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*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3 **U.K.**

Section 16

#### REGULATION OF EXPENDITURE

#### PART 1 **U.K.**

##### INTRODUCTION

###### *Overview*

- 1 (1) This Schedule regulates expenditure in relation to recall petitions.
- (2) Part 2 limits the amount of petition expenses that may be incurred during the recall petition period—
  - (a) by or on behalf of persons who are not accredited campaigners, and
  - (b) by or on behalf of accredited campaigners.
- (3) Part 3 imposes further controls on the petition expenses of accredited campaigners.
- (4) Part 4 defines “petition expense”.
- (5) Part 5 defines “accredited campaigner” and identifies the responsible person in relation to an accredited campaigner.
- (6) Part 6 contains supplementary provision, including—
  - (a) provision about offences under this Schedule which are a corrupt or illegal practice, and
  - (b) provision applying the definitions of “registered party”, “minor party” and certain other expressions used in PPERA 2000.
- (7) In this Schedule, “the recall petition period”, in relation to a recall petition, means the period—
  - (a) beginning with the day after that on which the Speaker's notice is given, and
  - (b) ending with the day on which the petition officer—
    - (i) receives a notice under section 13(6) (early termination of recall petition process), or
    - (ii) gives a notice under section 14(2)(b) (determination of whether recall petition successful).

#### **Commencement Information**

**II** Sch. 3 para. 1 in force at 4.3.2016 by S.I. 2016/290, reg. 2

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## PART 2 U.K.

### LIMITS ON EXPENDITURE

*Limit on petition expenditure: persons other than accredited campaigners*

- 2 (1) The total petition expenses incurred during the recall petition period by or on behalf of a person who is not an accredited campaigner must not exceed £500.
- (2) The following provisions of this paragraph apply where—
- (a) at any time during the recall petition period any petition expenses are incurred by or on behalf of a person (“P”) in excess of the limit imposed by sub-paragraph (1), and
  - (b) P is not at that time an accredited campaigner.
- (3) Where P is an individual, P commits an offence if P knew or ought reasonably to have known that the expenses would be incurred in excess of that limit.
- (4) Where P is a body—
- (a) P commits an offence, and
  - (b) any person who authorised the expenses to be incurred by or on behalf of P commits an offence if the person knew or ought reasonably to have known that the expenses would be incurred in excess of that limit.
- (5) An offence under this paragraph is a corrupt practice.

#### Commencement Information

**I2** Sch. 3 para. 2 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Limit on petition expenditure: accredited campaigners*

- 3 (1) The total petition expenses incurred during the recall petition period by or on behalf of an accredited campaigner must not exceed £10,000.
- (2) The following provisions of this paragraph apply where—
- (a) at any time during the recall petition period any petition expenses are incurred by or on behalf of a person (“P”) in excess of the limit imposed by sub-paragraph (1), and
  - (b) P is at that time an accredited campaigner.
- (3) Where P is an individual—
- (a) P commits an offence if P knew or ought reasonably to have known that the expenses would be incurred in excess of that limit, and
  - (b) where the responsible person is a different individual, the responsible person commits an offence if he or she—
    - (i) authorised the expenses to be incurred by or on behalf of P, and
    - (ii) knew or ought reasonably to have known that the expenses would be incurred in excess of that limit.
- (4) Where P is a registered party or is a body that is not a registered party—
- (a) P commits an offence, and

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- (b) the responsible person commits an offence if he or she—
  - (i) authorised the expenses to be incurred by or on behalf of P, and
  - (ii) knew or ought reasonably to have known that the expenses would be incurred in excess of that limit.
- (5) In proceedings for an offence under this paragraph it is a defence to show that—
  - (a) any code of practice for the time being in force under paragraph 16 (guidance as to meaning of “petition expense”) was complied with in determining the items and amounts of petition expenses to be entered in the relevant return under paragraph 1 of Schedule 5 (reporting requirements), and
  - (b) the limit imposed by sub-paragraph (1) would not have been exceeded on the basis of the items and amounts entered in that return.
- (6) A person is taken to have shown the matters specified in sub-paragraph (5) if—
  - (a) sufficient evidence of those matters is adduced to raise an issue with respect to them, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (7) An offence under this paragraph is an illegal practice.

