

Dissolution and Calling of Parliament Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Cabinet Office, have been ordered to be published as HL Bill 51—EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Lord True has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Dissolution and Calling of Parliament Bill are compatible with the Convention rights.

Dissolution and Calling of Parliament Bill

[AS BROUGHT FROM THE COMMONS]

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[AS BROUGHT FROM THE COMMONS]

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B I L L

TO

Make provision about the dissolution and calling of Parliament, including provision for the repeal of the Fixed-term Parliaments Act 2011; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Repeal of the Fixed-term Parliaments Act 2011

The Fixed-term Parliaments Act 2011 is repealed.

2 Revival of prerogative powers to dissolve Parliament and to call a new Parliament

- (1) The powers relating to the dissolution of Parliament and the calling of a new Parliament that were exercisable by virtue of Her Majesty's prerogative immediately before the commencement of the Fixed-term Parliaments Act 2011 are exercisable again, as if the Fixed-term Parliaments Act 2011 had never been enacted. 5
- (2) For the purposes of subsection (1), the powers relating to the calling of a new Parliament include powers to order the issue of— 10
- (a) writs of summons to attend the House of Lords, and
 - (b) writs for parliamentary elections (see rule 3 in Schedule 1 to the Representation of the People Act 1983).

3 Non-justiciability of revived prerogative powers

A court or tribunal may not question—

- (a) the exercise or purported exercise of the powers referred to in section 2, 15
- (b) any decision or purported decision relating to those powers, or
- (c) the limits or extent of those powers. 20

4 Automatic dissolution of Parliament after five years

If it has not been dissolved earlier, a Parliament dissolves at the beginning of the day that is the fifth anniversary of the day on which it first met.

5 Minor and consequential amendments and savings

- (1) The Schedule contains minor and consequential amendments. 5
- (2) The repeal of the Fixed-term Parliaments Act 2011 by section 1 does not affect the amendments and repeals made by the Schedule to that Act.

6 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, subject to subsection (2). 10
- (2) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.
- (3) This Act comes into force on the day on which it is passed.
- (4) This Act may be cited as the Dissolution and Calling of Parliament Act 2021.

SCHEDULE

Section 5

MINOR AND CONSEQUENTIAL AMENDMENTS

Succession to the Crown Act 1707 (c. 41)

- 1 In section 7 of the Succession to the Crown Act 1707 (preservation of prerogative powers), after “prorogue” insert “or dissolve”. 5

Representation of the People Act 1867 (c. 102)

- 2 In section 51 of the Representation of the People Act 1867 (continuation of Parliament on demise of the Crown), after “prorogued” insert “or dissolved”.

Regency Act 1937 (c. 16)

- 3 In section 6 of the Regency Act 1937 (power to delegate royal functions to Counsellors of State), in subsection (1), after “power” insert “to dissolve Parliament otherwise than on the express instructions of the Sovereign, or”. 10

Representation of the People Act 1983 (c. 2)

- 4 The Representation of the People Act 1983 is amended as follows. 15

- 5 In section 28 (discharge of returning officer’s functions in England and Wales), after subsection (3) insert—

“(3A) For the purposes of subsection (3), the writ is to be taken to have been received—

- (a) in the case of a general election, on the day after the date of the dissolution of Parliament, and 20
(b) in the case of a by-election, on the day after the date of the warrant for the writ.”

- 6 In section 76ZA (limitation of pre-candidacy election expenses for certain general elections), in subsection (3)(a), omit “or after”. 25

- 7 In section 95 (schools and rooms for parliamentary election meetings), after subsection (1) insert—

“(1A) For the purposes of subsection (1), the writ is to be taken to have been received—

- (a) in the case of a general election, on the day after the date of the dissolution of Parliament, and 30
(b) in the case of a by-election, on the day after the date of the warrant for the writ.”

- 8 (1) Schedule 1 (parliamentary elections rules) is amended as follows.

- (2) In rule 1, in the election timetable— 35

- (a) in the entry relating to “Issue of writ”, in the second column, omit “by section 3(1) of the Fixed-term Parliaments Act 2011”;

