

---

DRAFT STATUTORY INSTRUMENTS

---

**2016 No.**

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

PART 5

ISSUE AND RECEIPT OF POSTAL SIGNING SHEETS

CHAPTER 2

Issue of Postal Signing Sheets

**Procedure on issue of postal signing sheets**

**87.**—(1) The number of the elector as stated in the register must be marked on the corresponding number list, next to the number and unique identifying mark of the signing sheet issued to that elector.

(2) A mark must be placed in the postal signers list or the proxy postal signers list against the number of the elector to denote that a signing sheet has been issued to the elector or the elector's proxy, but without showing the particular signing sheet issued.

(3) The number on a postal signing sheet and the name of the postal signer (unless the signer is an anonymous elector) must be marked on the postal petition statement or, in the case of Northern Ireland, on the declaration of identity, sent with that signing sheet.

(4) Subject to paragraph (5), the address to which the postal signing pack must be sent is—

- (a) in the case of an elector, the address shown in the postal signers list;
- (b) in the case of a proxy, the address shown in the proxy postal signers list.

(5) Where a person has an anonymous entry in the register, the postal signing pack must be sent to the address—

- (a) as shown in the record kept under regulation 51(4), 52(5) or 58(7); or
- (b) as given in pursuance of an application made under regulation 53(1) or (2) or 54(1).

**Refusal to issue postal signing sheet**

**88.** Where the petition officer is satisfied that two or more entries in the postal signers list, list of proxies, or the proxy postal signers list, or an entry in two or more of those lists, relates to the same elector, the officer must not issue more than one postal signing sheet in respect of that elector at any one petition.

**Persons entitled to be present at proceedings on issue of postal petition signing sheets**

**89.** No person may be present at the proceedings on the issue of postal signing sheets other than—

- (a) the petition officer;
- (b) any assistants of the petition officer;
- (c) any petition clerk;
- (d) any representative of the Electoral Commission.

### **Notification of requirement of secrecy**

**90.** The petition officer must make such arrangements as the officer considers appropriate to ensure that every person attending the proceedings in connection with the issue or receipt of postal signing sheets has been given a copy in writing of the provisions of regulation 123(5) and (6) (requirement of secrecy).

### **Envelopes**

**91.**—(1) This regulation prescribes the envelopes which must be issued with the postal signing packs under regulation 85 (postal signing packs).

(2) There must be issued an envelope (“covering envelope”) marked with the letter “B” for the return—

- (a) in England and Wales and Scotland, of the postal signing sheet and postal petition statement;
- (b) in Northern Ireland, of the postal signing sheet and the declaration of identity.

(3) There must also be issued a smaller envelope (“signing sheet envelope”) which is to be marked with—

- (a) the letter “A”;
- (b) the words “postal signing sheet envelope”; and
- (c) unless the envelope has a window through which the number on the postal signing sheet can be displayed, the number of that sheet.

### **Sealing up of corresponding number lists and security of special lists**

**92.**—(1) As soon as practicable after the issue of each batch of postal signing sheets, the petition officer must make up into a packet the completed corresponding number lists of those signing sheets which have been issued and must seal the packet.

(2) Until the time referred to in regulation 104 (opening of covering envelopes) the petition officer must take proper precautions for the security of the marked copy of the special lists.

### **Delivery of postal signing sheets**

**93.**—(1) For the purposes of delivering postal signing packs, the petition officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal signers must be counted and delivered by the petition officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal signers.

(4) Return postage must be prepaid on all covering envelopes where the address provided by the postal signer for the receipt of the signing sheet is within the United Kingdom.

### **Spoilt postal signing sheets: England and Wales and Scotland**

**94.**—(1) Where a postal signer has inadvertently dealt with their postal signing sheet or postal petition statement in such a manner that it cannot be conveniently used as such (“spoilt signing sheet” or “spoilt postal petition statement”) (as the case may be) that person may return (either by hand or by post) to the petition officer the spoilt signing sheet or spoilt postal petition statement (as the case may be).

