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# Election timetables

This Research Paper sets out the model timetables for Parliamentary general elections and by-elections. A model local election timetable is included, together with the timetable for 3 May 2007. Timetables for the elections to the Scottish Parliament and the National Assembly for Wales on 3 May 2007 are also given. The Paper updates and replaces Research Paper 04/38 *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 a parliamentary 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 by-election timetable varies between 15 and 19 days from the issuing of the writ. The timing of the writ for by-elections is by tradition in the hands of the Chief Whip of the party to which the previous Member belonged. Although elections are traditionally held on a Thursday, this is not a statutory requirement.

The last possible date for the next general election is a complex calculation, because of the uncertainties of the operation of the *Septennial Act 1715*, which is still in force, as amended. This sets five years as the maximum duration of a Parliament, but Parliament has not been allowed to expire in modern times, since the writs are always issued before the five years has run out. The writs for the next Parliament are issued under the royal prerogative, with the only statutory requirement being that a new Parliament meet within three years of the last. The paper includes a timetable for the last possible date of the next general election; the date and timetable are the same whether Parliament is allowed to expire or whether the writ is issued before expiry.

Parliaments may be prorogued or adjourned before dissolution. The former is a prerogative act, with both procedures being used in recent times. There are certain differences in the effect on the operation of parliamentary business, with prorogation preventing the publication of select committee reports. The date of the election is normally announced some days before dissolution, allowing a few days to finish parliamentary business.

The electoral timetable for local and European elections is 25 days, and several key deadlines differ from the parliamentary timetable. This paper sets out the timetables for the local elections and elections to the Scottish Parliament and National Assembly for Wales on 3 May 2007.

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# I General elections

## A. Background

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 last amended by the *Electoral Administration Act 2006*.<sup>1</sup>

The Electoral Commission published proposals in July 2003 to lengthen the general election timetable to bring it into line with the 25 day local election timetable, but these have not been implemented.<sup>2</sup> The Commission's reasoning was based on the increasing practice of combining local and general elections, as in 2001:

2.9 One of the key timetable-related issues to emerge out of our report on the 2001 general election was that of the shorter length of the Parliamentary general election timetable. In our consultation paper, we identified two main difficulties caused by the timetable's brevity:

- A heavy workload for electoral administrators, particularly in light of the changes introduced by the Representation of the People Act 2000, which introduced postal voting on demand and allowed a postal or proxy vote application to be accepted up to six – rather than 11 – working days before the poll.
- A very short timescale for electors to organise a postal vote for a particular election – at present voters have two weeks from the issuing of writs to send in applications.

[...]

2.11 As already indicated, we accept that there may, in principle, be good reasons why different elections might require different approaches in a number of respects, including the time needed between commencement of the process and polling day. However, we are not convinced that the current inconsistencies in election timetables are based on anything other than historical accident, and the prevailing political pressures at the time different legislation was passed.

The Electoral Commission proposals formed part of a package of reform to electoral administration set out in its June 2003 report *Voting for Change: an electoral law modernisation programme*. The *Electoral Administration Bill 2005-06* included many of these recommendations in its provisions including the abolition of Maundy Thursday as a *dies non* (not counted for the purposes of the timetable).<sup>3</sup> However the Government did not favour an increase in the length of the Parliamentary timetable in its response to *Voting for Change* in December 2004.<sup>4</sup>

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<sup>1</sup> *Electoral Administration Act 2006 (Commencement No 2, Transitional and Savings Provisions) Order, 2006*. SI 2006/3412

<sup>2</sup> *Electoral Timetables in the United Kingdom* Electoral Commission July 2003, available at [http://www.electoralcommission.org.uk/files/dms/Timetables\\_10051-7977\\_\\_E\\_\\_N\\_\\_S\\_\\_W\\_\\_.pdf](http://www.electoralcommission.org.uk/files/dms/Timetables_10051-7977__E__N__S__W__.pdf)

<sup>3</sup> For further details of the *Electoral Administration Bill 2005-06* see Library Research Paper 05/65 at <http://www.parliament.uk/commons/lib/research/rp2005/rp05-065.pdf>

<sup>4</sup> Cm 6426 Recs 54-56

## B. 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)	
Last day to apply to register to vote	
Last day for appointment of polling and counting agents	Day 15
Polling Day (7 am – 10 pm)	Day 17
Last day to apply for a replacement for spoilt or lost postal ballot papers (5pm)	

For the purposes of the timetable, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday and any day appointed for public thanksgiving or mourning are disregarded. Maundy Thursday is no longer disregarded following the *Electoral Administration Act 2006*.<sup>5</sup>

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. 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.

