
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 3

Receipt of Postal Signing Sheet etc

Alternative means of returning postal signing sheets, postal petition statements and declarations of identity.

99.—(1) For the purposes of regulation 39(3) and (5) (the count)—

- (a) the manner in which a postal signing sheet and postal petition statement, or declaration of identity (as the case may be) may be returned to any petition signing place is by hand;
- (b) the manner in which such a sheet, statement or declaration may be returned to the petition officer is by hand or by post.

(2) Subject to paragraph (3), the petition clerk must deliver, or cause to be delivered, any postal signing sheet, postal petition statement or declaration of identity returned to that signing place, to the petition officer in the same manner and at the same time as the petition clerk delivers, or causes to be delivered, the packets referred to in regulation 37 (procedure on close of petition).

(3) The petition officer may collect, or cause to be collected, any postal signing sheet, postal petition statement or declaration of identity which by virtue of paragraph (2) the petition clerk would otherwise be required to deliver or cause to be delivered to the petition officer.

(4) Where the petition officer collects, or causes to be collected, any postal signing sheet, postal petition statement or declaration of identity in accordance with paragraph (3) the petition clerk must first make it (or them) up into a packet (or packets) sealed with the petition clerk's own seal.

Persons entitled to be present at proceedings on receipt of postal signing sheet

100. No person may be present at the proceedings on the receipt 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.

Postal ballot boxes and receptacles

101.—(1) The petition officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes returned by the postal signers (“postal signers’ ballot box”); and

(b) postal signing sheets (“postal ballot box”).

(2) Each such ballot box must be marked “postal signers’ ballot box” or “postal ballot box” (as the case may be) and marked with the name of the petition signing place in relation to which it is to be used at the petition.

(3) The postal ballot box must be shown to those present on the occasion of opening the first postal signers’ ballot box as being empty.

(4) The petition officer must then lock the postal ballot box (if it has a lock) and apply the officer’s seal in such manner as to prevent its being opened without breaking the seal.

(5) For petitions in England and Wales and Scotland, the petition officer must provide the following receptacles—

- (a) receptacle for rejected signing sheets;
- (b) receptacle for signing sheet envelopes;
- (c) receptacle for rejected signing sheet envelopes;
- (d) receptacle for rejected signing sheets (verification procedure); and
- (e) receptacle for postal petition statements (verification procedure).

(6) For petitions in Northern Ireland, the petition officer must provide the following receptacles—

- (a) receptacle for rejected signing sheets;
- (b) receptacle for signing sheet envelopes; and
- (c) receptacle for declarations of identity.

(7) The petition officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Receipt of covering envelopes

102.—(1) The petition officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal signing sheet) before the end of the signing period, place it unopened in a postal signers’ ballot box.

(2) Where an envelope, other than a covering envelope issued by the petition officer—

- (a) has been opened, and
- (b) contains a signing sheet envelope, postal petition statement or declaration of identity (as the case may be), or signing sheet,

the first-mentioned envelope, together with its contents, must be placed in a postal signers’ ballot box.

Opening of postal signers’ ballot box

103.—(1) Each postal signers’ ballot box must be opened by the petition officer in the presence of at least one petition clerk or other person appointed by that officer and any representative of the Electoral Commission who attends for the opening of the postal signers’ ballot box.

(2) So long as the petition officer ensures that there is at least one sealed postal signers’ ballot box for the reception of covering envelopes up to the end of the signing period, the other postal signers’ ballot boxes may previously be opened by the officer in accordance with paragraph (1).

(3) The last postal signers’ ballot box and the postal ballot box must be opened at the counting of the signatures under regulation 39 (the count).

Opening of covering envelopes

104.—(1) When a postal signers’ ballot box is opened, the petition officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal signing sheet and any envelope described in regulation 102(2)) (receipt of covering envelopes).