- (2) Where a person exercises the entitlement conferred by paragraph (1), they must also return—
- (a) the postal signing sheet or postal petition statement (as the case may be), whether spoilt or not; and
  - (b) the envelopes supplied for the return of those documents.
- (3) Subject to paragraph (4), on receipt of a document referred to in paragraph (1) (and, where applicable, paragraph (2)), the petition officer must issue another postal signing sheet, except where those documents are received on the last day of the signing period less than five hours before the end of the period for which the petition is available for signing on that day.
- (4) Where the petition officer receives the documents referred to in paragraph (1) (and, where applicable paragraph (2)), after 5pm on the day before the last day of the signing period, the petition officer may issue another postal signing sheet only if the documents were returned by hand.
- (5) The following provisions apply to the issue of a replacement postal signing sheet under paragraphs (3) and (4)—
- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
  - (b) regulations 91 (envelopes) and 92 (sealing up of corresponding number lists and security of special lists);
  - (c) subject to paragraph (8), regulation 93 (delivery of postal signing sheets).
- (6) Any postal signing sheet or postal petition statement, whether spoilt or not, returned in accordance with paragraph (1) or (2) must be cancelled immediately.
- (7) The petition officer, as soon as practicable after cancelling those documents, must make them up into a separate packet and must seal the packet; and if on any subsequent occasion further such documents are cancelled, the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.
- (8) Where a person referred to in paragraph (1) applies in person—
- (a) before 5pm on the day before the last day of the signing period, the petition officer may hand a replacement postal signing sheet and postal petition statement to that person,
  - (b) after 5pm on that day, the petition officer may only hand a replacement postal signing sheet and postal petition statement to that person,
- instead of delivering it in accordance regulation 93.
- (9) The petition officer must enter in a list (“the list of spoilt postal signing sheets”)—
- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
  - (b) the number of the postal signing sheet issued under this regulation; and
  - (c) where the postal signer whose signing sheet is spoilt is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy’s electoral number alone or a statement that the proxy is not registered in the register of parliamentary electors (as the case may be)).

### **Spoilt postal signing sheets: Northern Ireland**

**95.**—(1) Where a postal signer has inadvertently dealt with their postal signing sheet or declaration of identity in such a manner that it cannot be conveniently used as such (“spoilt postal signing sheet” or “spoilt declaration of identity”) (as the case may be), that person may return (either by hand or by post) to the petition officer the spoilt signing sheet or spoilt declaration of identity (as the case may be).

- (2) Where a person exercises the entitlement conferred by paragraph (1), they must also return—

- (a) the postal signing sheet or declaration of identity (as the case maybe), whether spoilt or not; and
  - (b) the envelopes supplied for the return of those documents.
- (3) On receipt of a document referred to in paragraph (1) (and, where applicable, paragraph (2)), the petition officer must issue another postal signing sheet, except where those documents are received after 5pm on the day before the last day of the signing period.
- (4) The following provisions apply to the issue of a replacement postal signing sheet under paragraph (3)—
- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
  - (b) regulations 91 (envelopes) and 92 (sealing up of corresponding number lists and security of special lists);
  - (c) subject to paragraph (7), regulation 93 (delivery of postal signing sheets).
- (5) Any postal signing sheet or declaration of identity, whether spoilt or not, returned in accordance with paragraph (1) or (2) must be cancelled immediately.
- (6) The petition officer, as soon as practicable after cancelling those documents, must make them up into a separate packet and must seal the packet; and if on any subsequent occasion further such documents are cancelled, the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.
- (7) Where a postal signer applies in person, the petition officer may hand a replacement postal signing sheet to that person instead of delivering it in accordance with regulation 93.
- (8) The petition officer must enter in a list kept for the purpose of recording spoilt postal signing sheets (“the list of spoilt postal signing sheets”)—
- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
  - (b) the number of the postal signing sheet issued under this regulation; and
  - (c) where the postal signer whose signing sheet is spoilt is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy’s electoral number alone or a statement that the proxy is not registered in the register of parliamentary electors (as the case may be)).

