

SCHEDULES

SCHEDULE 5

Section 16

RECALL PETITION RETURNS

Recall petition returns

- 1 (1) The responsible person in relation to an accredited campaigner must make a return, referred to in this Schedule as a “recall petition return”.
- (2) The recall petition return must specify the recall petition to which it relates and—
 - (a) must contain the statements, and be accompanied by the documents, mentioned in paragraph 2 (statements and accompanying documents relating to petition expenses),
 - (b) must, in the case of an accredited campaigner to whom this paragraph applies—
 - (i) contain the statement mentioned in paragraph 3(1),
 - (ii) be accompanied, where paragraph 3(2) applies, by the documents required by that provision, and
 - (iii) contain the statement mentioned in paragraph 4, and
 - (c) must be accompanied by the declaration required by paragraph 5 (declaration of responsible person).
- (3) Sub-paragraph (2)(b) applies to an accredited campaigner who—
 - (a) is not a registered party, or
 - (b) is a registered party but is a minor party.
- (4) The Electoral Commission may by regulations prescribe a form of return which may be used for the purposes of this Schedule.
- (5) In this Schedule—
 - “accredited campaigner” has the same meaning as in Schedule 3 (see Part 5 of that Schedule);
 - “minor party” and “registered party” have the same meaning as in PPERA 2000 (see section 160(1) of that Act);
 - “petition expense” has the same meaning as in Schedule 3 (see Part 4 of that Schedule);
 - “the recall petition period” has the same meaning as in Schedule 3 (see paragraph 1(7) of that Schedule);
 - “relevant donation” has the same meaning as in Schedule 4 (see Part 1 of that Schedule);
 - “responsible person” means the person determined in accordance with paragraph 21 of Schedule 3.

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Statements and accompanying documents relating to petition expenses

- 2 (1) The statements required by paragraph 1(2)(a) to be contained in the recall petition return are—
- (a) a statement of all payments made in respect of petition expenses incurred by or on behalf of the accredited campaigner during the recall petition period, or a statement that there were no such payments,
 - (b) a statement of all unpaid claims in respect of which the responsible person is aware that an application has been made, or is about to be made, to a court under paragraph 11 of Schedule 3 (application for leave to pay out of time), or a statement that the responsible person is not aware of any such claims, and
 - (c) a statement of all disputed claims (within the meaning of paragraph 12 of that Schedule), or a statement that there were no such claims.
- (2) Sub-paragraph (1) does not apply to payments made in respect of pre-accreditation expenses or to claims for the payment of such expenses.
- (3) The documents required by paragraph 1(2)(a) to accompany the recall petition return are—
- (a) an invoice or receipt in respect of each payment (if any) that is—
 - (i) included in the statement under sub-paragraph (1)(a), and
 - (ii) required by paragraph 9(2) of Schedule 3 to be supported by an invoice or receipt,
 - (b) a declaration made by the responsible person of all amounts treated under paragraph 4 of that Schedule (expenses incurred by persons acting in concert) as petition expenses incurred by or on behalf of the accredited campaigner during the recall petition period, or a declaration that there were no such amounts,
 - (c) a declaration made by the responsible person of all amounts treated under paragraph 6(4)(b) of that Schedule (notional petition expenses) as petition expenses incurred by the accredited campaigner during the recall petition period, or a declaration that there were no such amounts, and
 - (d) a declaration made by the responsible person of the total amount of pre-accreditation expenses, or a declaration that there were no such expenses.
- (4) In this paragraph “pre-accreditation expenses” means—
- (a) petition expenses treated as incurred by or on behalf of the accredited campaigner during the recall petition period by virtue of paragraph 5 of Schedule 3 (expenses incurred before recall petition period), and
 - (b) petition expenses of the kind referred to in paragraph 7(a) of that Schedule (expenses incurred during recall petition period but before accreditation).

