
DRAFT STATUTORY INSTRUMENTS

2016 No.

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

PART 6

OFFENCES

Other signing offences

119.—(1) A person is guilty of an offence if that person—

- (a) signs a petition in person or by post, whether as an elector or as proxy, knowing that they are not entitled to do so;
- (b) applies to sign a petition by proxy or by post as an elector, knowing that they are not entitled at any time during the signing period to sign the petition;
- (c) applies for the appointment of a proxy to sign a petition for them knowing that they or their prospective proxy is not entitled at any time during the signing period to sign the petition; or
- (d) signs a petition in person or by post, as proxy for some other person, knowing the other person is not entitled to do so.

(2) A person is guilty of an offence if they—

- (a) sign a petition in any signing place when there is in force an appointment of a person to sign the petition as their proxy in another signing place;
- (b) sign in person a petition they are only entitled to sign by post;
- (c) apply for a person to be appointed as their proxy to sign a petition without applying for the cancellation of a previous appointment of a third person then in force in respect of that petition or without withdrawing a pending application for such an appointment.

(3) A person is guilty of an offence if they sign a petition in person as proxy for an elector at which that person is entitled to sign by post as proxy for that elector.

(4) A person is guilty of an offence if they sign a petition as proxy for more than two persons of whom they are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

(5) A person is guilty of an offence if they knowingly induce or procure another person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under any of paragraphs (1) to (4).

(6) For the purposes of this regulation, and subject to paragraph (7), a person who—

- (a) has their signing sheet endorsed under regulation 29 (signing sheets endorsed by petition clerk),
- (b) applies for a signing sheet for the purpose of signing the petition in person, or
- (c) marks a postal signing sheet with a signature or otherwise and returns it,

is also to be taken to have signed the petition.

(7) For the purposes of determining whether an application for a signing sheet constitutes an offence under paragraph (1), a previous application made in circumstances which entitle the applicant only to mark a tendered signing sheet shall, if that right is exercised, be disregarded.

(8) A person is not guilty of an offence under paragraph (2)(b) or (3) only by reason of their having signed a tendered signing sheet in pursuance of regulation 30 (tendered signing sheets).

(9) An offence under this regulation is an illegal practice.