

Research Briefing

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# Parliamentary by-election timetables



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## Summary

All elections follow a statutory timetable. The timetable states when important events must happen, such as the publication of a notice that an election has been called, when nominations can be submitted, and when polling day is.

The timetables for UK Parliament elections and by-elections are triggered by the issue of writs. The writs tell the relevant returning officer to hold an election to return an MP. The timetables for other elections and by-elections operate differently and this note only considers those for the UK Parliament.

The timetable for a general election is set at 25 working days. General elections are traditionally held on a Thursday, but there is no legal requirement for this to be the case.

For a general election, the dissolution of Parliament and the issue of the writs are timed so that they happen on a day that will cause polling day to be on a Thursday. Other elections are required to be held on a Thursday and their election timetables operate to allow for this. For example, local elections in Great Britain must be held on the first Thursday in May in the relevant year.

The timetable for parliamentary by-elections is set at 21 to 27 working days. This is designed to allow the poll to be held on a Thursday, whenever the writ is moved.

The returning officer is responsible for determining and implementing the by-election timetable.

# 1 By-election timetable

The timetable for both UK Parliament general elections and by-elections are set out in schedule 1 of the Representation of the People Act 1983, as amended.

The by-election timetable is set in motion following the receipt of the writ, by the returning officer. Section 3 explains how a writ is issued.

Polling day for elections to the House of Commons is a Thursday by tradition. There is no legal requirement for UK Parliament elections to be held on a Thursday.

The general election timetable is 25 working days. Saturday, Sunday, bank holidays and any day appointed for public thanksgiving or mourning are not counted in the election timetable.

In a general election, the dissolution of Parliament is day 0. Writs are issued on the same day as dissolution and the receipt of the writ the following day is day 1. Nominations close at 4pm on day 6, and polling day is day 25. Dissolution will be timed so it produces a polling day on a Thursday.

For a by-election receipt of the writ remains day 1, but the returning officer running the election has more control over when nominations close and therefore when polling day is. This is designed to allow for the returning officer to hold the by-election on a Thursday regardless of when the writ is issued.

In a by-election the returning officer selects the closing date for nominations. Polling day must be no earlier than the 17<sup>th</sup> day and no later than the 19<sup>th</sup> day after nominations close.

The rules on when nominations close for a by-election state that nominations can be received between the hours of 10am and 4pm from the day after the publication of the notice of election (which can happen on day 1, 2 or 3). The earliest the notice can be published is day 1, the same day as the receipt of the writ.

Nominations must close “not earlier than the third day after the date of publication of the notice of election” and the deadline for the close of nominations is 4pm “no later than the seventh day after that on which the writ is received.”<sup>1</sup>

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<sup>1</sup> [Schedule 1](#), Representation of the People Act 1983, as amended

This means that the earliest the returning officer can close nominations is day 4 and the latest is day 8, depending on when the returning officer publishes the notice of election.

With polling day required to be 17, 18, or 19 days after the close of nominations, the minimum time for polling day is 17 days after day 4 and the maximum time period is 19 days after day 8. This gives a range of 21 to 27 working days for a by-election.

The possible range is set out in the table below.

Possible by-election timetables	
Day	Event
0	Warrant and issue of writ
1	Possible day for publication of notice of election
2	Possible day for publication of notice of election
3	Possible day for publication of notice of election
4	A - First possible day for closing nominations
5	B - possible day for closing nominations
6	C - possible day for closing nominations
7	D - possible day for closing nominations
8	E - Last possible day for closing nominations
9	
...	
21	Earliest possible polling day A+17
22	Possible polling day B+17 or A+18
23	Possible polling day A+19 or B+18 or C+17
24	Possible polling day B+19 or C+18 or D+17
25	Possible polling day C+19 or D+18 or E+17
26	Possible polling day D+19 or E+18
27	Latest possible polling day E+19

The appendix to this research briefing shows the model timetable for a by-election as set out by the Electoral Commission.

An example of this flexibility is demonstrated by-elections to be held in October 2023. The Mid Bedfordshire by-election and the Tamworth by-election are to be held on the same day, Thursday 19 October 2023, even though the writs were received two days apart.

