

*These notes relate to the Lords Amendments to the Fixed-term Parliaments Bill,
as brought from the House of Lords on 24 May 2011.*

FIXED-TERM PARLIAMENTS BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

INTRODUCTION

1. These Explanatory Notes relate to the Lords amendments to the Fixed-term Parliaments Bill, as brought from the House of Lords on 24 May 2011. The Notes have been prepared by the Cabinet Office in order to assist the reader of the Bill and the Lords amendments, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
2. These Notes, like the Lords amendments themselves, refer to HL Bill 40, the Bill as first printed for the Lords.
3. These Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Lords amendments.
4. Lords Amendments 5, 7 and 8 were tabled in the name of the Minister. Lords Amendments 3, 4 and 6 were supported by the Government. Lords Amendments 1, 2 and 9 were opposed by the Government.
5. In the following Commentary, an asterisk appears in the heading of each of the paragraphs dealing with non-Government amendments.

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COMMENTARY ON LORDS AMENDMENTS

***Lords Amendments 1, 2 and 9**

6. Lords Amendments 1 and 2 would provide that the polling day for a subsequent parliamentary general election (that is, elections after the next parliamentary general election under the Bill) is only to be fixed under the Bill if each House of Parliament resolves that that polling day should be so fixed. Lords Amendment 9 would provide that clauses 2, 3 and 4(3) are to have effect only until the first meeting of the new Parliament after the next general election. The amendment would provide that these provisions may be brought back into force for that or any subsequent Parliament if each House passes a resolution at any point in that Parliament to that effect. Amendment 9 would therefore provide in particular that the amendments and repeals in the Schedule would take effect or not have effect for each subsequent Parliament depending on whether or not each House has passed a resolution that clauses 2, 3 and 4(3) are to be brought back into force.

***Lords Amendments 3 and 4**

7. Lords Amendments 3 and 4 would amend the power at clause 1(5) which would otherwise allow the Prime Minister to vary the date of a scheduled general election, by affirmative order, by up to two months earlier or later. The amendments would remove the words “earlier or” in the two places where they appear, meaning that the order making power could only be used to defer an election by up to two months, and not bring it forward by up to two months.

Lords Amendment 5

8. Lords Amendment 5 would provide that, where the Prime Minister lays before Parliament a draft of an order under clause 1(5) to change the date of poll for a parliamentary general election, he or she must at the same time lay a statement before both Houses setting out his or her reasons for proposing the change in the polling day.

***Lords Amendment 6**

9. This amendment would omit clause 2 and substitute a new version of that clause. Like the version of clause 2 which would be omitted, the amendment would provide two triggers for an early parliamentary general election. The first would be where the House of Commons has passed a motion that there be an early parliamentary general election with the support of at least two thirds of all MPs. The second would be where the House of Commons has passed a motion of no confidence in the Government and no Government has secured the confidence of the House of Commons within 14 days. In contrast to the version of the clause which would be omitted, the amendment would set out the precise form of motions for an early parliamentary general election, of no confidence and of confidence for the purposes of the Bill. The version of the clause which would be omitted contains provisions by

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which an early general election is only triggered if the Speaker of the House of Commons has certified that the conditions for those triggers have been met. The amendment does not contain these provisions. The amendment would mean therefore that there would be no role for the Speaker under the Bill.

Lords Amendments 7 and 8

10. Lords Amendments 7 and 8 would provide that the general elections for the Scottish Parliament and the National Assembly for Wales which are scheduled to take place on 7 May 2015 will instead take place on 5 May 2016. The amendments would provide that subsequent ordinary general elections for each institution would be scheduled to be held on the first Thursday in May in the fourth calendar year after the May 2016 general elections. The amendments would provide that the provisions under the Scotland Act 1998 and the Government of Wales Act 2006 relating to varying the date of ordinary general elections and the effect on the date of ordinary general elections of extraordinary general elections would apply to the deferred polls.

11. These amendments would implement the agreement reached earlier this year between the UK Government and, respectively, the Scottish Parliament and the National Assembly for Wales to ensure that the general elections for each institution and the UK Parliament do not coincide on 7 May 2015.

FINANCIAL EFFECTS OF THE LORDS AMENDMENTS

12. The Lords amendments would not affect the assessment of the financial effects concerning the Bill; that the Bill will have no substantial effect on public expenditure.

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Bill as brought from the House of Lords on 24 May 2011 [Bill 195]*

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