



# Recall of MPs Act 2015

## 2015 CHAPTER 25

*How an MP becomes subject to a recall petition process*

### **2 The first and third recall conditions: further provision**

- (1) In section 1(3) and (9) (the first and third recall conditions)—
  - (a) the reference to an offence includes an offence committed before the MP became an MP and an offence committed before the day on which section 1 comes into force, but
  - (b) the reference to an MP being convicted of an offence is only to an MP being convicted of an offence on or after the day on which section 1 comes into force.
- (2) The reference in section 1(3) to an offence does not include an offence mentioned in section 1(9).
- (3) The reference in section 1(3) to an MP being sentenced or ordered—
  - (a) includes the MP being sentenced or ordered where the sentence or order is suspended,
  - (b) does not include the MP being remanded in custody, and
  - (c) does not include the MP being authorised to be detained under mental health legislation if there is no sentence or order for imprisonment or detention other than under that legislation.
- (4) “Mental health legislation” means—
  - (a) the Mental Health Act 1983,
  - (b) Part 6 or section 200(2)(b) of the Criminal Procedure (Scotland) Act 1995, or
  - (c) the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).
- (5) For the purposes of this Act the time at which a person becomes an MP is the beginning of the day after—
  - (a) the polling day for the parliamentary election at which the person is elected as an MP, or

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*Changes to legislation: There are currently no known outstanding effects  
for the Recall of MPs Act 2015, Section 2. (See end of Document for details)*

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- (b) where the person has been elected as an MP more than once, the polling day for the parliamentary election at which the person was last so elected.

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**Commencement Information**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Recall of MPs Act 2015, Section 2.