

# LGA briefing: Fixed Term Parliaments Act 2011

The Fixed Term Parliaments Act 2011 ('2011 Act')<sup>1</sup> sets out the rules on five year Parliaments. Prior to this, the Septennial Act 1715, as amended by the Parliament Act 1911, set the term at seven years. The 2011 Act sets a maximum term between elections, rather than the length of the Parliament. The 2011 Act came about as a result of the commitment in the 2010 Coalition Agreement to political reform and in order to reduce the likelihood of an early dissolution of Parliament.

## ***Five year fixed term elections***

The 2011 Fixed Term Parliaments Act sets the date of the next UK general election as Thursday 7 May 2015 (section one). Thereafter, the first Thursday in May in the fifth calendar year is set as the next polling day, so the general election after next is due in 2020. For the first time ever, the date of the next General Election is known in advance and certain.

The date of the general election can be extended by a maximum of two months to deal with unexpected developments. To do this, the Prime Minister must lay an order before both Houses, setting out reasons for the delay. The foot and mouth disease outbreak in 2001 is a precedent for this.

Section 7 of the Act requires the Prime Minister to make arrangements between June and November 2020 for a committee to carry out a review of the operation of the Act. If appropriate, the committee is to make recommendations for the repeal or amendment of the Act, and the Prime Minister must make arrangements for the publication of the committee's findings and recommendations.<sup>2</sup>

## ***Early Elections***

There are two provisions that trigger an election other than at five year intervals (section 2). These are:

- A motion for an early general election is agreed by two thirds of the total number of seats in the Commons (currently 434 out of 650), including vacant seats.
- A motion of no confidence is passed in Her Majesty's Government by a simple majority and 14 days elapses without the House passing a motion of confidence in Her Majesty's Government.

## ***Steps to call an election under the 2011 Act***

The 2011 Fixed Term Parliaments Act provides for set formulas to be used for an early parliamentary general election. These are:

- For an early general election, the motion must be as follows: "That there shall be an early parliamentary general election." If the motion is passed on a vote, the number of Members who vote in favour of the motion is a number equal to or greater than two thirds of the number of seats in the House (including vacant seats).
- For a motion of no confidence, the motion must be as follows: "That this House has no confidence in Her Majesty's Government." If this motion is carried by a simple majority, there is a 14 calendar day period in which to form a new government which must be confirmed in office by the following motion: "That this House has confidence in Her Majesty's Government."

- If a new government cannot be formed within this time period, then dissolution is triggered with no provision for an extension of the 14 day period. Dissolution need not follow immediately on a triggering event. Section 2(7) allows for the Prime Minister to recommend a suitable polling day to the Crown. A proclamation for a new Parliament can then be issued.

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<sup>1</sup> House of Commons Library, *Fixed-term Parliaments Act 2011 - Commons Library Standard Note*, available at: <http://www.parliament.uk/business/publications/research/briefing-papers/SN06111/fixedterm-parliaments-act-2011>

<sup>2</sup> Ibid, page 5.