup> HC Deb. Vol 965 c. 589

| Year | Election announced | Parliament prorogued | Parliament dissolved | Polling day          | Parliament assembled |
|------|--------------------|----------------------|----------------------|----------------------|----------------------|
| 1918 | November 14        | November 21          | November 25          | December 14          | February 4<br>(1919) |
| 1922 | October 23         | -                    | October 26           | November 15          | November 20          |
| 1923 | November 13        | November 16          | November 16          | December 6           | January 8<br>(1924)  |
| 1924 | October 9          | October 9            | October 9            | October 29           | December 2           |
| 1929 | April 24           | May 10               | May 10               | May 30               | June 25              |
| 1931 | October 6          | October 7            | October 7            | October 27           | November 3           |
| 1935 | October 23         | October 25           | October 25           | November 14          | November 26          |
| 1945 | May 23             | June 15              | June 15              | July 5 <sup>15</sup> | August 1             |
| 1950 | January 11         | January 21           | February 3           | February 23          | March 1              |
| 1951 | September 19       | October 4            | October 5            | October 25           | October 31           |
| 1955 | April 15           | May 6                | May 6                | May 26               | June 7               |
| 1959 | September 8        | September 18         | September 18         | October 8            | October 20           |
| 1964 | September 15       | -                    | September 25         | October 15           | October 27           |
| 1966 | February 28        | March 10             | March 10             | March 31             | April 18             |
| 1970 | May 18             | May 29               | May 29               | June 18              | June 29              |
| 1974 | February 7         | -                    | February 8           | February 28          | March 6              |
| 1974 | September 18       | -                    | September 20         | October 10           | October 22           |
| 1979 | March 29           | -                    | April 7              | May 3                | May 9                |
| 1983 | May 9              | -                    | May 13               | June 9               | June 15              |
| 1987 | May 11             | -                    | May 18               | June 11              | June 17              |
| 1992 | March 11           | March 16             | March 16             | April 9              | April 27             |
| 1997 | March 17           | March 21             | April 8              | May 1                | May 7                |

<sup>15</sup> July 12 in twelve constituencies and July 19 in one, because of local holiday weeks

**Intervals in days**

| Year    | Announcement to<br>dissolution | Dissolution to<br>assembly | Polling day to<br>assembly |
|---------|--------------------------------|----------------------------|----------------------------|
| 1918    | 11                             | 71                         | 52                         |
| 1922    | 3                              | 25                         | 5                          |
| 1923    | 3                              | 53                         | 33                         |
| 1924    | 0                              | 54                         | 34                         |
| 1929    | 16                             | 46                         | 26                         |
| 1931    | 1                              | 27                         | 7                          |
| 1935    | 2                              | 32                         | 12                         |
| 1945    | 23                             | 47                         | 27                         |
| 1950    | 23                             | 26                         | 6                          |
| 1951    | 16                             | 26                         | 6                          |
| 1955    | 21                             | 32                         | 12                         |
| 1959    | 10                             | 32                         | 12                         |
| 1964    | 10                             | 32                         | 12                         |
| 1966    | 10                             | 39                         | 18                         |
| 1970    | 11                             | 31                         | 11                         |
| 1974(F) | 1                              | 26                         | 6                          |
| 1974(O) | 2                              | 32                         | 12                         |
| 1979    | 9                              | 32                         | 6                          |
| 1983    | 4                              | 33                         | 6                          |
| 1987    | 7                              | 30                         | 6                          |
| 1992    | 5                              | 42                         | 18                         |
| 1997    | 22                             | 29                         | 6                          |

