



# Recall of MPs Act 2015

## 2015 CHAPTER 25

### *Conduct of the recall petition process*

#### **6 Petition officers**

- (1) There is to be a petition officer in relation to a recall petition for each constituency as determined as follows—

<i>Location of constituency</i>	<i>Identity of petition officer</i>
England or Wales	The person who is the acting returning officer in relation to the constituency by virtue of section 28 of the Representation of the People Act 1983 (discharge of returning officer's functions in England and Wales).
Scotland	The person who is the returning officer in relation to the constituency by virtue of section 25 of that Act (returning officers: Scotland).
Northern Ireland	The Chief Electoral Officer for Northern Ireland.

- (2) References in this Act to a petition officer are to a petition officer under this section.  
(3) Schedule 1 contains more about petition officers.

#### **Commencement Information**

**II** S. 6 partly in force; s. 6(3) in force at Royal Assent for specified purposes, see s. 24(2)(a)

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## **7 Where and from when the recall petition may be signed**

- (1) Where the petition officer for a constituency receives a Speaker's notice, the officer must, as soon as reasonably practicable, designate—
  - (a) a place, or places, at which a recall petition is to be made available for signing, and
  - (b) a day from which the petition is to be made available for signing.
- (2) A maximum of 10 places may be designated under subsection (1)(a).
- (3) The petition officer must, in determining which place or places to designate under subsection (1)(a), seek to ensure—
  - (a) that all persons entitled to sign the recall petition have such reasonable facilities for signing it as are practicable in the circumstances, and
  - (b) that, so far as is reasonable and practicable, every place designated is accessible to disabled persons.
- (4) The petition officer must designate under subsection (1)(b)—
  - (a) the day which is the 10th working day after the day on which the officer received the Speaker's notice, or
  - (b) if it is not reasonably practicable to designate that day, the first subsequent working day that it is reasonably practicable to designate.
- (5) In this Act—
 

“the designated place or places” means the place or places designated under subsection (1)(a);

“the designated day” means the day designated under subsection (1)(b).

## **8 Notice of petition to be sent to registered electors**

- (1) As soon as reasonably practicable after determining the designated place or places and the designated day under section 7, the petition officer must send a notice of petition in accordance with regulations under section 18—
  - (a) to such descriptions of persons registered in the register of parliamentary electors for the constituency as are to be specified in such regulations, and
  - (b) to such other descriptions of persons as may be specified in such regulations.
- (2) Regulations under section 18 must require the notice to contain information relating to the recall condition which has been met in relation to the MP.

### **Commencement Information**

**I2** S. 8 partly in force; s. 8 in force at Royal Assent for specified purposes, see s. 24(2)(b)

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## 9 Recall petition to be made available for signing

- (1) The petition officer must ensure that the recall petition is made available for signing throughout the signing period at the designated place or places, and by post, in accordance with regulations under section 18.
- (2) In this Act “the signing period” means the period of 6 weeks beginning with the designated day.
- (3) The recall petition is made available for signing at the designated place or places, or by post, by a separate petition signing sheet being available for signing by each person entitled to sign the petition at that place, or by post, in accordance with regulations under section 18.
- (4) The wording of a petition signing sheet must include the following— “By signing in the box below, you are signing a petition for *[name of the MP]*, the MP for *[name of constituency]*, to lose *[his/her]* seat in the House of Commons, and for a by-election to be held to decide who should be the MP for that constituency. The loss of *[his/her]* seat does not prevent the MP standing in this by-election.

If at least 10% of eligible registered electors in the constituency sign the petition, the MP will lose *[his/her]* seat in the House of Commons and a by-election will be held for the constituency. If less than 10% of eligible registered electors in the constituency sign the petition, the MP will not lose *[his/her]* seat as a result of the petition and therefore no by-election will be held.”

- (5) The Minister may by regulations amend subsection (4).
- (6) Regulations under subsection (5) are subject to affirmative resolution procedure.

