

# **Parliamentary Election Timetables (3rd ed: revised)**

**Research Paper 97/40**

**25 March 1997**



This Paper sets out the model timetables for Parliamentary general elections and by-elections. The formal dissolution is made by Royal Proclamation following a request from the Prime Minister. The timetable for the May 1 election is set out, incorporating the new deadlines for the receipt of absent voting applications as applied by the *Representation of the People (Amendment) Regulations 1997*. This replaces Research Paper no. 97/12.

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# I Background

## A. General elections

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.<sup>1</sup> 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 Monday 27 April 1992, so would cease to have existed at midnight on Saturday 26 April 1997. The general principles behind the calculation of the latest date for a general election are considered below, using the 1997 election date 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 27 April 1992, so it would need to be dissolved before midnight of Saturday 26 April 1997. A Proclamation dissolving the old Parliament and summoning a new Parliament would, therefore, have to be issued on that Saturday<sup>3</sup>, making polling day Wednesday 21 May 1997 under the timetable set out in *Schedule 1* of the *Representation of the People Act 1983*. One could argue that the convention that polling day is a Thursday is now so established that the last realistic day would therefore be Thursday 15 May.

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<sup>1</sup> During the First and Second World Wars the duration was extended by statute

<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 the writ of summons this present Parliament hath been, or any future Parliament 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> It is more realistic to suppose that the Proclamation would be issued on Friday 25 April but polling day would be Wednesday 21 May 1997

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(b) Alternatively, Parliament is allowed to expire at midnight of Saturday 26 April when the *Septennial Act* (as amended) provisions would 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 Monday 28 April (there may be legal difficulties with issuing writs on a Sunday). Polling day would, therefore, be Thursday 22 May (whether or not the Proclamation was issued on Sunday 27 or Monday 28 April).

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

Dissolution may occur at any time; Parliament does not need to be sitting, nor to be recalled, for the purpose of dissolution. It is normally carried by a 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 the 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>4</sup> and are delivered on the following day to the Returning Office 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>5</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 1992, for example there was a televised announcement by the Prime Minister outside 10 Downing Street on March 11; Parliament was dissolved on March 16, and the election took place on 9 April.<sup>6</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>7</sup> and the dissolution was on April 7.

The following tables give details of the length of time between announcement of a general election and subsequent assembly of the new Parliament.

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<sup>4</sup> Head of the permanent staff of the Crown Office

<sup>5</sup> For further details see *The Meeting of Parliament* (1990) by Robert Blackburn, *Erskine May* pp.62-63 and p.222

<sup>6</sup> Table 14.02 General Election Timetable 1918-1987 in *British Electoral Facts 1832-1987* by FWS Craig gives further details for earlier Parliaments

<sup>7</sup> HC Deb. vol 965 c.589

General election timetable 1918 - 1997

Year	Election announced	Parliament prorogued	Parliament dissolved	Polling day	Parliament assembled
1918	November 14	November 21	November 25	December 14	February 4 (1919)
1922	October 23	-	October 26	November 15	November 20
1923	November 13	November 16	November 16	December 6	January 8 (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>8</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

*Source: FWS Craig British Electoral Facts 1832-1987 Table 14.02 and the Journal Office of the House of Commons, 19 March 1997*

<sup>8</sup> July 12 in twelve constituencies and July 19 in one, because of local holiday weeks

Intervals in days

Year	Announcement to dissolution	Dissolution to assembly	Polling day to 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*

The election timetable runs from the day of dissolution and issue of new writs, and is set out in the Parliamentary Elections Rules in Schedule 1 of the *Representation of the People Act 1983*. The timetable runs from Day 0 to Day 17, but certain days are disregarded, namely Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, a bank holiday and a day appointed for public thanksgiving or mourning. If the death of the sovereign occurs between the proclamation summoning a new Parliament and polling day, the election is 'frozen' and polling day is postponed for 14 days to take account of a period of mourning.<sup>9</sup> Bank holidays for 1996/97 are as follows:-

*England and Wales:* New Years Day, Easter Monday, May 5 and 26, August 25, and 26 December.

*Scotland:* New Years Day, 2 January, Good Friday, May 5 and August 4, and Christmas Day.

*Northern Ireland:* New Years Day, 17 March, Easter Monday, 5 and 26 May, 14 July, August 25 and 26 December.<sup>10</sup>

For general election purposes, a bank holiday in any part of the United Kingdom must be disregarded.

There is no statutory requirement for elections to be held on Thursdays, but it appears to have now become an election convention. Until the 1918 *Representation of the People Act* fixed a single day for polling, polling would stretch over a number of weeks. Since 1935 every election has been held on a Thursday.<sup>11</sup> The month for the election varies but 1923 was the last time that an election has been held in December, and there have been no polling days in January since 1910.

The new electoral register comes into force on 16 February 1997 and is valid for an election held at any time in the following twelve months. There is no period of time which must elapse after the entry into force of the register before an election is held and the election timetable is unaffected if dissolution occurs just before 16 February. In these circumstances the new register is used, provided that it comes into force on or after polling day. In February 1974 the date of the election was announced on 7 February and Parliament was dissolved on the following day but polling day was 28 February, 2 weeks after the register became valid. The position is slightly more complicated when new Parliamentary boundaries come into force as will happen at the next election but, with new technology new registers for the new constituencies can easily be assembled and in most cases E.R.O.s are known to have already prepared draft registers based on the new boundaries.