The Mid Bedfordshire timetable is 27 working days in length. The warrant and writ were issued on 12 September 2023.<sup>2</sup> The writ was received by the

<sup>2</sup> [HC Deb 4 September 2023, c1](#)

returning officer on the 13 September. The notice of election was published on Thursday 14 September (day 2). The Mid Bedfordshire returning officer said nominations would open on Friday 15 September (day 3) and close on Friday 22 September (day 8). Polling day is 19 working days after the close of nominations.<sup>3</sup>

The Tamworth by-election timetable is 25 working days. The Tamworth by-election warrant, and writ were issued on Thursday 14 September.<sup>4</sup> The notice of election was issued on the same day as the receipt of the writ on Friday 15 September (day 1).<sup>5</sup> The returning officer said nominations would open from Monday 18 September (day 2) to on 22 September (day 6).

With the Tamworth returning officer issuing the notice of election a day earlier and having one day less for nominations, both returning officers have made the deadline for nominations 4pm on Friday 22 September, and have scheduled polling days as 19 working days later.

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<sup>3</sup> Central Bedfordshire Council, [Timetable for Mid Bedfordshire Parliamentary by-election – 19 October 2023](#), undated

<sup>4</sup> [HC Deb 11 September 2023, c645](#)

<sup>5</sup> Tamworth Council, [Notice of election](#) (PDF), 15 September 2023



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## 2

# Background

Before 2014 the election timetable for general elections to the UK Parliament was 17 days. The rules for by-elections had similar flexibility and allowed for a by-election timetable to be 13 to 19 days.

In practice, the most common timetable for by-election in the post-war period was 15 days. The only recent example of a 13-day by-election timetable was in 2013. The by-election in South Shields on Thursday 2 May 2013 took place on the same day as local elections in England. The motion for the by-election writ to be issued had been moved on the same day that the former MP, David Miliband, took the office of Steward and Bailiff of the Manor of Northstead on 15 April 2013.<sup>6</sup>

The timetable for parliamentary elections was altered by the [Electoral Registration and Administration Act 2013](#). The provisions on parliamentary election timetables in the Act were brought into force from 6 April 2014.<sup>7</sup>

The Electoral Commission had been calling for the extension of the timetable for elections to the UK Parliament since 2003. The Commission's proposals relating to the timetable formed part of a package of reform to electoral administration set out in its report, *Voting for Change: an electoral law modernisation programme*, published in June 2003. The [Electoral Administration Act 2006](#) subsequently included many of these recommendations in its provisions but not an increase in the length of the Parliamentary election timetable.

The proposals to increase the timetable for elections to the UK Parliament would have brought them in line with the timetable for local elections, which in most cases were 25 days. The Commission said:

The timetable for all elections needs to be standardised, both for simplicity and above all in order to avoid confusion in the event that different elections are held on the same day.<sup>8</sup>

A report from the Association of Electoral Administration (AEA) in 2010 said that extending the timetable for general and by-elections would “bring significant benefits to electors in terms of being able to register to vote in the

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<sup>6</sup> [HC Deb 15 April 2013, c1](#)

<sup>7</sup> [Electoral Registration and Administration Act 2013 \(Commencement No. 5 and Transitory Provisions\) Order 2014](#)

<sup>8</sup> Electoral Commission, *Voting for Change: an electoral law modernisation programme*, June 2003, p4



election and to make applications for and then receive absent votes.”<sup>9</sup> The AEA favoured a 30-day timetable.

In 2011, the Coalition Government announced draft legislation on electoral administration and registration. It included proposals to extend the election timetable for parliamentary elections to 25 days with resulting changes to by-election timetables. The then minister said:

The existing timetable for UK parliamentary elections and by-elections is considerably shorter than the electoral timetable for all other UK polls. The very limited time available for the postal vote process compromises effective participation in elections by certain types of voter, particularly overseas and service voters. Moreover, the existing timetable puts considerable pressure on administrative processes by compressing a large number of tasks into a short period, which represents significant risks to the effective conduct of elections.<sup>10</sup>

The draft provisions were published on the same day.<sup>11</sup> The Electoral Commission welcomed the extension of the timetable but questioned why returning officers were given more flexibility around the by-election timetable than that for the general election.<sup>12</sup> The Government responded by saying that the provision mirrored those already in place:

...which include this flexibility to ensure that the poll can be run on a Thursday (a fixed timetable might mean that the 25th working day – polling day – falls on another day of the week). For a normal general election the timetable begins on a day we know will result in a Thursday polling day.<sup>13</sup>

The first by-election held on the longer timetable was in Newark in 2014. The motion for the warrant to issue a new writ was agreed on 1 May 2014.<sup>14</sup> The by-election was held on Thursday 5 June, 23 working days after the warrant for the issue of the writ was ordered (the time period included two bank holidays).