- (2) The petition officer must open separately each envelope.
- (3) For petitions in Northern Ireland—
 - (a) the procedure in regulation 105 (procedure in relation to declarations of identity) applies where a covering envelope (including an envelope to which regulation 102(2) applies) contains both a declaration of identity and a signing sheet envelope or, if there is no signing sheet envelope, a signing sheet;
 - (b) where a covering envelope does not contain a declaration of identity separately, the petition officer must open the signing sheet envelope to ascertain whether the declaration of identity is inside;
 - (c) where the covering envelope does not contain both a declaration of identity (whether separately or not) and a signing sheet envelope or, if there is no envelope, a signing sheet, the petition officer must mark the covering envelope “rejected” attach its contents (if any) and place it in the receptacle for rejected signing sheets.
- (4) For petitions in England and Wales and Scotland—
 - (a) the procedure in regulation 107 (procedure in relation to postal petition statements: personal identifier verification) applies where a covering envelope (including an envelope to which regulation 102(2) applies) contains a postal petition statement;
 - (b) where the covering envelope does not contain a postal petition statement separately, the petition officer must open the signing sheet envelope to ascertain whether the postal petition statement is inside;
 - (c) where a covering envelope does not contain a postal petition statement (whether separately or not) the petition officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected signing sheets.
- (5) In carrying out the procedures in this regulation and regulations 108 (opening of signing sheet envelopes) to 111 (checking lists of rejected signing sheets: England and Wales and Scotland) the petition officer and the petition officer’s assistants—
 - (a) must keep the signing sheets face downwards and must take proper precautions for preventing any person from seeing the mark made on the signing sheets; and
 - (b) must not be permitted to view the corresponding number list used at the issue of the postal signing sheets.
- (6) Where an envelope opened in accordance with paragraph (2) contains a postal petition statement or declaration of identity (as the case may be), the petition officer must place a mark in the marked copy of the postal signers list or proxy postal signers list in a place corresponding to the number of the elector to denote that a postal signing sheet has been returned.
- (7) A mark made under paragraph (6) must be distinguishable from and not obscure the mark made under regulation 87 (procedure on issue of postal signing sheets).
- (8) As soon as practicable after the last covering envelope has been opened, the petition officer must make up into a packet the copy of the marked postal signers list and proxy postal signers list that have been marked in accordance with paragraph (6) and must seal that packet.

Procedure in relation to declarations of identity: Northern Ireland

105.—(1) A declaration of identity is a valid declaration of identity for the purposes of these Regulations if—

- (a) it is duly signed by the postal signer; and
- (b) in the case of an elector, regulation 39(5) is satisfied (the count).

(2) The petition officer must be satisfied that the declaration of identity is a valid declaration of identity.

(3) Where the petition officer is not so satisfied, the petition officer must mark the declaration “rejected”, attach to it the signing sheet envelope, or if there is no such envelope, the signing sheet and place it in the receptacle for rejected signing sheets.

(4) The petition officer must then compare the number on the declaration of identity against the number on the signing sheet envelope and, where they are the same, the petition officer must place the declaration and the signing sheet envelope respectively in the receptacle for declarations of identity and the receptacle for signing sheet envelopes.

(5) Where—

- (a) the number on a valid declaration of identity is not the same as the number on the signing sheet envelope, or
- (b) that envelope has no number on it and the number is not displayed through a window in it,

the petition officer must open the envelope.

(6) Paragraph (7) applies where—

- (a) there is a valid declaration of identity but no postal signing sheet envelope; or
- (b) the postal signing sheet envelope has been opened under paragraph (5) or regulation 104(3) (b) (opening of covering envelopes).

(7) In the circumstances described in paragraph (6), the petition officer must place—

- (a) in the postal ballot box, any postal signing sheet the number on which is the same as the number on the valid declaration of identity;
- (b) in the receptacle for rejected signing sheets, any other petition signing sheet, with the valid declaration of identity attached and marked “rejected”;
- (c) in the receptacle for rejected signing sheets, any valid declaration of identity marked “rejected” where there is no postal signing sheet;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under subparagraph (b) or (c).

Confirming receipt of postal signing statements: England and Wales and Scotland

106.—(1) An elector or a proxy signer who is shown in the postal signers list or proxy postal signers list may make a request, at any time after the first issue of postal signing sheets under regulation 86 (time when postal signing packs are to be issued) and before the end of the signing period, that the petition officer confirm—

- (a) whether a mark is shown in the marked copy of the postal signers list or proxy postal signers list in a place corresponding to the number of the elector to denote that a postal signing sheet has been returned; and
- (b) whether the number of the signing sheet issued to the elector or the elector’s proxy has been recorded on either of the lists kept by the petition officer under regulation 110 (lists of rejected postal signing sheets).

