
DRAFT STATUTORY INSTRUMENTS

2016 No.

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

PART 7

MISCELLANEOUS

Questioning the outcome of a petition

140. Schedule 4 (legal proceedings: application to recall petitions of existing provisions) is to have effect.

Public notice of early termination

141.—(1) This regulation applies to a petition which has terminated in accordance with section 13 of the Act (early termination of recall petition process).

(2) The public notice given by the petition officer under section 13(8)(b) must include—

- (a) the name and constituency of the MP to whom the petition related;
- (b) the recall condition which was met in relation to that MP;
- (c) the beginning and end dates of the signing period for that petition;
- (d) the condition under section 13(1) of the Act which has been met.

(3) The petition clerk must forward to the petition officer, as soon as practicable after termination of the petition takes effect, the documents referred to in regulation 37(1)(a) to (f) (procedure on close of petition), which are located at the signing place, in accordance and the provisions of that regulation is to apply to this regulation as it applies to that regulation.

(4) The petition officer must forward to the registration officer as soon as practicable after the early termination of the petition, any documents in the possession of the petition officer referred to in—

- (a) regulation 44(1) (as applied by regulation 44(2)) (delivery of documents to the registration officer), and
- (b) regulation 114 (1) to (3) (forwarding of documents)

and the provisions of those regulations are to apply to this regulation as they apply to those regulations.

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

Communication of applications, notices etc

142. The requirement in these Regulations that any application, notice, representation or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means;
- (b) is received in legible form; and
- (c) is capable of being used for subsequent reference.

Electronic signatures and related certificates

143.—(1) A requirement under these Regulations for an application, notice, representation or objection to be signed is satisfied (as an alternative to the signature being given by hand) where there is—

- (a) an electronic signature incorporated into or otherwise logically associated with a particular electronic communication; and
- (b) the certification by any person of such a signature.

(2) For the purposes of this regulation an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(3) For the purposes of this regulation an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature,
- (b) a means of producing, communicating or verifying the signature, or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

(4) This regulation does not apply to the provision of signatures under regulations 27 (signing procedure: England and Wales and Scotland) or regulation 28 (signing procedure: Northern Ireland) which must be given by hand.

Forms

144.—(1) The petition officer must supply free of charge as many forms for use in accordance with these Regulations as appear to that officer reasonable in the circumstances to any person who satisfies that officer of their intention to use the forms in connection with a petition.

- (2) A reference in these Regulations to a form in Schedule 2 identified by a letter is—
- (a) in relation to a petition held in a constituency in Scotland, a reference to the form identified by that letter in Part 1 of that Schedule;
 - (b) in relation to a petition held in a constituency in England and Wales, a reference to the form identified by that letter either in Part 1 or Part 2 of that Schedule;
 - (c) in relation to a petition held in a constituency in Northern Ireland, a reference to a form identified by that letter in Part 3 of that Schedule unless there is no form with that letter in that Part, in which case it is a reference to the form identified by that letter in Part 1.

(3) Where these Regulations require a form in Schedule 2 to be used, with the exception of Form A (the signing sheet), a form to substantially like effect may be used with such variations as the circumstances may require.

Time

145. In computing any period of time for the purposes of these Regulations any day which is not a working day is to be disregarded⁽¹⁾.

Translations etc of certain documents

146.—(1) Subject to paragraph (4), paragraphs (2) and (3) apply to any document which under or by virtue of these Regulations is required or authorised to be given to electors or displayed in any place for the purposes of a petition.

(2) The petition officer who is required or authorised to give or display the document must, as the petition officer thinks appropriate, give or display or otherwise make available in such form as the petition officer considers appropriate—

- (a) the document in Braille,
- (b) the document in languages other than English,
- (c) graphical representations of the information contained in the document,
- (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.

(3) The petition officer required or authorised to give or display the document must also, as the petition officer considers appropriate, make available the information contained in the document in such audible form as the petition officer thinks appropriate.