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<sup>5</sup> S 20 of the *Electoral Administration Act 2006*. Brought into force by the *Electoral Administration Act 2006 (Commencement No 2, Transitional and Savings Provisions) Order, 2006*. SI 2006/3412

## C. Day of election

There is no statutory requirement for parliamentary elections to be held on Thursdays; they can be held on any weekday. However, using Thursdays 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*, Tables 5.02 and 5.03.<sup>6</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. 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. 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.

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. 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

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<sup>6</sup> *British Electoral Facts 1832-1999*, edited by Colin Rallings and Michael Thrasher, 2000

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 further 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 11 May 2005, so would cease to exist at midnight on Monday 10 May 2010. The general principles behind the calculation of the latest date for a general election are considered below, using 2010 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>7</sup> The present Parliament was summoned to meet on 11 May 2005, so it would need to be dissolved before midnight on Monday 10 May 2010. A proclamation dissolving the old Parliament and summoning a new Parliament would, therefore, have to be issued at the latest on that Monday. This would make polling day **Thursday 3 June 2010** under the timetable set out in *Schedule 1* of the *Representation of the People Act 1983*.
- (b) Alternatively, Parliament is allowed to expire at midnight of Monday 10 May 2010 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

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<sup>7</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.’



that a proclamation would be made and writs issued at the earliest practicable day, which would be Tuesday 11 May 2010. Polling day would, therefore, be Friday 4 June.<sup>8</sup> 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 3 June 2010**, with the proclamation issued on Monday 10 May 2010.<sup>9</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 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, 1997 and 2005 dissolution was preceded by prorogation of Parliament. However in 2001, Parliament was dissolved without being prorogued beforehand.

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. 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

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<sup>8</sup> For further detail on the expiry of parliament and consequential polling days see 'Analysis: Putting out the writs', *Public Law*, Autumn 1997

<sup>9</sup> In both timetables, it has been taken into account that Monday 31 May 2010 would be a Bank Holiday.

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>10</sup> thereafter adjournment became 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 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 meant unfortunate publicity for the Government and may well have contributed to the reversion to adjournment before the 2001 election.<sup>11</sup> The relatively long period between the announcement of the election on 17 March 1997 and dissolution on 8 April 1997 focused attention on the manner of the dissolution.<sup>12</sup>

Prorogation came on 21 March 1997, 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 section 43 of the *Parliament (Elections and Meetings) Act 1943*.<sup>13</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>14</sup>

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<sup>10</sup> Adjournment had come on 29 July until October 15; the election was announced on 15 September and Parliament dissolved on 25 September

<sup>11</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>12</sup> At 22 calendar days, it was the longest since 1950.

<sup>13</sup> Erskine May, 23<sup>rd</sup> edition, p276

<sup>14</sup> Erskine May, 23<sup>rd</sup> edition, p277

In addition, the meeting of Parliament after an election may be deferred under the *Proclamation Act 1867* by a further proclamation proroguing Parliament to a later day not less than 14 days after the date of the proclamation. 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.

Dissolution is normally carried out 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>15</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>16</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 2005 Tony Blair announced the date of the general election of 5 May on Tuesday 5 April outside 10 Downing Street. Parliament was prorogued on Thursday 7 April. In 2001, Tony Blair had announced the election date of 7 June on 8 May 2001, at St Saviour's & St Olave's Church of England School in Bermondsey, south London. Parliament was subsequently dissolved on 11 May 2001. 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>17</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>18</sup> and the dissolution was on April 7.

The following tables set out the length of time in days between the election announcement, prorogation and dissolution, polling day and assembly of the new Parliament.

