



# Recall of MPs Act 2015

## 2015 CHAPTER 25

### *Final provisions*

#### **18 Power to make further provision about conduct of a recall petition etc**

- (1) The Minister may by regulations—
  - (a) make further provision about the conduct of a recall petition;
  - (b) make provision about the questioning of the outcome of a recall petition and the consequences of irregularities;
  - (c) make further provision about the giving, sending, delivery or receipt of notices or other documents under this Act.
- (2) Regulations under subsection (1) may—
  - (a) apply or incorporate any provision of electoral legislation (with or without modifications or exceptions);
  - (b) amend any form contained in a provision of electoral legislation for use in relation to recall petitions;
  - (c) make provision conferring a discretion on any person;
  - (d) make provision creating a criminal offence;
  - (e) make further provision about criminal offences under this Act.
- (3) The provision that may be made under subsection (1)(a) includes, in particular—
  - (a) provision about the notice of petition under section 8, the petition signing sheet under section 9 or the public notice required under section 13(8)(b) or 14(2)(c);
  - (b) provision permitting or requiring the petition officer not to make the recall petition available for signing at the designated place or places at particular times of the day or on particular days;
  - (c) provision allocating persons registered in the register of parliamentary electors for a constituency to a particular designated place and limiting the availability of the petition for signing at that place to signing by persons so allocated who are entitled to sign it;

- (d) provision about signing a recall petition in person, by post or by proxy, and in particular—
    - (i) provision under which an entitlement to sign a recall petition in person, by post or by proxy may be exercised only where conditions specified in the regulations are met;
    - (ii) provision about what a person must do in order to be regarded as having signed a recall petition for the purposes of this Act;
    - (iii) provision about when a person who signs a recall petition by post is treated as signing it for the purposes of this Act;
    - (iv) provision about when a person’s signing of a recall petition is invalid for the purposes of this Act;
  - (e) provision permitting or requiring the petition officer, in determining under section 14(2)(a) whether a recall petition was successful, to treat a person who signed the petition as having validly signed it for the purposes of section 14(3);
  - (f) provision about access to, or the supply of copies of, the register of parliamentary electors for a constituency or documents produced in relation to a recall petition;
  - (g) provision about the retention or disposal of documents or other information in relation to a recall petition;
  - (h) further provision about the regulation of campaigning in relation to a recall petition.
- (4) Provision made as mentioned in subsection (3)(e) does not affect—
- (a) the question of whether, for the purposes of provision made under subsection (1)(b), a person validly signed a recall petition for the purposes of section 14(3) (determination of whether recall petition successful), or
  - (b) liability to any penalty arising from a person signing a recall petition but failing to validly sign it for the purposes of section 14(3).
- (5) The outcome of a recall petition may be questioned only in accordance with provision made under subsection (1)(b).
- (6) The provision that may be made under subsection (1)(c) includes—
- (a) provision about how a notice or other document authorised or required under this Act to be given, sent or delivered is given, sent or delivered;
  - (b) provision about the circumstances in which, and the time at which, a notice or other document is (or is to be treated as having been) given, sent, delivered or received.
- (7) For the purposes of this section, “a provision of electoral legislation” means—
- (a) a provision of, or made under, the Representation of the People Acts, or
  - (b) a provision of other legislation which is a provision relating to elections.
- (8) Regulations under this section are subject to affirmative resolution procedure.

## **19 Performance of the Speaker’s functions by others**

- (1) If a relevant circumstance arises, the functions of the Speaker under or by virtue of this Act (“the Speaker’s functions”) are to be performed by the Chairman of Ways and Means or a Deputy Chairman of Ways and Means.
- (2) For the purposes of this section, a “relevant circumstance” arises if—

- (a) the Speaker is unable to perform the Speaker's functions because of absence, illness or for any other reason,
- (b) the first, second or third recall condition has been met in relation to the Speaker, or
- (c) there is a vacancy in the office of the Speaker.

## **20 Minor and consequential amendments**

Schedule 6 contains minor and consequential amendments.

## **21 Regulations**

- (1) Regulations under this Act are to be made by statutory instrument.
- (2) But that does not apply to regulations under—
  - (a) paragraph 3(9) of Schedule 1 (regulations made by the Minister about petition officer's accounts), or
  - (b) paragraph 1(4) of Schedule 5 (regulations made by the Electoral Commission about the form of a recall petition return).
- (3) Regulations under this Act may—
  - (a) make consequential, supplementary, incidental, transitional or saving provision;
  - (b) make different provision for different purposes or areas.
- (4) The power under subsection (3)(a) includes, in the case of regulations under section 18 (power to make further provision about conduct of a recall petition etc), the power to amend legislation.
- (5) Section 26 of the Welsh Language Act 1993 (power to prescribe Welsh version) applies in relation to regulations under this Act as it applies in relation to Acts of Parliament.
- (6) Where regulations under this Act—
  - (a) are subject to “affirmative resolution procedure” they must not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament;
  - (b) are subject to “negative resolution procedure” the statutory instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Provision that may be made by regulations under this Act for which no Parliamentary procedure is required may be included in regulations subject to affirmative or negative resolution procedure.
- (8) Provision that may be made by regulations under this Act subject to negative resolution procedure may be included in regulations subject to affirmative resolution procedure.
- (9) This section (apart from subsection (7)) does not apply to regulations under section 24 (commencement).