### Commencement Information

**I3** S. 9 partly in force; s. 9(5)(6) in force at Royal Assent, see s. 24(1)(a)

## 10 Persons entitled to sign a recall petition

- (1) A person is entitled to sign a recall petition on a day during the signing period if, on that day—
  - (a) the person is registered in the register of parliamentary electors for the constituency,
  - (b) the person is aged 18 or over, or the date of his or her 18th birthday is before the end of the signing period, and
  - (c) the person would be entitled to vote as an elector at a parliamentary election in the constituency.
- (2) Any alteration made to the register of parliamentary electors for the constituency which takes effect—
  - (a) after the day on which the Speaker's notice is given, and
  - (b) on or before the cut-off day,does not have effect for the purposes of subsection (1)(a) if it results from a late application for registration.
- (3) Any alteration made to the register of parliamentary electors for the constituency which takes effect after the cut-off day does not have effect for the purposes of

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subsection (1)(a) unless it takes effect under section 13BC(6) of the Representation of the People Act 1983 (alterations for court orders or errors).

- (4) For the purposes of this Act—
- (a) “the cut-off day” means the 3rd working day before the beginning of the signing period, and
  - (b) “late application for registration” means an application for registration that—
    - (i) is made after the day on which the Speaker's notice is given, or
    - (ii) is treated as made by virtue of section 10A(2) of the Representation of the People Act 1983 (return of canvass form treated as application for registration) in respect of a form returned after that day.
- (5) For the purposes of subsection (1)(c), section 1(1)(a) and (d) of the Representation of the People Act 1983 (requirement to be registered and of voting age) are to be disregarded.
- (6) Schedule 2 inserts section 13BC of the Representation of the People Act 1983 and makes other amendments relating to the alteration of registers of parliamentary electors.

#### Commencement Information

**I4** S. 10 partly in force; s. 10(6) in force at Royal Assent for specified purposes, see s. 24(2)(c)

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#### 11 How entitlement to sign a recall petition is to be exercised

- (1) A person who is entitled to sign a recall petition may sign it—
  - (a) in person,
  - (b) by post, or
  - (c) by proxy,
 subject to meeting the requirements of regulations under section 18 about signing it by that method.
- (2) A person who is entitled to sign a recall petition may sign it only once.
- (3) Once a recall petition has been signed, the signature cannot be withdrawn.
- (4) Unless stated otherwise, references in this Act (however expressed) to the signing of a recall petition by a person are to the person signing it by any of the methods mentioned in subsection (1) otherwise than as a proxy for another person.

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#### 12 Double signing

- (1) A person commits an offence if the person signs the same recall petition, otherwise than by proxy, more than once.

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- (2) A person commits an offence if the person signs a recall petition in person or by post knowing that a person appointed to sign the petition as his or her proxy—
  - (a) has already signed the petition in person as his or her proxy, or
  - (b) in accordance with provision made by regulations under section 18, is entitled to sign the petition as his or her proxy by post.
- (3) A person commits an offence if the person signs the same recall petition as proxy for the same person more than once.
- (4) A person commits an offence if the person signs a recall petition as proxy for another person knowing that the other person has already signed the petition in person or by post.
- (5) An offence under this section is treated—
  - (a) for the purposes of section 169 of the Representation of the People Act 1983 (mode of prosecution and penalty for illegal practices) as an illegal practice,
  - (b) for the purposes of section 173 of that Act (incapacities on conviction of corrupt or illegal practice) as an illegal practice under section 61 of that Act (other voting offences),
  - (c) for the purposes of section 178 of that Act (prosecution of offences committed outside the United Kingdom) as an offence under that Act, and
  - (d) for the purposes of section 112 of the Electoral Law Act (Northern Ireland) 1962 (c. 14 (N.I.)) (incapacities on conviction of corrupt or illegal practice) as an illegal practice under paragraph 12A of Schedule 9 to that Act (other voting offences).
- (6) The court before which a person is convicted of an offence under this section may, if it thinks it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of—
  - (a) section 173 of the Representation of the People Act 1983, or
  - (b) section 112 of the Electoral Law Act (Northern Ireland) 1962.

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