(b)	for the entry relating to “Publication of notice of election” substitute—	<p>“Publication of notice of election</p> <p>In the case of a general election, not later than 4 in the afternoon on the second day after that on which the writ is received (and for these purposes the writ is to be taken to have been received on the day after the date of the dissolution of Parliament).</p> <p>In the case of a by-election, not later than 4 in the afternoon on the second day after that on which the writ is received (and for these purposes the writ is to be taken to have been received on the day after the date of the warrant for the writ).”;</p>	5
(c)	in the entry relating to “Delivery of nomination papers”—	<p>(i) in the second column, omit “by section 3(1) of the Fixed-term Parliaments Act 2011”;</p> <p>(ii) in the third column, at the end insert “(and for these purposes the writ is to be taken to have been received on the day after the date of the warrant for the writ)”;</p>	15
(d)	in the entry relating to “Polling”, in the second column, for “day determined under section 1 of the Fixed-term Parliaments Act 2011 or appointed under section 2(7) of that Act” substitute “19th day after the last day for delivery of nomination papers”.		20
(3)	In rule 2 (computation of time)—	<p>(a) in paragraph (1), at the end insert “, and any such day is not to be treated as a day for the purpose of any proceedings in the Timetable up to the completion of the poll, nor is the returning officer obliged to proceed with the counting of the votes on such a day.”;</p> <p>(b) omit paragraphs (1A) and (1B);</p> <p>(c) in paragraph (2A), for sub-paragraphs (a) and (b) substitute “the day was not fixed or appointed as such before the dissolution of Parliament.”</p>	25
(4)	In the form of writ in the Appendix of Forms at the end of Schedule 1, omit “by section 3(1) of the Fixed-term Parliaments Act 2011”.		
	<i>Representation of the People Act 1985 (c. 50)</i>		35
9	(1) Section 20 of the Representation of the People Act 1985 (demise of the Crown and parliamentary elections etc) is amended as follows.		
	(2) In subsection (1)—	<p>(a) after “proclamation” insert “dissolving Parliament or”;</p> <p>(b) omit “(see section 3(4) of the Fixed-term Parliaments Act 2011)”.</p>	40
	(3) In subsection (2)—	<p>(a) for “(6)” substitute “(6A)”;</p>	

- (b) for paragraphs (a) and (b) substitute “at any time between the dissolution of Parliament and the polling day for the next parliamentary general election (“the current election”),”.
- (4) After subsection (3) insert –
- “(3A) But the Sovereign may by royal proclamation, made on the advice of the Privy Council, appoint an alternative polling day, in place of the day that would otherwise have been the polling day under subsection (3)(a) (“the subsection (3)(a) polling day”), which may be –
- (a) no earlier than the 7th day before the subsection (3)(a) polling day, and
- (b) no later than the 7th day after the subsection (3)(a) polling day.
- (3B) If an alternative polling day is appointed under subsection (3A), subsection (3) applies as if –
- (a) for paragraph (a) there were substituted –
- “(a) the polling day shall be the day appointed by the proclamation under subsection (3A);”;
- (b) in paragraph (b) –
- (i) in a case where the alternative polling day is before the subsection (3)(a) polling day, for “13 days” there were substituted “*x* days” where *x* is 13 minus the number of days that the alternative polling day is before the subsection (3)(a) polling day;
- (ii) in a case where the alternative polling day is after the subsection (3)(a) polling day, for “13 days” there were substituted “*y* days” where *y* is 13 plus the number of days that the alternative polling day is after the subsection (3)(a) polling day.”
- (5) Omit subsection (4).
- (6) After subsection (6) insert –
- “(6A) But the Sovereign may by royal proclamation, made on the advice of the Privy Council, appoint an alternative day for the meeting of the new Parliament, in place of the day that would otherwise have been the day for the meeting of the new Parliament under subsection (6). ”
- (7) In subsection (7), for “by section 3(1) of the 2011 Act, subsections (2) to (6)” substitute “, subsections (2) to (6A)”.

Scotland Act 1998 (c. 46)

- 10 The Scotland Act 1998 is amended as follows. 40
- 11 In section 2 (ordinary general elections), in subsection (2A)(a), omit “(other than an early parliamentary general election)”.

- 12 In section 12A (power of the Secretary of State to make provision about the combination of polls) –
- (a) in subsection (1) –
 - (i) in paragraph (a), for “the elections listed in subsection (2)” substitute “parliamentary by-elections”; 5
 - (ii) in paragraph (b), for “the elections listed in subsections (2) and (3)” substitute “parliamentary by-elections or parliamentary general elections”;
 - (b) omit subsections (2) and (3).
- Political Parties, Elections and Referendums Act 2000 (c. 41)* 10
- 13 The Political Parties, Elections and Referendums Act 2000 is amended as follows.
- 14 In section 63 (weekly donation reports during general election period), in subsection (6)(a), omit “by section 3(1) of the Fixed-term Parliaments Act 2011”. 15
- 15 (1) Section 95A (quarterly donation reports) is amended as follows.
- (2) Omit subsection (2).
 - (3) In subsection (3) –
 - (a) in paragraph (a), for “first day of a qualifying regulated period” substitute “day that is the fourth anniversary of the day on which the Parliament then in existence first met”; 20
 - (b) in paragraph (b), omit “(or the last day) during that qualifying regulated period”.
 - (4) After subsection (3) insert –
 - “(3A) In a case where the pre-dissolution period is 3 months or less, the reporting period is the pre-dissolution period. 25
 - (3B) In a case where the pre-dissolution period is more than 3 months, the reporting periods are –
 - (a) the period of 3 months beginning with the first day of the pre-dissolution period, 30
 - (b) any succeeding period of 3 months falling within the pre-dissolution period, and
 - (c) any final period of less than 3 months falling within that period.”
 - (5) Omit subsections (4) and (5). 35
 - (6) In subsection (7), omit paragraph (a) (and the “and” immediately following it).
- 16 In Schedule 9 (limits on campaign expenditure) –
- (a) in paragraph 1(3)(a), omit “by section 3(1) of the Fixed-term Parliaments Act 2011”; 40

- (b) in paragraph 9(6)(b), omit “by section 3(1) of the Fixed-term Parliaments Act 2011”.

