
DRAFT STATUTORY INSTRUMENTS

2016 No.

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

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Recall of MPs Act 2015 (Recall Petition) Regulations 2016 and are to come into force on the day after the day on which they are made.

Application

- 2.—(1) These Regulations apply to the United Kingdom with the following exceptions.
- (2) The following provisions apply to England and Wales and Scotland only—
- (a) regulation 27 (signing procedure);
 - (b) regulation 51 (absent signing at any petition for a definite or an indefinite period);
 - (c) regulation 53 (absent signing at a particular petition);
 - (d) regulation 55 (absent signers lists);
 - (e) regulation 59 (the personal identifiers record);
 - (f) regulation 64 (additional requirements for applications for a proxy signature for a definite or indefinite period on the grounds of blindness or other disability);
 - (g) regulation 67 (additional provision concerning the requirement that an application for absent signing must be signed by the applicant);
 - (h) regulation 68 (additional requirements for applications for a proxy signature in respect of a particular petition);
 - (i) regulation 69 (additional requirements for applications for an emergency proxy signature in respect of a particular petition);
 - (j) regulation 71 (closing date for applications);
 - (k) regulation 83 (form of postal petition statement);
 - (l) regulation 94 (spoilt postal signing sheets);
 - (m) regulation 96 (lost postal signing sheets);
 - (n) regulation 106 (confirming receipt of postal signing statements);
 - (o) regulation 107 (procedure in relation to postal petition statements: personal identifier verification);
 - (p) regulation 110 (list of rejected postal signing sheets);
 - (q) regulation 111 (checking of lists of rejected postal signing sheets);
 - (r) regulation 115 (notification of a rejected postal petition statement);

- (s) regulation 116 (requirement to provide fresh signature following rejection of a postal petition statement);
 - (t) regulation 127 (disturbances at petition meetings);
 - (u) paragraphs 1 and 2 of Schedule 1 (supply of register).
- (3) The following provisions apply to England and Wales and Northern Ireland only—
- (a) regulation 44 (delivery of documents to the registration officer);
 - (b) regulation 45 (orders for production of documents);
 - (c) regulation 46 (retention of documents).
- (4) The following provisions apply to England and Wales only—
- (a) regulation 74 (appeals);
 - (b) Part 2 of Schedule 4 (the Election Petition Rules 1960).
- (5) The following provisions apply to Northern Ireland only—
- (a) regulation 28 (signing procedure);
 - (b) regulation 31 (refusal to deliver signing sheet);
 - (c) regulation 52 (absent signing at any petition for an indefinite period);
 - (d) regulation 54 (absent signing at a particular petition);
 - (e) regulation 56 (absent signers lists);
 - (f) regulation 65 (additional requirements for applications for a proxy signature for an indefinite period on grounds of blindness or other disability);
 - (g) regulation 70 (additional requirements for applications in respect of a particular petition);
 - (h) regulation 72 (closing date for applications);
 - (i) regulation 76 (appeals);
 - (j) regulation 84 (form of declaration of identity);
 - (k) regulation 95 (spoilt postal signing sheets);
 - (l) regulation 97 (lost postal signing sheets);
 - (m) regulation 105 (procedure in relation to declaration of identity).
- (6) The following provisions apply to Scotland only—
- (a) regulation 47 (retention and disposal of documents in Scotland);
 - (b) regulation 75 (appeals).

Interpretation

3.—(1) In these Regulations—

“the Act” means the Recall of MPs Act 2015⁽¹⁾;

“the 1983 Act” means the Representation of the People Act 1983;

“the 1985 Act” means the Representation of the People Act 1985⁽²⁾;

“the 2000 Act” means the Representation of the People Act 2000⁽³⁾;

(1) 2015 c. 25.
(2) 1985 c. 50.
(3) 2000 c. 2.

“the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001(4);

“the 2001 (Scotland) Regulations” means the Representation of the People (Scotland) Regulations 2001(5);

“the 2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008(6);

“absent signer” means an elector who is entitled to sign a petition by proxy or an elector or proxy who is entitled to sign the petition by post; and absent signing is to be construed accordingly;

“allotted petition signing place” has the meaning given by regulation 16 (allotment of petition signing places);

“anonymous entry” is to be read in accordance with section 9B of the 1983 Act (anonymous registration);

“corresponding number lists” has the meaning given by regulation 11 (corresponding number lists);

“Clerk of the Crown” means the Clerk of the Crown in Chancery;

“completed corresponding number lists” has the meaning given by regulation 37(1)(e) (procedure on close of petition);

