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16 July 1985

F E R Butler Esq  
Prime Minister's Office  
No 10 Downing Street  
SW1

Dear Robin,

PROCEDURE FOR GENERAL ELECTIONS

The Local Government Bill, now awaiting Royal Assent, abolishes the GLC and the metropolitan county councils on 1st April 1986. I enclose a revised version of paragraph 16(i)(a) of the guide, which I think you can issue as soon as you like.

If you are re-issuing the whole of page 7, you should, I think, omit "16" before "(ii)" in paragraph 16. And if line 8 from the bottom of the page were to read "The timing of all these elections", it would be clearer that the last paragraph is not confined to European Assembly Elections. You might also, as in paragraph 3, renumber paragraph 16(i) as 16.1; paragraph 16(ii) as 16.2; and the final paragraph ("The timing.... ") as 16.3.

Yours ever  
George

GEORGE ENGLE

Enc

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- (a) All local government elections in England and Wales are held on the first Thursday in May. The date can be varied by order under section 37 of the Representation of the People Act 1983. County council elections take place every four years (in 1989, 1993 etc) and one-third of the members of metropolitan district councils come up for re-election every year except years in which county council elections are held. Non-metropolitan district council elections take place either at four year intervals (in 1987, 1991 etc) or in thirds every year except years when county council elections are held. It is for each council concerned to opt for one or the other. Elections to the London borough councils take place every four years (in 1986, 1990 etc). These elections are on a whole council basis. Elections to the Inner London Education Authority take place in the same years as those for the London borough councils. Parish and community council elections take place every four years (in 1987, 1991 etc).







10 DOWNING STREET

From the Principal Private Secretary

HEAD OF CONFIDENTIAL FILING - Copy No.1  
MR BUTLER - Copy 2  
MR FLESHER - Copy No.3.  
SIR GEORGE ENGLE - Copy No.4  
MR HATFIELD - Copy No. 5

— Page 7 substituted.  
on 17/7 [Signature]

"PROCEDURE FOR GENERAL ELECTIONS"

Could you please substitute the revised Page 7 below  
in your copy of the sixth edition of the "Procedure for  
General Elections". This takes account of the abolition, in  
the Local Government Bill, now awaiting Royal Assent, of the  
GLC and Metropolitan County Councils on 1 April, 1986.

FERB

16 July, 1985

## Electoral Register

15. Under Part I of the Representation of the People Act 1983, the last date for publishing the new Register in any year is 15 February; 16 February is the earliest date for a poll on the basis of the new Register, and the previous 10 October is the qualifying date for that Register. Up-to-date and detailed advice should however always be sought on this from the Home Office.

## Local Government and European Assembly Elections

16.1

~~10(1)~~ The rules governing the timing of local government elections are complex and advice should be sought from the Home Office in relation to England and Wales and from the Scottish Office in relation to Scotland.

*Take in redraft*

(a) All local Government elections in England and Wales are held on the first Thursday in May. The date can be varied by order under section 43 of the Local Government Act 1972. This Act introduced new arrangements, which are gradually taking effect, for the timing of local Government elections. The broad pattern is as follows: County Council elections and elections to the Greater London Council take place every four years (1977, 1981, 1985, etc) and one third of the members of the Metropolitan District Councils in England come up for re-election every year, except years in which County Council elections are held. From 1979 onwards, non-Metropolitan District Council elections will take place either at four year intervals or in thirds every year except years when County Council elections are being held. It is for each Council concerned to opt for one or the other. Elections to the London Borough Councils take place in 1978 and every fourth year thereafter. These elections are on a whole Council basis. From 1979 onwards, Parish and Community Council elections will take place every four years.

(b) In Scotland, the timing of local government elections is governed by sections 4 and 8 of the Local Government (Scotland) Act 1973. These elections are held on the first Tuesday in May. Elections to regional and islands councils take place in 1982 and every fourth year thereafter, and elections to district councils take place in 1980 and every fourth year thereafter.

16.2

~~10(1)~~ European Assembly Elections. European Assembly Elections take place every five years, on a date in May or June.

*all*

16.3 The timing of these elections is a factor in the choice of date for a spring or early summer General Election. In the past, it has been assumed that a Prime Minister would wish to avoid holding significant local elections on the same day as the General Election, or in the week or two preceding it. In 1979, following the defeat of the Government, the Prime Minister had no option but to hold an Election close to the date of the local elections. He was advised by his colleagues that in these circumstances it would be preferable

/ to hold



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5 July 1985

F E R Butler Esq  
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No need to reply.

Dear ~~Robert~~,

FERB

PROCEDURE FOR GENERAL ELECTIONS

Thank you for your letter of 3 July enclosing improved copies of pages 12-17 and 22-24. I am having the replaced pages shredded.

Certainly  
";" has  
dropped  
out.

I now see that paragraph 27 mentions the 1983 dissolution without prorogation. In line 7 of that paragraph, has "; and" dropped out after "complication"?

I have a revised version of paragraph 16(i)(a) ready to send you as soon as the Local Government Bill is sure of enactment.

Yours ever

George

GEORGE ENGLE

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Election - '83 election 5/83



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FERB DJr



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F E R Butler Esq  
10 Downing Street  
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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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3.

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 <sup>to become</sup> ~~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)".

→ para 31 **CONFIDENTIAL**