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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

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

PART 3

CONDUCT

CHAPTER 3

The Petition

**Admission to petition signing place**

**22.**—(1) The petition clerk must exclude all persons from the petition signing place except—

- (a) the petition officer;
- (b) any person wishing to sign the petition;
- (c) any person under the age of 18 who is accompanying a person to the petition signing place;
- (d) any person representing the Electoral Commission;
- (e) any assistant appointed to attend at the petition signing place;
- (f) a constable on duty.

(2) The petition clerk may regulate the total number of persons admitted to the petition signing place at the same time.

(3) A constable or person employed by a petition officer may be admitted to sign the petition in person otherwise than at that person's allotted petition signing place upon the production and surrender of a certificate as to their employment, which must be in the form set out in Form I in Schedule 2 and signed by an officer of police of the rank of inspector or above, or by the petition officer (as the case may be).

(4) Any certificate surrendered under paragraph (3) must be immediately cancelled.

(5) In the application of this regulation to Northern Ireland, the reference in paragraph (3) to an officer of police is a reference to a member of the Police Service of Northern Ireland of the rank of chief inspector or above.

**Keeping order at a petition signing place**

**23.**—(1) It is the petition clerk's duty to keep order at the petition signing place with regard to the conduct of the petition.

(2) If a person misconducts themselves in a petition signing place, or fails to obey the petition clerk's lawful orders, they may immediately, by the petition clerk's order, be removed from the petition signing place—

- (a) by a constable in or near that place, or
- (b) by any other person authorised in writing by the petition officer to remove them,

and the person so removed must not, without the petition officer's permission, again enter the petition signing place at any time when the petition is available for signing there.

(3) Any person so removed may, if charged with the commission in the petition signing place of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this regulation must not be exercised so as to prevent a person who is otherwise entitled to sign the petition at the petition signing place from having an opportunity to sign the petition at that place.

### Sealing of ballot boxes

24. On each day the petition is available for signing, immediately before the time the petition is to be made available, the petition clerk must show the ballot box empty to such persons, if any, as are present in the petition signing place, so that they may see that it is empty, and must then lock it up (if it has a lock) and place the petition clerk's seal on it in such a manner as to prevent its being opened without breaking the seal, and must place it in view of the petition clerk for the receipt of signed signing sheets, and keep it so locked (if it has a lock) and sealed.

### Questions to be put to persons signing the petition

25.—(1) At the time a person applies for a signing sheet (but not afterwards), the questions specified in the second column of the following table may be put by the petition clerk to a person who is mentioned in the first column (subject to paragraph (3)).

**Table**

<i>Person applying for signing sheet</i>	<i>Questions</i>
1. A person applying as an elector	(a) "Are you the person registered in the register for this petition as follows (read out the whole entry from the register)?"  (b) "Have you already signed the petition, here or elsewhere, otherwise than as a proxy for some other person?"  (c) At a petition held in Northern Ireland, "What is your date of birth?"
2. A person applying as a proxy	(a) "Are you the person whose name appears as A.B. in the list of proxies for this petition?"  (b) "Have you already signed the petition here or elsewhere, as a proxy on behalf of C.D.?"  (c) "Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C.D.?"
3. A person applying as a proxy for an elector with an anonymous entry (instead of the questions at entry 2)	(a) "Are you the person entitled to sign as proxy on behalf of the elector whose number in the register is (read out the number from the register)?"

<i>Person applying for signing sheet</i>	<i>Questions</i>
	(b) “Have you already signed the petition, here or elsewhere, as proxy on behalf of the elector whose number in the register is (read out number from the register)?”
	(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number in the register is (read out the number from the register)?”
4. Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative	“Have you already signed the petition in this constituency on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild?”
5. A person applying as an elector in relation to whom there is an entry in the postal signers list	(a) “Did you apply to sign the petition by post?”  (b) “Why have you not signed the petition by post?”
6. A person applying as proxy who is named in the proxy postal signers list	(a) “Did you apply to sign the petition by post as proxy?”  (b) “Why have you not signed the petition by post as proxy?”

(2) In the case of an elector in respect of whom a notice has been issued under section 13BC(6) of the 1983 Act (alteration of registers: recall petition), the references in the questions at entries 1(a) and 3(a) to (c) to reading from the register must be taken as references to reading from that notice.

