
DRAFT STATUTORY INSTRUMENTS

2016 No.

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

PART 3

CONDUCT

CHAPTER 1

General Provisions

The signing sheet

10.—(1) The signature of a person entitled to sign the petition who wishes to do so must be made on a petition signing sheet in accordance with these Regulations (“the signing sheet”).

(2) The signing sheet must be in the form set out in Form A in Schedule 2 (forms), must be printed in accordance with the directions in that Schedule and must—

- (a) contain the name and constituency of the MP to whom the petition relates;
 - (b) be capable of being folded up; and
 - (c) have a number and other unique identifying mark printed on the back.
- (3) Schedule 2 which specifies forms referred to in these Regulations is to have effect.

Corresponding number lists

11.—(1) The petition officer must prepare a list containing the numbers and other unique identifying marks of the signing sheets to be—

- (a) delivered under regulation 27 (signing procedure: England and Wales and Scotland) or regulation 28 (signing procedure: Northern Ireland) (as the case may be);
- (b) issued under regulation 85 (postal signing packs).

(2) The list referred to in paragraph (1)(a) must be in the form set out in Form B in Schedule 2.

(3) The list referred to in paragraph (1)(b) must be in the form set out in Form C in Schedule 2.

The official mark

12.—(1) Every signing sheet must contain an appropriate security marking (“the official mark”).

(2) The official mark must be kept secret, and an interval of not less than seven years must intervene between the use of the same official mark at a petition for the same constituency.

(3) The petition officer may use a different official mark for different purposes at the same petition.

Use of public rooms

13.—(1) The petition officer may use, free of charge, for the purposes of enabling persons to sign the petition—

- (a) a room in a school to which this regulation applies;
- (b) a room the expense of maintaining which is payable out of any rate.

(2) The petition officer must make good any damage done to, and defray any expense incurred by, the persons having control over any such room by reason of it being used for those purposes.

(3) This regulation applies—

- (a) in England and Wales, to a school maintained or assisted by a local authority, or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (b) in Scotland, to a school, other than an independent school within the meaning of the Education (Scotland) Act 1980(1);
- (c) in Northern Ireland, to a school in receipt of a grant out of moneys appropriated by Act of the Northern Ireland Assembly, other than a school that—
 - (i) adjoins or is adjacent to any church or other place of worship, or
 - (ii) is connected with a nunnery or other religious establishment.

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(2); and
- (b) between the hours of 9am and 5pm on each of those days.

(1) 1980 c. 44.

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

(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.

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⁽³⁾.

(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;

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

- (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.
- (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.

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	<p>(a) "Are you the person registered in the register for this petition as follows (read out the whole entry from the register)?"</p> <p>(b) "Have you already signed the petition, here or elsewhere, otherwise than as a proxy for some other person?"</p> <p>(c) At a petition held in Northern Ireland, "What is your date of birth?"</p>
2. A person applying as a proxy	<p>(a) "Are you the person whose name appears as A.B. in the list of proxies for this petition?"</p> <p>(b) "Have you already signed the petition here or elsewhere, as a proxy on behalf of C.D.?"</p> <p>(c) "Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C.D.?"</p>

<i>Person applying for signing sheet</i>	<i>Questions</i>
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)?” (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)(4) 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.

(4) 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).

(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.

(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.

CHAPTER 4

Counting Signing Sheets

Attendance at counting of signatures

38.—(1) No person other than—

- (a) the petition officer,
- (b) any assistants of the petition officer, and
- (c) a person who is entitled to attend by virtue of any of sections 6A to 6C of PPERA 2000 (attendance of Electoral Commission and accredited observers at elections etc),

may be present at the counting of the signing sheets, unless permitted by the petition officer to attend.

(2) A person not entitled to attend at the counting of the signing sheets must not be permitted to do so by the petition officer unless the petition officer is satisfied that the efficient counting of the signing sheets will not be impeded.

The count

39.—(1) The petition officer must take reasonable steps to begin counting the signatures given on the signing sheets as soon as practicable after the end of the signing period and, in any event, no later than one day after the end of that period.