(2) A request under paragraph (1) must—

- (a) be made by any method specified by the petition officer; and
 - (b) include any evidence of the signer's identity requested by that officer.
- (3) Where a request is received in accordance with paragraph (2) the petition officer must satisfy himself or herself that the request has been made by the elector or their proxy and, if satisfied that it was, provide confirmation of the matters under paragraph (1).

Procedure in relation to postal petition statements: personal identifier verification: England and Wales and Scotland

107.—(1) This paragraph applies in the circumstances described in regulation 104(4)(a) (opening of covering envelopes).

(2) The petition officer must satisfy himself or herself that the postal petition statement is duly completed and as part of that process must compare the date of birth and the signature on the postal petition statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal signing sheet was addressed.

(3) Where the petition officer is not satisfied that the postal petition statement is duly completed, the officer must mark the statement “rejected”, attach to it the signing sheet envelope, or if there is no such envelope but there is a signing sheet, the signing sheet and place it in the receptacle for rejected signing sheets (verification procedure).

(4) The petition officer must then compare the number on the postal petition statement against the number on the signing sheet envelope and, where they are the same, the officer must place the statement and the signing sheet envelope respectively in the receptacle for postal petition statements (verification procedure) and the receptacle for signing sheet envelopes.

(5) The petition officer must open the signing sheet envelope where—

- (a) the number on a valid postal petition statement is not the same as the number on that signing sheet envelope; or
- (b) that envelope has no number on it.

(6) Paragraph (7) applies where—

- (a) there is a valid postal petition statement but no signing sheet envelope;
- (b) the signing sheet envelope has been opened under paragraph (5); or
- (c) the signing sheet envelope has been opened under regulation 104(4)(b) (opening of covering envelopes).

(7) In the circumstances described in paragraph (6), the petition officer must place—

- (a) in the postal ballot box, any signing sheet the number on which is the same as the number on the valid postal petition statement;
- (b) in the receptacle for rejected signing sheets (verification procedure), any other signing sheet, with the valid postal petition statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected signing sheets (verification procedure), any valid postal petition statement marked “provisionally rejected” where there is no signing sheet;
- (d) in the receptacle for postal petition statements (verification procedure), any valid statement not disposed of under subparagraph (b) or (c).

Opening of signing sheet envelopes

108.—(1) The petition officer must open separately each signing sheet envelope placed in the receptacle for signing sheet envelopes.

- (2) The petition officer must—
- (a) place in the postal ballot box, any signing sheet the number on which is the same as the number on the signing sheet envelope;
 - (b) place in the receptacle for rejected signing sheets, any other signing sheets which must be marked “provisionally rejected” and to which the signing sheets envelope is to be attached;
 - (c) place in the receptacle for rejected signing sheet envelopes, any signing sheet envelope which must be marked “provisionally rejected” because it does not contain a signing sheet.
- (3) In the application of this regulation to Northern Ireland—
- (a) references to “provisionally rejected” are to be read as references to “rejected”; and
 - (b) in paragraph (2)(c) substitute “receptacle for rejected signing sheet envelopes” with “receptacle for rejected signing sheets”.

Retrieval of cancelled postal signing sheets

109.—(1) Where it appears to the petition officer that a cancelled postal signing sheet has been placed—

- (a) in a postal signers’ ballot box,
- (b) in the receptacle for signing sheet envelopes, or
- (c) in a postal ballot box,

the officer must proceed as follows.

(2) The petition officer must, on at least one occasion on which a postal signers’ ballot box is opened in accordance with regulation 103 (opening of postal signers’ ballot box), also open any postal ballot box and the receptacle for signing sheet envelopes and—

- (a) retrieve the cancelled signing sheet;
- (b) retrieve the postal petition statement or declaration of identity (as the case may be) that relates to a cancelled signing sheet from the receptacle for postal petition statements (verification procedure) or receptacle for declarations of identity (as the case may be);
- (c) attach any cancelled postal signing sheet to the postal petition statement or declaration of identity to which it relates;
- (d) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by regulations 94 and 95 (spoil postal signing sheets) or regulation 98 (cancellation of postal signing sheets); and
- (e) unless the postal ballot box has been opened for the purposes of the counting of signing sheets under regulation 39 (the count), re-lock (if it has a lock) and re-seal the postal ballot box.

