

Research Briefing

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Dissolution of Parliament



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Summary

Dissolution is the official term for the end of a Parliament before a general election. When Parliament is dissolved every seat in the House of Commons becomes vacant.

Under [section 2 of the Dissolution and Calling of Parliament Act 2022](#), Parliament is dissolved by His Majesty, using prerogative powers. By convention, these powers are exercised following a request from the Prime Minister.

Polling day for a general election takes place 25 working days after Parliament has been dissolved.

Between 2011 and 2022, the date of each general election was determined by statute, rather than by the exercise of prerogative powers. Under the Fixed-term Parliaments Act 2011 the default rule was that a general election would be held on the first Thursday in May in the fifth year after the previous general election. Parliament was automatically dissolved, under those arrangements, 25 working days before polling day.

The 2011 Act made provision for the House of Commons to trigger an early general election, either following a vote of no confidence in the Government or after the House of Commons voted for an early general election. An early election could also take place under a bespoke statute, as was the case in 2019.

The Dissolution and Calling of Parliament Act 2022 repealed the Fixed-term Parliaments Act 2011. It purported to restore the arrangements that were in place before 2011. Therefore as a matter of law, the King has the legal power to dissolve one Parliament and call a new one.

The 2022 Act sets the maximum length of a Parliament at five years, running from the day it first meets. [Section 4](#) provides that:

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.

Under this provision, the current Parliament would dissolve on 17 December 2024, unless dissolved earlier.

There are no statutory restrictions on when the Prime Minister can request a dissolution. However, during the passage of the Dissolution and Calling of Parliament Act 2022 the Government said that “[there remains a role for the](#)

[sovereign in exceptional circumstances to refuse a Dissolution request](#)”, although it also said there was “[an abiding need to avoid the sovereign being drawn into politics](#)”, including arguments over whether a request for a dissolution was appropriate.

Latest possible general election

If the current Parliament is not dissolved early, it would dissolve automatically on 17 December 2024; and the general election would follow on Tuesday 28 January 2025.

The 25-day election timetable is automatically triggered by dissolution but Saturdays, Sundays, Christmas Eve, Christmas Day, Boxing Day, New Year’s Day and the Scottish Bank Holiday on 2 January are not counted in calculating the 25 days.

The election timetable is set in Schedule 1 of the [Representation of the People Act 1983](#).

1 Current arrangements for dissolving Parliament

Dissolution is the official term for the end of a Parliament before a general election. When Parliament is dissolved every seat in the House of Commons becomes vacant.

Dissolution can happen in one of two ways. The first is automatic, and by operation of law. Section 4 of the Dissolution and Calling of Parliament Act 2022 sets the maximum length of a Parliament at five years, from the day it first meets:

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.¹

Second, Parliament can be, and almost always has been, dissolved earlier. Under powers referred to in section 2 of the Dissolution and Calling of Parliament Act 2022,² the King may dissolve Parliament before the expiry of its maximum term. By convention, the King exercises those powers only following a request by the Prime Minister.

The election process is triggered automatically by dissolution. The election timetable, in Schedule 1 of the Representation of the People Act 1983, states that the election writ (which starts the election timetable) must be issued “as soon as practicable” after the dissolution of Parliament.³

There are no statutory restrictions on when the Prime Minister can request a dissolution. However, during the passage of the Dissolution and Calling of Parliament Act 2022 the Government said that a request for a dissolution could be refused. At second reading, in the House of Commons, Chloe Smith, then Minister for the Constitution and Devolution, said, “there remains a role for the sovereign in exceptional circumstances to refuse a Dissolution request”.⁴

Although there was the potential for the sovereign to refuse a request for a dissolution, the Government and MPs stressed the importance of ensuring the sovereign was not drawn into politics, including arguments over whether a request for a dissolution was appropriate. For the Government, Lord True,

¹ Dissolution and Calling of Parliament Act 2022 (chapter 11), [section 4](#)

² Dissolution and Calling of Parliament Act 2022 (chapter 11), [section 2](#)

³ Representation of the People Act 1983 (chapter 2), [Schedule 1](#), para 1

⁴ [HC Deb 6 July 2021 c849](#)

then a Minister of State in the Cabinet Office, said there was “an abiding need to avoid the sovereign being drawn into politics”.⁵

Latest possible general election

The current Parliament met for the first time on 17 December 2019.⁶

If it is not dissolved early, in accordance with section 4 of the Dissolution and Calling of Parliament Act 2022, it dissolves “at the beginning of the day that is the fifth anniversary of the day on which it first met”, on 17 December 2024.