**Commencement Information**

**I3** Sch. 3 para. 3 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Expenses incurred by persons acting in concert*

- 4 (1) This paragraph applies where petition expenses are incurred by or on behalf of a person in pursuance of a relevant plan.
- (2) “Relevant plan” means a plan or other arrangement by which—
  - (a) petition expenses are to be incurred by or on behalf of the person mentioned in sub-paragraph (1), and
  - (b) petition expenses are to be incurred by or on behalf of one or more other persons,with a view to, or otherwise in connection with, promoting or procuring the success or failure of the recall petition.
- (3) The expenses mentioned in sub-paragraph (1) are treated for the purposes of this Part of this Schedule (apart from this paragraph) as also having been incurred by or on behalf of the other person (or, as the case may be, each of the other persons) mentioned in sub-paragraph (2)(b).

**Commencement Information**

**I4** Sch. 3 para. 4 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Expenses incurred before the recall petition period*

- 5 (1) This paragraph applies where—

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- (a) before the beginning of the recall petition period, a petition expense is incurred by or on behalf of a person in respect of property, services or facilities, and
  - (b) the property, services or facilities is or are made use of by or on behalf of the person during the recall petition period with a view to, or otherwise in connection with, promoting or procuring the success or failure of the recall petition.
- (2) The appropriate proportion of the petition expense is treated for the purposes of this Part of this Schedule as incurred during the recall petition period by or on behalf of the person.
- (3) The “appropriate proportion” of the expense is such proportion of it as is reasonably attributable to the use made of the property, services or facilities as mentioned in sub-paragraph (1)(b).

**Commencement Information**

**I5** [Sch. 3 para. 5](#) in force at 4.3.2016 by [S.I. 2016/290](#), [reg. 2](#)

*Notional petition expenses*

- 6 (1) This paragraph applies where the following two conditions are met in relation to a person (“P”).
- (2) The first condition is that—
- (a) property is transferred to P free of charge or at a discount of more than 10% of the market value of the property, or
  - (b) property, services or facilities is or are provided for the use or benefit of P free of charge or at a discount of more than 10% of the commercial rate for the use of the property or for the provision of the services or facilities.
- (3) The second condition is that the property, services or facilities is or are made use of by or on behalf of P—
- (a) for a period any part of which falls within the recall petition period, and
  - (b) in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of P in respect of that use, they would be (or are) petition expenses by virtue of Part 4 of this Schedule.
- (4) Where this paragraph applies—
- (a) an amount of expenses determined in accordance with the following provisions of this paragraph (“the gross notional amount”) is treated for the purposes of this Part of this Schedule as incurred by P, and
  - (b) the appropriate proportion of the gross notional amount is treated for the purposes of this Part of this Schedule as petition expenses incurred by P during the recall petition period.
- (5) The “appropriate proportion” of the gross notional amount is such proportion of that amount as is reasonably attributable to the use made of the property, services or facilities as mentioned in sub-paragraph (3) during the recall petition period.
- (6) Where sub-paragraph (2)(a) applies, the gross notional amount is such proportion of either—