17 In Schedule 10 (limits on controlled expenditure)–

- (a) in paragraph 1(2)(a), omit “by section 3(1) of the Fixed-term Parliaments Act 2011”;
- (b) in paragraph 9(6)(b), omit “by section 3(1) of the Fixed-term Parliaments Act 2011”.

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Government of Wales Act 2006 (c. 32)

18 The Government of Wales Act 2006 is amended as follows.

19 In section 3 (ordinary general elections), in subsection (1A)(a), omit “(other than an early parliamentary general election)”.

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20 In section 13A (power of the Secretary of State to make provision about the combination of polls)–

- (a) in subsection (1)–
 - (i) in paragraph (a), for “the elections listed in subsection (2)” substitute “parliamentary by-elections”;
 - (ii) in paragraph (b), for “the elections listed in subsections (2) and (3)” substitute “parliamentary by-elections or parliamentary general elections”;
- (b) omit subsections (2) and (3).

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Welfare Reform Act 2012 (c. 5)

21 In section 96A of the Welfare Reform Act 2012 (review of benefit cap)–

- (a) in subsection (1), for “in each Parliament” substitute “every five years”;
- (b) omit subsection (9).

25

Electoral Registration and Administration Act 2013 (c. 6)

22 In section 14 of the Electoral Registration and Administration Act 2013 (extension of timetable for parliamentary elections), omit subsection (1) (amendment of section 3 of Fixed-term Parliaments Act 2011).

Wales Act 2014 (c. 29)

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23 In section 1 of the Wales Act 2014 (frequency of Assembly ordinary general elections), omit subsection (2) (amendment of section 5 of Fixed-term Parliaments Act 2011).

Recall of MPs Act 2015 (c. 25)

24 The Recall of MPs Act 2015 is amended as follows.

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25 (1) Section 5 (Speaker’s notice that a recall condition has been met) is amended as follows.

- (2) In subsection (2)(a), after “with the” insert “last possible”.
- (3) After subsection (2), insert –
- “(2A) For the purposes of subsection (2)(a), the last possible polling day is the day on which polling would take place, according to the election timetable in rule 1 of Schedule 1 to the Representation of the People Act 1983, if the Parliament then in existence were dissolved by virtue of section 4 of the Dissolution and Calling of Parliament Act 2021 (automatic dissolution of Parliament after five years).”
- (4) Omit subsection (3).
- 26 (1) Section 13 (early termination of recall petition process) is amended as follows.
- (2) In subsection (2), for paragraphs (a) and (b) substitute “Parliament is dissolved.”
- (3) In subsection (6), after “Speaker” insert “(or, in a case where this section applies by virtue of the first condition, the person who was the Speaker immediately before Parliament was dissolved)”.
- (4) In subsection (9), at the beginning insert “Except in a case where this section applies by virtue of the first condition (dissolution of Parliament);”.
- Small Business, Enterprise and Employment Act 2015 (c. 26)*
- 27 The Small Business, Enterprise and Employment Act 2015 is amended as follows.
- 28 In section 21 (duty on Secretary of State to publish business impact target etc) –
- (a) omit subsection (8);
- (b) in subsection (10), for the words from “an early” to “2011” substitute “a parliamentary general election is to take place”.
- 29 In section 23 (duty of Secretary of State to publish reports) –
- (a) in subsection (8), for the words from “an early” to “2011” substitute “a parliamentary general election is to take place”;
- (b) in subsection (10)(b), for “before the dissolution of Parliament” substitute “no later than three months after the commencement of the new Parliament”;
- (c) omit subsection (11).
- 30 In section 24A (duty on relevant regulators to assess economic impact etc), in subsection (4) for paragraphs (a) and (b) substitute “they must be published no later than two months after the commencement of the new Parliament.”
- 31 In section 25 (appointment of body to verify assessments and lists in reports), omit subsection (7).

Early Parliamentary General Election Act 2019 (c. 29)

32 The Early Parliamentary General Election Act 2019 is repealed.

Referendums (Scotland) Act 2020 (asp 2)

33 In section 3 of Referendums (Scotland) Act 2020 (power to change date of referendum if UK election on same date) –

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- (a) in subsection (2), after “UK” insert “parliamentary general”;
- (b) in subsection (7), omit the definition of “date of a UK election”.

Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341)

34 In regulation 98 of the Representation of the People (England and Wales) Regulations 2001 (supply of free copy of full register for electoral purposes and restrictions on use), in paragraph (5)(a)(i), omit “in accordance with section 3(1) of the Fixed-term Parliaments Act 2011”.

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Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497)

35 In regulation 97 of the Representation of the People (Scotland) Regulations 2001 (supply of free copy of full register for electoral purposes and restrictions on use), in paragraph (4)(a)(i), omit “in accordance with section 3(1) of the Fixed-term Parliaments Act 2011”.

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Make provision about the dissolution and calling of Parliament, including provision for the repeal of the Fixed-term Parliaments Act 2011; and for connected purposes.

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