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<sup>9</sup> Beyond 2010: the future of electoral administration in the UK, Association of Electoral Administrators, July 2010

<sup>10</sup> Written ministerial statement, Electoral Administration Provisions, [HC Deb 13 July 2011 c25WS](#)

<sup>11</sup> Cabinet Office, [Draft electoral administration provisions](#), 13 July 2011

<sup>12</sup> Electoral Commission, [Response to the draft Electoral Administration Provision](#) (PDF), October 2011

<sup>13</sup> [Government Response to pre-legislative scrutiny and public consultation on Individual Electoral Registration and amendments to Electoral Administration law](#), February 2012, paragraph 127

<sup>14</sup> [HC Deb 1 May 2014, c971](#)

## 3

# How is a by-election called?

When a seat becomes vacant in the House of Commons a by-election can be held to fill the seat. There is no time limit when a UK Parliament by-election must happen after the seat becomes vacant.

To start the election timetable for a by-election the House of Commons must pass a motion for the Speaker to make out the warrant for the issue of a writ. It is the issue and receipt of the writ that triggers the timetable for a by-election.

In certain circumstances a warrant can be issued without the House of Commons sitting.

## 3.1

# Calling a by-election when the House is sitting

## Motion to order the Speaker to issue a warrant

Any MP can move a motion ordering the Speaker to issue the warrant for a new writ. However, by convention, the motion is moved by an MP of the party that previously held the seat, usually a whip.

In the case of a by-election to fill the seat of a former Speaker, who gives up party affiliation on assuming the role of Speaker, the Speaker's former party will decide when to move the motion to make out the warrant.<sup>15</sup>

If an MP had no party affiliation at the time they vacated the seat, but was elected under a party label, it would normally be the MP's former party that will initiate the by-election.

When there is no other Member from the same political party then the decision to move the motion for issuing of a new writ, usually, falls to the governing party. For example, in March 2018 a Government whip moved the motion that a by-election be held following the resignation of a Sinn Féin MP.<sup>16</sup> Sinn Féin has a policy of not taking their seats in the House of Commons.

In 1985, all Unionist MPs from Northern Ireland resigned in protest over proposals for devolved government in Northern Ireland.<sup>17</sup> It was the chair of

<sup>15</sup> Erskine May, [Vacancies of seats during a session](#), paragraph 2.12

<sup>16</sup> [HC Deb 28 March 2018, c737](#)

<sup>17</sup> Times Digital Archive, 15 Unionist MPs facing mini general election, 18 December 1985

the Procedure Committee, Sir Peter Emery, who moved the motions for the warrants to be made out.<sup>18</sup>

The motion ordering the Speaker to issue the warrant does not appear on the [Commons order paper](#). It can be moved without notice and usually happens at the start of business. By convention, the motion is usually approved without any objection.

If another MP objects to the motion, then the motion can be debated and voted on. The debate is taken immediately after questions (including urgent questions if there are any).<sup>19</sup>

An example of this occurred in 2009. Michael Martin had resigned as Speaker of the House in May 2009. By convention it was the Labour Party who would decide the timing of the by-election. However, an SNP MP, Stewart Hosie, attempted to move the motion for the warrant to be issued in July 2009.<sup>20</sup> The attempt was objected to, which meant the motion was debated later that day.<sup>21</sup> The Labour Party successfully amended the motion to instruct the House to pass on to the next item of business. The House therefore did not order the Speaker to issue a warrant. The motion for a warrant was successfully passed on 16 October 2009.<sup>22</sup>

## Issue of the writ

The writ for a by-election is usually issued on the same day as, or the day following the warrant. The writ is issued by the [Clerk of the Crown in Chancery](#).

The writ is sent to the returning officer or acting returning officer for the relevant constituency.

