



BRIEFING PAPER

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By-election timetables

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Summary

The *Electoral Registration and Administration Act 2013* made provision to increase the length of Parliamentary election timetables, both for general and by-elections. This provision was brought into force on 6 April 2014 by article 3 of the [Electoral Registration and Administration Act 2013 \(Commencement No. 5 and Transitory Provisions\) Order 2014](#). Consequently, Parliament was dissolved 25 rather than 17 working days before the general election on 7 May 2015. For further details see Library Briefing Paper 6574, [Timetable for the UK Parliamentary general election](#).

The by-election timetable is now between 21 and 27 working days from the issuing of the writ (it had previously been between 13 and 19 days). This Briefing Paper provides some background to the change in the length of the election timetables and a model by-election timetable.

The first by-election of the 2015 Parliament will be held in Oldham West and Royton on 3 December 2015. The writ was issued on 2 November following the death of Labour MP Michael Meacher.¹

For the details of by-elections since the last general election see Library Briefing Paper 5833 [By-elections since 2010](#).

¹ [HC Deb 2 November 2015, c697](#)

1. Background

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 Member belonged will usually arrange for the motion to be moved.

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 receipt 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 in mind, generally a Thursday by convention, but the actual decision is for the acting Returning Officer, and there is no procedure for an appeal against the day chosen.

The previous wording of the Parliamentary Election Rules allowed for a 13 day timetable, but in practice no by-election using a 13 day timetable had occurred in the last few decades until May 2013. The possibility of such a short timetable arose only when the Notice of Election was published on Day 1; the timetable allowed for the Notice to be published by Day 3. A 15 day timetable has been the most common period used in the post war period.

The timetable for the by-election in South Shields on Thursday 2 May 2013 was the shortest possible under the old rules at 13 days; polling took place on the same day as local elections in England. The writ for the by-election had been moved on the same day that David Miliband took the office of Steward and Bailiff of the Manor of Northstead which he did on 15 April 2013.

1.1 The Electoral Registration and Administration Act 2013

Section 14 of the *Electoral Registration and Administration Act 2013* made provision for lengthening the UK Parliamentary election timetable, both for general and by-elections. These provisions have been brought into force and Parliament will have to be dissolved 25 rather than 17 days before a general election.² The by-election timetable has now been lengthened from between 13 to 19 days to between 21 and 27 days from the issuing of the writ.

The provisions were brought into force on 6 April 2014 by article 3 of the [Electoral Registration and Administration Act 2013 \(Commencement No. 5 and Transitory Provisions\) Order 2014](#).

² For further details see Library Briefing Paper 6574, [Timetable for the UK Parliamentary general election](#)

5 By-election timetables

The impact assessment that accompanied the *Electoral Registration and Administration Bill* gave details of the background to the policy:

We propose to extend the statutory timetable for UK Parliamentary general elections from 17 to 25 working days. The by-election timetable will be extended by 8 working days from 13 to 19 working days to 21 to 27 working days. Extended timetables will significantly reduce the key risk to the robustness of the process. Furthermore, the improved sequencing of processes will allow more time for voters to receive and return postal votes, particularly benefitting those overseas, including service personnel abroad.³

³ [Extending the timetable for UK Parliamentary elections: impact assessment](#) (*Electoral Registration and Administration Bill 2012-13*), Cabinet Office, 3 May 2012

2. Model by-election timetable

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

Model by-election timetable under the new provisions in the *Electoral Registration and Administration Act 2013*:

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) Statement of persons nominated published at close of time for making objections to nomination papers if no objections are made (5pm) or as soon afterwards as any objections are disposed of	To be fixed by the acting Returning Officer; not earlier than Day 4 (if the Notice of Election is published on Day 1) nor later than Day 8 (not later than the seventh day after the Writ is received)
Last day of receipt of absent voting applications	11 days before polling day
Last day for appointment of polling and counting agents	5th day before polling day
Polling Day	To be fixed by the Acting Returning Officer: not earlier than the 17th day after the close of nominations, nor later than the 19th day after the close of nominations. Polling day is therefore between Day 21 and Day 27.

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