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DRAFT STATUTORY INSTRUMENTS

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**2016 No. 0000**

**REPRESENTATION OF THE PEOPLE**

The Recall of MPs Act 2015 (Recall Petition) Regulations 2016

*Made - - - -*

*Coming into force in accordance with regulation 1*

**THE RECALL OF MPS ACT 2015  
(RECALL PETITION) REGULATIONS 2016**

PART 1

1. Citation and commencement
2. Application
3. Interpretation

PART 2

4. The register
5. Order of names
6. Anonymous entries
7. Publication of register
8. Publication of 10% threshold
9. Supply of register

PART 3

CHAPTER 1

10. The signing sheet
11. Corresponding number lists
12. The official mark
13. Use of public rooms

CHAPTER 2

14. Notice of petition

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 No. 295

15. Availability for signing the petition
16. Allotment of petition signing places
17. Appointment of petition assistants
18. Issue of official petition notice
19. Equipment at petition signing place
20. Identification of secure storage
21. Notification of requirement of secrecy

### CHAPTER 3

22. Admission to petition signing place
23. Keeping order at a petition signing place
24. Sealing of ballot boxes
25. Questions to be put to persons signing the petition
26. Challenge of person signing the petition
27. Signing procedure: England and Wales and Scotland
28. Signing procedure: Northern Ireland
29. Signing sheets endorsed by petition clerk
30. Tendered signing sheets
31. Refusal to deliver signing sheet: Northern Ireland
32. Spoilt signing sheets
33. Daily verification and storage
34. Reporting discrepancies
35. Correction of errors during the signing period
36. Adjournment of petition in case of riot
37. Procedure on close of petition

### CHAPTER 4

38. Attendance at counting of signatures
39. The count
40. Rejected signing sheets
41. Decisions on signing sheets
42. Public notice of outcome of petition

### CHAPTER 4

43. Sealing up of signing sheets
44. Delivery of documents to the registration officer: England and Wales and Northern Ireland
45. Orders for production of documents: England and Wales and Northern Ireland
46. Retention of documents: England and Wales and Northern Ireland
47. Retention and disposal of documents: Scotland
48. Access to marked registers

## PART 4

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51. Absent signing at any petition for a definite or an indefinite period: England and Wales and Scotland
52. Absent signing at any petition for an indefinite period: Northern Ireland
53. Absent signing at a particular petition: England and Wales and Scotland
54. Absent signing at a particular petition: Northern Ireland
55. Absent signers lists: England and Wales and Scotland
56. Absent signers list: Northern Ireland
57. Proxies at petitions
58. Signing the petition as a proxy
59. The personal identifiers record: England and Wales and Scotland

### CHAPTER 2

60. General requirements for applications for absent signing
61. Additional requirements for applications for signing sheets to be sent to different address from that stated in application
62. Additional requirements for applications for signing sheets to be sent to different addresses from that shown in the record kept by the registration officer
63. Additional requirements for applications for the appointment of a proxy
64. Additional requirements for applications for a proxy signature for a definite or an indefinite period on grounds of blindness or other disability: England and Wales and Scotland
65. Additional requirements for applications for a proxy signature for an indefinite period on grounds of blindness or other disability: Northern Ireland
66. Additional requirements for applications for a proxy signature for a definite or an indefinite period based on occupation, service, employment or attendance on a course
67. Additional provision concerning the requirement that an application for absent signing must be signed by the applicant: England and Wales and Scotland
68. Additional requirements for applications for a proxy signature in respect of a particular petition: England and Wales and Scotland
69. Additional requirements: applications for an emergency proxy signature in respect of a particular petition: England and Wales and Scotland
70. Additional requirements for applications in respect of a particular petition: Northern Ireland
71. Closing date for applications: England and Wales and Scotland
72. Closing date for applications: Northern Ireland
73. Grant or refusal of applications
74. Appeals: England and Wales
75. Appeals: Scotland
76. Appeals: Northern Ireland

- 77. Notice of appeal
- 78. Cancellation of proxy appointment
- 79. Inquiries by registration officer
- 80. Records and lists kept under this Part
- 81. Marked register for petition signing place

## PART 5

### CHAPTER 1

- 82. Interpretation of Part 5
- 83. Form of postal petition statement: England and Wales and Scotland
- 84. Form of declaration of identity: Northern Ireland
- 85. Postal signing packs
- 86. Time when postal signing packs are to be issued

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- 90. Notification of requirement of secrecy
- 91. Envelopes
- 92. Sealing up of corresponding number lists and security of special lists
- 93. Delivery of postal signing sheets
- 94. Spoilt postal signing sheets: England and Wales and Scotland
- 95. Spoilt postal signing sheets: Northern Ireland
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- 97. Lost postal signing sheets: Northern Ireland
- 98. Cancellation of postal signing sheets

### CHAPTER 3

etc

- 99. Alternative means of returning postal signing sheets, postal petition statements and declarations of identity.
- 100. Persons entitled to be present at proceedings on receipt of postal signing sheet
- 101. Postal ballot boxes and receptacles
- 102. Receipt of covering envelopes
- 103. Opening of postal signers' ballot box
- 104. Opening of covering envelopes
- 105. Procedure in relation to declarations of identity: Northern Ireland
- 106. Confirming receipt of postal signing statements: England and Wales and Scotland
- 107. Procedure in relation to postal petition statements: personal identifier verification: England and Wales and Scotland
- 108. Opening of signing sheet envelopes
- 109. Retrieval of cancelled postal signing sheets

