

Prime Minister (Nomination) and Cabinet (Appointment) Bill

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TO

Make provision for the House of Commons to nominate the Prime Minister and approve appointments to the Cabinet; to establish the office of Acting Prime Minister; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Nomination of the Prime Minister

- (1) If a qualifying event occurs, the House of Commons shall, within the nomination period, nominate one of its members for appointment as Prime Minister.
- (2) Qualifying events are — 5
 - (a) the holding of a poll at a parliamentary general election under section 1 or 2 of the Fixed-term Parliaments Act 2011,
 - (b) the acceptance by Her Majesty of the resignation of the Prime Minister,
 - (c) the office of Prime Minister becoming otherwise vacant, or
 - (d) the Prime Minister ceasing to be a member of the House of Commons for a reason other than because of a dissolution of Parliament. 10
- (3) The nomination period is the period beginning with the day on which a qualifying event occurs and ending on whichever day is the sooner of — 15
 - (a) the day on which Her Majesty appoints a Prime Minister, or
 - (b) the day 28 days after the day the qualifying event occurred, or
 - (c) the day on which a further qualifying event occurs (in which case the nomination period restarts).
- (4) If no Prime Minister is nominated by the House of Commons by the end of the nomination period, an early parliamentary general election is to take place as if the House of Commons had passed a motion in the form set out in section 2(2) of the Fixed-term Parliaments Act 2011. 20
- (5) The Speaker of the House of Commons shall recommend to Her Majesty the appointment as Prime Minister of any member of the House of Commons who is nominated by the House of Commons under this section.

2 The Prime Minister and Acting Prime Minister

- (1) The Prime Minister shall be appointed by Her Majesty from among the members of the House of Commons and shall hold office at Her Majesty's pleasure.
- (2) An Acting Prime Minister may be appointed by Her Majesty from among the members of the Cabinet and shall hold office at Her Majesty's pleasure. 5
- (3) The Prime Minister or Acting Prime Minister may at any time tender their resignation.
- (4) The Prime Minister or Acting Prime Minister must immediately tender their resignation if the House of Commons passes a motion under section 2(4) of the Fixed-term Parliaments Act 2011. 10
- (5) If the resignation of the Prime Minister is accepted by Her Majesty, the resigning Prime Minister must, within 24 hours, nominate a member of the Cabinet to Her Majesty to be the Acting Prime Minister during the nomination period. 15
- (6) An Acting Prime Minister must immediately tender their resignation from that office if a Prime Minister is appointed.
- (7) Members of the Cabinet must, within 24 hours, nominate a member of the Cabinet to Her Majesty to be the Acting Prime Minister if the Prime Minister or incumbent Acting Prime Minister – 20
 - (a) becomes incapacitated,
 - (b) dies, or
 - (c) ceases to be a member of the House of Commons for a reason other than because of a dissolution of Parliament.
- (8) An Acting Prime Minister appointed by Her Majesty after being nominated under subsection (7)(a) shall hold office until – 25
 - (a) Her Majesty accepts their resignation, or
 - (b) the incapacitated Prime Minister or incapacitated Acting Prime Minister informs Her Majesty that they are able to resume their functions. 30
- (9) Should the resignation of the Acting Prime Minister be accepted by Her Majesty and no Prime Minister has been appointed, members of the Cabinet must, within 24 hours, nominate a member of the Cabinet to Her Majesty to act as Acting Prime Minister during the nomination period.

3 Appointment of the Cabinet 35

- (1) The Prime Minister may, with the approval of Her Majesty, appoint members of the Cabinet from among the members of the House of Commons.
- (2) The Prime Minister shall not seek Her Majesty's approval for any appointment under this section until the House of Commons has passed a motion approving that appointment. 40
- (3) A member of the Cabinet appointed under this section –
 - (a) shall hold office at Her Majesty's pleasure,
 - (b) may be removed from office by the Prime Minister,
 - (c) may at any time resign,

- (d) if they resign, shall cease to hold office immediately, and
- (e) shall cease to hold office if they cease to be a member of the House of Commons for a reason other than because of a dissolution of Parliament.

4 Consequential provision 5

- (1) The Secretary of State may by regulations make provision that is consequential on any provision made by this Act.
- (2) Regulations under this section may –
 - (a) substitute “Prime Minister” for “Prime Minister or Acting Prime Minister” in any enactment passed or made before this Act or in the same Session; 10
 - (b) otherwise amend any such enactment.
- (3) The power to make regulations under this section is exercisable by statutory instrument.
- (4) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament. 15

5 Commencement, extent and short title

- (1) This Act comes into force on the day on which it is passed.
- (2) This Act extends to the whole of the United Kingdom. 20
- (3) This Act may be cited as the Prime Minister (Nomination) and Cabinet (Appointment) Act 2019.

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*Presented by Pete Wishart
supported by
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