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<sup>15</sup> Head of the permanent staff of the Crown Office

<sup>16</sup> For further details see *The Meeting of Parliament* (1990) by Robert Blackburn, Erskine May (22<sup>nd</sup> ed 1997) p232

<sup>17</sup> Table 5.03 General Election Timetable 1918-1997 in *British Electoral Facts 1918-1999*, edited by Colin Rallings and Michael Thrasher, gives further details for earlier Parliaments.

<sup>18</sup> HC Deb 28 March 1979 c589

Year	Election announced	Parliament prorogued	Parliament dissolved	Polling day	Parliament assembled	
1918	November 14	November 21	November 25	December 14	February (1919)	4
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>19</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	
2001	May 8	-	May 11	June 7	June 13	
2005	April 5	April 7	April 11	May 5	May 11	

<sup>19</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
2001	3	36	6
2005	6	30	6

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

## II 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 Member belonged will usually arrange for the motion to be moved. This convention causes difficulties when the seat is vacated by an Independent. The most recent incidence of this was the death of the Independent, Peter Law, on 25 April 2006. On this occasion the writ for the seat of the now Blaenau Gwent was moved by a Labour Whip on 6 June 2006. The seat was subsequently won by another Independent. 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.

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>20</sup>

Saturdays, Sundays, Christmas Eve, Christmas Day, 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.

The timetable for by-elections is significantly shorter than for any other type of election and the tight deadlines can cause problems in electoral administration, given the wider use of postal voting. The Electoral Commission proposals for a new standard timetable of 25 days included by-elections but as noted above implementation is unlikely.<sup>21</sup>

In 1973 a Speaker's Conference on Electoral Law recommended that the three month rule on the moving of a writ be embodied in a resolution of the House.<sup>22</sup>

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.

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<sup>20</sup> The most recent example was the by election 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)

<sup>21</sup> *Election Timetables in the United Kingdom*, Electoral Commission, July 2003

<sup>22</sup> Cmnd 5500 1973

(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>23</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>24</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>25</sup>

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<sup>23</sup> The Act consolidated and clarified earlier provisions.

<sup>24</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 Parliament and Constitution Centre Standard Note no 529 *Recess Elections Act* for details of the procedure.

<sup>25</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)

In 1983, a motion to issue a writ for the constituency of Cardiff North West was passed on 19 April<sup>26</sup> but then a motion was passed on 10 May 1983<sup>27</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>28</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>29</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>30</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>31</sup> David Alton, the successful candidate, took his seat on 3 April 1979, and asked a number of Parliamentary Questions before dissolution.<sup>32</sup>

## A. Model by-election timetable

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

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<sup>26</sup> HC Deb 19 April 1983 c164-171

<sup>27</sup> HC Deb 10 May 1983 c737

<sup>28</sup> See *Parliamentary Practice* (1989) p.277 fn2

<sup>29</sup> As provided for in Part III of the *Representation of the People Act 1983*

<sup>30</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>31</sup> HC Deb 28 March 1979 c589

<sup>32</sup> See Hansard index vol 965 for details



Statement of persons nominated published at close of time for making objections to nomination papers (5pm 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)

Last day for appointment of polling and counting agents

Polling Day

later than Day 8

11 days before polling day

2<sup>nd</sup> day before polling day

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, Good Friday, bank holidays and any day appointed for public thanksgiving or mourning.

### III Local election timetables

The current local election timetable of 25 days dates from the *Local Government Act 1972*. It is set out in Part 1 of Schedule 2 to the *Local Elections (Principal Areas) Rules 1986*.<sup>33</sup> In theory, the earliest day for publication of notice of election is 32 days before polling day, but the remaining deadlines are fixed days before polling day. The timetable is calculated backwards from polling day, in contrast to the parliamentary timetable which is counted forwards from issuing of the writ. This causes some problems when local elections are combined with general elections or by-elections as certain key dates, such as closing time for nomination of candidates are not aligned. The timetables for the European Parliamentary elections and the devolved assemblies/parliaments are also 25 days in length.

