



# Recall of MPs Act 2015

## 2015 CHAPTER 25

*How an MP becomes subject to a recall petition process*

### **1 How an MP becomes subject to a recall petition process**

- (1) An MP becomes subject to a recall petition process if—
  - (a) the first, second or third recall condition has been met in relation to the MP, and
  - (b) the Speaker gives notice of that fact under section 5.
- (2) In this Act “recall petition” means a petition calling—
  - (a) for an MP to lose his or her seat in the House of Commons, and
  - (b) for a by-election to be held to decide who should be the MP for the constituency in question.
- (3) The first recall condition is that—
  - (a) the MP has, after becoming an MP, been convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained, and
  - (b) the appeal period expires without the conviction, sentence or order having been overturned on appeal.

Sections 2 to 4 contain more about the first recall condition.

- (4) The second recall condition is that, following on from a report from the Committee on Standards in relation to the MP, the House of Commons orders the suspension of the MP from the service of the House for a specified period of the requisite length.
- (5) A specified period is “of the requisite length” for the purposes of subsection (4) if—
  - (a) where the period is expressed as a number of sitting days, the period specified is of at least 10 sitting days, or
  - (b) in any other case, the period specified (however expressed) is a period of at least 14 days.
- (6) For the purposes of subsection (4) it does not matter—
  - (a) when the period of suspension starts, and

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*Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, Section 1. (See end of Document for details)*

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- (b) where that period is expressed as a number of sitting days, what provision (if any) is made by the House regarding what does, or does not, count as a sitting day for the purpose of calculating that period.
- (7) The reference in subsection (4) to the Committee on Standards is to any committee of the House of Commons concerned with the standards of conduct of individual members of that House.
- (8) Any question arising under subsection (7) is to be determined by the Speaker.
- (9) The third recall condition is that—
- (a) the MP has, after becoming an MP, been convicted of an offence under section 10 of the Parliamentary Standards Act 2009 (offence of providing false or misleading information for allowances claims), and
  - (b) the appeal period expires without the conviction having been overturned on appeal.

Sections 2 to 4 contain more about the third recall condition.

- (10) The provision made by or under this Act does not affect other ways in which an MP's seat may be vacated, whether—
- (a) by the MP's disqualification - for example, under the Representation of the People Act 1981 (disqualification of certain offenders), or
  - (b) by the MP's death or otherwise.
- (11) The loss by an MP of his or her seat under this Act as a result of a recall petition does not prevent him or her standing in the resulting by-election.

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**Commencement Information**

**II** [S. 1](#) in force at 4.3.2016 by [S.I. 2016/290](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Recall of MPs Act 2015, Section 1.