The election timetable is triggered and polling day would follow on Tuesday 28 January 2025. Polling takes place 25 working days after dissolution but Saturdays, Sundays, Christmas Eve, Christmas Day, Boxing Day, New Year’s Day and the Scottish Bank Holiday on 2 January are not counted in calculating the 25 days.⁷

⁵ [HL Deb 22 March 2022 c861](#)

⁶ [HC Deb 17 December 2019 c1](#)

⁷ The election timetable is set in Schedule 1 of the [Representation of the People Act 1983](#)

2 2011-2022: The dissolution of Parliament under the Fixed-term Parliaments Act 2011

Between 2011 and 2022 the holding of general elections, and the dissolution of Parliament, was governed exclusively by statute. There was no role for prerogative powers. By default, the Fixed-term Parliaments Act provided for regular general elections. These would take place on the first Thursday in May in the fifth calendar year following the previous election.⁸ This is what happened in 2015.

The Act also provided for early general elections, with polling day set by Royal Proclamation on the advice of the Prime Minister. Early elections would only take place under the Act following:

- a supermajority⁹ Commons vote in favour of an early general election or
- a statutory no-confidence process.

The first of these triggers occurred in 2017, giving rise to the general election that took place that year. The second never occurred.¹⁰

Under section 3 of the Fixed-term Parliaments Act 2011, Parliament would be dissolved automatically 25 working days before any general election.¹¹

The Fixed-term Parliaments Act 2011 stated that “Parliament cannot otherwise be dissolved”.¹² In *Constitutional & Administrative Law* (7th edition), Neil Parpworth noted that “as a consequence of the Fixed-term Parliaments Act 2011, the power to dissolve Parliament no longer vests with the monarch”.¹³

⁸ If the previous election took place before the first Thursday in May of that calendar year, the interval would be four years instead of five (see Fixed-term Parliaments Act 2011, section 1(4))

⁹ The act required “if the motion is passed on a division, 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)” (see Fixed-term Parliaments Act 2011, section 2(1)(b))

¹⁰ On 16 January 2019 a motion of no confidence tabled by the Opposition was defeated by 325 to 306 [[HC Deb 16 January 2019 cc1171-1273](#)]

¹¹ The Act had originally provided for a 17 working day election timetable, not including the day of dissolution, but this was amended by section 14 of the Electoral Registration and Administration Act 2013 which extended the length of the parliamentary election timetable to 25 days

¹² Fixed-term Parliaments Act 2011 (chapter 14), section 3(2)

¹³ Neil Parpworth, *Constitutional & Administrative Law*, 7th edition, 2012, para 4.23

2.1

General elections, 2011 -2022

2015 Election

The Fixed-term Parliaments Act 2011 set the date of the next general election as 7 May 2015, accordingly the 2010 Parliament was dissolved on 30 March 2015.

2017 Election

Following the 2015 general election, under the provisions of the Act, the next general election was scheduled to take place on 7 May 2020, “the first Thursday in May in the fifth calendar year” following the previous general election. Dissolution would occur 25 working days before.

However, on 19 April 2017, in accordance with the Act, the House of Commons agreed a motion “That there shall be an early parliamentary general election”. The motion was agreed on a division by 522 votes to 13.¹⁴

On 18 April 2017, the Prime Minister, Theresa May, had announced that she planned to call an early election which would be held on 8 June 2017.¹⁵

A proclamation, announcing that the general election would take place on 8 June 2017, was issued on 25 April 2017,¹⁶ and Parliament was dissolved on 3 May 2017.¹⁷

2019 Election

Following the general election on 8 June 2017, the next general election was scheduled to take place on the first Thursday in May 2022 – 5 May 2022, with Parliament being dissolved on 28 March 2022.

