



# Recall of MPs Act 2015

## 2015 CHAPTER 25

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

### **4 The first and third recall conditions: courts to notify the Speaker**

- (1) This section applies if an MP, after becoming an MP—
  - (a) is convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained within the meaning of section 1(3) (see section 2), or
  - (b) is convicted of an offence mentioned in section 1(9) within the meaning of that provision (see section 2).
- (2) The court that imposes the sentence or order in relation to the conviction must notify the Speaker—
  - (a) of the conviction and of the sentence or order, and
  - (b) whether an appeal may be brought in respect of the conviction, sentence or order.
- (3) Subsections (4) to (6) apply in a case in which an appeal is brought in respect of the conviction, sentence or order (including from a court that determines or otherwise disposes of such an appeal).
- (4) The court to which the appeal is brought must notify the Speaker that an appeal has been brought in respect of the conviction, sentence or order.
- (5) Where the appeal is determined or otherwise disposed of, the relevant court must notify the Speaker—
  - (a) that the appeal has been determined or otherwise disposed of,
  - (b) that—
    - (i) in a case within subsection (1)(a), the conviction, sentence or order has, or has not, been overturned on appeal;
    - (ii) in a case within subsection (1)(b), the conviction has, or has not, been overturned on appeal, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) whether any further appeal may be brought in respect of the conviction, sentence or order.
- (6) “The relevant court” means—
  - (a) the court to which the appeal is brought, or
  - (b) if that court remits the matter to another court, that other court.
- (7) Section 3(5) and (6) (interpretation of references to an appeal and to the determination of an appeal) apply in relation to this section as they apply in relation to section 3, except that references in this section to an appeal do include a petition to the nobile officium.
- (8) A court is not required under this section to notify the Speaker if, at any time since the application of the section, the MP’s seat has been vacated (whether by the MP’s disqualification or death, or otherwise).