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10 DOWNING STREET

From the Principal Private Secretary

17 June 1985

PROCEDURE FOR GENERAL ELECTIONS

Thank you for your letter of 30 May enclosing further amendments to our guide to the Procedure for General Elections.

Your letter has brought to light that, although the sixth edition was indeed produced as promised in my letter of 2 June 1983, it was given to nobody but me.

I have now had to decide what to do about amending it further, bearing in mind that the asterisked amendments in the attachment to your letter will not come into effect until some date in the future. I have decided that the best thing to do is to circulate the sixth version including the unasterisked amendments - i.e. those that are already in force - so that everybody has a version which is right at this moment; and to hold back the asterisked amendments, particularly since virtually all of them - i.e. those affecting the timetable - are not on present form expected to come into effect until February 1987. In the meantime it seemed to me to be important to make available a version which is currently correct but to warn those concerned that further changes are on the way. I have therefore circulated the sixth edition under the attached cover note which I enclose with your copy.

Since the Home Office do not receive a copy of this guide, I would be grateful if I could continue to use you as our guide and mentor on it. Could I therefore please look to you to let me know when the asterisked amendments should be introduced and (if it is not too much trouble) to let me have a revised version of paragraph 16(i)(a) when the Local Government Bill becomes law.

I agree with you that it is not necessary to make an amendment to cover the provision for the demise of the Crown. That is not a sufficiently standard event to make it necessary to include a reference in a guide to normal procedure.

The point you raise in paragraph 7 seems to me (if I understand it correctly) to have important implications. If the timetable for a polling day runs from the date of the proclamation dissolving the existing Parliament and summoning the new one, and the proclamation can provide for

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the dissolution of Parliament on a future date, it appears to follow that the interval between dissolution and polling day could be less than 22 (or 23) days. Indeed the date of actual dissolution could become a moveable feast. This would require an amendment to para 3.2 and would have an important practical effect on the Government's completion of its business before a General Election. But perhaps I am reading more into Part I of Schedule I of the Representation of the People Act 1983 than I should?

Sir George Engle, K.C.B., Q.C.

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From the Principal Private Secretary

HEAD OF CONFIDENTIAL FILING - Copy No. 1

MR. FLESHER - Copy No. 3

SIR GEORGE ENGLE - Copy No. 4

MR HATFIELD - Copy No. 5

I attach your copy of the sixth edition of the "Procedure for General Elections" - the handbook containing the accumulated wisdom on the calling and holding of General Elections.

This version was prepared in June 1983, but it has just come to my notice that it was not circulated at that time to the holders of other copies.

This delay enables me to notify you that we already know that, when the various parts of the Representation of the People Act 1985 come into force, further important changes will be required. Most of that Act is expected to come into effect in September or October of this year, but certain parts (including those affecting the timetable of dissolution and polling and thus having the greatest effect on this guide) will on present plans not come into force until 16 February 1987. I am therefore circulating this guide in its present form, but I should be grateful if recipients would ensure that this note is held with the guide to remind readers that further amendments will be coming along in due course.

17 June 1985

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FERB DJr



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SW1

30 May 1985

Dear Robin,

PROCEDURE FOR GENERAL ELECTIONS

In my letter to you of 1 June 1983 I listed a number of passages that needed altering in the light of the 1983 general election. In your reply of 2 June 1983 you said you would send me a revised version, incorporating the amendments in my letter, when the election was over; but this has yet to materialise.

2. This Session's Representation of the People Bill is now waiting for Third Reading in the Lords, and it can safely be assumed that the provisions affecting sections I and II of the guide will be enacted in their present form (ie as in the print of the Bill as amended on Report in the Lords).

3. I enclose a revised and enlarged list of suggested changes in those sections of the guide. Those preceded by an asterisk will need to be made in due course (see paragraph 4 below). The rest have occurred to me on re-reading sections I and II. The list, which supersedes the first (but not the second) page of my letter of 1 June 1983, sets out my suggestions for bringing the text of the fifth edition up to date - treating that text as including the revised version of pages 1 and 2 of section I which Clive Whitmore sent me on 16 July 1982.

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4. As regards the asterisked entries I say "in due course" since I understand from the Home Office that whereas most of the new Act will be brought into force in September or October 1985, the provisions about overseas electors are not expected to be brought into force until September or October 1986 - while the provisions about absent voting, along with the provisions affecting the relationship between dissolution and polling (and thus sections I and II of the guide), will on present plans not come into force until 16 February 1987, the date from which a new electoral register will operate. I do not know what plans the Home Office have in mind in the event of a general election before that date.

5. Paragraph 16 of the guide will need to be revised in the light of this Session's Local Government Bill, as finally enacted. I can, if you wish, provide a revised version of paragraph 16(i)(a) when the time comes; but you may prefer to consult the Home Office direct.