However, on 31 October 2019, the [Early Parliamentary General Election Act 2019](#) received Royal Assent.¹⁸ It set the date of 12 December 2019 for an early general election. Although the early general election was not triggered using the procedures of the Fixed-term Parliaments Act 2011, the 2019 Act provided that it was to be “treated as a polling day appointed under ... the

¹⁴ [HC Deb 19 April 2017 cc681-712](#). The debate was limited to 90 minutes as it was a proceeding under an Act of Parliament ([Standing Order No 16](#), HC 2 2015-16)

¹⁵ BBC News, [Theresa May to seek general election on 8 June](#), 18 April 2017

¹⁶ “[Proclamations](#)”, The Gazette, 25 April 2017

¹⁷ House of Commons, [Votes and Proceedings](#), 3 May 2017

¹⁸ [HC Deb 31 October 2019 c592](#); Early Parliamentary General Election Act 2019 (chapter 29). Before the introduction of the legislation a motion for an early general election failed on three occasions to get the required two thirds majority in the House of Commons [[HC Deb 4 September 2019 cc291-315](#); [9 September 2019 cc616-639](#); [28 October 2019 cc54-79](#)]

Fixed-term Parliaments Act 2011”. Consequently, Parliament was dissolved on Wednesday 6 November 2019.

The next election

Following the general election on 12 December 2019, under the Fixed-term Parliaments Act 2011, the next general election would have been scheduled to take place on 2 May 2024, the first Thursday of May 2024. Parliament would be dissolved on Tuesday 26 March 2024.

The repeal of the Fixed-term Parliament Act changes this. Now, the Parliament may run for up to five years after it first met, on 17 December 2019 before dissolving automatically by operation of law. In practice, the Parliament is likely to be dissolved sooner, by the King, following a request from the Prime Minister. This could (theoretically) happen at any time between now and 17 December 2024. The general election would take place 25 working days after dissolution.

2.2

Issuing writs and summoning new Parliaments

Under section 3(3) of the Fixed-term Parliaments Act 2011, the responsibility for issuing the writs for the election became a statutory responsibility of the Lord Chancellor and the Secretary of State for Northern Ireland, although there was a continuing role for the Crown Office to despatch the writs.¹⁹

The Fixed-term Parliaments Act 2011 provided that “Once Parliament dissolves, Her Majesty may issue the proclamation summoning the new Parliament”.²⁰ The proclamation summoning the new Parliament after the 2015 general election was published on 31 March 2015:

BY THE QUEEN A PROCLAMATION FOR DECLARING THE CALLING OF A NEW PARLIAMENT ELIZABETH R.

Whereas We, by and with the advice of Our Privy Council, being desirous and resolved, as soon as may be, to meet Our People, and to have their Advice in Parliament, do publish this, Our Royal Proclamation, and do hereby make known to all Our loving Subjects Our Royal Will and Pleasure to call a new Parliament to be holden at Westminster on Monday the eighteenth day of May next: And We do hereby also, by this Our Royal Proclamation under Our Great Seal of Our Realm, require Writs to be issued by Our Chancellor of Great Britain for causing the Lords Spiritual and Temporal who are to serve in the said Parliament to give their Attendance in Our said Parliament on the said date.

¹⁹ Fixed-term Parliaments Act 2011 (chapter 14), section 3(3). At present, the Lord Chancellor undertakes this function once there has been an Order in Council.

²⁰ Fixed-term Parliaments Act 2011 (chapter 14), section 3(4)

Given at Our Court at Buckingham Palace, this thirtieth day of March in the Year of our Lord two thousand and fifteen and in the sixty-fourth year of Our Reign.

GOD SAVE THE QUEEN²¹

2.3

Timing of elections under the Fixed-term Parliaments Act 2011

Delaying polling day

Section 1 of the Fixed-term Parliaments Act 2011 set the date of the next UK general election as Thursday 7 May 2015. Thereafter, the first Thursday in May in the fifth calendar year was set as the next polling day. There was scope for the Prime Minister to lay an order before both Houses to extend this date for a maximum of two months to deal with unexpected developments. The Prime Minister would have had to set out the reasons for any such delay.²²

Early general elections

Section 2 provided for early general elections when either of the following conditions was met:

- if a motion for an early general election is agreed either by at least two-thirds of the whole House (including vacant seats) or without division
 - the Act specifies that the motion should be in the form “That there shall be an early parliamentary general election”;²³ or
- if a motion of no confidence is passed and no alternative government is confirmed by the Commons within 14 days by means of a confidence motion.