“daily verification” means the daily verification of the signing sheets in accordance with regulation 33 (daily verification and storage);

“declaration of identity” is the declaration referred to in regulation 84;

“disability” in relation to doing a thing, includes a short term inability to do it;

“edited register” has the meaning given by regulation 93 of the relevant Regulations, and (for that purpose) the relevant Regulations are—

- (a) in relation to England and Wales, the 2001 Regulations;
- (b) in relation to Scotland, the 2001 (Scotland) Regulations; and
- (c) in relation to Northern Ireland, the 2008 Regulations;

“elector” means a person who is entitled to sign a petition by virtue of section 10 of the Act (persons entitled to sign a recall petition);

“list of lost postal signing sheets” for England and Wales and Scotland, has the meaning given by regulation 96(8) (lost postal signing sheets); and for Northern Ireland has the meaning given by regulation 97(7) (lost postal signing sheets);

“list of proxies” for England and Wales and Scotland, has the meaning given by regulation 55(3) (absent signers lists); and for Northern Ireland has the meaning given by regulation 56(3) (absent signers lists);

“list of spoilt postal signing sheets” for England and Wales and Scotland, has the meaning given by regulation 94(9) (spoilt postal signing sheets); and for Northern Ireland has the meaning given by regulation 95(8) (spoilt postal signing sheets);

“local authority” has the same meaning as section 203 of the 1983 Act;

“marked copies of the register” means the copies of the register marked in accordance with regulation 27 (signing procedure: England and Wales and Scotland) or regulation 28 (signing procedure: Northern Ireland);

(4) [S.I. 2001/341](#).
(5) [S.I. 2001/497](#).
(6) [S.I. 2008/1741](#).

“official petition notice” has the meaning given in regulation 18 (issue of official petition notice);

“overseas electors declaration” means a person entitled to vote who has made a declaration made under section 2 of the 1985 Act (registration of British citizens overseas) and is registered or entitled to be registered in pursuance of it under that Act;

“official mark” has the meaning given by regulation 12 (the official mark);

“parliamentary election rules” means the rules prescribed in Schedule 1 to the 1983 Act (Parliamentary Election Rules);

“petition clerk” means a person authorised by the petition officer to preside over the proceedings at a petition signing place and carry out on behalf of the petition officer any functions of the petition officer under the Act or these Regulations;

“petition signing place” means a place designated under section 7(1)(a) of the Act (where and from when the petition may be signed) at which a petition is to be made available for signing;

“postal petition statement” is the statement referred to in regulation 83 (form of postal petition statement: England and Scotland and Wales);

“postal signers list” for England and Wales and Scotland, has the meaning given by regulation 55(2) (absent signers list); and for Northern Ireland has the meaning given by regulation 56(2) (absent signers list);

“postal signing sheet” is a signing sheet issued to a postal signer in accordance with Part 5 (issue and receipt of postal signing sheets);

“proxy postal signers list” has the meaning given by regulation 58(9) (signing the petition as a proxy);

“proxy” means a person who has been appointed by an elector to sign the petition on behalf of the elector;

“qualifying address” in relation to a person registered in the register, is the address in respect of which that person is entitled to be registered in the register of parliamentary electors;

“recall petition complaint” means a recall petition complaint in relation to the outcome of a recall petition that is presented in accordance with Part 3 of the 1983 Act (legal proceedings), as applied (with modifications) by Schedule 4;

“register” means the register of persons compiled by the petition officer under regulation 4 (the register);

“register of parliamentary electors” means the register of parliamentary electors under section 9 of the 1983 Act (registers of electors);

“registration officer” means an officer appointed as such under section 8 of the 1983 Act;

“service voter” means a person entitled to vote who has made a service declaration within the meaning of section 15 of the 1983 Act (service declaration) and who is registered or is entitled to be registered in pursuance of it under that Act;

“signing sheet” has the meaning given by regulation 10 (the signing sheet);

“special lists” means the postal signers list, the list of proxies and the proxy postal signers list;

“tendered signing list” has the meaning given by regulation 30(10) (tendered signing sheets);

“tendered signing sheet” is a signing sheet which has been signed in accordance with paragraph (1) of regulation 30 (tendered signing sheets);

“universal postal service provider” has the meaning given in Part 3 of the Postal Services Act 2011 to a “universal service provider”.

(2) In these Regulations—

- (a) a reference to a petition means a recall petition as prescribed in section 1(2) of the Act (how an MP becomes subject to a recall petition process) and where the context requires is to be construed as including the process relating to that petition;
- (b) in England and Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees)(7).