(3) In the case of an anonymous elector in Northern Ireland, the questions at entry 3 do not apply.

(4) A signing sheet must not be delivered to any person required to answer a question under paragraph (1) unless that person has answered that question to the satisfaction of the petition clerk.

(5) Except as authorised by this regulation, no inquiry is to be permitted as to the right of any person to sign the petition.

### **Challenge of person signing the petition**

**26.** A person who is entitled to sign the petition must not be prevented from doing so unless the person is arrested on the grounds that the person is suspected of committing or of being about to commit an offence of personation.

### **Signing procedure: England and Wales and Scotland**

**27.—(1)** A signing sheet must be delivered to a person who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register must be called out;
- (b) the number of the elector must be marked on the list mentioned in regulation 19(3)(d) (equipment at petition signing place) beside the number of the signing sheet to be delivered to that person;

- (c) a mark must be placed in the copy of the register against the number of the elector to denote that a signing sheet has been received but without showing the particular signing sheet which has been received;
  - (d) in the case of a person applying for a signing sheet as proxy, a mark must also be placed against the proxy's name in the list of proxies.
- (2) In the case of an elector who has an anonymous entry, that person must show the petition clerk his or her official petition notice and only that person's number must be called out in pursuance of paragraph (1)(a).
- (3) In the case of an elector in respect of whom a notice has been issued under section 13BC(6) of the 1983 Act, in subparagraphs (a) and (c) of paragraph (1) the reference to "copy of the register" is to be read as "copy of the notice issued under section 13BC(6) of the 1983 Act".
- (4) On receiving a signing sheet the person must without undue delay—
- (a) decide whether or not to sign the sheet and, if they decide to do so, sign it;
  - (b) fold it up and show to the petition clerk the back of the signing sheet (so as to disclose the number and other unique identifying mark); and
  - (c) put the signing sheet so folded up into the ballot box in the petition clerk's presence.
- (5) The person must leave the petition signing place immediately after putting the signing sheet into the ballot box.
- (6) A person who for the purpose of signing the petition is in a petition signing place, or in a queue outside a petition signing place, at the end of the period for which the petition is available for signing on that day must (despite the fact that the period for which the petition is available for signing on that day has ended) be entitled to apply for a signing sheet under paragraph (1), and these Regulations apply in relation to such a person accordingly.

### **Signing procedure: Northern Ireland**

- 28.**—(1) Subject to paragraphs (3) and (5), a signing sheet must be delivered to a person who applies for one and, immediately before delivery—
- (a) the number and name of the elector as stated in the copy of the register must be called out;
  - (b) the number of the elector must be marked on the list mentioned in regulation 19(3)(d) (equipment at petition signing place) beside the number of the signing sheet to be delivered to that person;
  - (c) a mark must be placed in the copy of the register against the number of the elector to denote that a signing sheet has been received but without showing the particular signing sheet which has been received;
  - (d) in the case of a person applying for a signing sheet as proxy, a mark must also be placed against the proxy's name in the list of proxies.
- (2) In the case of an elector in respect of whom a notice has been issued under section 13BC(6) of the 1983 Act, in subparagraphs (a) and (c) of paragraph (1) the reference to "copy of the register" is to be read as "copy of the notice issued under section 13BC(6) of the 1983 Act".
- (3) A signing sheet must not be delivered to an elector unless that person has produced a specified document to the petition clerk or assistant for inspection by them.
- (4) Where a person produces a specified document, the petition clerk or assistant to whom it is produced must deliver a signing sheet to that person unless the clerk or assistant decides that—
- (a) the document; or

(b) the apparent age of that person as compared with the age according to the date supplied as the date of the person's birth pursuant to section 10(4A)(b), 10A(1A) or 13A(2A)(b)(1) of the 1983 Act (information provided by the canvass or an application for registration); raises a reasonable doubt as to whether the person is the elector or proxy whom that person represents themselves to be.

(5) Where in such a case it is a petition clerk who so decides, the petition clerk must refuse to deliver a signing sheet to that person.

(6) Where in such a case it is an assistant who so decides, the assistant must refer the matter and produce the document to the petition clerk, who must proceed as if it had been to the petition clerk that the person had produced the document in the first place.

(7) For the purposes of this regulation, a specified document is one which for the time being falls within the list specified in rule 37(1E) of the parliamentary election rules as amended from time to time by virtue of rule 37(1F) of those rules (voting procedure).