### **Lost postal signing sheets: England and Wales and Scotland**

**96.**—(1) Where a postal signer claims either to have lost or not to have received—

- (a) the postal signing sheet,
- (b) the postal petition statement, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the last day of the signing period, the postal signer may apply (whether or not in person) to the petition officer for a replacement signing sheet.

(2) Such an application must include evidence of the postal signer’s identity.

(3) Where a postal signer exercises the entitlement conferred by paragraph (1), they must return the documents (if any) referred to in paragraph (1)(a) to (c) which the postal signer has received and which have not been lost.

(4) Any postal signing sheet or postal petition statement returned in accordance with paragraph (3) must be cancelled immediately and the petition officer must take any administrative steps which that officer considers appropriate for the purpose of preventing an elector signing the petition more than once.

(5) The petition officer, as soon as practicable after cancelling those documents, must make them up in a separate packet and must seal the packet; and if on any subsequent occasion further such documents are cancelled, the sealed packet must be opened and the additional cancelled documents included in it and the packet must be again made up and sealed.

(6) Subject to paragraph (7), the petition officer must issue another postal signing sheet where the application is received by the petition officer at least five hours before the end of the signing period and the petition officer—

- (a) is satisfied as to the postal signer's identity; and
- (b) has no reason to doubt that the postal signer has either lost or has not received the original postal signing statement or postal petition statement or one or more of the envelopes provided for their return.

(7) Where the application is received by the petition officer after 5pm on the day before the last day of the signing period, the officer may only issue another postal signing sheet if the postal signer applies in person.

(8) The petition officer must enter in a list kept for the purpose of recording lost postal signing sheets ("the list of lost postal signing sheets")—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
- (b) the number of any postal signing sheet issued under this regulation; and
- (c) where the postal signer whose signing sheet is lost is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy's electoral number alone or a statement that the proxy is not registered as in the register of parliamentary electors (as the case may be)).

(9) The following provisions apply to the issue of a replacement postal signing sheet under paragraph (6)—

- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
- (b) regulations 91 (envelopes) and regulation 92 (sealing up of corresponding number lists and security of special lists); and
- (c) subject to paragraph (10), regulation 93 (delivery of postal signing sheets).

(10) Where a postal signer applies in person—

- (a) by 5pm on the day before the last day of the signing period, the petition officer may hand a replacement postal signing sheet to the postal signer, or
- (b) after 5pm on the day before the last day of the signing period, the petition officer may only hand a replacement postal signing sheet to the postal signer,

instead of delivering it in accordance with regulation 93.

### **Lost postal signing sheets: Northern Ireland**

**97.**—(1) Where a postal signer claims either to have lost or not to have received—

- (a) the postal signing sheet,
- (b) the declaration of identity, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the last day of the signing period, the postal signer may apply (whether or not in person) to the petition officer for a replacement signing sheet.

(2) Such an application must include evidence of the postal signer's identity.

(3) Where a postal signer exercises the entitlement conferred by paragraph (1), they must return the documents (if any) referred to in paragraph (1)(a) to (c) which the postal signer has received and which have not been lost.

(4) Any postal signing sheet or declaration of identity returned in accordance with paragraph (3) must be cancelled immediately and the petition officer must take any administrative steps which that officer considers appropriate for the purpose of preventing an elector signing the petition more than once.

(5) The petition officer, as soon as practicable after cancelling those documents, must make them up in a separate packet and must seal the packet; and if on any subsequent occasion further such documents are cancelled, the sealed packet must be opened and the additional cancelled documents included in it and the packet must be again made up and sealed.

