



# Recess Elections Act 1975

## 1975 CHAPTER 66

### 1 Issue of warrants by Speaker for making out writs.

(1) During any recess of the House of Commons, whether by prorogation or adjournment, it shall be the duty of the Speaker, subject to the provisions of this Act, upon receipt of a certificate of vacancy to issue his warrant to the Clerk of the Crown in Chancery to make out a new writ for electing a Member of the House in place of a Member whose seat has become vacant—

- (a) because he has died or [<sup>F1</sup>become disqualified as a peer for membership of the House of Commons], either during the recess or before it;
- (b) because he has accepted a disqualifying office during the recess;

or

- (c) because of his bankruptcy.

(2) In this Act—

“certificate of vacancy” means—

- (a) where the seat has become vacant because the Member has died, [<sup>F2</sup>become disqualified as a peer for membership of the House of Commons] or accepted a disqualifying office, a certificate under the hands of two Members of the House of Commons in the form set out in Schedule 1 to this Act, or to the like effect;

and

- (b) where the seat has become vacant because of a Member’s Bankruptcy, a certificate under [<sup>F3</sup>section 427(6)(a) of the Insolvency Act 1986]

“disqualifying office” means any office, other than the office of steward or bailiff of Her Majesty’s three Chiltern Hundreds of Stoke, Desborough and Burnham or of the Manor of Northstead, which disqualifies its holder for membership of the House of Commons; <sup>F4</sup> . . .

<sup>F4</sup> . . .

#### Textual Amendments

**F1** Words in s. 1(1)(a) substituted (11.11.1999) by 1999 c. 34, s. 4(1), [Sch. 1 para. 2\(a\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the Recess Elections Act 1975, Section 1. (See end of Document for details)

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- F2** Words in definition in s. 1(2)(a) substituted (11.11.1999) by 1999 c. 34, s. 4(1), **Sch. 1 para. 2(b)**
- F3** Words substituted by virtue of **Insolvency Act 1985** (c. 65, SIF 66), s. 235, **Sch. 8 para. 27** and **Insolvency Act 1986** (c. 45, SIF 66), s. 439(2), **Sch. 14**
- F4** Words in s. 1(2) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XI**, Group 2.

**Changes to legislation:**

There are currently no known outstanding effects for the *Recess Elections Act 1975*, Section 1.