Source: FWS Craig *British Electoral Facts 1832-1987* Table 14.02, as amended

## II Illustrative timetables

For a polling date of Thursday 29 March 2001:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b>  | <b>Stage of electoral timetable</b>   |
|----------------------|--|---|
| 5 March 2001         | Day 0  | Proclamation and issue of writ  |
| 6 March 2001         | Day 1  | Receipt of writ   |
| 7 March 2001         | Day 2  |   |
| 8 March 2001         | Day 3  | Last day for publication of notice of election (4pm)  |
| 9 March 2001         | Day 4  |   |
| 12 March 2001        | Day 5  |   |
| 13 March 2001        | Day 6  | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 14 March 2001        | Day 7  |   |
| 15 March 2001        | Day 8  |   |
| 16 March 2001        | Day 9  |   |
| 19 March 2001        | Bank Holiday<br>(Northern Ireland) as<br>St Patrick's day falls<br>on 17 March |   |
| 20 March 2001        | Day 10   |   |
| 21 March 2001        | Day 11   | Last day for receipt of absent voting applications (5pm)  |
| 22 March 2001        | Day 12   |   |
| 23 March 2001        | Day 13   |   |
| 26 March 2001        | Day 14   |   |
| 27 March 2001        | Day 15   | Last day for appointment of polling and counting agents   |
| 28 March 2001        | Day 16   |   |
| 29 March 2001        | Day 17   | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 5 April 2001:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b>  | <b>Stage of electoral timetable</b>   |
|----------------------|--|---|
| 12 March 2001        | Day 0  | Proclamation and issue of writ  |
| 13 March 2001        | Day 1  | Receipt of writ   |
| 14 March 2001        | Day 2  |   |
| 15 March 2001        | Day 3  | Last day for publication of notice of election (4pm)  |
| 15 March 2001        | Day 4  |   |
| 19 March 2001        | Bank Holiday<br>(Northern Ireland) as<br>St Patrick's day falls<br>on 17 March |   |
| 20 March 2001        | Day 5  |   |
| 21 March 2001        | Day 6  | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 22 March 2001        | Day 7  |   |
| 23 March 2001        | Day 8  |   |
| 26 March 2001        | Day 9  |   |
| 27 March 2001        | Day 10   |   |
| 28 March 2001        | Day 11   | Last day for receipt of absent voting applications (5pm)  |
| 29 March 2001        | Day 12   |   |
| 30 March 2001        | Day 13   |   |
| 2 April 2001         | Day 14   |   |
| 3 April 2001         | Day 15   | Last day for appointment of polling and counting agents   |
| 4 April 2001         | Day 16   |   |
| 5 April 2001         | Day 17   | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 3 May 2001:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b> | <b>Stage of electoral timetable</b>   |
|----------------------|-----------------------------------|---|
| 5 April 2001         | Day 0                             | Proclamation and issue of writ  |
| 6 April 2001         | Day 1                             | Receipt of writ   |
| 9 April 2001         | Day 2                             |   |
| 10 April 2001        | Day 3                             | Last day for publication of notice of election (4pm)  |
| 11 April 2001        | Day 4                             |   |
| 12 April 2001        | Maundy Thursday                   |   |
| 13 April 2001        | Good Friday                       |   |
| 16 April 2001        | Bank Holiday                      |   |
| 17 April 2001        | Day 5                             |   |
| 18 April 2001        | Day 6                             | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 19 April 2001        | Day 7                             |   |
| 20 April 2001        | Day 8                             |   |
| 23 April 2001        | Day 9                             |   |
| 24 April 2001        | Day 10                            |   |
| 25 April 2001        | Day 11                            | Last day for receipt of absent voting applications (5pm)  |
| 26 April 2001        | Day 12                            |   |
| 27 April 2001        | Day 13                            |   |
| 30 April 2001        | Day 14                            |   |
| 1 May 2001           | Day 15                            | Last day for appointment of polling and counting agents   |
| 2 May 2001           | Day 16                            |   |
| 3 May 2001           | Day 17                            | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 24 May 2001:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b> | <b>Stage of electoral timetable</b>   |
|----------------------|-----------------------------------|---|
| 30 April 2001        | Day 0                             | Proclamation and issue of writ  |
| 1 May 2001           | Day 1                             | Receipt of writ   |
| 2 May 2001           | Day 2                             |   |
| 3 May 2001           | Day 3                             | Last day for publication of notice of election (4pm)  |
| 4 May 2001           | Day 4                             |   |
| 7 May 2001           | Bank Holiday                      |   |
| 8 May 2001           | Day 5                             |   |
| 9 May 2001           | Day 6                             | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 10 May 2001          | Day 7                             |   |
| 11 May 2001          | Day 8                             |   |
| 14 May 2001          | Day 9                             |   |
| 15 May 2001          | Day 10                            |   |
| 16 May 2001          | Day 11                            | Last day for receipt of absent voting applications (5pm)  |
| 17 May 2001          | Day 12                            |   |
| 18 May 2001          | Day 13                            |   |
| 21 May 2001          | Day 14                            |   |
| 22 May 2001          | Day 15                            | Last day for appointment of polling and counting agents   |
| 23 May 2001          | Day 16                            |   |
| 24 May 2001          | Day 17                            | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 7 June 2001:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b> | <b>Stage of electoral timetable</b>   |
|----------------------|-----------------------------------|---|
| 14 May 2001          | Day 0                             | Proclamation and issue of writ  |
| 15 May 2001          | Day 1                             | Receipt of writ   |
| 16 May 2001          | Day 2                             |   |
| 17 May 2001          | Day 3                             | Last day for publication of notice of election (4pm)  |
| 18 May 2001          | Day 4                             |   |
| 21 May 2001          | Day 5                             |   |
| 22 May 2001          | Day 6                             | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 23 May 2001          | Day 7                             |   |
| 24 May 2001          | Day 8                             |   |
| 25 May 2001          | Day 9                             |   |
| 28 May 2001          | Bank Holiday                      |   |
