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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 4

Disposal of Documents

**Sealing up of signing sheets**

**43.**—(1) On the completion of the counting of the signing sheets, the petition officer must seal up in separate packets the counted and rejected signing sheets.

(2) The petition officer must not open the sealed packets of—

- (a) tendered signing sheets;
- (b) the completed corresponding number lists;
- (c) certificates as to employment on duty during the petition period; or
- (d) marked copies of the register (including any marked copy notices issued under section 13BC(6) of the 1983 Act) and lists of proxies.

**Delivery of documents to the registration officer: England and Wales and Northern Ireland**

**44.**—(1) The petition officer must forward to the registration officer the following documents—

- (a) the packets of signing sheets,
- (b) the daily signing sheet accounts, the final signing sheet accounts, the statement of rejected signing sheets and the verification of the signing sheets accounts,
- (c) the tendered signing lists, the lists of persons with disabilities assisted by the petition clerk, and the list of alterations to the register,
- (d) the packets of the completed corresponding number lists,
- (e) the packets of certificates as to employment on duty during the signing period,
- (f) the packets containing marked copies of the register (including any marked copy notices issued under section 13BC(6) of the 1983 Act) and of the postal signers list, of lists of proxies and of the proxy postal signers list,
- (g) such other documents relating to the petition as the petition officer considers appropriate, endorsing on each packet a description of its contents, the dates of the signing period of the petition to which it relates and the name of the constituency in relation to which the petition was held.

(2) Paragraph (1)(f) does not apply in relation to a petition for a constituency in Northern Ireland, but the petition officer for such a petition must instead endorse on each packet containing—

- (a) marked copies of the registers,

- (b) the postal signers list,
- (c) the proxy postal signers list, and
- (d) lists of proxies,

a description of its contents, the dates of the signing period of the petition to which it relates and the name of the constituency in relation to which the petition was held.

(3) In this regulation and in regulations 45 and 46, a reference to “the registration officer” is a reference to—

- (a) for England and Wales—
  - (i) the registration officer of the local authority in whose area the constituency of the MP to whom the petition related is situated, or
  - (ii) if the constituency includes any part of the area of more than one local authority, the registration officer of the local authority in whose area the greatest number of electors is registered;
- (b) for Northern Ireland, the Clerk of the Crown for Northern Ireland.

#### **Orders for production of documents: England and Wales and Northern Ireland**

**45.**—(1) An order may be made by the bodies and in the circumstances described in paragraph (2)

- (a) for the inspection or production of any rejected signing sheets in the custody of the registration officer;
- (b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty during the period of the petition;
- (c) the inspection of any counted signing sheets in the custody of the registration officer.

(2) Those bodies and circumstances are—

- (a) the House of Commons;
- (b) if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to a petition, any court;
- (c) any court considering a recall petition complaint.

(3) An order under this regulation may be made subject to such conditions as the body making the order thinks expedient as to—

- (a) persons;
- (b) time;
- (c) place and mode of inspection;
- (d) production or opening.

(4) In making and carrying into effect an order under this regulation the signature of any person must not be disclosed until it has been proved—

- (a) that their signature was given; and
- (b) that their signature has been declared by a competent court to be invalid.

(5) An appeal lies to the High Court from any order of the county court under this regulation.

(6) Any power given under this regulation—

- (a) to the High Court or, except in Northern Ireland, to the county court, may be exercised by any judge of the court otherwise than in open court; and

- (b) in Northern Ireland to a county court, may be exercised in such manner as may be provided by rules of court.
- (7) Where an order is made for the production by the registration officer of any document in their possession relating to any specified petition—
  - (a) the production by the registration officer or their agent of the document ordered in such manner as may be directed by that order is to be conclusive evidence that the document relates to the specified petition; and
  - (b) any endorsement on any packet of signing sheets so produced is to be prima facie evidence that the signing sheets are what they are stated to be by the endorsement.
- (8) The production from proper custody of—
  - (a) a signing sheet purporting to have been used at any petition, and
  - (b) a completed corresponding number list with a number marked in writing beside the number of the signing sheet,

is to be prima facie evidence that the elector whose signature was given by that signing sheet was the person whose entry in the register (or on a notice issued under section 13BC(6) of the 1983 Act) at the time of the petition contained the same number as the number written as mentioned in subparagraph (b).

(9) Save as provided by this regulation, no person is to be allowed to inspect any rejected or counted signing sheet in the possession of the registration officer or to open any sealed packets of the completed corresponding number lists or of certificates.

#### **Retention of documents: England and Wales and Northern Ireland**

46. The registration officer must retain for a year all documents relating to a petition forwarded to them in pursuance of these Regulations by a petition officer, and then, unless otherwise directed by order of the House of Commons or any court, must cause them to be destroyed.

#### **Retention and disposal of documents: Scotland**

- 47.—(1) This regulation applies to petitions for a constituency in Scotland.
- (2) The petition officer must retain for a year the documents referred to in regulation 44(1) (delivery of documents to the registration officer) and then, unless otherwise directed by order of the House of Commons, the Court of Session or the sheriff, must cause them to be destroyed.
- (3) Regulation 45 is to apply but in the application of that regulation a reference to—
  - (a) “registration officer” is to be read as “petition officer”;
  - (b) “High Court” is to be read as “Court of Session”; and
  - (c) “county court” or any judge of a county court, is to be read as “the sheriff”.

#### **Access to marked registers**

48. Schedule 3 (access to marked registers after a petition) is to have effect.