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- (a) the market value of the property (where the property is transferred free of charge), or
  - (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of P in respect of the property (where the property is transferred at a discount),
- as is reasonably attributable to the use made of the property as mentioned in sub-paragraph (3) during the recall petition period.
- (7) Where sub-paragraph (2)(b) applies, the gross notional amount is such proportion of either—
- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
  - (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of P in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),
- as is reasonably attributable to the use made of the property, services or facilities as mentioned in sub-paragraph (3) during the recall petition period.
- (8) Where the services of an employee are made available by his or her employer for the use or benefit of a person, then for the purposes of this paragraph the amount that is to be taken as constituting the commercial rate for the provision of those services is—
- (a) the amount of the remuneration and allowances payable to the employee by the employer in respect of the period for which the employee's services are made available, but
  - (b) excluding from the amount mentioned in paragraph (a) any amount in respect of contributions or other payments for which the employer is liable in respect of the employee.
- (9) Sub-paragraph (4)(b) does not apply if it would (apart from this sub-paragraph) treat an amount of £50 or less as petition expenses incurred by P during the recall petition period.
- (10) In this paragraph a reference to property being transferred to P, or to property, services or facilities being provided for the use or benefit of P, includes—
- (a) property being transferred to, or property, services or facilities being provided for the use or benefit of, any officer, member, trustee or agent of P in his or her capacity as such, and
  - (b) property being transferred, or property, services or facilities being provided, indirectly through a third person.

**Commencement Information**

**16** Sch. 3 para. 6 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Petition expenses incurred before becoming an accredited campaigner*

7

A reference in this Part of this Schedule to a petition expense incurred during the recall petition period by or on behalf of an accredited campaigner includes—

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- (a) any petition expense incurred during that period by or on behalf of a person who is not an accredited campaigner in relation to the recall petition in question at the time the expense is incurred but who subsequently becomes such an accredited campaigner, and
- (b) any petition expense treated by virtue of paragraph 5 or 6 as incurred during that period by or on behalf of a person where that person becomes an accredited campaigner in relation to the recall petition in question during that period.

**Commencement Information**

**I7** Sch. 3 para. 7 in force at 4.3.2016 by S.I. 2016/290, reg. 2

**PART 3 U.K.**

PETITION EXPENSES OF ACCREDITED CAMPAIGNERS: GENERAL CONTROLS

*Restriction on incurring petition expenses*

- 8 (1) No petition expenses are to be incurred by or on behalf of an accredited campaigner unless they are incurred with the authority of—
- (a) the responsible person, or
  - (b) a person authorised in writing by the responsible person to incur the expenses.
- (2) A person commits an offence if, without reasonable excuse, the person incurs an expense in contravention of sub-paragraph (1).
- (3) An offence under this paragraph is a corrupt practice.

**Commencement Information**

**I8** Sch. 3 para. 8 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Restriction on payments in respect of petition expenses*

- 9 (1) No payment may be made in respect of petition expenses incurred, or to be incurred, by or on behalf of an accredited campaigner unless it is made by—
- (a) the responsible person, or
  - (b) a person authorised in writing by the responsible person to make the payment.
- (2) Any payment of £20 or more made in respect of such expenses by a person within sub-paragraph (1)(a) or (b) must be supported by an invoice or receipt.
- (3) Where a person within sub-paragraph (1)(b) (“P”) makes a payment required by sub-paragraph (2) to be supported by an invoice or receipt, P must, as soon as reasonably practicable after making the payment, deliver to the responsible person—
- (a) notification that P has made the payment, and
  - (b) the supporting invoice or receipt.

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- (4) A person commits an offence if, without reasonable excuse, the person—
  - (a) makes a payment in contravention of sub-paragraph (1), or
  - (b) contravenes sub-paragraph (3).
- (5) An offence under this paragraph is an illegal practice.

#### **Commencement Information**

**19** Sch. 3 para. 9 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### *Restrictions on payment of claims in respect of petition expenses*