| 29 May 2001          | Day 10                            |   |
| 30 May 2001          | Day 11                            | Last day for receipt of absent voting applications (5pm)  |
| 31 May 2001          | Day 12                            |   |
| 1 June 2001          | Day 13                            |   |
| 4 June 2001          | Day 14                            | Last day for appointment of polling and counting agents   |
| 5 June 2001          | Day 15                            |   |
| 6 June 2001          | Day 16                            |   |
| 7 June 2001          | Day 17                            | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 4 October 2001:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b> | <b>Stage of electoral timetable</b>   |
|----------------------|-----------------------------------|---|
| 11 September 2001    | Day 0                             | Proclamation and issue of writ  |
| 12 September 2001    | Day 1                             | Receipt of writ   |
| 13 September 2001    | Day 2                             |   |
| 14 September 2001    | Day 3                             | Last day for publication of notice of election (4pm)  |
| 17 September 2001    | Day 4                             |   |
| 18 September 2001    | Day 5                             |   |
| 19 September 2001    | Day 6                             | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 20 September 2001    | Day 7                             |   |
| 21 September 2001    | Day 8                             |   |
| 24 September 2001    | Day 9                             |   |
| 25 September 2001    | Day 10                            |   |
| 26 September 2001    | Day 11                            | Last day for receipt of absent voting applications (5pm)  |
| 27 September 2001    | Day 12                            |   |
| 28 September 2001    | Day 13                            |   |
| 1 October 2001       | Day 14                            |   |
| 2 October 2001       | Day 15                            | Last day for appointment of polling and counting agents   |
| 3 October 2001       | Day 16                            |   |
| 4 October 2001       | Day 17                            | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 25 October 2001:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b> | <b>Stage of electoral timetable</b>   |
|----------------------|-----------------------------------|---|
| 2 October 2001       | Day 0                             | Proclamation and issue of writ  |
| 3 October 2001       | Day 1                             | Receipt of writ   |
| 4 October 2001       | Day 2                             |   |
| 5 October 2001       | Day 3                             | Last day for publication of notice of election (4pm)  |
| 8 October 2001       | Day 4                             |   |
| 9 October 2001       | Day 5                             |   |
| 10 October 2001      | Day 6                             | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 11 October 2001      | Day 7                             |   |
| 12 October 2001      | Day 8                             |   |
| 15 October 2001      | Day 9                             |   |
| 16 October 2001      | Day 10                            |   |
| 17 October 2001      | Day 11                            | Last day for receipt of absent voting applications (5pm)  |
| 18 October 2001      | Day 12                            |   |
| 19 October 2001      | Day 13                            |   |
| 22 October 2001      | Day 14                            |   |
| 23 October 2001      | Day 15                            | Last day for appointment of polling and counting agents   |
| 24 October 2001      | Day 16                            |   |
| 25 October 2001      | Day 17                            | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 2 May 2002:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b> | <b>Stage of electoral timetable</b>   |
|----------------------|-----------------------------------|---|
| 9 April 2002         | Day 0                             | Proclamation and issue of writ  |
| 10 April 2002        | Day 1                             | Receipt of writ   |
| 11 April 2002        | Day 2                             |   |
| 120 April 2002       | Day 3                             | Last day for publication of notice of election (4pm)  |
| 15 April 2002        | Day 4                             |   |
| 16 April 2002        | Day 5                             |   |
| 17 April 2002        | Day 6                             | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 18 April 2002        | Day 7                             |   |
| 19 April 2002        | Day 8                             |   |
| 22 April 2002        | Day 9                             |   |
| 23 April 2002        | Day 10                            |   |
| 24 April 2002        | Day 11                            | Last day for receipt of absent voting applications (5pm)  |
| 25 April 2002        | Day 12                            |   |
| 26 April 2002        | Day 13                            |   |
| 29 April 2002        | Day 14                            |   |
| 30 April 2002        | Day 15                            | Last day for appointment of polling and counting agents   |
| 1 May 2002           | Day 16                            |   |
| 2 May 2002           | Day 17                            | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 23 May 2002:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b> | <b>Stage of electoral timetable</b>   |
|----------------------|-----------------------------------|---|
| 29 April 2002        | Day 0                             | Proclamation and issue of writ  |
| 30 April 2002        | Day 1                             | Receipt of writ   |
| 1 May 2002           | Day 2                             |   |
| 2 May 2002           | Day 3                             | Last day for publication of notice of election (4pm)  |
| 3 May 2002           | Day 4                             |   |
| 7 May 2002           | Day 5                             |   |
| 8 May 2002           | Day 6                             | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 9 May 2002           | Day 7                             |   |
| 10 May 2002          | Day 8                             |   |
| 13 May 2002          | Day 9                             |   |
| 14 May 2002          | Day 10                            |   |
| 15 May 2002          | Day 11                            | Last day for receipt of absent voting applications (5pm)  |
| 16 May 2002          | Day 12                            |   |
| 17 May 2002          | Day 13                            |   |
| 20 May 2002          | Day 14                            |   |
| 21 May 2002          | Day 15                            | Last day for appointment of polling and counting agents   |
| 22 May 2002          | Day 16                            |   |
| 23 May 2002          | Day 17                            | Polling Day (7 am – 10 pm)  |