(8) On receiving the signing sheet the person must without undue delay—

- (a) decide whether or not to sign the sheet and, if they decide to do so, sign it;
- (b) fold it up and show to the petition clerk the back of the signing sheet (so as to disclose the number and other unique identifying mark); and
- (c) put the signing sheet so folded up into the ballot box in the petition clerk's presence.

(9) The person must leave the petition signing place immediately after putting the signing sheet into the ballot box.

(10) A person who for the purpose of signing the petition is in a petition signing place, or is in a queue outside a petition signing place, at the end of the period for which the petition is available for signing on that day must (despite the fact that the period for signing the petition on that day has ended) be entitled to apply for a signing sheet under paragraph (1), and these Regulations apply in relation to such a person accordingly.

(11) This regulation does not apply in relation to an elector who has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland.

### **Signing sheets endorsed by petition clerk**

**29.**—(1) If a petition clerk is satisfied that a person wishes to sign the petition but is unable to sign the signing sheet on the ground of—

- (a) blindness or other disability, or
- (b) inability to read,

the petition clerk may endorse that person's signing sheet to indicate that the person was unable to sign the signing sheet as a result of their disability but wishes to sign the petition and for their signing sheet to be included in the final count.

(2) The endorsement of the signing sheet in accordance with paragraph (1) is to be made by the petition clerk either in writing or by an official stamp on the front of the signing sheet in accordance with directions provided by the petition officer.

(3) Paragraphs (3) to (7) of regulation 28 (signing procedure: Northern Ireland) apply in the case of a person who applies under paragraph (1), as they apply in the case of a person who applies under regulation 28(1), but reading references to delivering a signing sheet to a person as references to endorsing a signing sheet.

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(1) Sections 10(4A), 10A(1A) and 13(2A) were inserted in relation to Northern Ireland by the Electoral Fraud (Northern Ireland) Act 2002 (c. 13), section 1(1), (2), (3)(a) and (4).

(4) The name and number in the register of every person who signs the petition in accordance with this regulation must be entered on a list (“list of persons with disabilities assisted by the petition clerk”).

(5) In the case of a person signing as proxy for an elector, the number to be entered on the list referred to in paragraph (4) together with the elector’s name must be the elector’s number.

(6) In the case of a person in respect of whom a notice has been issued under section 13BC(6) of the 1983 Act (alteration of registers: recall petition), paragraph (4) above applies as if for “in the register of every person” there were substituted “relating to every person in respect of whom a notice has been issued under section 13BC(6) of the 1983 Act”.

### **Tendered signing sheets**

**30.**—(1) In the following cases a person is entitled to sign a petition signing sheet (referred to in these Regulations as a “tendered signing sheet”) in the same manner as any other person signing the petition if—

- (a) in cases 1 to 5, the person satisfactorily answers the questions permitted by law to be asked at the petition signing place;
- (b) in case 6, the person satisfactorily answers the questions permitted by law to be asked at the petition signing place other than the question at entry (1)(c) in the table in regulation 25 (questions to be put to persons signing the petition).

(2) Case 1 is that—

- (a) a person representing themselves to be—
  - (i) a particular elector named in the register and not named in the postal signers list, or
  - (ii) a particular person named in the list of proxies as proxy for an elector and not entitled to sign the petition by post as proxy,
 applies for a signing sheet after another person has signed the petition in person either as the elector or the elector’s proxy.

(3) Case 2 is that—

- (a) a person applies for a signing sheet representing themselves to be a particular elector named in the register;
- (b) that person is also named in the postal signers list; and
- (c) that person claims that they did not make an application to sign the petition by post.

(4) Case 3 is that—

- (a) a person applies for a signing sheet representing themselves to be a particular person named as a proxy in the list of proxies;
- (b) that person is also named in the proxy postal signers list, and
- (c) that person claims that they did not make an application to sign the petition by post as proxy.

(5) Case 4 is that before the end of the signing period but after the last time at which a person may apply for a replacement postal signing sheet under regulation 96 or 97 (lost postal signing sheets), a person represents themselves to be—

- (a) a particular elector named in the register who is also named in the postal signers list, or
- (b) a particular person named as a proxy in the list of proxies who is also named in the proxy postal signers list,

and claims that they have lost or not received their postal signing sheet.