- 10
- (1) A relevant claim is not payable unless it—
    - (a) is sent to the responsible person or to a person authorised under paragraph 8 to incur the expenses, and
    - (b) is sent before the end of the period of 21 days beginning with the first day after the recall petition period.
  - (2) A relevant claim must be paid before the end of the period of 28 days beginning with the first day after the recall petition period.
  - (3) In this Part of this Schedule “relevant claim” means a claim for payment in respect of petition expenses incurred during the recall petition period by or on behalf of an accredited campaigner.
  - (4) A person commits an offence if, without reasonable excuse, the person—
    - (a) makes a payment in respect of a relevant claim which by virtue of sub-paragraph (1) is not payable, or
    - (b) makes a payment in respect of a relevant claim after the end of the period allowed under sub-paragraph (2).
  - (5) An offence under this paragraph is an illegal practice.
  - (6) Where the period allowed under sub-paragraph (1)(b) or (2) would, apart from this sub-paragraph, end on a day that is not a qualifying day, the period instead ends on the first subsequent day that is a qualifying day.
  - (7) “Qualifying 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.
  - (8) For this purpose “bank holiday” means a bank holiday in—
    - (a) the part of the United Kingdom in which is situated the office of the person to whom the claim is sent pursuant to sub-paragraph (1), or
    - (b) the part of the United Kingdom in which the person providing the property, services or facilities to which the expenses in question relate conducts business (or, if that person conducts business in more than one part of the United Kingdom, the part of the United Kingdom in which is situated the office from which dealings relating to the expenses were conducted).
  - (9) Sub-paragraph (2) does not—

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- (a) affect any right of a creditor of an accredited campaigner to obtain payment before the end of the period allowed under that sub-paragraph, or
- (b) impose an obligation to pay a relevant claim that is not payable apart from that sub-paragraph.

**Commencement Information**

**I10** Sch. 3 para. 10 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Payment of claims in respect of petition expenses: application for leave to pay late claims*

- 11 (1) An application may be made to the appropriate court for leave for a relevant claim to be paid although sent to a person mentioned in paragraph 10(1)(a) after the end of the period allowed under paragraph 10(1)(b); and the appropriate court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.
- (2) An application under sub-paragraph (1) may be made by—
- (a) the person making the claim, or
  - (b) the person with whose authority the expenses in question were incurred.
- (3) In this paragraph “appropriate court” means—
- (a) in England and Wales, the High Court or the county court,
  - (b) in Scotland, the Court of Session or the sheriff, or
  - (c) in Northern Ireland, the High Court or a county court.
- (4) Paragraph 10(1) and (2) do not apply in relation to any sum paid in pursuance of the order of leave.
- (5) The jurisdiction conferred by this paragraph on the Court of Session or the sheriff may be exercised in such manner as is prescribed by Act of Sederunt; and any order made by the sheriff by virtue of this paragraph may be appealed to the Court of Session.
- (6) Article 60 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)) (appeals from county courts) applies in relation to an order of a county court in Northern Ireland made by virtue of this paragraph as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.

**Commencement Information**

**I11** Sch. 3 para. 11 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Disputed claims*

- 12 (1) A person who makes a disputed claim may bring an action for it; and paragraph 10(2) does not apply in relation to any sum paid in pursuance of a judgment or order made by a court in the proceedings.
- (2) In this paragraph “disputed claim” means a relevant claim that—
- (a) is sent as mentioned in paragraph 10(1)(a) and (b), but
  - (b) is not paid before the end of the period allowed under paragraph 10(2).



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- (3) A person to whom a disputed claim is sent may make an application to the appropriate court for leave for it to be paid after the end of the period allowed under paragraph 10(2); and the appropriate court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.
- (4) In this paragraph “appropriate court” has the same meaning as in paragraph 11.
- (5) Paragraph 10(2) does not apply in relation to any sum paid in pursuance of an order of leave granted under sub-paragraph (3).
- (6) The jurisdiction conferred by sub-paragraph (3) on the Court of Session or the sheriff may be exercised in such manner as is prescribed by Act of Sederunt; and any order made by the sheriff by virtue of that sub-paragraph may be appealed to the Court of Session.
- (7) Article 60 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)) (appeals from county courts) applies in relation to an order of a county court in Northern Ireland made by virtue of sub-paragraph (3) as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.

