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DRAFT STATUTORY INSTRUMENTS

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**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

**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.