For a polling date of Thursday 30 May 2002:

| <b>Calendar date</b> | <b>Day of Electoral timetable</b> | <b>Stage of electoral timetable</b>   |
|----------------------|-----------------------------------|---|
| 7 May 2002           | Day 0                             | Proclamation and issue of writ  |
| 8 May 2002           | Day 1                             |   |
| 9 May 2002           | Day 2                             | Receipt of writ   |
| 10 May 2002          | Day 3                             | Last day for publication of notice of election (4pm)  |
| 13 May 2002          | Day 4                             |   |
| 14 May 2002          | Day 5                             |   |
| 15 May 2002          | Day 6                             | Latest day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4pm)<br>Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6) or as soon afterwards as any objections are disposed of |
| 16 May 2002          | Day 7                             |   |
| 17 May 2002          | Day 8                             |   |
| 20 May 2002          | Day 9                             |   |
| 21 May 2002          | Day 10                            |   |
| 22 May 2002          | Day 11                            | Last day for receipt of absent voting applications (5pm)  |
| 23 May 2002          | Day 12                            |   |
| 24 May 2002          | Day 13                            |   |
| 27 May 2002          | Day 14                            |   |
| 28 May 2002          | Day 15                            | Last day for appointment of polling and counting agents   |
| 29 May 2002          | Day 16                            |   |
| 30 May 2002          | Day 17                            | Polling Day (7 am – 10 pm)  |

Note: 27 May 2002 is not a bank holiday; the bank holiday has been put back to 4 June as part of the Queen's Golden Jubilee celebrations

### III By-elections

The writ for a by-election is usually issued on the same day as or the day following a motion in the Commons for the Speaker to make out the warrant for the issue of a writ. By parliamentary convention the Chief Whip of the party to which the previous MP belonged will usually arrange for the motion to be moved. There is a convention that the writ should be moved within about three months of the seat becoming vacant, but this is not a statutory or parliamentary requirement.