#### Commencement Information

**I12** Sch. 3 para. 12 in force at 4.3.2016 by S.I. 2016/290, reg. 2

## PART 4 U.K.

### MEANING OF “PETITION EXPENSE”

#### *Meaning of “petition expense”*

- 13 (1) For the purposes of this Schedule an expense is a “petition expense” if—
- (a) it is incurred with a view to, or otherwise in connection with, promoting or procuring the success or failure of a recall petition,
  - (b) it is incurred in respect of a matter listed in paragraph 14,
  - (c) it is not incurred in respect of a matter listed in paragraph 15, and
  - (d) it is not a relevant personal expense of an individual (“P”) that is paid by P from P's own resources and is not reimbursed to P.
- (2) For the purposes of sub-paragraph (1)(d) an expense is a “relevant personal expense” of P if it is incurred in respect of—
- (a) transport for P (by any means),
  - (b) accommodation for P, or
  - (c) other personal needs of P.

#### Commencement Information

**I13** Sch. 3 para. 13 in force at 4.3.2016 by S.I. 2016/290, reg. 2

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*List of matters*

- 14 (1) The matters referred to in paragraph 13(1)(b) are as follows.
- (2) Advertising of any nature (whatever the medium used).
- Expenses incurred in respect of this matter include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- (3) Unsolicited material addressed to persons entitled to sign the recall petition (whether addressed to them by name or intended for delivery to households within any particular area).
- (4) Transport (by any means) of persons to any place.
- (5) Public meetings (of any kind).
- Expenses incurred in respect of this matter include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.
- (6) The services of a responsible person in relation to an accredited campaigner, or of any other person engaged in connection with promoting or procuring the success or failure of the recall petition.
- (7) Accommodation and administrative costs.

**Commencement Information**

**I14** Sch. 3 para. 14 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*General exclusions*

- 15 (1) The matters referred to in paragraph 13(1)(c) are as follows.
- (2) The publication of any matter, other than an advertisement, relating to the recall petition in—
- (a) a newspaper or periodical,
  - (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
  - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996.
- (3) The provision by an individual of his or her own services where the services are provided voluntarily in his or her own time and free of charge.
- (4) The provision by an individual of accommodation which is his or her sole or main residence if the provision is made free of charge.
- (5) The provision by an individual of transport if the means of transport was acquired by him or her principally for his or her personal use and the provision is made free of charge.

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- (6) The provision by an individual of computing or printing equipment if the equipment was acquired by him or her principally for his or her personal use and the provision is made free of charge.

#### Commencement Information

**I15** Sch. 3 para. 15 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### Guidance

- 16 (1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice giving—
- (a) guidance as to the cases or circumstances in which expenses are, or are not, within paragraph 13(1)(a);
  - (b) guidance as to the matters which are, or are not, within paragraph 14 or 15.
- (2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Minister for approval.
- (3) The Minister may approve a draft code either without modification or with such modifications as the Minister may determine.
- (4) Once the Minister has approved a draft code, the Minister must lay before Parliament—
- (a) a copy of the draft, incorporating any modifications determined under sub-paragraph (3), and
  - (b) if the draft incorporates any such modifications, a statement of the Minister's reasons for making them.
- (5) If, within the 40-day period, either House of Parliament resolves not to approve the draft, neither the Minister nor the Commission are to take any further step in relation to the draft code.
- (6) If no such resolution is made within the 40-day period—
- (a) the Commission must arrange for the code to be published, in such manner as they think appropriate, and
  - (b) the code comes into force on such date as the Minister may by regulations appoint.
- (7) Sub-paragraph (5) does not prevent a new draft code from being laid before Parliament.
- (8) In this paragraph “the 40-day period”, in relation to a draft code, means—
- (a) if the draft is laid before the two Houses of Parliament on different days, the period of 40 days beginning with the later of the two days, and
  - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House.

For that purpose, no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.

- (9) In this paragraph references to a draft code include a revised draft code.

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## PART 5 U.K.