Lists of rejected postal signing sheets: England and Wales and Scotland

110.—(1) In respect of any petition, the petition officer must keep three separate lists relating to rejected postal signing sheets as required by this regulation (“lists of rejected postal signing sheets”).

(2) In the first list, the officer must record the signing sheet number of any postal signing sheet for which no valid postal petition statement was received with it.

(3) In the second list, the officer must record the postal signing sheet number which is entered on a valid postal petition statement where that signing sheet is not received with the postal petition statement.

(4) In the third list, the officer must record, for every postal petition statement in the receptacle for rejected signing sheets (verification procedure) immediately prior to sealing—

- (a) the elector's name and address (and the name and address of the proxy if the elector has a proxy);
 - (b) the elector's number on the register of electors (and that of the proxy if the elector has a proxy);
 - (c) the specified reason or reasons for the rejection of the postal petition statement; and
 - (d) any other information relating to the rejection that the petition officer considers appropriate, but not the signing sheet number.
- (5) The specified reasons that may be given under paragraph (4)(c) for the rejection of a postal petition statement are as follows—
- (a) the signature does not match the example held on the personal identifiers record;
 - (b) the date of birth does not match the one held on the personal identifiers record;
 - (c) the signature field is blank; or
 - (d) the date of birth field is blank.

Checking lists of rejected postal signing sheets: England and Wales and Scotland

111.—(1) Where the petition officer receives a valid postal petition statement without the postal signing sheet to which it relates, the officer may, at any time before the end of the signing period, check the list kept under regulation 110(2) to see whether the number of a postal signing sheet to which the statement relates is entered in that list.

(2) Where the petition officer receives a postal signing sheet without the postal petition statement to which it relates, the officer may, at any time prior to the end of the signing period, check the list kept under regulation 110(3) to see whether the number of that signing sheet is entered in that list.

(3) The petition officer must conduct the checks required by paragraphs (1) and (2) as soon as practicable after the receipt of the packets from every petition signing place.

(4) Where the signing sheet number in the list matches that number on a valid postal petition statement or the postal signing sheet (as the case may be) the petition officer must retrieve that statement or sheet.

(5) The petition officer must then take the appropriate steps under these Regulations as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

Sealing of receptacles

112.—(1) For petitions in England and Wales and Scotland, as soon as practicable after the completion of the procedure under regulation 111(3) and (4) (checking of lists of rejected signing sheets), the petition officer must make up into separate packets the contents of—

- (a) the receptacle for rejected signing sheets,
- (b) the receptacle for rejected signing sheet envelopes,
- (c) the lists of spoilt, lost or cancelled postal signing sheets,
- (d) the receptacle for rejected signing sheets (verification procedure),
- (e) the receptacle for postal petition statements (verification procedure),

and must seal up such packets.

(2) For petitions in Northern Ireland, as soon as practicable after the completion of the procedure under regulation 108 (opening of signing sheet envelopes) the petition officer must make up into separate packets the contents of—

- (a) the receptacle for rejected signing sheets,
- (b) the receptacle for declarations of identity,
- (c) the lists of spoilt, lost or cancelled postal signing sheets,

and must seal up such packets.

(3) Any document in those packets referred to in paragraph (1) marked “provisionally rejected” is to be deemed to be marked “rejected”.

Early termination of petition

113. Where a petition is terminated by virtue of section 13 of the Act (early termination of recall petition process) after postal signing sheets have been issued, the petition officer—

- (a) must not take any step or further steps to open covering envelopes or deal with the contents in accordance with the provisions of this Part; and
- (b) must, notwithstanding regulation 104 (opening of covering envelopes) to regulation 108 (opening of signing sheet envelopes), treat all unopened covering envelopes and the contents of those that have been opened as if they were counted signing sheets.