6. Section 20 of the Representation of the People Act 1985 (as will be) makes new provision about what happens if there is a demise of the Crown after a new Parliament has been summoned. I doubt if there is any point in mentioning this in the guide since, broadly speaking, the effect will be to postpone the whole election timetable (including the date on which the new Parliament is to meet) by 14 days.

7. Paragraph 26(a) says that the Dissolution Council "must, under the terms of the Representation of the People Act [1983], take place on the date of dissolution". This is incorrect. Under paragraph 1 of Schedule 1 to the 1983 Act, the date of polling day depends on the date of issue of the proclamation summoning the new Parliament - see column 2 of the entry "Issue of writ". Thus the Dissolution Council - ie the meeting of the Privy Council at which the proclamation dissolving the existing Parliament and summoning a new one is issued - must take place on whatever day is

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necessary to cause polling day to fall on the desired date. But it is possible (subject to a technical difficulty which is under consideration by Derek Oulton, the Clerk of the Parliaments and myself) for this proclamation to provide for the dissolution of Parliament on a future date - in which case the Dissolution Council would not take place on the day of dissolution. I have made a note to write to you again about this paragraph if and when a solution of the technical difficulty has been found. Meanwhile, it should, I think, stay as it is.

Yours sincerely
George Engle

GEORGE ENGLE

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PROCEDURE FOR GENERAL ELECTIONS

Changes suggested by First Parliamentary Counsel

Choice of date

*Page 1, para 3.2. In the second line, for "22 days" substitute "23 days".

*Page 1, para 3.3. The words "this period of just over three weeks" were written when the normal interval was 22 days. But they seem apt enough for a normal interval of 23 days.

*Page 1, footnote. This should now read -

"*(Part I of Schedule 1 to the Representation of the People Act 1983, as amended by paragraph 73 of Schedule 4 to the Representation of the People Act 1985)".

*Page 2, para 4. In the second and sixth lines, for "22 days" substitute "23 days".

*Page 2, para 5.1. The first three lines should read -

"5.1 The rules in Part I of Schedule 1 to the 1983 Act (as amended by section 19(5) of, and paragraph 73 of Schedule 4 to, the 1985 Act) provide that polling day must be on the eleventh day".

*Page 2, para 5.1. In the eleventh line, for "16th day" substitute "17th day"; and in the last line, for "22nd day" substitute "23rd day".

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*Page 2, para 5.2 should read as follows -

"5.2. The "abnormal" intervals occur where there is a Bank Holiday anywhere in the United Kingdom - including Northern Ireland - within the three weeks prior to polling day. Until 1969 any such Bank Holiday was - like a Sunday - ignored for the purposes of computing the interval between dissolution and polling day. Between 1969 and the coming into force of the relevant provisions of the 1985 Act it was necessary to allow not just for the single day's holiday but, in many cases, for a "holiday break" of several days*. Now, however, thanks to the changes made by the 1985 Act, the only days that have to be allowed for, apart from the Bank Holiday itself, are Christmas Eve, Christmas Day, Maundy Thursday (ie the day before Good Friday) and Good Friday."

*Page 2, insert footnote as follows -

"*These "holiday breaks" were -

- (a) the Easter break - ie the period beginning with the Thursday before and ending with the Tuesday after Easter Day;
- (b) the Christmas break - ie the period beginning with the last weekday before, and ending with the first ordinary day after, Christmas Day;
- (c) in the case of a Bank Holiday such as the Spring Bank Holiday, the period from Friday to Tuesday inclusive."

→ Page 3, para 6. In the tenth line, for "1949" substitute "1983".

→ Page 4, para 8. In the eighth line, for "and again in September 1974)" substitute "
", in September 1974 and in 1983)".

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→ Page 5, para.12. In the fourth line, for "Under section 7 of the Parliament Act 1911," substitute "Under the Septennial Act 1715 as amended by section 7 of the Parliament Act 1911,".

X Page 5, para 13. In the fifth line, leave out "June (1970)", and at the end of the sixth line insert "and June (1970 and 1983)".

X Page 7, para 15. In the first line, for "Under the Electoral Registers Acts of 1949 and 1953" substitute "Under Part I of the Representation of the People Act 1983".

X Page 10, para 21. In the fourteenth line, for "(as in 1970)" substitute "(as in 1970 and 1983)". In the sixteenth line, for "(6 May in 1955 and 29 May in 1970)" substitute "(6 May in 1955, 29 May in 1970 and 13 May in 1983)".

Action before election announcement

→ Page 12, para 26(a), in the fourth line for "1949" substitute "1983".

X Page 14, para 32. At end, mention that dissolution without prorogation occurred in 1983.

* Page 15, para 36. The normal interval between dissolution and polling is ^{to become} ~~now~~ 23 days (see para 5.1, last sentence, as amended), which means that dissolution will normally occur on a Tuesday for a Thursday polling day. So the parenthesis which begins in the eighth line should read -

"(normally a Tuesday because of the customary choice of Thursday for polling day and the normal twenty-three day interval between dissolution and polling)".

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