Sometimes the motion ordering the Speaker to issue the warrant states that the warrant be issued on a future date.

On 4 September 2023 two motions for warrants were agreed demonstrating both an immediate issue and one for a future date. The order for the warrant for a by-election Rutherglen and Hamilton West was for issue without any future date specified, but the order for the Mid Bedfordshire by-election was “That on the 12th day of September, Mr Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ”.<sup>23</sup>

It is the issue and receipt of the writ that is important for the by-election timetable (see section 2).

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<sup>18</sup> [HC Deb 17 December 1985, c139-40](#)

<sup>19</sup> Erskine May, [Vacancies of seats during a session](#), paragraph 2.12

<sup>20</sup> [HC Deb 21 July 2009, c731](#)

<sup>21</sup> [HC Deb 21 July 2009, c757-64](#)

<sup>22</sup> [HC Deb 16 October 2009, c551](#)

<sup>23</sup> [HC Deb 4 September 2023, c1](#)

## 3.2

# Calling a by-election during recess

In some limited circumstances a by-election can be triggered when the House of Commons is in recess.

These provisions are contained in the [Recess Elections Act 1975](#). A recess by-election can be triggered when a seat is vacated by:

- Death
- An MP becomes a member of the House of Lords
- An MP accepting a disqualifying office (except Steward and Bailiff of the Chiltern Hundreds or the Manor of Northstead)
- Bankruptcy

Recess by-elections cannot be held if an MP resigns (by accepting one of the disqualifying offices of the Chiltern Hundreds or Manor of Northstead). They also cannot be held if an MP loses their seat after being unseated by a recall petition or if they are disqualified because they have been convicted of a crime and imprisoned for more than a year.

The Speaker must issue a warrant if they receive a 'certificate of vacancy' that fulfils the requirements of the [Recess Elections Act 1975](#).

On receipt of the certificate the Speaker must publicise receipt of a certificate of vacancy in the [London Gazette](#). The Speaker may not issue the warrant until six days after the insertion of the notice of vacancy in the London Gazette.

The Commons Library research briefing CBP0529, [Recess Elections Act 1975](#), gives more detail on the operation of the Act.

## Appendix

The model timetable for a UK Parliamentary by-election is taken from the Electoral Commission's website. It shows the wording of the timetable as set out in schedule 1 of the Representation of the People Act (RPA) 1983, as amended.<sup>24</sup> It includes other key deadlines included in the timetable that appear in other pieces of election legislation.

Event	Working days before poll
Receipt of writ	The day after the issue of the warrant for the writ <sup>1</sup> (The writ is taken to be received the day after the issue of the warrant for the writ even in the event that the physical delivery of the writ is delayed)
Publication of notice of election	By 4pm on the second day after the writ is taken to have been received <sup>2</sup>
Delivery of nomination papers	Between the hours of 10am and 4pm, from the day after the publication of the notice of election until 4pm on a day to be fixed by the (Acting) Returning Officer (will not be earlier than the third day after the publication of notice of election and not later than the seventh day after the day the writ is taken to have been received) <sup>3</sup>
Deadline for withdrawals of nomination	4pm on the last day for the delivery of nomination papers <sup>4</sup>

<sup>24</sup> Electoral Commission, [Generic timetable for UK Parliamentary by-elections](#)

<b>Event</b>	<b>Working days before poll</b>
<p>Making objections to nomination papers</p> <p>(Except for objections on the grounds that an individual candidate may be disqualified under the Representation of the People Act 1981 – see Commission guidance)</p>	<p>On the last day for delivery of nomination papers (10am to 5pm), subject to the following<sup>5</sup>:</p> <p>Between 10am and 12 noon objections can be made to all delivered nominations</p> <p>Between 12 noon and 5pm objections can only be made to nominations delivered after 4pm on the day before the deadline for the delivery of nomination papers</p>
<p>Deadline for the notification of appointment of election agent</p>	<p>4pm on the last day for delivery of nomination papers<sup>6</sup></p>
<p>Publication of statement of persons nominated, including notice of poll and situation of polling stations</p>	<p>If no objections: by 5pm on the last day for delivery of nomination papers<sup>7</sup></p> <p>If objection(s) are made: Not before objection(s) are disposed of but not later than 4pm on the day after the deadline for the receipt of nomination papers<sup>8</sup></p>
<p>Publication of first interim election notice of alteration</p>	<p>The last day for delivery of nomination papers<sup>9</sup></p>
<p>Deadline for receiving applications for registration</p>	<p>12 days<sup>10</sup></p>
<p>Deadline for receiving new postal vote<sup>11</sup> and postal proxy applications<sup>12</sup>, and for changes to existing postal or proxy votes<sup>13</sup></p>	<p>11 days (5pm)</p>

