
STATUTORY INSTRUMENTS

2023 No. 1141

**The Mayoral and Police and Crime Commissioner
Elections, Recall Petitions and Referendums (Ballot
Secrecy, Candidates and Undue Influence) Regulations 2023**

Amendment of the Recall of MPs Act 2015 (Recall Petition) Regulations 2016

8.—(1) The Recall of MPs Act 2015 (Recall Petition) Regulations 2016⁽¹⁾ are amended as follows.

(2) In regulation 117 (interpretation), after paragraph (b) insert—

“(ba) regulation 123A (influencing persons signing a petition).”.

(3) After regulation 123 (requirement of secrecy) insert—

“Influencing persons signing a petition

123A.—(1) A person who—

- (a) is with or near a person at a petition signing place when that other person has received a signing sheet, and
- (b) intends to influence that other person to sign that petition or to refrain from signing that petition,

commits an offence.

(2) For the purposes of this regulation, endorsement of a person’s signing sheet, in accordance with regulation 29, is not influencing that person to sign that petition or to refrain from signing that petition.

(3) A person who commits an offence under this regulation is liable on summary conviction to imprisonment for a term not exceeding six months, to a fine or to both.”.

(4) For regulation 136 substitute—

“Undue influence

136.—(1) A person is guilty of a corrupt practice if the person is guilty of undue influence.

(2) A person (“P”) is guilty of undue influence if P carries out an activity falling within paragraph (4) for the purpose of—

- (a) inducing or compelling a person to sign a petition or to refrain from signing a petition, or
- (b) otherwise impeding or preventing the free exercise of the entitlement to sign a petition of an elector or a proxy for an elector.

(3) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of sub-paragraphs (a) to (f) of paragraph (4) on account of—

(1) [S.I. 2016/295](#), to which there are amendments not relevant to these Regulations.

- (a) a person having signed a petition or having refrained from signing a petition, or
 - (b) P assuming a person to have signed a petition or to have refrained from signing a petition.
- (4) The following activities fall within this paragraph—
- (a) using or threatening to use violence against a person;
 - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
 - (c) damaging or threatening to damage a person’s reputation;
 - (d) causing or threatening to cause financial loss to a person;
 - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
 - (f) doing any other act designed to intimidate a person;
 - (g) doing any act designed to deceive a person in relation to the administration of a petition.
- (5) For the purposes of paragraphs (2) and (3) an activity is carried out by a person (“P”) if it is carried out—
- (a) by P,
 - (b) by P jointly with one or more other persons, or
 - (c) by one or more other persons on behalf of P and with P’s authority or consent.
- (6) In paragraph (4)(f) and (g) “act” includes an omission (and references to the doing of an act are to be read accordingly).”.