Statement and accompanying documents relating to relevant donations accepted

- 3 (1) The statement required by paragraph 1(2)(b)(i) to be contained in the recall petition return is—
- (a) a statement recording, in relation to each relevant donation accepted by the accredited campaigner—
 - (i) the amount of the donation or, where the donation is not of money, the nature of the donation and its value (as determined in accordance with paragraph 5 of Schedule 4),

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- (ii) the date the donation was accepted by the accredited campaigner,
 - (iii) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to PPERA 2000 (reading references in sub-paragraphs (3B) and (3C) to the registered party as references to the accredited campaigner), and
 - (iv) such other information as may be required by regulations made by the Minister, or
- (b) a statement recording that no relevant donations were accepted by the accredited campaigner.
- (2) If the information recorded under sub-paragraph (1)(a)(iii) includes a statement of the kind mentioned in paragraph 2(3B) or (3C) of Schedule 6 to PPERA 2000 (statement that accredited campaigner has seen evidence of anonymous entry in electoral register), the return must be accompanied by a copy of the evidence referred to in the statement.
- (3) Before making regulations under this paragraph the Minister must consult the Electoral Commission.
- (4) Regulations under this paragraph are subject to negative resolution procedure.

Statement relating to relevant donations received from impermissible or unidentifiable donors

- 4 (1) The statement required by paragraph 1(2)(b)(iii) to be contained in the recall petition return is a statement—
- (a) recording the appropriate details in relation to each relevant donation that the accredited campaigner received but was prohibited from accepting by virtue of paragraph 9(a) of Schedule 4 (impermissible donor), or recording that no relevant donations of that kind were received, and
 - (b) recording the appropriate details in relation to each relevant donation that the accredited campaigner received but was prohibited from accepting by virtue of paragraph 9(b) of that Schedule (unidentifiable donor), or recording that no relevant donations of that kind were received.
- (2) In relation to a relevant donation of the kind mentioned in sub-paragraph (1)(a), “the appropriate details” means—
- (a) the name and address of the donor,
 - (b) where the donation is of money, the amount of the donation,
 - (c) where the donation is not of money, the nature of the donation and its value (as determined in accordance with paragraph 5 of Schedule 4),
 - (d) the date the donation was received by the accredited campaigner,
 - (e) the date and manner in which the donation was returned in accordance with paragraph 14(2) of Schedule 4, and
 - (f) such other information as may be required by regulations made by the Minister.
- (3) In relation to a relevant donation of the kind mentioned in sub-paragraph (1)(b), “the appropriate details” means—
- (a) details of the manner in which the donation was made,
 - (b) where the donation is of money, the amount of the donation,

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- (c) where the donation is not of money, the nature of the donation and its value (as determined in accordance with paragraph 5 of Schedule 4),
 - (d) the date the donation was received by the accredited campaigner,
 - (e) the date and manner in which the donation was returned in accordance with paragraph 15(2) of Schedule 4, and
 - (f) such other information as may be required by regulations made by the Minister.
- (4) Before making regulations under this paragraph the Minister must consult the Electoral Commission.
- (5) Regulations under this paragraph are subject to negative resolution procedure.

Declaration of responsible person as to return

- 5 (1) The responsible person must make the following declaration—
- (a) that the responsible person has examined the recall petition return, and
 - (b) that to the best of the responsible person’s knowledge and belief—
 - (i) it is a complete and correct return as required by law, and
 - (ii) all expenses shown in it as paid have been paid by the responsible person or a person authorised by the responsible person to make the payment.
- (2) In the case of an accredited campaigner to whom this sub-paragraph applies, the declaration must also state—
- (a) that all relevant donations recorded in the return as having been accepted by the accredited campaigner are from permissible donors (within the meaning of Schedule 4: see paragraph 6 of that Schedule), and
 - (b) that no other relevant donations have been accepted by the accredited campaigner.
- (3) Sub-paragraph (2) applies to an accredited campaigner who—
- (a) is not a registered party, or
 - (b) is a registered party but is a minor party.
- (4) The declaration must be signed by the responsible person.

Delivery of return etc to petition officer and supplementary returns

- 6 (1) The responsible person must, within 30 days of the end of the recall petition period, deliver to the petition officer—
- (a) the recall petition return, and
 - (b) all documents required by this Schedule to accompany the return.
- (2) Where, after the date on which the return is delivered to the petition officer, leave is granted by a court under paragraph 11 of Schedule 3 (leave for payment of late claim), the responsible person must, within 7 days of any payment made in pursuance of the order of leave, deliver to the petition officer a supplementary return.
- (3) The supplementary return—
- (a) must state the amount of the payment, and
 - (b) must be accompanied by a copy of the court order granting the leave.