- (6) Case 5 is that—
- (a) a person applies for a signing sheet for a petition in Northern Ireland, and
  - (b) there has been a refusal to deliver a signing sheet to that person under paragraph (5) of regulation 28 (including that paragraph as applied by regulation 29 (signing sheets endorsed by petition clerk)).
- (7) Case 6 is that—
- (a) a person applies for a signing sheet for a petition in Northern Ireland, and
  - (b) the person fails to answer the question at entry 1(c) in the table in regulation 25.
- (8) Paragraphs (3) to (7) of regulation 28 (signing procedure: Northern Ireland) apply in the case of a person entitled to sign a tendered signing sheet as they apply in the case of a person who applies for a signing sheet under regulation 28(1).
- (9) A tendered signing sheet must—
- (a) be of a colour differing from the other signing sheets;
  - (b) instead of being put into the ballot box, be given to the petition clerk and endorsed by that clerk with the name of the person signing the petition and that person’s number in the register and set aside in a separate packet.
- (10) The name of the person and that person’s number in the register must be entered on a list (the “tendered signing list”) and the person must sign the list opposite the entry relating to them.
- (11) In the case of a person signing the petition as proxy for an elector, the number to be endorsed or entered together with the elector’s name must be the elector’s number.
- (12) This regulation applies to an elector who has an anonymous entry as if—
- (a) in paragraph (9)(b) the reference to the name of the person signing the petition is omitted;
  - (b) otherwise, a reference to a person named in a register or list were a reference to a person whose number appears in the register or list (as the case may be).
- (13) This regulation applies in the case of a person in respect of whom a notice has been issued under section 13BC(6) of the 1983 Act (alteration of registers: recall petition) as if—
- (a) in paragraphs (2)(a), (3)(a) and (5)(a) for “named in the register” there were substituted “in respect of whom a notice under section 13BC(6) of the 1983 Act has been issued”;
  - (b) in paragraph (9)(b) and (10) for “that person’s number in the register” there were substituted “the number relating to that person on a notice issued under section 13BC(6) of the 1983 Act”.
- (14) This regulation does not apply in relation to an elector who has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland.

### **Refusal to deliver signing sheet: Northern Ireland**

**31.**—(1) This regulation applies where a petition clerk refuses to deliver a signing sheet under regulation 28(5) (including that paragraph as applied by regulation 29 (signing sheets endorsed by the petition officer) or regulation 30 (tendered signing sheets).

(2) The refusal may be subject to review on a recall petition complaint but, subject to that, is final and may not be questioned in any proceedings whatsoever.

### **Spoilt signing sheets**

**32.** A person who has inadvertently dealt with their signing sheet in such manner that it cannot be conveniently used as a signing sheet may, on delivering it to the petition clerk and proving to

the clerk's satisfaction the fact of the inadvertence, obtain another signing sheet in the place of the signing sheet so delivered, and the spoilt signing sheet must be immediately cancelled.

### **Daily verification and storage**

**33.**—(1) The petition officer must ensure that at the end of each day for which the petition is available for signing—

- (a) the seal of the ballot box is broken and a tally of the number of signing sheets removed from the ballot box is made against the number of sheets that were delivered by the petition clerk that day under regulation 28 (signing procedure: England and Wales and Scotland) or regulation 29 (signing procedure: Northern Ireland); and
- (b) the signing sheet account for that day is completed (“daily signing sheet account”) showing the number of signing sheets delivered that day and accounting for them under the heads of—
  - (i) signing sheets delivered and accounted for;
  - (ii) signing sheets delivered and not accounted for;
  - (iii) spoilt signing sheets; and
  - (iv) tendered signing sheets.

(2) The petition officer may direct the petition clerk to—

- (a) undertake the daily verification procedure prescribed in paragraph (1) (“daily verification procedure”); or
- (b) arrange for the transportation of the ballot box and other materials used for conducting the petition to the petition officer for the daily verification procedure to be undertaken by that officer.

(3) Where the petition clerk is directed to undertake the daily verification procedure under paragraph (2)(a), the directions must contain a provision that requires another person appointed by the petition officer to be present during the opening of the ballot box and the verification of the signing sheets.

(4) If an appointed person referred to in paragraph (3) is not available for the purposes of that paragraph then the petition clerk must ensure that the ballot box, daily signing sheet account and any other materials needed for the purposes of undertaking the daily verification procedure, are transported to the petition officer as directed by that officer for that purpose.