(2) The petition officer must in the presence of any person mentioned in regulation 38 (attendance at counting of signatures) who attends the count—

- (a) count and record the number of signing sheets received by virtue of regulation 33(2)(b) or (4) (daily verification) and regulation 37(3) (procedure on close of petition);
- (b) verify the final signing sheet account for each petition signing place;
- (c) count such of the postal signing sheets as have been duly returned and record the number counted.

(3) In relation to a petition in England and Wales or Scotland, a postal signing sheet must not be taken to be duly returned unless—

- (a) it is returned in accordance with regulation 99 (alternative means of returning postal signing sheets, postal petition statements and declarations of identity);
- (b) it is accompanied by the postal petition statement, duly signed, and reaches the petition officer or a petition signing place before the end of the signing period;
- (c) the postal petition statement states the date of birth of the elector or proxy (as the case may be); and
- (d) the petition officer has verified the date of birth and signature of the elector or proxy (as the case may be) in accordance with regulation 107 (procedure in relation to postal petition statements).

(4) A postal signing sheet or postal petition statement that reaches the petition officer or a petition signing place after the end of the signing period is to be treated for the purposes of paragraph (3) as reaching that officer or place before the end of the signing period if it is delivered by a person who, at the end of the signing period, is in the petition signing place, or in a queue outside the petition signing place, for the purpose of returning it.

(5) In relation to a petition in Northern Ireland, a postal signing sheet must not be taken to be duly returned unless—

- (a) it is returned in accordance with regulation 99;
- (b) it is returned in the proper envelope so as to reach the petition officer before the end of the signing period and is accompanied by the declaration of identity duly signed, and
- (c) in the case of an elector, that declaration of identity states the date of birth of the elector, and the petition officer is satisfied that the date stated corresponds with the date supplied as the date of the elector's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the 1983 Act.

(6) In the case of an elector in Northern Ireland, unless section 10(4B), 10A(1B) or 13A(2B) of the 1983 Act applies, the declaration of identity referred to in paragraph (5) must be taken not to be duly signed unless the petition officer is satisfied that the signature on the declaration corresponds with the signature supplied as the elector's signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of that Act.

(7) The petition officer must not count any tendered signing sheets.

(8) The petition officer, while counting and recording the number of signing sheets and counting the signatures, must keep the signing sheets with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the sheets.

(9) The petition officer must verify the final signing sheet accounts for each petition signing place by comparing them with the number of signing sheets recorded by him or her, and the unused and spoilt signing sheets in his or her possession and the tendered signing list (opening and resealing the packets containing the unused and spoilt signing sheets and the tendered signing list) and must draw up a statement as to the result of the verification (“verification of signing sheet accounts”).

Rejected signing sheets

40.—(1) Any signing sheet which—

- (a) does not bear the official mark, or
- (b) is unmarked or void for uncertainty,

must, subject paragraph (2), be taken to be void and not counted.

(2) A signing sheet on which the signature is marked—

- (a) elsewhere than in the proper place, or
- (b) otherwise than by means of a signature, or
- (c) by more than one mark,

must not for such reason be taken to be void if an intention to sign the petition clearly appears.

(3) The petition officer must endorse the word “rejected” on any signing sheet which under this regulation is not counted.

(4) The petition officer must draw up a statement showing the number of signing sheets rejected (“statement of rejected signing sheets”) under either or both heads of—

- (a) want of official mark;
- (b) unmarked or void for uncertainty.

Decisions on signing sheets

41. The decision of the petition officer on any question arising in respect of any signing sheet 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.

Public notice of outcome of petition

42. The public notice given by the petition officer under section 14(2)(c) of the Act (determination of whether recall petition successful) must include—

- (a) the name and constituency of the MP to whom the petition related;
- (b) the details relating to the recall condition which was met in relation to that MP;
- (c) the beginning and end dates of the signing period for the petition;
- (d) whether or not in accordance with section 14(3) of the Act (determination of whether recall petition successful) the petition was successful;
- (e) the number of eligible registered electors;
- (f) the number and percentage of eligible registered electors who validly signed the petition;
- (g) the number of rejected signing sheets under each head shown in the statement of rejected signing sheets.

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.