### ACCREDITED CAMPAIGNERS AND RESPONSIBLE PERSONS

#### *Meaning of “accredited campaigner”*

- 17 (1) In this Schedule “accredited campaigner” means a person (“P”) who—
- (a) is eligible to be an accredited campaigner (see paragraph 18),
  - (b) has delivered to the petition officer an accreditation notice (see paragraph 19), and
  - (c) has delivered to the petition officer a statement, signed by the individual named under paragraph 19(1)(d), confirming that he or she is willing to exercise the functions conferred by or by virtue of this Act on the responsible person in relation to P.
- (2) Sub-paragraph (1)(c) does not apply where—
- (a) P is a registered party but is not a minor party, or
  - (b) P is the individual named under paragraph 19(1)(d).

#### **Commencement Information**

**I16** Sch. 3 para. 17 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### *Eligibility to be an accredited campaigner*

- 18 (1) A person is eligible to be an accredited campaigner if the person is any of the following—
- (a) a registered party;
  - (b) an individual who is resident in the United Kingdom;
  - (c) an individual who is registered in an electoral register;
  - (d) a company incorporated in the United Kingdom or another member State that is registered under the Companies Act 2006 and carries on business in the United Kingdom;
  - (e) a trade union entered in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5));
  - (f) a building society (within the meaning of the Building Societies Act 1986);
  - (g) a limited liability partnership, registered under the Limited Liability Partnerships Act 2000, that carries on business in the United Kingdom;
  - (h) a friendly society registered under the Friendly Societies Act 1974, a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered (or deemed to be registered) under the Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24 (N.I.));
  - (i) an unincorporated association of two or more persons that is not within any of the preceding paragraphs but carries on business or other activities wholly or mainly in the United Kingdom and whose main office is there.
- (2) In this paragraph “an electoral register” means—

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- (a) a register of parliamentary or local government electors maintained under section 9 of the Representation of the People Act 1983,
- (b) a register of relevant citizens of the European Union prepared under the European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184), or
- (c) a register of peers prepared under regulations under section 3 of the Representation of the People Act 1985.

#### **Commencement Information**

**I17** Sch. 3 para. 18 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### *Accreditation notice*

- 19 (1) In this Part of this Schedule, “accreditation notice”, in relation to a person (“P”) who is eligible to be an accredited campaigner, means a notice—
- (a) identifying the recall petition to which it relates,
  - (b) stating whether P proposes to campaign for the success or failure of the petition,
  - (c) giving such further information as is required under sub-paragraph (3) in relation to P,
  - (d) naming an individual who is to exercise the functions conferred by or by virtue of this Act on the responsible person in relation to P, and
  - (e) signed by a person authorised under sub-paragraph (4) to sign it in relation to P.
- (2) Sub-paragraph (1)(d)—
- (a) does not apply where P is a registered party but is not a minor party (see paragraph 21(1));
  - (b) may be complied with, where P is an individual, by naming P or another individual;
  - (c) may be complied with by naming the holder of an office.
- (3) The further information mentioned in sub-paragraph (1)(c) is as set out in the following table—

<i>Where P is....</i>	<i>The further information required is...</i>
a registered party	<ul style="list-style-type: none"><li>(a) the party's registered name, and</li><li>(b) the address of the party's headquarters or, if it has no headquarters, the address to which communications to the party may be sent</li></ul>
an individual	<ul style="list-style-type: none"><li>(a) the individual's full name, and</li><li>(b) the individual's home address in the United Kingdom or, if he or she has no home address in the United Kingdom, his or her home address elsewhere</li></ul>
a company within paragraph 18(1)(d)	<ul style="list-style-type: none"><li>(a) the company's registered name,</li><li>(b) the address of its registered office, and</li></ul>

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*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 3. (See end of Document for details)*

