

*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, PART 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### REGULATION OF EXPENDITURE

#### PART 3

##### PETITION EXPENSES OF ACCREDITED CAMPAIGNERS: GENERAL CONTROLS

###### *Restriction on incurring petition expenses*

- 8 (1) No petition expenses are to be incurred by or on behalf of an accredited campaigner unless they are incurred with the authority of—
- (a) the responsible person, or
  - (b) a person authorised in writing by the responsible person to incur the expenses.
- (2) A person commits an offence if, without reasonable excuse, the person incurs an expense in contravention of sub-paragraph (1).
- (3) An offence under this paragraph is a corrupt practice.

###### **Commencement Information**

- II** Sch. 3 para. 8 in force at 4.3.2016 by S.I. 2016/290, reg. 2

###### *Restriction on payments in respect of petition expenses*

- 9 (1) No payment may be made in respect of petition expenses incurred, or to be incurred, by or on behalf of an accredited campaigner unless it is made by—
- (a) the responsible person, or
  - (b) a person authorised in writing by the responsible person to make the payment.
- (2) Any payment of £20 or more made in respect of such expenses by a person within sub-paragraph (1)(a) or (b) must be supported by an invoice or receipt.
- (3) Where a person within sub-paragraph (1)(b) (“P”) makes a payment required by sub-paragraph (2) to be supported by an invoice or receipt, P must, as soon as reasonably practicable after making the payment, deliver to the responsible person—
- (a) notification that P has made the payment, and
  - (b) the supporting invoice or receipt.
- (4) A person commits an offence if, without reasonable excuse, the person—
- (a) makes a payment in contravention of sub-paragraph (1), or

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(b) contravenes sub-paragraph (3).

(5) An offence under this paragraph is an illegal practice.

**Commencement Information**

**I2** Sch. 3 para. 9 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Restrictions on payment of claims in respect of petition expenses*

- 10 (1) A relevant claim is not payable unless it—
- (a) is sent to the responsible person or to a person authorised under paragraph 8 to incur the expenses, and
  - (b) is sent before the end of the period of 21 days beginning with the first day after the recall petition period.
- (2) A relevant claim must be paid before the end of the period of 28 days beginning with the first day after the recall petition period.
- (3) In this Part of this Schedule “relevant claim” means a claim for payment in respect of petition expenses incurred during the recall petition period by or on behalf of an accredited campaigner.
- (4) A person commits an offence if, without reasonable excuse, the person—
- (a) makes a payment in respect of a relevant claim which by virtue of sub-paragraph (1) is not payable, or
  - (b) makes a payment in respect of a relevant claim after the end of the period allowed under sub-paragraph (2).
- (5) An offence under this paragraph is an illegal practice.
- (6) Where the period allowed under sub-paragraph (1)(b) or (2) would, apart from this sub-paragraph, end on a day that is not a qualifying day, the period instead ends on the first subsequent day that is a qualifying day.
- (7) “Qualifying day” means a day that is not—
- (a) a Saturday or Sunday,
  - (b) Christmas Eve, Christmas Day or Good Friday, or
  - (c) a bank holiday or a day appointed for public thanksgiving or mourning.
- (8) For this purpose “bank holiday” means a bank holiday in—
- (a) the part of the United Kingdom in which is situated the office of the person to whom the claim is sent pursuant to sub-paragraph (1), or
  - (b) the part of the United Kingdom in which the person providing the property, services or facilities to which the expenses in question relate conducts business (or, if that person conducts business in more than one part of the United Kingdom, the part of the United Kingdom in which is situated the office from which dealings relating to the expenses were conducted).
- (9) Sub-paragraph (2) does not—
- (a) affect any right of a creditor of an accredited campaigner to obtain payment before the end of the period allowed under that sub-paragraph, or

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- (b) impose an obligation to pay a relevant claim that is not payable apart from that sub-paragraph.

**Commencement Information**

**I3** Sch. 3 para. 10 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Payment of claims in respect of petition expenses: application for leave to pay late claims*

- 11
- (1) An application may be made to the appropriate court for leave for a relevant claim to be paid although sent to a person mentioned in paragraph 10(1)(a) after the end of the period allowed under paragraph 10(1)(b); and the appropriate court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.
  - (2) An application under sub-paragraph (1) may be made by—
    - (a) the person making the claim, or
    - (b) the person with whose authority the expenses in question were incurred.
  - (3) In this paragraph “appropriate court” means—
    - (a) in England and Wales, the High Court or the county court,
    - (b) in Scotland, the Court of Session or the sheriff, or
    - (c) in Northern Ireland, the High Court or a county court.
  - (4) Paragraph 10(1) and (2) do not apply in relation to any sum paid in pursuance of the order of leave.
  - (5) The jurisdiction conferred by this paragraph on the Court of Session or the sheriff may be exercised in such manner as is prescribed by Act of Sederunt; and any order made by the sheriff by virtue of this paragraph may be appealed to the Court of Session.
  - (6) Article 60 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)) (appeals from county courts) applies in relation to an order of a county court in Northern Ireland made by virtue of this paragraph as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.

**Commencement Information**

**I4** Sch. 3 para. 11 in force at 4.3.2016 by S.I. 2016/290, reg. 2

*Disputed claims*

- 12
- (1) A person who makes a disputed claim may bring an action for it; and paragraph 10(2) does not apply in relation to any sum paid in pursuance of a judgment or order made by a court in the proceedings.
  - (2) In this paragraph “disputed claim” means a relevant claim that—
    - (a) is sent as mentioned in paragraph 10(1)(a) and (b), but
    - (b) is not paid before the end of the period allowed under paragraph 10(2).
  - (3) A person to whom a disputed claim is sent may make an application to the appropriate court for leave for it to be paid after the end of the period allowed under

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paragraph 10(2); and the appropriate court, if satisfied that for any special reason it is appropriate to do so, may by order grant the leave.

- (4) In this paragraph “appropriate court” has the same meaning as in paragraph 11.
- (5) Paragraph 10(2) does not apply in relation to any sum paid in pursuance of an order of leave granted under sub-paragraph (3).
- (6) The jurisdiction conferred by sub-paragraph (3) on the Court of Session or the sheriff may be exercised in such manner as is prescribed by Act of Sederunt; and any order made by the sheriff by virtue of that sub-paragraph may be appealed to the Court of Session.
- (7) Article 60 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)) (appeals from county courts) applies in relation to an order of a county court in Northern Ireland made by virtue of sub-paragraph (3) as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.

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**Commencement Information**

**I5** Sch. 3 para. 12 in force at 4.3.2016 by S.I. 2016/290, reg. 2

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