The Act provided for a set formula to be used in determining a question of no confidence. Firstly, the motion would be:

“That this House has no confidence in Her Majesty’s Government”.

²¹ “[Proclamations](#)”, The Gazette, 31 March 2015. The Government issued a press notice on 26 March 2015 it said that the Prime Minister would ask the Queen to summon Parliament to meet on 18 May 2015 and that the State Opening of Parliament would take place on 27 May [Gov.uk, [State Opening of Parliament to take place on 27 May 2015](#), 26 March 2015]

²² Fixed-term Parliaments Act 2011 (chapter 14), section 1 (5)-(7)

²³ Fixed-term Parliaments Act 2011 (chapter 14), section 2(2)

If this motion was carried, there was a 14 calendar day period in which to form a new Government, confirmed in office by a resolution as follows:

“That this House has confidence in Her Majesty’s Government”

If a new Government could not be formed within this time period, then dissolution was triggered. There was no provision for an extension of the 14 day period.

Dissolution need not follow immediately on a triggering event, as section 2(7) allowed the Prime Minister to recommend a suitable polling day to the Crown, which was appointed by the sovereign by proclamation. As noted above, such a proclamation was issued on 25 April 2017. When the day of the election was confirmed, the date of dissolution could be determined.

Once Parliament was dissolved, a proclamation for a new Parliament could (and in practice would) then be issued.²⁴

²⁴ Fixed-term Parliaments Act 2011 (chapter 14), section 3(4)

3 Dissolution procedure before the Fixed-term Parliaments Act 2011

3.1 Parliament dissolved by proclamation

Until the passage of the Fixed-term Parliaments Act 2011 (and again since its repeal), the United Kingdom did not have set timings for general elections or fixed-term Parliaments. The Septennial Act 1715, as amended by section 7 of the Parliament Act 1911, merely required that a Parliament be dissolved after a maximum of five years.²⁵

The five years ran from the date Parliament was appointed to meet following the general election. In theory, once five years had passed, a Parliament expired,²⁶ but in practice the Prime Minister normally requested a dissolution from the Monarch before that date.

Dissolution of Parliament was a prerogative act and could occur at any time; Parliament did not need to be sitting, or to be recalled, for the purpose of dissolution. In 1992, 1997, 2005 and 2010 dissolution was preceded by prorogation of Parliament. However, in 2001, Parliament was dissolved without being prorogued beforehand. Instead, both Houses of Parliament were adjourned on 11 May 2001.

Parliament was dissolved by proclamation and the next Parliament was summoned to meet by proclamation. It was usual practice to dissolve one Parliament and summon the next in a single proclamation, although this was not required.²⁷

²⁵ The provisions of the Septennial Act 1715 and section 7 of the Parliament Act 1911 were repealed and omitted respectively by the Fixed-term Parliaments Act 2011, see Schedule, paras 2 and 4

²⁶ Without the Fixed-term Parliaments Act 2011, the 2010 Parliament, which first met on 18 May 2010 would have expired at midnight on 17 May 2015

²⁷ The Joint Committee on the Fixed-term Parliaments Act noted that the Meeting of Parliament Act 1694 “only requires a Parliament to stand summoned within three years of the dissolution of the last” but it was only aware of one example of two proclamations being issued, in 1713 [Joint Committee on the Fixed-term Parliaments Act, [Report](#) (PDF), 24 March 2021, HC 1046 2019-21, para 180]. The Joint Committee was appointed to undertake the statutory review of the Fixed-term Parliaments Act 2011 and to undertake pre-legislative scrutiny of the Draft Fixed-term Parliaments Act 2011 (Repeal) Bill

Election writs could be and were prepared and issued immediately following a proclamation summoning the new Parliament.²⁸ As it was usual for the same proclamation to dissolve one parliament and summon the next, this meant that, in practice, writs were issued on dissolution, although dissolution was not the legal trigger for the issuing of writs. In this respect, the current settlement differs, as writs are still issued on dissolution, as was the case under the Fixed-term Parliaments Act 2011.