- |   |  |
|---|--|
|   | (c) its registered number  |
| a trade union within paragraph 18(1)(e)                   | (a) the name of the union as shown in the list kept under the Trade Union and Labour Relations (Consolidation) Act 1992 or the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5)), and<br>(b) the address of its head or main office, as shown in that list |
| a building society within paragraph 18(1)(f)              | (a) the name of the society, and<br>(b) the address of its principal office  |
| a limited liability partnership within paragraph 18(1)(g) | (a) the partnership's registered name, and<br>(b) the address of its registered office   |
| a friendly or other society within paragraph 18(1)(h)     | (a) the name of the society, and<br>(b) the address of its registered office   |
| an unincorporated association within paragraph 18(1)(i)   | (a) the name of the association, and<br>(b) the address of its main office in the United Kingdom   |
- (4) The persons authorised for the purposes of sub-paragraph (1)(e) to sign an accreditation notice are—
- (a) where P is an individual, P;
  - (b) where P is a registered party, the responsible officers of the party (within the meaning of section 64 of PPERA 2000);
  - (c) where P is a body other than a registered party, the body's secretary or a person who acts in a similar capacity in relation to the body.

**Commencement Information**

**I18** Sch. 3 para. 19 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Notice of alteration*

- 20 (1) This paragraph applies if, at any time before the end of the compliance period, any information which in accordance with this Schedule is contained in an accreditation notice ceases to be accurate.
- (2) The accredited campaigner must, as soon as reasonably practicable after becoming aware of the inaccuracy, deliver a notice (“a notice of alteration”) to the petition officer—
- (a) indicating that the accreditation notice has become inaccurate, and
  - (b) containing a corrected version of the accreditation notice.
- (3) References in sub-paragraphs (1) and (2) to an accreditation notice include a corrected version of an accreditation notice.

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*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 3. (See end of Document for details)*

- (4) The accredited campaigner commits an offence if the accredited campaigner fails to deliver a notice of alteration in accordance with sub-paragraph (2).
- (5) A person guilty of an offence under this paragraph is liable on summary conviction—
  - (a) in England and Wales, to a fine,
  - (b) in Scotland, to a fine not exceeding level 5 on the standard scale, and
  - (c) in Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (6) Where a notice of alteration names a new individual who is to exercise the functions conferred by or by virtue of this Act on the responsible person in relation to the accredited campaigner, it must be accompanied by a statement, signed by that individual, confirming that he or she is willing to exercise those functions.
- (7) Sub-paragraph (6) does not apply where the new individual named in the notice of alteration is the accredited campaigner.
- (8) In this paragraph “the compliance period” means the period during which any provision of—
  - (a) this Schedule (apart from this paragraph),
  - (b) Schedule 4 (control of donations to accredited campaigners),
  - (c) Schedule 5 (recall petition returns), or
  - (d) any order under section 62 of the Electoral Administration Act 2006 (loans),remains to be complied with on the part of the accredited campaigner.
- (9) In sub-paragraph (5)(a), the reference to a fine is to be read as a reference to a fine not exceeding level 5 on the standard scale in relation to an offence committed before section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force.

#### **Commencement Information**

**I19** Sch. 3 para. 20 in force at 4.3.2016 by S.I. 2016/290, reg. 2

#### *The responsible person*

- 21
- (1) If the accredited campaigner is a registered party but is not a minor party, the responsible person in relation to the accredited campaigner is the treasurer of the party.
  - (2) In any other case, the responsible person in relation to the accredited campaigner is—
    - (a) the individual named in the accreditation notice as the person who is to exercise the functions conferred by or by virtue of this Act on the responsible person in relation to the accredited campaigner, or
    - (b) if a notice of alteration has been delivered which names a new individual who is to exercise those functions, the individual named in that notice.
  - (3) But where the individual named as mentioned in sub-paragraph (2)(a) or (b) is not the accredited campaigner, that named individual is the responsible person in relation to the accredited campaigner only if—
    - (a) in a case within sub-paragraph (2)(a), the accreditation notice is accompanied by the statement required by paragraph 17(1)(c), or

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- (b) in a case within sub-paragraph (2)(b), the notice of alteration is accompanied by the statement required by paragraph 20(6).