#### A. Model local authority timetable

	Proceeding
Day 1	Latest date for publication of notice of election
Day 2	
Day 3	

<sup>33</sup> SI no 2214/1986

Day 4/	
Day 5	
Day 6	
Day 7	Delivery of nomination papers (noon)
Day 8	
Day 9	Publication of statement of persons nominated (noon)
Day 10	Delivery of notices of withdrawals of candidature (noon) Last day for appointment of election agents (noon)
Day 11	
Day 12	
Day 13	
Day 14	
Day 15	Deadline for applications to be included on the register of electors to be used at the election. Last day for requests for a new postal vote or to change or cancel an existing postal vote or proxy appointment (5pm).
Day 16	
Day 17	
Day 18	
Day 19	
Day 20	Last day for publication of notice of poll. Last day for new applications to vote by proxy (except for medical emergencies).
Day 21	
Day 22	
Day 23	
Day 24	
Day 25	
	<b>Polling Day (7am – 10pm)</b> Last day to issue replacements for spoilt or lost postal ballot papers (5pm) Last day for new applications to vote by proxy on grounds of a medical emergency (5pm) Last day to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision (9pm)

## B. The timetable for 3 May 2007

The Electoral Commission website gives details of the 312 local council elections in England on 3 May 2007.<sup>34</sup>

	<b>Proceeding</b>	<b>Time</b>
Day 1	Latest date for publication of notice of election	Tuesday 27 March
Day 2		Wednesday 28 March
Day 3		Thursday 29 March

<sup>34</sup> <http://www.electoralcommission.org.uk/elections/England2007.cfm>

Day 4		Friday 30 March
Day 5		Monday 2 April
Day 6		Tuesday 3 April
Day 7	Last day for delivery of nomination papers (by 12 noon)	Wednesday 4 April
Day 8		Thursday 5 April
Day 9*	Publication of statement of persons nominated (by 12 noon)	Tuesday 10 April
Day 10	Last day for withdrawals of candidature (by 12 noon) Last day for notice of appointment of election agents (by 12 noon)	Wednesday 11 April Wednesday 11 April
Day 11		Thursday 12 April
Day 12		Friday 13 April
Day 13		Monday 16 April
Day 14		Tuesday 17 April
Day 15	Deadline for applications to be included on the register of electors to be used at the election. Last day for requests for a new postal vote or to change or cancel an existing postal vote or proxy appointment. (by 5pm) Issue of postal ballot papers (after 5pm)	Wednesday 18 April Wednesday 18 April Wednesday 18 April
Day 16		Thursday 19 April
Day 17		Friday 20 April
Day 18		Monday 23 April
Day 19		Tuesday 24 April
Day 20	Last day for new applications to vote by proxy (except for medical emergencies) (by 5pm)	Wednesday 25 April
Day 21	Last day for notice of appointment of counting agents (and polling agents)	Thursday 26 April
Day 22	First day to issue ballot papers in response to requests to replace lost ballot papers	Friday 27 April
Day 23		Monday 30 April
Day 24		Tuesday 1 May
Day 25		Wednesday 2 May
	<b>Polling Day (7am – 10pm)</b> Last day to issue replacements for spoilt or lost postal ballot papers (5pm) Last day for new applications to vote by proxy on grounds of a medical emergency (5pm) Last day to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision (9pm)	Thursday 3 May

\* Note that Good Friday and Easter Monday are disregarded.

## **IV Timetable for the combined local elections and elections to the Scottish Parliament on 3 May 2007**

The Scottish Parliamentary elections will be conducted using the Additional Member System (AMS); MSPs will be elected for each of the Parliament's 73 constituencies and a further 56 MSPs will be elected to represent the Parliament's 8 electoral regions (7 for each region); a total of 129. On the same day elections will also be held for all the council seats in Scotland's 32 councils. The Single Transferable Vote (STV) will be used for the first time at these elections. The timetable for these combined elections is set out below.

