
DRAFT STATUTORY INSTRUMENTS

2016 No.

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

PART 3

CONDUCT

CHAPTER 2

Action to be Taken Before the Petition

Notice of petition

- 14.**—(1) The petition officer must give public notice of the petition stating—
- (a) the name of the MP who has become subject to the petition process,
 - (b) the details relating to the recall condition which has been met in relation to that MP,
 - (c) the beginning and end dates of the signing period,
 - (d) the situation of each petition signing place,
 - (e) the days and hours during which the petition will be available for signing at each petition signing place,
 - (f) the persons entitled to sign the petition under section 10 of the Act (persons entitled to sign a recall petition),

and must as soon as reasonably practicable after giving such notice give a copy of it to the MP to whom the petition relates.

(2) Different days and hours may be specified under paragraph (1) for different petition signing places.

Availability for signing the petition

15.—(1) The petition officer must ensure that the petition is available for signing at each petition signing place—

- (a) on each working day throughout the signing period⁽¹⁾; and
- (b) between the hours of 9am and 5pm on each of those days.

(2) In addition to the requirements set out in paragraph (1), the petition officer must make reasonable provision for the availability of the petition for signing at other times during the signing period.

⁽¹⁾ See section 22(1) of the Act for the definition of working day.

Allotment of petition signing places

16. The petition officer must allot a petition signing place to each person entitled to sign the petition in such manner as appears to the petition officer to be most convenient for that person (“the allotted petition signing place”).

Appointment of petition assistants

17.—(1) The petition officer must appoint and pay a petition clerk to attend at each petition signing place and may appoint such persons as assistants to the petition clerk as the officer considers necessary for the purposes of the petition, but must not appoint any person who has been employed by or on behalf of an accredited campaigner in respect of the petition(2).

(2) The petition officer may preside at a petition signing place and the provisions of these Regulations relating to a petition clerk apply to a petition officer so presiding with the necessary modifications.

(3) An assistant appointed to assist the petition clerk may do anything (including the asking of questions) these Regulations require or permit the petition clerk to do except—

- (a) order the arrest, exclusion or removal of any person from a petition signing place;
- (b) refuse to deliver a signing sheet under paragraph (3) of regulation 28 (signing procedure in Northern Ireland) (including that paragraph as applied by regulation 29 (signing sheets endorsed by petition clerk) or regulation 30 (tendered signing sheets)).

Issue of official petition notice

18.—(1) For the purposes of section 8 of the Act (notice of petition to be sent to registered electors) the petition officer must send to electors and their proxies an official petition notice in accordance with this regulation.

(2) Where an elector has appointed a proxy to sign the petition, the petition officer must send an official petition notice to both the elector and the elector’s proxy.

(3) An official petition notice must not be sent to a person registered, or to be registered, in pursuance of an overseas elector’s declaration.

(4) An elector’s official petition notice must be sent or delivered to the elector’s qualifying address.

(5) A proxy’s official petition notice must be sent or delivered to the address which—

- (a) is shown as the proxy’s address in the list of proxies; or
- (b) in the case of a proxy for an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland, would be so shown but for regulation 56(4) (absent signing lists: Northern Ireland).

(6) The official petition notice must—

- (a) in respect of electors who may sign the petition in person, be in the form set out in Form D in Schedule 2;
- (b) in respect of electors who may sign the petition by post, be in the form set out in Form E in Schedule 2;
- (c) in respect of a proxy who may sign the petition in person, be in the form set out in Form F in Schedule 2; and
- (d) in respect of a proxy who may sign the petition by post, be in the form set out in Form G in Schedule 2.

(2) Accredited campaigner is defined in Part 5 of Schedule 3 to the Act.

- (7) The official petition notice must set out—
- (a) the name of the MP who has become subject to the petition process;
 - (b) the name of the constituency of that MP;
 - (c) the recall petition condition that has been met in relation to that MP;
 - (d) the elector’s name, qualifying address and number on the register;
 - (e) the dates of the beginning and end of the signing period;
 - (f) the situation of the elector’s petition signing place allotted to them under regulation 16 (allotment of petition signing place) and the days and hours during which the petition will be available for signing at that place;
 - (g) such other information as the petition officer considers appropriate.
- (8) Different information may be provided under paragraph (7)(d), (f) and (g) to different electors or descriptions of electors.
- (9) In the case of an elector with an anonymous entry, instead of containing the matters mentioned in paragraph (7)(d) the official petition notice must only include the elector’s number in the register.

Equipment at petition signing place

19.—(1) The petition officer must provide each petition clerk with such ballot boxes and signing sheets as in the petition officer’s opinion are necessary for the conduct of the petition.

(2) Every ballot box must be so constructed that the signing sheets can be put in it, but cannot be withdrawn from it, without the box being unlocked (if it has a lock), or without breaking the petition clerk’s seal.

- (3) The petition officer must provide each petition signing place with—
- (a) materials to enable persons to sign the signing sheets;
 - (b) copies of the register, or such part of it, which lists the persons entitled to sign the petition at that place;
 - (c) the parts of any special lists prepared for the petition corresponding to the register or the part of it provided under subparagraph (b);
 - (d) that part of the list prepared under regulation 11(1)(a) (corresponding number lists) which contains the numbers (but not the other unique identifying marks) corresponding to those on the signing sheets provided to the petition clerk of the petition signing place.
- (4) The petition officer must also provide each petition signing place with—
- (a) at least one large version of the signing sheet which must be displayed inside the petition signing place for the assistance of persons who are partially-sighted; and
 - (b) a device, as considered appropriate by the petition officer, for enabling persons who are blind or partially-sighted to sign the petition without any need for assistance from the petition clerk or any assistant.

(5) A notice in the form set out in Form H in Schedule 2, giving directions for the guidance of the persons in signing the petition, must be printed in conspicuous characters and exhibited inside every petition signing place.

(6) The reference in paragraph (3)(b) to copies of the register includes a reference to copies of any notice issued under section 13BC(6) of the 1983 Act (alteration of registers: recall petition).

Identification of secure storage

20. For each petition signing place, the petition officer must identify a suitable place where the equipment and materials relating to the conduct of the petition at that signing place are to be held securely during the signing period when they are not in use.

Notification of requirement of secrecy

21. The petition officer must make such arrangements as appear appropriate to the officer to ensure that—

- (a) every person attending at a signing place (otherwise than for the purpose of signing the petition or assisting a blind person to sign the petition or as a constable on duty there) has been given a copy in writing of the provisions of paragraphs (1), (4) and (6) of regulation 123 (requirement of secrecy); and
- (b) every person attending at the counting of the signing sheets in accordance with regulation 39 (other than any constable on duty at the counting) has been given a copy in writing of the provisions of paragraphs (3) and (6) of regulation 123.