



HOUSE OF LORDS

SELECT COMMITTEE ON THE CONSTITUTION
FROM THE POLICY ANALYST
CC/17-19/202

CONSTITUTION COMMITTEE INQUIRY

THE FIXED-TERM PARLIAMENTS ACT 2011 – CALL FOR EVIDENCE

The Constitution Committee has launched an inquiry into the [Fixed-term Parliaments Act 2011](#) and invites individuals and organisations to submit evidence.

The Fixed-term Parliaments Act 2011 (FPTA) was part of the Coalition Government's constitutional reform agenda and reflected a commitment in its [Programme for Government](#) to “establish five-year fixed-term Parliaments.” Sir Nick Clegg, then Deputy Prime Minister, [said](#) that the Bill had:

“A single, clear purpose: to introduce fixed-term Parliaments to the United Kingdom to remove the right of a Prime Minister to seek the Dissolution of Parliament for pure political gain. This simple constitutional innovation will none the less have a profound effect because for the first time in our history the timing of general elections will not be a plaything of Governments. There will be no more feverish speculation over the date of the next election, distracting politicians from getting on with running the country. Instead everyone will know how long a Parliament can be expected to last, bringing much greater stability to our political system. Crucially, if, for some reason, there is a need for Parliament to dissolve early, that will be up to the House of Commons to decide.”

The main provisions of the Act set the date for the next general election (7 May 2015) and provided that each subsequent general election would be on the first Thursday in May in the fifth calendar year after the previous one. It also provided mechanisms to trigger a general election, one of which – a two-thirds vote of the House of Commons in favour of an early election – was used to bring about the general election in 2017.

During its passage through Parliament, this Committee conducted a [short inquiry into the Bill](#). We accepted the Government's argument that the Bill resulted in the Prime Minister relinquishing an important prerogative power, but we were not convinced that that a strong enough case had been made to overturn an established constitutional practice. We said that the Bill owed more to short-term political considerations than an assessment of constitutional principles. We recognised the need for mechanisms to trigger an early general election, concluding that two-thirds of MPs supporting dissolution, and the 14 days following a vote of no confidence were appropriate. We concluded that the absence of information on matters

of confidence (including defeats on key confidence issues such as the Queen’s Speech or the Budget) was problematic and suggested the Bill should be amended to clarify its application.

For this purpose of this inquiry, we are interested in: whether the Act has resulted in a meaningful transfer of power from the Executive to Parliament; what the practical consequences of the Act are; and what the implications of repealing or amending the Act might be.

The Committee welcomes written submissions on any aspect of this topic, and particularly on the issues and questions set out below. Submissions need not address all the questions. Written evidence should be submitted online via the Committee’s website:

www.parliament.uk/hlinquiry-fixed-term-parliaments-act-submission-form **The deadline for submissions is 5pm on Thursday 24 October 2019.**

We welcome contributions from all interested individuals and organisations. We believe that committees are better informed and can scrutinise public policy and legislation more effectively when they hear a range of different perspectives and we recognise that diversity can come in many forms. We encourage anyone with experience or expertise of an issue under investigation by a select committee to share their views with the committee, with the full knowledge that their views have value and are welcome.

Questions

- 1) To what extent has the Fixed-term Parliaments Act 2011 led to a meaningful transfer of power from the Prime Minister to the House of Commons, removing “the right of Prime Minister to seek the Dissolution of Parliament for pure political gain”?
- 2) Is five years the appropriate length for fixed-terms between general elections?
- 3) Does the certainty of knowing when the next election will be – notwithstanding the section 2 provisions for triggering an early general election – have an impact on good governance?
- 4) Are the mechanisms in the Act to trigger an early general election appropriate?
- 5) What impact has the Act had on the notion of the House of Commons having “confidence” in a Government? Is it still possible for the Government to make a vote in the House of Commons on a matter of policy a “confidence” issue?
- 6) What challenges arise for the political parties, the House of Commons and the civil service in the 14-day period following the passing of a motion of no confidence in the Government? Is there a risk of the monarch being drawn into the political debate during this period and, if so, how should this be mitigated?

- 7) If the Act was repealed, what provisions for the lengths of Parliaments and the timing of general elections would need to be made in its place? Would the prerogative power for the Prime Minister to dissolve Parliament and call a general election be revived in the event of repeal?
- 8) What are the constitutional implications for the prerogative power to prorogue Parliament as a result of the recent Supreme Court judgment in *Cherry/Miller*?