

EARLY PARLIAMENTARY GENERAL ELECTION ACT 2019

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Early Parliamentary General Election Act 2019 (c. 29) which received Royal Assent on 31 October 2019.

- These Explanatory Notes have been prepared by the Cabinet Office in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

- 1 The Early Parliamentary General Election Act provides for a parliamentary general election to be held on 12 December 2019.

Policy background

- 2 The Government considers it desirable to hold a general election on the date set out in the Act. The Government wishes to set out the date that the election will take place in legislation, in order to provide maximum transparency in relation thereto.
- 3 It is a statutory requirement that Parliament must dissolve 25 working days before polling day. An election on 9 December 2019 would mean the House dissolving at one minute past midnight on Friday 1 November. This would require the Early Parliamentary General Election Act currently before the House to complete passage through the House of Commons and House of Lords and achieve Royal Assent on Thursday 31 October.
- 4 All Parliamentary business planned that relies on the House sitting next week could not proceed, for example the election of a new Speaker on 4 November. The Government would also need to pass the Northern Ireland Budget Act before dissolution to ensure the NI Civil Service can access the funding it needs to deliver public services and proper governance in the continued absence of a functioning Executive.
- 5 The 9 December would make the polling day a Monday and this places additional burdens on administrative preparations for polling stations and getting casual staff to work over the weekend. This could increase the cost of the election. In the modern era for elections there has never been a Monday election. It is also the case that a 9 December election could lead to two different voter registration deadlines across Scotland which could be confusing for Scottish electors.

Legal background

- 6 The Fixed-term Parliaments Act 2011 ("the 2011 Act") provides for fixed days for polls for parliamentary general elections. In accordance with section 1(2) of the 2011 Act, the polling day for elections is ordinarily the first Thursday in May in the fifth calendar year following that in which the polling day for the previous parliamentary general election fell.
- 7 The 2011 Act also makes provision for early parliamentary general elections. This Act provides that the 12 December 2019 be treated as polling day appointed under section 2(7) of the 2011 Act. This means that the provisions in section 3 of the 2011 Act in respect of the dissolution of Parliament will apply to the early parliamentary general election.

Territorial extent and application

- 8 The Act extends and applies to the whole of the United Kingdom. It is concerned only with the Westminster parliamentary elections and will not have an impact on matters which are devolved in respect of Scotland and Wales, or matters which are transferred in respect of Northern Ireland.
- 9 The Parliament of the United Kingdom is a reserved matter under paragraph 1(c) of Schedule 5 to the Scotland Act 1998 and under paragraph 1(c) of Schedule 7A to the Government of Wales Act 2006. Elections for membership of the House of Commons, including the subject-

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matter of the Representation of the People Act 1983, the Representation of the People Act 1985 and the Parliamentary Constituencies Act 1986, so far as those enactments apply, or may be applied, in respect of such membership are reserved matters under reservation B3 of Schedule 5 to the Scotland Act 1998 and under reservation B1 of Schedule 7A to the Government of Wales Act 2006. The provisions of the Act will not have an impact on matters which are devolved.

- 10 The Parliament of the United Kingdom and parliamentary elections, including the franchise and disqualifications for membership of that Parliament, are an excepted matter under paragraph 2 of Schedule 2 to the Northern Ireland Act 1998. The provisions of the Act will not have an impact on matters which are transferred.
- 11 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom. The table also summarises the position regarding legislative consent motions and matters relevant to Standing Orders Nos. 83J to 83X of the Standing Orders of the House of Commons relating to Public Business.

Commentary on provisions of Act

Section 1: Early parliamentary general election

- 12 *Section 1* provides for a parliamentary general election to be held on 12 December 2019. This is to be treated as a polling day appointed under *section 2(7)* of the 2011 Act.
- 13 *Subsection (3)* provides that the early parliamentary general election is to be treated as taking place in accordance with *section 2* of the 2011 Act for the purposes of the specified provisions in the two listed Acts (*section 96A(9)* of the Welfare Reform Act 2012, and *section 23(8)* of the Small Business, Enterprise and Employment Act 2015). In respect of the former, the provision has the effect of disapplying a requirement to review the benefit cap 'in each Parliament'. In respect of the latter, the provision has the effect of amending the time for compliance with certain reporting requirements. The amendments are necessary in order that the periods specified for the review and reporting requirements will work correctly given the changes to the period of the Parliament that will result from the holding of an early parliamentary general election.
- 14 *Subsection (4)* amends the Representation of the People (Scotland) Regulations 2001 to align the registration deadline for Scotland with the registration deadline in the rest of the United Kingdom by discounting the St. Andrew's Day bank holiday from the registration timetable.

Section 2: Commencement and short title

- 15 *Section 2* provides that the Act will come into force on the day it is passed and deals with its short title.

Commencement

16 The Act will come into force on the day it is passed.

Annex A - Territorial extent and application in the United Kingdom

17 The Act extends and applies to the whole of the United Kingdom, including Northern Ireland.

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Section 1	Yes	Yes	Yes	Yes
Section 2	Yes	Yes	Yes	Yes

Annex B - Hansard References

18 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Commons</i>		
Introduction	29 October 2019	Vol. 667 Col. 216
Second Reading	29 October 2019	Vol. 667 Col. 233
Public Bill Committee	29 October 2019	Vol. 667 Col. 290
Report and Third Reading	29 October 2019	Vol. 667 Col. 328
<i>House of Lords</i>		
Introduction	29 October 2019	Vol. 800 Col. 942
Second Reading	30 October 2019	Vol. 800 Col. 961
Committee (and remaining stages)	30 October 2019	Vol. 800 Col. 995
Royal Assent	31 October 2019	Vol. 667 Col. 592
		Vol. 800 Col. 1079

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