

RECALL OF MPS ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS (AND SCHEDULES)

Section 14: Determination of whether recall petition successful

67. **Section 14** sets out the mechanism for determining whether a recall petition was successful.
68. **Subsection (2)** provides that as soon as reasonably practicable after the end of the signing period the petition officer must determine whether the petition was successful; notify the Speaker of the outcome; and give a public notice of the outcome in the form and manner to be set out in regulations under section 18.
69. The recall petition is successful if the number of persons who validly sign the petition is at least 10 per cent of the number of persons who are registered in the register of parliamentary electors for the constituency on the last day of the signing period, whose applications for registration were made on or before the day on which the Speaker's notice was given, and who, according to their entry in the register, are aged 18 or over on that day (*subsections (3) and (4)*).
70. For the purposes of calculating under *subsection (3)* the number of persons registered in the register of parliamentary electors on the last day of the signing period, alterations to the register of parliamentary electors that take effect after the day on which the Speaker's notice is given and on or before the cut-off day as a result of a late application for registration are ignored (*subsection (4)*). The "cut-off day" is the third working day before the beginning of the signing period (*section 10(4)(a)*). A "late application for registration" is an application made after the day on which the Speaker's notice is given (*section 10(4)(b)*).
71. **Subsection (5)** provides that any alterations to the register which take effect after the cut-off day are also to be ignored for the purposes of calculating under *subsection (3)* the number of persons registered in the register of parliamentary electors on the last day of the signing period unless the alterations are the result of court orders or are to correct an error.
72. **Subsections (6) and (7)** provide that a recall petition is validly signed if it is signed by a person during the signing period who is entitled to sign under section 10, who has not previously signed the petition, who meets any conditions set out in regulations under section 18 that are applicable to the method of signing used, whose signature is not invalid as a result of conditions set out in such regulations and whose entry in the register of parliamentary electors has not been removed, after the person signed the petition, as a result of a court order or discovery of incorrect information.
73. **Subsection (8)** provides that the Speaker must lay before the House of Commons any notice received under *subsection (2)*.