3.2 Timing of general elections

As a matter of political reality, the timing of a general election was usually in the gift of the Prime Minister prior to 2011. A dissolution and general election could also, however, have been precipitated if the Government lost a vote of confidence in the House of Commons and could no longer command a majority.

The most recent example was on 28 March 1979 when an Opposition motion of no confidence in the Callaghan Government was carried with a majority of one.²⁹ The result led to the dissolution of Parliament and the victory of the Conservative Party in the following general election.

Erskine May describes the parliamentary treatment of confidence motions:

From time to time the Opposition has put down a motion on the paper expressing lack of confidence in the Government or otherwise criticising its general conduct. By established convention, the Government always accedes to the demand from the Leader of the Opposition to allot a day for the discussion of a motion tabled by the official Opposition which, in the Government's view, would have the effect of testing the confidence of the House. In allotting a day for this purpose, the Government is entitled to have regard to the exigencies of its own business, but a reasonably early day is invariably found. This convention is founded on the recognised position of the Opposition as a potential government, which guarantees the legitimacy of such an interruption of the normal course of business. For its part, the Government has everything to gain by meeting such a direct challenge to its authority at the earliest possible moment. The operation of the convention in the context of the Fixed-term Parliaments Act 2011, under which the passing of a motion in the statutory terms 'That this House has no confidence in Her Majesty's Government' would have specific legal consequences for the continuation of the Government, but a differently phrased motion would not, was uncertain, and that Act has now been repealed. A motion in the terms of

²⁸ Joint Committee on the Fixed-term Parliaments Act, [Report](#) (PDF), 24 March 2021, HC 1046 2019-21, para 117. In the election timetable in the Representation of the people Act 1983, as passed, the issue of writs took place "In the case of a general election, as soon as practicable after the issue of the proclamation summoning the new Parliament" [[Schedule 1](#)]

²⁹ [HC Deb 28 March 1979 cc461-590](#)

the Fixed-term Parliaments Act tabled by the smaller opposition parties was not given time for debate.³⁰

³⁰ Erskine May, *Parliamentary Practice*, 25th edition, 2019, [para 18.44](#)

4

The meeting of Parliament

Before the Fixed-term Parliaments Act 2011, the date of a forthcoming election was normally announced by the Prime Minister some days before prorogation or adjournment and subsequent dissolution, thus allowing a few days to finish Parliamentary business. The announcement that a general election is to take place has, since 1945, normally been made to the press rather than to Parliament. Earlier in the century it was customary to make the statement to the Commons (when not in recess).³¹ The dates on which Prime Ministers announced the four general elections, immediately before the Fixed-term Parliaments Act 2011, are set out in Box 1.

Box 1: Dates on which general elections were announced, 1997-2000

On 6 April 2000 Gordon Brown announced the date of the general election, 6 May 2000, outside no 10 Downing Street.

He followed the practice of Tony Blair in announcing the 2005 election on Tuesday 5 April outside 10 Downing Street. The election was held on 5 May 2005.

In 2001, Tony Blair had announced the election date of 7 June on 8 May, at St Saviour's & St Olave's Church of England School in Bermondsey, south London.

In 1997, John Major announced the election date of 1 May on 17 March 1997 to the press outside 10 Downing Street.

As noted above, before the 2011 Act, the proclamation declaring the dissolution also established the day for the meeting of a new Parliament.