(5) The petition officer must provide directions to the petition clerk about the storage and transportation of materials used for conducting the petition, during the signing period, including in particular—

- (a) unused signing sheets issued by the petition officer for that petition signing place;
- (b) signing sheets delivered during the signing period and placed in the ballot box;
- (c) spoilt signing sheets;
- (d) tendered signing sheets;
- (e) the daily signing sheet accounts;
- (f) the corresponding number lists.

(6) Where the petition officer receives any signing sheets and other materials by virtue of paragraph (2)(b) or (4), subject to paragraph (7) that officer must ensure they are kept in a secure place until the end of the signing period.

(7) Where the petition officer receives any signing sheets and other materials by virtue of paragraph (2)(b) or (4), that officer must ensure that the completed daily sheet account and materials



used for conducting the petition are returned to the petition signing place so that the petition is available for signing on the next working day.

- (8) No person may be present during the daily verification procedure other than—
- (a) the petition officer;
  - (b) any assistants appointed by the petition officer;
  - (c) any petition clerk;
  - (d) any representative of the Electoral Commission.

### **Reporting discrepancies**

**34.** Where the petition clerk identifies any discrepancies between the number of signing sheets removed from the ballot box and the number of signing sheets delivered by the petition clerk for that day the petition clerk must immediately report the discrepancy to the petition officer.

### **Correction of errors during the signing period**

**35.** The petition clerk must keep a list of persons to whom signing sheets are delivered in consequence of any alteration to the register of parliamentary electors made by virtue of section 13BC(6) of the 1983 Act which takes effect during the signing period (“list of alterations to the register”).

### **Adjournment of petition in case of riot**

**36.—(1)** Where the proceedings at any petition signing place are interrupted or obstructed by riot or open violence, the petition clerk must adjourn the proceedings until the following working day and must as soon as reasonably practicable give notice to the petition officer of that fact.

- (2) Where the proceedings are adjourned under paragraph (1)—
- (a) the signing period must be extended by the number of working days which were subject to an adjournment during the signing period;
  - (b) the hours of signing on the day or days to which it was adjourned must be the same as for the original day or days; and
  - (c) references in these Regulations to the end of the signing period must be construed accordingly.

### **Procedure on close of petition**

**37.—(1)** As soon as reasonably practicable after the end of the signing period, the petition clerk must, in the presence of another person appointed by the petition officer, make up into separate packets, sealed with his own seal, the following documents which are located at the petition signing place at the end of the signing period—

- (a) the signing sheets delivered during the signing period which were placed in and subsequently retrieved from the ballot box as part of the daily verification procedure;
- (b) unused and spoilt signing sheets placed together;
- (c) the tendered signing sheets;
- (d) the marked copies of the register (including any marked copy notices issued under section 13BC(6) of the 1983 Act) and copies of the list of proxies marked in accordance with these Regulations;

- (e) the lists prepared under regulation 11 (corresponding number lists), including the parts which were completed in accordance with regulation 27(1)(b) or regulation 28(1)(b) (the “completed corresponding number lists”);
  - (f) the certificates as to employment on duty during the signing period.
- (2) The petition clerk must record the number of signing sheets issued by the petition officer for that petition signing place together with a record of those sheets delivered by the petition clerk under these Regulations for the purpose of signing the petition including any spoilt and tendered signing sheets (“final signing sheet account”).
- (3) The packets referred to in paragraph (1), together with the daily signing sheet accounts and the final signing sheet account, must be delivered by the petition clerk or caused to be delivered to the petition officer; but if the packets are not delivered by the petition clerk personally to the petition officer, the arrangements for their delivery require the petition officer’s approval.
- (4) The marked copies of the register and of the list of proxies must be in one packet but must not be in the same packet as the completed corresponding number lists or the certificates as to employment on duty during the signing period.
- (5) Where the petition officer has received any signing sheets or other materials by virtue of regulation 33(2)(b) or (4) during the signing period, that officer must as soon as reasonably practicable after the end of the signing period, for each petition signing place, make up into separate packets, sealed with their own seal, the following documents—
- (a) the signing sheets delivered during the signing period which were placed in and subsequently retrieved from the ballot box as part of the daily verification procedure;
  - (b) the spoilt signing sheets;
  - (c) the tendered signing sheets.