

SCHEDULES

SCHEDULE 4

LEGAL PROCEEDINGS: APPLICATION TO RECALL PETITIONS OF EXISTING PROVISIONS

PART 1

REPRESENTATION OF THE PEOPLE ACT 1983, PART 3

Procedure on recall petition complaints

13. In section 144 (conclusion of trial of recall petition complaint)—

(a) for subsection (1), substitute—

“(1) Subject to subsection (3A), at the conclusion of the trial of a recall petition complaint, the petition court shall determine whether the outcome of the recall petition should be upheld, and the determination so certified shall be final to all intents as to the matters at issue in the complaint.”;

(b) for subsection (3), substitute—

“(3) If the judges constituting the petition court—

(a) differ as to whether the outcome of the recall petition should be upheld, they shall certify that difference and the outcome of the petition shall be deemed to be upheld;

(b) determine that the outcome of the petition should not be upheld but differ as to any part of the rest of the determination, they shall certify that difference and the outcome of the petition shall be deemed to be void.

(3A) A determination under this section of a complaint in relation to a petition that was successful shall avoid the outcome of that petition only if the complaint was made within the period of 21 days after the day on which public notice of the outcome of the petition is given in accordance with section 14(2)(c) of the Recall of MPs Act 2015 (determination of whether recall petition successful).”;

(c) in subsection (7), omit “in their Journals” to the end;

(d) after subsection (7), insert—

“(8) If the determination of the petition court under this section is that the outcome of the recall petition is void, section 5(1) of the Recall of MPs Act 2015 (Speaker’s notice) applies in relation to the MP in respect of whom the petition was held as if—

(a) a petition had not been held, and

(b) receipt by the Speaker of the court’s certificate is the moment the Speaker becomes aware that the recall condition giving rise to the original petition has been met in relation to that MP,

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and the remainder of the Act (including the remainder of that section), applies in relation to that MP accordingly.”.