110. Lists of rejected postal signing sheets: England and Wales and Scotland
111. Checking lists of rejected postal signing sheets: England and Wales and Scotland
112. Sealing of receptacles
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114. Forwarding of documents
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116. Requirement to provide fresh signature following rejection of a postal petition statement: England and Wales and Scotland

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117. Interpretation
118. Personation
119. Other signing offences
120. Offences relating to applications for postal and proxy signing
121. Breach of official duty
122. Tampering with signing sheets etc.
123. Requirement of secrecy
124. Prohibition on publication of exit polls
125. Broadcasting from outside United Kingdom
126. Imitation of official petition notice
127. Disturbances at petition meetings: England and Wales and Scotland
128. Illegal canvassing by police officers
129. False statements as to MP or accredited campaigner
130. Payments for exhibition of petition notices
131. Details to appear on petition publications
132. Prohibition of paid canvassers
133. Providing money for illegal purposes
134. Bribery
135. Treating
136. Undue influence
137. Absent signing
138. Interference with notices
139. Corrupt and illegal practices

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140. Questioning the outcome of a petition
141. Public notice of early termination
142. Communication of applications, notices etc
143. Electronic signatures and related certificates
144. Forms
145. Time
146. Translations etc of certain documents
147. Public notices and declarations
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149. Amendment to section 9(4) of the Act
150. Modification of section 6C PPERA 2000
151. Fee for the copy of the return or declaration or any other document
152. Notices in connection with alteration of registers: amendments  
Signature

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## SCHEDULES

### SCHEDULE 1 — SUPPLY OF REGISTER

1. Supply of copy of register of parliamentary electors to petition officer: England and Wales and Scotland
2. Supply of record of anonymous entries to petition officer: England and Wales and Scotland
3. Supply of register on request and specific restrictions

### SCHEDULE 2 — FORMS

- PART 1 — United Kingdom
- PART 2 — Welsh Forms
- PART 3 — Northern Ireland

### SCHEDULE 3 — ACCESS TO MARKED REGISTERS AFTER A PETITION

1. Interpretation of this Schedule
2. Supply of marked registers and lists after a petition
3. Inspection of documents open to public inspection
4. Restrictions on use, supply and disclosure of documents by the registration officer, Chief Electoral Officer for Northern Ireland and staff
5. Other restrictions on use of documents or information contained in them
6. Calculating the fee for supply of marked registers or lists

### SCHEDULE 4 — LEGAL PROCEEDINGS: APPLICATION TO RECALL PETITIONS OF EXISTING PROVISIONS

#### PART 1 — REPRESENTATION OF THE PEOPLE ACT 1983, PART 3

1. (1) Part 3 of the 1983 Act (legal proceedings) applies...
2. General modifications
3. Questioning of a recall petition
4. In section 121 (presentation and service of a recall petition)...
5. In section 122 (time for presentation or amendment of a...)
6. In section 123 (constitution of the election court and place)...
7. Omit sections 127 to 135A (questioning of a local election)...
8. Procedure on recall petition complaints
9. In section 138 (list of petitions)— (a) in subsection (1),...
10. In section 139 (trial of petition)— (a) in subsection (1),...
11. In section 140 (witnesses), in subsection (1), omit the words...
12. In section 143 (expenses of witnesses), in subsection (2), omit...
13. In section 144 (conclusion of trial of recall petition complaint)...
14. Omit sections 145 (conclusion of trial of local election petition)...
15. In section 146 (special case for determination of High Court)...
16. In section 147 (withdrawal of complaint)— (a) in subsection (1),...
17. In section 155 (neglect or refusal to pay costs), in...
18. In section 157 (appeals and jurisdiction)— (a) in subsection (1),...
19. Consequences of finding by petition court of corrupt or illegal practice
20. In section 159 (MP reported guilty of corrupt or illegal)...
21. In section 160 (persons reported personally guilty of corrupt or)...
22. Further provision as to avoidance of recall petitions and striking off signatures
23. Omit section 165 (avoidance of election for employing corrupt agent)...
24. In section 166 (signatures to be struck off for corrupt)...

25. Power to except innocent act from being illegal practice, payment, employment or hiring
26. Prosecutions for corrupt or illegal practices
27. In section 169 (prosecutions for illegal practices), for England and...
28. In section 173 (incapacities on conviction of corrupt or illegal...
29. Illegal payments, employments or hirings
30. General provisions as to prosecutions
31. Omit section 177 (local election offences punishable summarily).
32. In section 178 (prosecution of offences committed outside the United...
33. In section 179 (offences by associations)— (a) for “section 100...
34. In section 180 (evidence by certificate of holding of recall...
35. In section 181 (Director of Public Prosecutions), in subsection (1),...
36. Supplemental
37. In section 183 (costs), for “Part 2 or this Part...
38. In section 184 (service of notices)— (a) in subsection (1),...
39. In section 185 (interpretation of Part 3)—  
PART 2 — THE ELECTION PETITION RULES 1960
40. (1) The Election Petition Rules 1960 apply for the purposes...
41. In rule 2 (definitions)— (a) omit the definitions of “local...
42. In rule 4 (form of petition), in paragraph (1)—
43. In rule 6 (notice to be given to respondent and...
44. In rule 9 (display etc of notice of time and...
45. In rule 10 (duty to specify matters in issue in...
46. Omit rules 14 (petition abated in the event of a...
47. In rule 19 (computation of time)— (a) in paragraph (1),...
48. In the Schedule (form of recall petition complaint), for the...

Explanatory Note