**Commencement Information**

**I20** Sch. 3 para. 21 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Duty of petition officer to publish information about accredited campaigners*

- 22 (1) The petition officer must, as soon as reasonably practicable after receiving an accreditation notice under paragraph 17 or a corrected version of an accreditation notice under paragraph 20, make the information contained in it available to the public in any way the officer thinks fit.
- (2) But the petition officer must not make available to the public the home address of an accredited campaigner who is an individual.

**Commencement Information**

**I21** Sch. 3 para. 22 in force at 4.3.2016 by S.I. 2016/290, reg. 2

**PART 6** **U.K.**

FINAL PROVISIONS

*Power to alter meaning of “petition expense”*

- 23 (1) The Minister may by regulations amend paragraph 14 or 15.
- (2) Before making regulations under this paragraph the Minister must consult the Electoral Commission.
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.

*Power to alter certain financial limits*

- 24 (1) The Minister may by regulations amend any of the following provisions so as to substitute a different amount for the amount for the time being mentioned in the provision—
- (a) paragraph 2(1) (limit on petition expenditure for person other than an accredited campaigner);
  - (b) paragraph 3(1) (limit on petition expenditure for accredited campaigner);
  - (c) paragraph 6(9) (amount at or below which notional petition expense is to be disregarded);
  - (d) paragraph 9(2) (amount at or above which petition expense of accredited campaigner must be supported by invoice or receipt).
- (2) Before making regulations under this paragraph the Minister must consult the Electoral Commission.
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.



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*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 3. (See end of Document for details)*

- (4) Sub-paragraphs (2) and (3) do not apply where the Minister considers that the substitution is expedient in consequence of changes in the value of money.

*Corrupt and illegal practices*

- 25 (1) An offence that is a corrupt practice under this Schedule is treated—
- (a) for the purposes of section 168 of the Representation of the People Act 1983 (mode of prosecution and penalty for corrupt practices) as a corrupt practice,
  - (b) for the purposes of section 173 of that Act (incapacities on conviction of corrupt or illegal practice) as a corrupt practice,
  - (c) for the purposes of section 173A of that Act (incapacity to hold public or judicial office in Scotland) as a corrupt practice,
  - (d) for the purposes of section 178 of that Act (prosecution of offences committed outside the United Kingdom) as an offence under that Act,
  - (e) for the purposes of section 179 of that Act (offences by associations) as a corrupt practice, and
  - (f) 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 a corrupt practice.
- (2) An offence that is an illegal practice under this Schedule 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,
  - (c) for the purposes of section 178 of that Act (prosecution of offences committed outside the United Kingdom) as an offence under that Act,
  - (d) for the purposes of section 179 of that Act (offences by associations) as an illegal practice, and
  - (e) for the purposes of section 112 of the Electoral Law Act (Northern Ireland) 1962 (incapacities on conviction of corrupt or illegal practice) as an illegal practice.

**Modifications etc. (not altering text)**

**C1** Sch. 3 para. 25 applied (4.3.2016) by [The Recall of MPs Act 2015 \(Recall Petition\) Regulations 2016 \(S.I. 2016/295\)](#), arts. 1, **139**

**Commencement Information**

**I22** Sch. 3 para. 25 in force at 4.3.2016 by [S.I. 2016/290](#), **reg. 2**

*Application of defined terms in PPERA 2000*

- 26 (1) In this Schedule, the following expressions have the same meaning as in PPERA 2000: “business”; “market value”; “minor party”; “property”; “registered party”; “treasurer” (see section 160(1) of that Act).
- (2) In the case of references to the treasurer of a registered party, see section 25(7) of that Act (which is inserted by paragraph 4(3) of Schedule 6 to this Act).

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*Status: Point in time view as at 04/03/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 3. (See end of Document for details)*

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**Commencement Information**

**I23** [Sch. 3 para. 26](#) in force at 4.3.2016 by [S.I. 2016/290](#), **reg. 2**

**Status:**

Point in time view as at 04/03/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 3.