	<b>Proceeding</b>	<b>Time</b>
Day 1		Tuesday 27 March
Day 2		Wednesday 28 March
Day 3		Thursday 29 March
Day 4		Friday 30 March
Day 5	Latest day for publication of notices of election	Monday 2 April
Day 6		Tuesday 3 April
Day 7		Wednesday 4 April
Day 8*		Thursday 5 April
Day 9		Tuesday 10 April
Day 10	Last day for appointment of election agents and publication of notice of election agents (by 4pm) Last day for delivery of nomination papers (by 4pm) Last day for withdrawal of nominations (by 4pm) Making of objections to nomination papers (at Scottish Parliamentary elections) (by 4pm, or exceptionally 5pm) Publish statements as to persons, parties and individual candidates nominated (at Scottish Parliamentary elections, if no objections made) including notice of poll (at 4pm)	Wednesday 11 April
Day 11	Publish statements as to persons, parties and individual candidates nominated (at Scottish Parliamentary elections, if objections made) including notice of poll (by 4pm)	Thursday 12 April
Day 12		Friday 13 April
Day 13		Monday 16 April
Day 14		Tuesday 17 April
Day 15	Last day for applications to be included on the register of electors to be used at the elections Last day for requests to change or cancel an existing postal or proxy vote (by 5pm)	Wednesday 18 April

	Last day for new applications to vote by post (by 5pm) First day on which postal ballot papers can be sent out (not before 5pm)	
Day 16		Thursday 19 April
Day 17		Friday 20 April
Day 18		Monday 23 April
Day 19		Tuesday 24 April
Day 20	Last day for new applications to vote by proxy (except for medical emergencies)	Wednesday 25 April
Day 21	Last day for notice of appointment of polling and counting agents	Thursday 26 April
Day 22		Friday 27 April
Day 23	First day to issue postal ballot papers in response to requests to replace lost ballot papers	Monday 30 April
Day 24		Tuesday 1 May
Day 25		Wednesday 2 May
	<b>Polling Day (7am – 10 pm)</b> Last day to issue replacements for spoilt or lost postal ballot papers (by 5pm) Last day for new applications to vote by proxy on grounds of a medical emergency (by 5pm) Last day to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision (by 9pm)	Thursday 3 May

\* Note that Good Friday and Easter Monday are disregarded.

## V Timetable for elections to the National Assembly for Wales on 3 May 2007

	Proceeding	Time
Day 1	Latest date for publication of notices of election (Constituency and Regional)	Tuesday 27 March
Day 2	First day for delivery of nomination papers	Wednesday 28 March
Day 3		Thursday 29 March
Day 4		Friday 30 March
Day 5		Monday 2 April
Day 6		Tuesday 3 April
Day 7	Last day for delivery of nomination papers (by 12 noon) Making of objections to nomination papers (by 1pm)	Wednesday 4 April
Day 8*		Thursday 5 April
Day 9	Last day for withdrawal of nominations (by 12 noon)	Tuesday 10 April

	Last day for the appointment of election agents and publication of election agents (by 12 noon)	
Day 10	Publication of statements of persons and parties nominated and notice of poll (Constituency and Regional) (by 12 noon)	Wednesday 11 April
Day 11		Thursday 12 April
Day 12		Friday 13 April
Day 13		Monday 16 April
Day 14		Tuesday 17 April
Day 15	Last day for applications to be included on the register to be used at these elections Last day for requests to change or cancel an existing postal or proxy vote, or apply for a new application to vote by post (by 5pm) First day on which postal ballot papers can be sent out (after 5pm)	Wednesday 18 April
Day 16		Thursday 19 April
Day 17		Friday 20 April
Day 18		Monday 23 April
Day 19		Tuesday 24 April
Day 20	Last day for new applications to vote by proxy (except for medical emergencies)	Wednesday 25 April
Day 21	Last day to make alterations to the register of electors except where they are to correct a clerical error or to implement a court (registration appeal) decision	Thursday 26 April
Day 22	First day to issue postal ballot papers in response to requests to replace lost ballot papers	Friday 27 April
Day 23		Monday 30 April
Day 24	Last day for the appointment of polling/counting and deputy election agents	Tuesday 1 May
Day 25		Wednesday 2 May
	<b>Polling Day (7am – 10 am)</b> Last day to make alterations to the register to correct a clerical error or to implement a court (registration appeal) decision (by 9pm) Last day to apply for an emergency proxy vote on medical grounds (by 5pm) Last day to request the replacement of lost/spoilt postal ballot papers (by 5pm)	Thursday 3 May

\*Note that Good Friday and Easter Monday are disregarded.