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<sup>9</sup> S.20 *Representation of the People Act 1985*

<sup>10</sup> 25 December is a common law public holiday in England, Wales and Northern Ireland. Schedule 1 of the 1971 *Banking and Financial Dealings Act* sets out the bank holidays, but additional days are created by Royal Proclamation

<sup>11</sup> 1918 Saturday 1922, 1924 Wednesday, 1923, 1929 Thursday, 1931 Tuesday

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As the general election is being held on 1 May 1997 there will be a 'combined election' for those local authority areas which are due to hold elections on that date.<sup>12</sup> The last such combined election was May 3 1979. Returning Officers have to deal with two overlapping timetables for local and general elections. The following councils will have elections on 1 May.<sup>13</sup>

### English county councils (whole council elections)

Bedfordshire		Leicestershire
Buckinghamshire		Lincolnshire
Cambridgeshire		Norfolk
Cheshire		Northamptonshire
Cornwall		Northumberland
Cumbria		North Yorkshire
Derbyshire		Nottinghamshire
Devon	Oxfordshire	
Dorset	Shropshire	
Durham		Somerset
East Sussex		Staffordshire
Essex		Suffolk
Gloucestershire		Surrey
Hampshire		Warwickshire
Hertfordshire		West Sussex
Kent		Wiltshire
Lancashire		Worcestershire

### Unitary councils (whole council elections for shadow councils)

Blackburn	Reading
Blackpool	Slough
Bracknell Forest	Southend-on-Sea
Halton	The Wrekin
Herefordshire	Thurrock
Medway Towns	Torbay
Newbury	Warrington
Nottingham	Windsor and Maidenhead
Peterborough	Wokingham
Plymouth	

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<sup>12</sup> Polling day for local elections in Great Britain is fixed as the first Thursday in May S.37 1983 *Representation of the People Act* unless subsequently altered

<sup>13</sup> Northern Ireland local elections are due on Wednesday 21 May 1997

**Unitary councils (third of council)**

Bristol

Kingston upon Hull

**District councils (whole council)**

Malvern Hills

**B. 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's becoming vacant, but this is not a statutory or parliamentary requirement.

In 1973 a Speaker's Conference on Electoral Law<sup>14</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 by-election 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.

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<sup>14</sup> Cmnd 5500 December 1973

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 (paras. 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>15</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>16</sup>

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>17</sup>

In 1983, a motion to issue a writ for the constituency of Cardiff North West was passed on 19 April 1983<sup>18</sup> but then a motion was passed on 10 May 1983<sup>19</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 Government amendment was carried which required the warrant to be issued by the Speaker on 10 May.<sup>20</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.

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<sup>15</sup> which consolidated and clarified earlier provisions

<sup>16</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

<sup>17</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>18</sup> HC Deb vol. 41 c.164-171

<sup>19</sup> HC Deb. vol. 42 c.737

<sup>20</sup> See *Parliamentary Practice* (1989) p.277 fn2

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>21</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 election.<sup>22</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>23</sup> David Alton, the successful candidate, took his seat on 3 April 1979, and asked a number of Parliamentary Questions before dissolution.<sup>24</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>25</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>21</sup> As provided for in Part III of the *Representation of the People Act 1983*

<sup>22</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>23</sup> HC Deb Vol.965, 28/3/79, c.589

<sup>24</sup> See Hansard index for details at vol. 965

<sup>25</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)

## II Model Timetables

### TIMETABLE : PARLIAMENTARY GENERAL ELECTION<sup>26</sup>

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 (4 pm)	Day 3
Last day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4 pm)	Day 6
Last day for receipt of absent voting applications (5pm)	
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 late absent voting applications on health grounds (5pm)	Day 11
Last day for appointment of polling and counting agents	Day 15
Polling day (7 am - 10 pm)	Day 17

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.

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<sup>26</sup> Taken from *Guidance for Acting Returning Officers* Home Office 1997

**TIMETABLE : PARLIAMENTARY BY-ELECTION**

Issue of writ	Day 0
Receipt of writ	Day 1
Last day for publication of notice of election (4 pm)	Day 3
Last day for receipt of absent voting applications (5pm)	11th Day before polling day
Last day for delivery of nomination papers/withdrawals of candidature/ appointment of election agents (4 pm)	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 for receipt of late absent voting applications on health grounds (5pm)	6th Day before polling day
Last day for appointment of polling and counting agents	2nd 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.

### III The General Election Timetable

Thursday 1 May

<u>Calendar date</u>	<u>Day of electoral timetable</u>	<u>Stage of electoral timetable</u>
8 April	0	Proclamation and issue of writs
9 April	1	Receipt of writs
10 April	2	
11 April	3	Notice of election published
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14 April	4	Earliest day for nominations
15 April	5	
16 April	6	Last day for nominations Latest day for receipt of absent voting applications (5pm)
17 April	7	
18 April	8	
<hr/>		
21 April	9	
22 April	10	
23 April	11	Last day for receipt of late absent voting applications on health grounds (5pm)
24 April	12	
25 April	13	
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28 April	14	
29 April	15	
30 April	16	
1 May	17	Polling day
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7 May		Parliament is summoned to meet (Election of Speaker and swearing in of Members)
14 May		State Opening of Parliament

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