In 1973 a Speaker's Conference on Electoral Law<sup>16</sup> recommended that the three month rule be embodied in a resolution of the House, noting as follows:

1. The Conference, conscious that the intervals before the issue of byelection writs have on occasion been unduly prolonged, put forward the following guidelines:

- a) The motion for a writ for a by-election should normally be moved within three months of a vacancy arising.
- b) It is inexpedient for by-elections to be held in August, or at the time of local elections in April/May, or in the period from mid-December to mid-February before (under present arrangements) a new Register is issued.
- c) Consequently, if this restriction should bring the date of the by-election into one of these periods, the by-election should if practicable be held earlier. If this is impractical the period should be lengthened by the shortest possible additional time. The total period (from vacancy to the moving of the writ) should not be more than four months.
- d) In the fifth year of a Parliament, some relaxation of these guidelines should be allowed, in order if possible to avoid by-elections being held immediately before a general election.

These recommendations have not been implemented.

The Conference also recommended a relaxation of the arrangements for the issuing of writs during a recess, to allow the Speaker some discretion to issue a warrant only when asked by representatives of the appropriate party (para. 2.3). The Speaker was, at that time, required to issue a warrant for election to certain categories of vacant seats upon the application of any two Members during the recess without any consideration of the duration of the vacancy. However, the *Recess Elections Act 1975*<sup>17</sup> still requires the Speaker to issue a writ on application of any two Members during the recess and the Speaker's Conference recommendation has not been acted upon.<sup>18</sup>

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<sup>16</sup> Cmnd 5500 December 1973

<sup>17</sup> Which consolidated and clarified earlier provisions

<sup>18</sup> The Speaker is required to give six days notice in the London Gazette before the writ can be issued and the recess must be long enough to allow the writ to be issued before the Commons meets again. See PCC briefing note on this Act

The Speaker's Conference noted that a maximum time limit would increase the likelihood of a by-election being in progress when Parliament had been dissolved:

4. One consequence of putting a maximum on the period in which a by-election must be held is to increase the possibility that a by-election will be in train when Parliament is dissolved. If this happens, the writ for the General Election should manifestly cancel the earlier writ for the by-election; and similar provisions with regard to candidates' expenses should apply as now in the case when a poll is abandoned because of the death of a candidate.

Writs for by-elections have occasionally been issued, and then superseded due to an ensuing general election. A writ was issued for Warwick and Leamington on 5 November 1923 with a polling day of 22 November but Parliament was dissolved on 12 November and the by-election did not take place; the general election was held on 7 December.<sup>19</sup>

In 1983, a motion to issue a writ for the constituency of Cardiff North West was passed on 19 April<sup>20</sup> but then a motion was passed on 10 May 1983<sup>21</sup> discharging the Speaker's warrant. The moving of the writ on 19 April 1983 is interesting in that it was moved by Dafydd Wigley (although the Member who had died on February 10 was Michael Roberts, a Conservative) and a Government amendment was carried which required the warrant to be issued by the Speaker on 10 May.<sup>22</sup> In the event the election was announced on 9 May, dissolution took place on 13 May and the election was on June 9 1983.

There is no statutory provision providing for the cancellation of a by-election when a general election is in progress. It is presumed that an Acting Returning Officer would consider the writ to have been superseded if the by-election were due to take place at a date when Parliament had been dissolved, since the Member could not be elected to a Parliament which no longer existed. If the conduct of the by-election were to be contested in an election court<sup>23</sup>, the view may be taken that the Acting Returning Officer had acted sensibly in cancelling the election, although there had been no strict statutory authority for such action. The position where the day fixed for the by-election falls between the Government's announcement of a general election and actual dissolution through royal proclamation is much less clear-cut, since a Parliament would still exist. It is possible, for example, that an election court would uphold a decision by the Acting Returning Officer to cancel the