(6) The petition officer must issue another postal signing sheet where the application is received by the petition officer before 5pm on the day before the last day of signing period and the petition officer—

- (a) is satisfied as to the postal signer's identity; and
- (b) has no reason to doubt that the postal signer has either lost or has not received the original postal signing sheet or declaration of identity or one or more envelopes for their return.

(7) The petition officer must enter in a list kept for the purpose of recording lost postal signing sheets ("the list of lost postal signing sheets")—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
- (b) the number of any postal signing sheet issued under this regulation; and
- (c) where the postal signer whose signing sheet is lost is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy's electoral number alone or a statement that the proxy is not registered in the register of parliamentary electors).

(8) The following provisions apply to the issue of a replacement postal signing sheet under paragraph (6)—

- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
- (b) regulations 91 (envelopes) and 92 (sealing up of corresponding number lists and security of special lists);
- (c) subject to paragraph (9), regulation 93 (delivery of postal signing sheets).

(9) Where a postal signer applies in person, the petition officer may hand a replacement postal signing sheet to that person instead of delivering it in accordance with regulation 93.

### **Cancellation of postal signing sheets**

**98.**—(1) Where, on or after the designated day, a registration officer grants a relevant application or receives a relevant notice and the application or notice is not to be disregarded for the purposes of the petition under regulation 71 or 72 (closing date for applications), that officer must immediately notify the petition officer who must—

- (a) cancel any postal signing sheet issued to the elector or proxy;
- (b) in the case of an application under regulation 53(4)(a), 54(4)(a) or 58(8) (postal signing sheet to be sent to different address), issue a replacement postal signing sheet; and
- (c) take any administrative steps which the petition officer considers appropriate for the purpose of preventing an elector signing the petition more than once.

(2) Where a person returns a postal signing sheet that has been or is to be cancelled in accordance with paragraph (1), it must be dealt with as follows—

- (a) any postal signing sheet, postal signing statement or declaration of identity (as the case may be), or covering envelope returned to the registration officer must be given to the petition officer;
- (b) any document returned in accordance with this paragraph but not already cancelled in accordance with paragraph (1) must be immediately cancelled;
- (c) the petition officer, as soon as practicable after receiving and cancelling the documents referred to in subparagraphs (a) and (b), must make them up in a separate packet and must seal the packet, and if on any subsequent occasion further such documents are returned in accordance with this paragraph, the sealed packet must be opened, the additional cancelled documents included in it and the packet must be again made up and sealed.

(3) The petition officer must enter in a list kept for the purpose of recording postal signing sheets cancelled under this regulation (“the list of cancelled postal signing sheets”)—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
- (b) the number of any cancelled postal signing sheet;
- (c) the number of any replacement postal signing sheet issued under paragraph (1);
- (d) where the postal signer is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy’s electoral number alone or a statement that the proxy is not registered as an elector (as the case may be)).

(4) The following provisions apply to the issue of a replacement postal signing sheet under paragraph (1)—

- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
- (b) regulation 91 (envelopes);
- (c) regulation 92 (sealing up of corresponding number lists and security of special lists);
- (d) regulation 93 (delivery of postal signing sheets).

(5) For the purposes of this regulation—

- (a) a relevant application is an application under—
  - (i) regulation 51(5)(a) or 52(6)(a) (application to be removed from record),
  - (ii) regulation 51(6) (application to sign the petition by proxy instead of post),
  - (iii) regulation 51(7) (application to sign the petition by post instead of proxy),
  - (iv) regulation 52(7) (application to sign by post or proxy instead of proxy or post respectively),
  - (v) regulation 53(4)(a) or 54(4)(a) (postal signing sheet to be sent to different address),
  - (vi) regulation 57(6) and (7) (appointment of proxies),
  - (vii) regulation 58(8) (application by a postal proxy signer for signing sheet to be sent to different address),
  - (viii) regulation 58(11)(a) (application for proxy to be removed); and
- (b) a relevant notice is a notice under regulation 57(9) (cancellation of proxy appointment).