<b>Event</b>	<b>Working days before poll</b>
Deadline for receiving new applications to vote by proxy (not postal proxy or emergency proxies) <sup>14</sup>	6 days (5pm)
Publication of second interim election notice of alteration	On any day after the first interim publication date and before the publication date of the final election notice of alteration <sup>15</sup>
Publication of final election notice of alteration	5 days <sup>16</sup>
Deadline for notification of appointment of polling and counting agents	5 days <sup>17</sup>
First date that electors can apply for a replacement for lost postal votes	4 days <sup>18</sup>
<b>Polling day</b>	<b>0 (7am to 10pm)</b> Not earlier than the 17th, nor later than the 19th day after the last day for the delivery of nominations <sup>19</sup>
Last time for re-issue of spoilt or lost postal votes	0 (5pm) <sup>20</sup>
Deadline for emergency proxy applications	0 (5pm) <sup>21</sup>
Last time to alter the register due to clerical error or court appeal	0 (9pm) <sup>22</sup>
<b>After the declaration of result</b>	
<b>Event</b>	<b>Deadline</b>
Delivery of return as to election expenses	Within 35 calendar days after the date the election result is declared <sup>23</sup>



Event	Working days before poll
Deadline for sending postal vote identifier rejection notices	Within the period of three months beginning with the date of the poll <sup>24</sup>

## Footnotes:

<sup>1</sup> Rule 1 Timetable Sch 1 RPA 1983 and RPA 1983 s 28 (3A)

<sup>2</sup> Rule 1 Timetable Sch 1 RPA 1983

<sup>3</sup> Rule 1 Timetable Sch 1 RPA 1983

<sup>4</sup> Rule 1 Timetable Sch 1 RPA 1983

<sup>5</sup> Rule 1 Timetable Sch 1 RPA 1983

<sup>6</sup> Section 67 of the RPA 1983

<sup>7</sup> Rule 1 Timetable Sch 1 RPA 1983

<sup>8</sup> Rule 1 Timetable Sch 1 RPA 1983

<sup>9</sup> Section 13AB(5) RPA 1983

<sup>10</sup> Section 13B(2) and (3) and 13A(1) RPA 1983 and regulation 29(4) RPR 2001.

<sup>11</sup> Paragraph 3(1) of Schedule 4 RPA 2000 and regulation 56(1) RPR 2001

<sup>12</sup> Paragraph 7(4) of Schedule 4 RPA 2000 and regulation 56(1) RPR 2001

<sup>13</sup> Paragraph 3(5)(a), 3(6), (7), 4(3), 6(10), 7(7) and 7(9)(a) of Schedule 4 RPA 2000 and regulation 56(1), (4) and (5) RPR 2001

<sup>14</sup> Paragraphs 3(2) and 4(2) of Schedule 4 RPA 2000 and regulation 56(2) and (3) RPR 2001

<sup>15</sup> Section 13AB(6) and 13B(5) RPA 1983

<sup>16</sup> Section 13B(3) and (5) RPA 1983

<sup>17</sup> Rule 30(3) Sch 1 RPA 1983

<sup>18</sup> Regulation 78 and 8(2) and (3) RPR 2001.

<sup>19</sup> Rule 1 Timetable Sch1 RPA 1983

<sup>20</sup> Reg 77(3) and 78(3) RPR 2001

<sup>21</sup> Regulation 56(3A) RPR 2001.

<sup>22</sup> Section 13A(3A) and (3C) RPA 1983 and regulation 36(3) RPR 2001

<sup>23</sup> Section 81(1) RPA 1983

<sup>24</sup> Regulation 61C of the Representation of the People (England and Wales) Regulations 2001

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<sup>i</sup> Rule 1 Timetable Sch 1 RPA 1983 and RPA 1983 s 28 (3A)

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