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.

Changes to legislation:
There are currently no known outstanding effects for the Recall of MPs Act 2015, Section 18.