Forwarding of documents

114.—(1) The petition officer must forward to the registration officer at the same time as the petition officer forwards the documents mentioned in regulation 44 (delivery of documents to the registration officer)—

- (a) any packets referred to in regulation 92 (sealing up of corresponding number lists), regulations 94 and 95 (spoilt postal signing sheets), regulations 96 and 97 (lost signing sheets), regulation 98 (cancellation of postal signing sheets), regulation 104 (opening of covering envelopes) and regulation 112 (sealing of receptacles) and subject to regulation 113, endorse on each packet a description of its contents and the name of the petition signing place; and
- (b) a completed statement of the number of postal signing sheets issued, which is to be in the form of Form L in Schedule 2 (forms).

(2) Where—

- (a) any covering envelopes are received by the petition officer after the end of the signing period (apart from those delivered in accordance with the provisions of regulation 99(3) (alternative means of returning postal signing sheets, postal petition statements and declarations of identity),
- (b) any envelopes addressed to postal signers are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal signing sheets are returned too late to enable other postal signing sheets to be issued,

the petition officer must put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

(3) A petition officer, must at the same time as forwarding the documents mentioned in paragraph (1)—

- (a) forward the list required to be compiled under regulation 110(4) (lists of rejected postal signing sheets) to the registration officer; and
- (b) where the constituency comprises any part of the area of more than one local authority, the petition officer must also forward a copy of such extract of the list required to be compiled under regulation 110(4) as are relevant to each of the other registration officers concerned.

(4) Regulation 45 (orders for the production of documents) and regulation 46 (retention of documents) are to apply to any packet or document forwarded under this regulation except that in applying those provisions the list compiled and any extracts from it under regulation 110(4) (lists of rejected postal signing sheets) must be treated in the same manner as a counted signing sheet.

(5) In the application of this regulation to Scotland, the petition officer is not required to forward the documents mentioned to the registration officer but instead the petition officer must retain those documents and regulation 47 (retention and disposal of documents: Scotland) is to apply to those documents as it applies to documents retained under that regulation.

(6) A copy of the statement referred to in paragraph (1)(b) is to be provided by the petition officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the last day of the signing period and ends 15 days after that date.

(7) In the application of this regulation to Northern Ireland, in paragraph (6) the copy of the statement mentioned in that paragraph is to be provided to the Electoral Commission only.

(8) In the application of this regulation to England and Wales and Northern Ireland, 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 relates 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.

Notification of a rejected postal petition statement: England and Wales and Scotland

115.—(1) Where an absent signer for a petition in England and Wales or Scotland appears on the list compiled under regulation 110(4) (lists of rejected postal signing sheets)—

- (a) the registration officer responsible for the personal identifiers record that contains information in respect of the absent signer must notify the absent signer (and the elector if the absent signer is a proxy) that the signing sheet concerned was rejected because the petition officer was not satisfied that the postal petition statement was duly completed;
 - (b) the registration officer must send the notification as soon as possible, and within the period of three months beginning with the last day of the signing period; and
 - (c) the notification must include information as to which of the specified reasons referred to in regulation 110(5) applied to the postal petition statement.
- (2) The registration officer is not obliged to send a notification—
- (a) to any person who is no longer shown as signing the petition by post in the record kept under regulation 51(4) or regulation 58(7) at the time the registration officer proposes to send the notification; or
 - (b) where the registration officer suspects that an offence may have been committed in relation to the postal signing sheet, the postal petition statement or the absent signer’s entitlement to sign the petition under section 10 of the Act (persons entitled to sign a recall petition).

(3) A notification issued under paragraph (1) may also include any other information that the registration officer considers appropriate, but a notification must not include information held on the personal identifiers record.

**Requirement to provide fresh signature following rejection of a postal petition statement:
England and Wales and Scotland**

116.—(1) This regulation applies where an absent signer is notified under regulation 115 (notification of a rejected postal petition statement) that the signature on the postal petition statement with which they were issued does not match the example held on the personal identifiers record, and the person continues to be shown on the record kept under regulation 51(4) as signing the petition by post.

(2) Where this regulation applies, the registration officer may require the absent signer to provide a fresh signature for the personal identifiers record in accordance with regulation 59 (the personal identifiers record).