## **22 Interpretation**

- (1) In this Act—

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*Status: This is the original version (as it was originally enacted).*

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- “the cut-off day” has the meaning given by section 10(4)(a);
- “the designated day” has the meaning given by section 7(5);
- “the designated place or places” has the meaning given by section 7(5);
- “late application for registration” has the meaning given by section 10(4)(b);
- “legislation” means—
- (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament,
  - (c) an Act or Measure of the National Assembly for Wales,
  - (d) Northern Ireland legislation, or
  - (e) an instrument made under legislation as mentioned in any of paragraphs (a) to (d) above;
- “the Minister” means the Lord President of the Council or the Secretary of State;
- “modifications” includes additions, omissions and amendments;
- “MP” means member of the House of Commons (and see section 2(5) regarding the time at which a person becomes an MP);
- “overturned on appeal” means—
- (a) in relation to a conviction, that there is no longer a conviction for the purposes of section 1(3) or (9) (as the case may be), and
  - (b) in relation to a sentence or order—
    - (i) varied so that it is no longer a sentence or order that the MP be imprisoned or detained within the meaning of section 1(3), or
    - (ii) replaced with another sentence or order that is not a sentence or order that the MP be imprisoned or detained within the meaning of that provision;
- “petition officer” has the meaning given by section 6(2);
- “PPERA 2000” means the Political Parties, Elections and Referendums Act 2000;
- “recall petition” has the meaning given by section 1(2);
- “the signing period” has the meaning given by section 9(2);
- “the Speaker” means the Speaker of the House of Commons;
- “Speaker’s notice” has the meaning given by section 5(7) (and see section 5(6) regarding when it is given and received);
- “working day” means a day that is not—
- (a) a Saturday or Sunday,
  - (b) Christmas Eve, Christmas Day or Good Friday, or
  - (c) a bank holiday or a day appointed for public thanksgiving or mourning, and for that purpose “bank holiday” means a day that is a bank holiday in the part of the United Kingdom in which the MP’s constituency is situated.
- (2) References in this Act to the register of parliamentary electors for a constituency are to the register of parliamentary electors for the constituency maintained under section 9 of the Representation of the People Act 1983.
- (3) Where under that section two or more registration officers maintain registers of parliamentary electors in respect of different parts of the same constituency, then in relation to that constituency—

- (a) references in this Act (other than in section 14(3) and (7)) to the register of parliamentary electors for the constituency are to be read as references to one of those registers in respect of a part of the constituency,
  - (b) the reference in section 14(3) to “the number of persons registered in the register of parliamentary electors for the constituency on the last day of the signing period excluding those who, according to their entry in the register, are aged under 18 on that day” is to be read as a reference to the number given by—
    - (i) determining, in the case of each of those registers in respect of a part of the constituency, the number of persons registered in that register on that day excluding those who, according to their entry in that register, are aged under 18 on that day, and
    - (ii) then adding together the numbers so determined, and
  - (c) the reference in section 14(7) to a person who is not registered in the register of parliamentary electors for the constituency is to be read as a reference to a person who is not registered in any of those registers.
- (4) References in this Act (however expressed) to the signing of a recall petition by a person are to be read in accordance with section 11(4).
- (5) A duty under this Act to notify (however expressed) is a duty to give notice in writing.

## **23 Extent**

- (1) An amendment or repeal by this Act has the same extent as the provision of legislation to which it relates.
- (2) Subject to that, this Act extends to England and Wales, Scotland and Northern Ireland.

## **24 Commencement**

- (1) The following provisions come into force on the day on which this Act is passed—
  - (a) section 9(5) and (6) (power by regulations to amend section 9(4) (wording of petition signing sheet));
  - (b) section 16(4) and (5) (power by regulations to amend Schedule 4 or 5);
  - (c) section 17 (amendments to the Electoral Administration Act 2006 conferring power by order to make provision about loans);
  - (d) section 18 (power to make further provision about conduct of a recall petition etc);
  - (e) section 21 (regulations);
  - (f) sections 22 and 23 (interpretation and extent);
  - (g) this section;
  - (h) section 25 (short title).
- (2) The following provisions (which contain other regulation-making powers and related provision) also come into force on the day on which this Act is passed—
  - (a) section 6(3) and paragraph 3 of Schedule 1, for the purposes of making regulations under that paragraph;
  - (b) section 8 so far as relating to the making of regulations under section 18;

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- (c) section 10(6) and paragraphs 1 and 7 of Schedule 2, for the purposes of making regulations under section 13BC of the Representation of the People Act 1983 (as inserted by paragraph 7);
  - (d) paragraphs 16, 23 and 24 of Schedule 3 (and section 16(1) so far as relating to those paragraphs);
  - (e) paragraphs 3(4) to (6) and 8 of Schedule 4 (and section 16(2) so far as relating to those provisions of that Schedule);
  - (f) section 16(3) and paragraphs 1, 3, 4 and 9 of Schedule 5, for the purposes of making regulations under those paragraphs;
  - (g) paragraph 3(6) of Schedule 6 (which amends section 7(2) of PPERA 2000) (and paragraphs 2 and 3(1) of that Schedule, and section 20, so far as relating to paragraph 3(6)).
- (3) The remaining provisions of this Act come into force on such day as the Minister may by regulations made by statutory instrument appoint.
- (4) Those regulations—
- (a) may appoint different days for different purposes;
  - (b) may make transitional, transitory or saving provision.

## 25 Short title

This Act may be cited as the Recall of MPs Act 2015.