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<sup>19</sup> The candidate was Anthony Eden on both occasions. See *Anthony Eden* [1986] by Robert Rhodes James pp.72-73. A writ was also apparently issued for a by-election in the University of London on September 15 1924, and Parliament was dissolved on October 9 (*Chronology of British Parliamentary Elections 1833-1983* [1983] F.W.S Craig pxi)

<sup>20</sup> HC Deb vol. 41 c.164-171

<sup>21</sup> HC Deb. vol. 42 c.737

<sup>22</sup> See *Parliamentary Practice* (1989) p.277 fn2

<sup>23</sup> As provided for in Part III of the *Representation of the People Act 1983*

election.<sup>24</sup> On the other hand if Parliament were still in existence on polling day the Acting Returning Officer might well consider he had no authority to cancel the election.

In 1979 the by-election for Liverpool Edge Hill took place on 29 March, and Parliament was dissolved on 7 April. On 28 March 1979 the Government lost a confidence vote and the then Prime Minister, Jim Callaghan, announced immediately after the vote that he would ask Her Majesty on the following day for a dissolution.<sup>25</sup> David Alton, the successful candidate, took his seat on 3 April 1979, and asked a number of Parliamentary Questions before dissolution.<sup>26</sup>

The writ is issued by the Clerk of the Crown in Chancery and sent to the Returning Officer or acting Returning Officer for the constituency. The by-election timetable is set in motion following the issue of the writ, but is more flexible than the general election timetable as the acting Returning Officer has some discretion in fixing the last day for the delivery of nomination papers and the subsequent polling day. In practice the motion is normally timed to ensure that the warrant is made with a particular polling day generally - Thursday - in mind, but the actual decision is for the acting Returning Officer, and there is no procedure for an appeal against the day chosen. Thursday has become a convention but there have been post war by-elections where polling day has been on another day.<sup>27</sup>

Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, bank holidays and any day appointed for public thanksgiving or mourning are disregarded in the timetable. A bank holiday for a by-election is only disregarded if it is a bank holiday in that part of the United Kingdom in which the constituency is situated.

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<sup>24</sup> The problem of election expenses remains as there is no statutory provision governing the calculation of candidates' expenses when a poll is countermanded, except where a candidate has died [s.76(3) *RPA* 1983]

<sup>25</sup> HC Deb vol.965, 28 March 1979, c.589

<sup>26</sup> See Hansard index vol. 965 for details

<sup>27</sup> The most recent example was the byelection at Hamilton on 31 May 1978 which was a Wednesday; apparently this was chosen because the acting Returning Officer wished to avoid a clash with a World Cup match on TV. Earlier examples are given in Appendix 22 of *Chronology of British by-elections 1833-1987*, FWS Craig (1987)

## A. Model by-election timetable

### TIMETABLE : PARLIAMENTARY BY-ELECTION<sup>28</sup>

|   |   |
|---|---|
| Issue of writ   | Day 0   |
| Receipt of writ   | Day 1   |
| Last day for publication of notice of election (4pm)  | Day 3   |
| Last day for delivery of nomination papers/ withdrawals of candidature/appointment of election agents(4pm)  | To be fixed by the acting returning officer: not earlier than Day 6; not later than Day 8   |
| Statement of persons nominated published at close of time for making objections to nomination papers (5 pm on Day 6, 7 or 8 as the case may be) or as soon afterwards as any objections are disposed of |   |
| Last day of receipt of absent voting applications (5pm)   | 6th Day before polling day  |
| Last day for appointment of polling and counting agents   | 2 <sup>nd</sup> Day before polling day  |
| Polling Day (7 am – 10 pm)  | To be fixed by the acting returning officer: between days 15 to 17, 16 to 18 or 17 to 19, depending on the day fixed as the last for the delivery of nomination papers. |

Note: - in computing any period of time for the purposes of the timetable, the following days are disregarded: Saturdays, Sundays, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, bank holidays and any day appointed for public thanksgiving or mourning.

This model timetable takes account of changes to the last day for the receipt of absent voting applications under forthcoming regulations, due to come into force on 16 February 2001. See Part I, B for details.

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<sup>28</sup> Taken from *Guidance for Acting Returning Officers* Home Office 1997