Offences relating to return

- 7 (1) The responsible person commits an offence if, without reasonable excuse, he or she —
- (a) fails to deliver a recall petition return in accordance with paragraph 6(1)(a),
 - (b) delivers a recall petition return to the petition officer that does not contain a statement required by paragraph 1(2)(a) or (b),
 - (c) fails to deliver a document, other than a declaration under paragraph 5, in accordance with paragraph 6(1)(b),
 - (d) fails to deliver a supplementary return in accordance with paragraph 6(2), or
 - (e) delivers a supplementary return to the petition officer that does not comply with paragraph 6(3).
- (2) An offence under sub-paragraph (1) is an illegal practice.
- (3) The responsible person commits an offence if without reasonable excuse, he or she fails to deliver a declaration under paragraph 5 in accordance with paragraph 6(1)(b).
- (4) The responsible person commits an offence if he or she delivers a declaration under paragraph 2(3)(b), (c) or (d) or 5 to the petition officer where—
- (a) the declaration is false, and
 - (b) at the time the responsible person made the declaration, he or she knew that it was false, or was reckless as to whether it was false.
- (5) An offence under sub-paragraph (3) or (4) is a corrupt practice.
- (6) Paragraph 25 of Schedule 3 (which is about offences under that Schedule which are corrupt or illegal practices) applies to an offence under this paragraph as it applies to an offence under that Schedule.

Onward delivery of returns to Electoral Commission

- 8 (1) The petition officer must deliver to the Electoral Commission—
- (a) a copy of a recall petition return received by the officer;
 - (b) a copy of a declaration, or other document, received by the officer accompanying a recall petition return;
 - (c) a copy of a supplementary return received by the officer;
 - (d) a copy of a document accompanying such a return and received by the officer in accordance with paragraph 6(3)(b).
- (2) Delivery under sub-paragraph (1) must be as soon as reasonably practicable after the officer receives the document in question.

Inspection of returns and accompanying documents

- 9 (1) The petition officer must—
- (a) as soon as reasonably practicable after receiving—
 - (i) a recall petition return,
 - (ii) a supplementary return, or
 - (iii) a declaration,make the return or declaration available for public inspection at the officer's office or other convenient place chosen by the officer;

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- (b) continue to make the return or declaration available for inspection at such a place for the period of 2 years beginning with the date on which the return is received;
 - (c) supply a copy of the return or declaration, or of any other document accompanying the return in accordance with this Schedule, to any person who—
 - (i) requests it within that period of 2 years, and
 - (ii) pays such fee as may be prescribed in regulations made by the Minister.
- (2) Where sub-paragraph (1) applies in relation to a recall petition return that contains a statement mentioned in paragraph 3 or 4 that includes the home address of a donor who is an individual, the duties imposed by sub-paragraph (1) apply in relation to a copy of the statement that does not include the donor’s home address.
- (3) The petition officer must, within 40 days of the end of the recall petition period—
- (a) notify the responsible person in relation to each accredited campaigner of the relevant information, and
 - (b) publish the relevant information in such manner as the petition officer thinks fit.
- (4) “The relevant information” means the place at which, and times at which, recall petition returns, supplementary returns (if any) and declarations are to be made available for public inspection under sub-paragraph (1).
- (5) After the expiry of the 2 year period mentioned in sub-paragraph (1)(b), the petition officer must—
- (a) cause the recall petition return (or, as the case may be, the supplementary return), and any declaration or other document accompanying the return, to be destroyed, or
 - (b) if the responsible person in relation to the accredited campaigner in question so requests, cause the return and those documents (or any of them) to be returned to the responsible person.
- (6) Regulations under this paragraph are subject to affirmative resolution procedure.
- (7) References in this paragraph to a declaration are to a declaration under paragraph 2(3)(b), (c) or (d) or 5.

Application of certain provisions of Schedule 3

- 10 The following provisions of Schedule 3 (regulation of expenditure) apply for the purposes of this Schedule as they apply for the purposes of Part 2 of that Schedule—
- (a) paragraph 4 (expenses incurred by persons acting in concert);
 - (b) paragraph 5 (expenses incurred before the recall petition period);
 - (c) paragraph 6 (notional petition expenses);
 - (d) paragraph 7 (expenses incurred before becoming an accredited campaigner).