It is possible to postpone the date for the meeting of Parliament. In *The Meeting of Parliament*, Professor Robert Blackburn commented:

On the third interval, from the poll to the meeting of the new Parliament, there is no statutory maximum to ensure that Parliament actually meets. Furthermore, the date fixed for the meeting in the Proclamation may be postponed by the act of a further Royal Proclamation in the interim, declaring a prorogation of any period, "to the day and place in such Proclamation

³¹ For more information see Robert Blackburn, *The Meeting of Parliament*, 1990, pp74-76

appointed, notwithstanding any former law, usage, or practice to the contrary”, so long as it is not *less* than 14 days from the date of the postponing Proclamation.³²

The relevant legislation is the Prorogation Act 1867:

1 Power to Her Majesty to issue proclamation for the prorogation of Parliament

Whenever (save as herein-after excepted) Her Majesty shall be pleased, by and with the advice of the Privy Council of Her Majesty, to issue her royal proclamation to prorogue Parliament from the day to which it shall then stand summoned or prorogued to any further day being not less than fourteen days from the date thereof, such proclamation shall, without any subsequent issue of a writ or writs patent or commission under the Great Seal of the United Kingdom, be a full and sufficient notice to all persons whatever of such the royal intention of Her Majesty, and the Parliament shall thereby stand prorogued to the day and place in such proclamation appointed, notwithstanding any former law, usage, or practice to the contrary.

2 Not to apply to prorogation at close of a session

This Act shall not apply to the case of the prorogation of Parliament at the close of a session.³³

The 25th edition of Erskine May explains the effect of the Prorogation Act 1867:

When Parliament stands summoned (after a dissolution) or prorogued to a certain day, it may be prorogued or further prorogued to a later day, under the Prorogation Act 1867, by a proclamation made by the Queen on the advice of the Privy Council. The interval prescribed by this Act between the date of the proclamation and the day to which it prorogues Parliament is not less than 14 days.³⁴

In a footnote Erskine May refers to the Parliament summoned to meet on 18 November 1924 being prorogued from 18 November until 2 December 1924.³⁵ It is worth noting that the 1867 Act appears to preclude a subsequent proclamation bringing forward the date of the meeting of Parliament.

Further information on prorogation can be found in the Library briefing, [Prorogation of Parliament](#).

³² Robert Blackburn, *The Meeting of Parliament*, 1990, p8

³³ [Prorogation Act 1867](#) (chapter 81)

³⁴ Erskine May, *Parliamentary Practice*, 25th edition, 2019, [para 8.10](#)

³⁵ *Commons Journal* (1924-25) 2

4.1

The timing of the meeting of Parliament since 2010

In June 2007 the Modernisation Committee report [Revitalising the Chamber: The Role of the Backbencher](#) recommended a longer period between polling day and first meeting of Parliament, noting that a period of over a week had been common between 1955 and 1970:

39. There is no desire to create too long a gap between a general election and the first meeting of Parliament. However, there should be a longer gap than usually occurred in the past between the election and the day the House first meets to permit some of the practicalities that prevent Members from focusing on their new job to be addressed and to make time for an induction programme before the House starts its work. We recommend that the gap should be about twelve days.³⁶

The Government response to *Revitalising the Chamber* was published in October 2007. It accepted the principle of this recommendation.³⁷ The proclamation dissolving the 2005 Parliament and summoning the 2010 Parliament did give a later date than usual for the meeting of the new Parliament: 18 May 2010, following the general election on 6 May. A press notice from 10 Downing St noted that:

The date of Parliament's return reflects the wishes of the Speaker and the new arrangements proposed by the cross-party House of Commons Modernisation Committee in their June 2007 report "Revitalising the Chamber". The Government accepted this recommendation.³⁸

The longer gap was retained in 2015. The election took place on 7 May and the House met to elect the Speaker on 18 May.

However, on 27 April 2017, the Chief Whip in the House of Lords said that the new Parliament would meet on Tuesday 13 June 2017, following the election on 8 June 2017.³⁹ Subsequently the date of the Queen's Speech, initially planned for Monday 19 June,⁴⁰ was delayed until Wednesday 21 June.⁴¹

In 2019, a short interval again occurred. Following the election on 12 December, Parliament met on 17 December, with the Queen's Speech

³⁶ Modernisation Committee, [Revitalising the Chamber: The Role of the Backbencher](#), 20 June 2007, HC 337 2006-07

³⁷ Office of the Leader of the House of Commons, [Revitalising the Chamber – The role of the backbench Member](#) (PDF), Cm 7231, October 2007, para 6

³⁸ "General election to take place on 6 May" [No 10 Downing St Press Notice](#)

³⁹ [HL Deb 27 April 2017 c1446](#)

⁴⁰ BBC News, [Queen's Speech faces delay as DUP talks continue](#), 12 June 2017

⁴¹ [HL Deb 21 June 2017 cc5-7](#)

taking place on 19 December. This enabled the Government to introduce key Brexit-related legislation prior to the Christmas recess.