(4) Paragraphs (2) and (3) do not apply to the signing sheet.

Public notices and declarations

147.—(1) This regulation applies to any public notice which is required by these Regulations to be given by a petition officer.

(2) Public notice must be given by posting the notice in some conspicuous place or places (as the case may be) in the constituency for which the officer acts, and may also be given in such other manner as the officer thinks desirable for publicising it.

Publication of documents

148.—(1) Any failure to publish a document in accordance with these Regulations does not invalidate the document, but this provision does not relieve any person from any penalty for such a failure.

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

(2) Subject to paragraph (3), where a document is made available for inspection, any person may make a copy (whether in handwriting or by other means) of the whole or any part of such a document.

(3) Paragraph (2) is subject to any restriction as to the making of copies which is imposed by—

- (a) regulation 80(6); and
- (b) paragraph 3(7) of Schedule 3.

Amendment to section 9(4) of the Act

149. Section 9(4) of the Act (recall petition to be made available for signing) is substituted as follows—

“(4) The wording of a petition signing sheet must include the following—

By signing in the box below, you are signing a petition for *[name of MP]*, the MP for *[name of constituency]*, to lose *[his/her]* seat in the House of Commons.

If at least 10% of eligible people in the constituency sign the petition, *[name of MP]* MP will lose *[his/her]* seat in the House of Commons and a by-election will be held. The loss of *[his/her]* seat does not prevent *[name of MP]* standing in this by-election.

If less than 10% of eligible people in the constituency sign the petition, *[name of MP]* MP will not lose *[his/her]* seat and therefore no by-election will be held.”.

Modification of section 6C PPERA 2000

150. Section 6C of PPERA 2000 (accredited observers: individuals) is to apply for the purposes of attending the count of a petition under regulation 39 (the count) as it applies for the purposes of attending the proceedings for the counting of votes under that section.

Fee for the copy of the return or declaration or any other document

151. For the purposes of paragraph 9 of Schedule 5 to the Act (inspection of returns and accompanying documents) the prescribed fee under subparagraph (c) is to be 20p for each side of paper supplied under that subparagraph.

Notices in connection with alteration of registers: amendments

152.—(1) The 2001 Regulations, the 2001 (Scotland) Regulations and the 2008 Regulations are amended as follows.

(2) In regulation 36 of both the 2001 Regulations and the 2001 (Scotland) Regulations (notices in connection with registration: England and Wales and Scotland)—

- (a) in paragraph (2)—
 - (i) after “13AB(2)”, for “or” substitute “,”;
 - (ii) after “(3D)” insert “or 13BC(3) or (6)”; and
- (b) after paragraph (3) insert—

“(4) For the purposes of section 13BC(5)(a) of the 1983 Act (alteration of the registers: recall petition), the prescribed time is one hour before the end of the signing period (within the meaning of section 9(2) of the Recall of MPs Act 2015).”.

(3) In the 2008 Regulations—

- (a) in regulation 25 (alteration of the registers: Northern Ireland)—
 - (i) in the heading and in paragraph (2), after “section 13BA(3)” insert “or 13BC”; and

(ii) after paragraph (1), insert—

“(1A) For the purposes of section 13BC(2)(d) of the 1983 Act (alteration of registers: recall petition) the prescribed date is the eleventh day before the beginning of the signing period (within the meaning of section 9(2) of the Recall of MPs Act 2015).”;

(b) in regulation 44 (notices in connection with registration: Northern Ireland)—

(i) in paragraph (2)—

(aa) after “13A(2)”, for “or” substitute “,”;

(bb) after “(9)” insert “or 13BC(3) or (6)”; and

(ii) after paragraph (3) insert—

“(4) For the purposes of section 13BC(5)(a) of the 1983 Act, the prescribed time is three hours before the end of the signing period (within the meaning of section 9(2) of the Recall of MPs Act 2015).”.