

## **RECALL OF MPS ACT 2015**

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### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS (AND SCHEDULES)**

##### ***Section 5: Speaker's notice that first, second or third recall condition has been met***

31. *Subsection (1)* requires the Speaker of the House of Commons to give notice for a recall petition to be opened to the relevant petition officer as soon as reasonably practicable after becoming aware that the first, second or third recall condition has been met. This requirement does not apply if the polling day for the next UK Parliamentary general election is within six months, if the MP is already subject to a recall petition process or if the MP's seat has already become vacant, whether by disqualification, death or otherwise (*subsection (2)*).
32. *Subsection (3)* provides that, in determining whether the polling day for the next UK Parliamentary general election is within six months, the fact that it may subsequently change as a result of the power to vary the polling day under the Fixed-term Parliaments Act 2011 is to be disregarded, and the six month prohibition still applies even if the polling day has been delayed. That Act schedules polling days for UK Parliamentary general elections on 7 May 2015 and then on the first Thursday in May every five years. There is a power to delay a scheduled polling day by up to two months and procedures for holding early UK Parliamentary general elections. The Speaker would not give notice to the petition officer to hold a petition if either a scheduled UK Parliamentary general election or an early UK Parliamentary general election is to be held within six months.
33. *Subsection (4)* provides that an MP is considered to be subject to a recall petition process during the period which begins with the giving of the Speaker's notice to the petition officer that a recall petition is to be opened, and ends when the petition officer notifies the Speaker of the outcome of the petition, or when the petition officer receives a notice from the Speaker that one of the conditions for the early termination of the petition process has been met.
34. *Subsection (5)* provides that the notice given by the Speaker under this section must specify the day on which it was given and which of the recall conditions has been met. If the first condition has been met, the notice must also specify the offence of which the MP has been convicted. The day specified in the notice is to be treated as the day on which it is given. The notice is to be treated as received by the petition officer on the first working day after the day on which it is given (*subsection (6)*). "Working day" is defined in section 22(1). *Subsection (7)* provides that any reference to a "Speaker's notice" in this Act is a reference to a notice under this section.