5 Practical dissolution guidance

5.1 Arrangements for MPs

Guidance on dissolution arrangements for Members – both those standing at the forthcoming general election and those retiring – and their staff is published before an election. The guidance published in advance of the 2019 general election is available on the parliamentary website.⁴²

Once Parliament is dissolved, there are no Members of Parliament. The guidance informs MPs that “you will no longer be able to use the title Member of Parliament or MP”.⁴³

Whilst Parliament is dissolved it is not possible for it to be recalled.

Guidance from the Independent Parliamentary Standards Authority for Members is also provided in the same document.

5.2 Restrictions on Government activity

The Cabinet Manual states that:

While the government retains its responsibility to govern and ministers remain in charge of their departments, governments are expected by convention to observe discretion in initiating any new action of a continuing or long-term character in the period immediately preceding an election, immediately afterwards if the result is unclear, and following the loss of a vote of confidence. In all three circumstances essential business must be allowed to continue.⁴⁴

Guidance is issued by the Cabinet Office on Government activity before elections. The Library briefing, [Pre-election period of sensitivity](#), provides further information.

The Government remains in office and has certain powers available to it that can be used without prior parliamentary approval – prerogative powers and powers under existing legislation, including powers under the Civil

⁴² UK Parliament, [Publications: 2019 General Election](#)

⁴³ House of Commons, [Dissolution Guidance: Members not standing](#) (PDF), October 2019, p4

⁴⁴ [The Cabinet Manual](#) (PDF), First Edition, October 2011, para 2.27

Contingencies Act 2004 that allow emergency regulations to be made by Order in Council or by ministers that can remain in force for up to 30 days.⁴⁵ In addition, statutory instruments subject to the negative procedure can continue to be made whilst Parliament is dissolved but they cannot be laid before Parliament.⁴⁶

⁴⁵ [Civil Contingencies Act 2004](#) (chapter 36), Part 2

⁴⁶ National Archives, [Statutory Instrument Practice](#), 5th edition, November 2017, section 2.14

6

Governance of Britain green paper proposals on dissolution

On 3 July 2007, less than a week after he became Prime Minister, Gordon Brown, published his proposals for constitutional reform in a Green Paper, *The Governance of Britain*. Amongst its proposals was one to give a more formal role to Parliament in terms of its dissolution and recall. Further information about other proposals is given in the Library briefing [The Governance of Britain Green Paper](#).

The Green Paper proposed that, rather than the early dissolution of Parliament occurring after a request from the Prime Minister, the Prime Minister should have to seek the approval of the House of Commons before asking the monarch to dissolve Parliament. Any new arrangements would have to provide for the situation in which it proved impossible to form a government which commanded the support of the House of Commons yet Parliament refused to dissolve itself. The Government announced that it would consult on these proposals and any change would be announced to Parliament and would become through precedent, a new convention.⁴⁷ The Green Paper also announced plans to allow Members more control over the recall of the Commons, currently governed by Standing Order No 13.⁴⁸

On 11 October 2007 the Modernisation Select Committee announced an inquiry into the recall and dissolution of Parliament.⁴⁹ It received a number of submissions, but did not hold evidence sessions or issue a report. The submission from the Leader to the House, Harriet Harman, explained in more detail the proposed change.⁵⁰

⁴⁷ Ministry of Justice, *The Governance of Britain*, July 2007, Cm 7170, paras 34-36

⁴⁸ For more information, see the Library briefing [Recall of Parliament](#)

⁴⁹ Modernisation Committee Press Notice, 11 October 2007; full terms of reference were published in a Press Notice on 24 October 2007

⁵⁰ Modernisation Committee, [Memorandum from the Leader of the House of Commons](#) (M58), 2007-08 February 2008

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