

Introduction to the Recall of MPs Act 2015

March 2015

The Recall of MPs Act 2015 introduces a process by which an MP can lose their seat in the House of Commons if there is a successful petition to recall them.

The Act sets out the conditions for triggering a recall petition and the procedures that need to be followed in running a petition. The Act also introduces rules which govern people and organisations who campaign for or against a recall petition.

This factsheet outlines the rules and will be updated when we know the date that the new rules will come into force.

About this factsheet

This factsheet covers:

- a summary of the new legislation
- a summary of the roles involved in a recall petition
- where you can find more information

What are the main rules in the Act?

There are rules about:

- when a recall petition can happen
- how much campaigners can spend on a petition campaign
- receiving donations

When will a recall petition be triggered?

The Act introduces a process by which an MP will lose their seat in the House of Commons if a petition to recall them is successful.

The Petition Officer will open a recall petition after the Speaker of the House of Commons notifies them that an MP has been:

- convicted of an offence and received a custodial sentence
- barred from the House of Commons for 10 sitting days or 14 calendar days, or
- convicted of providing false or misleading information for allowance claims under the Parliamentary Standards Act 2009.

Once a Petition Officer has opened a recall petition, it will be open for signing for 6 weeks. If at least 10%

of the electorate in the constituency signs the petition, the MP will lose their seat and a by-election will be triggered. The recalled MP can stand as a candidate at the by-election.

If one of the above conditions has been met but:

- a UK Parliamentary general election is to be held within the next 6 months
- a recall petition is already underway in respect of the MP, or
- the MP's seat has already been vacated

the Speaker of the House of Commons will not notify the Petition Officer and a recall petition will not be opened.

Roles

The Electoral Commission's role in the process is to:

- provide advice and guidance to help people understand the rules
- publish a report on any issues relating to administration of a recall petition and the framework for campaign spending and donations at these events.

The Petition Officer's role is to:

- open a recall petition
- notify electors that a recall petition has been opened
- oversee the administration of the petition
- declare the result
- receive donation and spending returns and make them available for public inspection.

The role of the police is to:

- investigate breaches

- enforce compliance with the law

The Petition Officer is the same person as the Returning Officer in a constituency.

When are petition campaigns regulated?

The Act sets out rules for spending and donations on petition campaigns. There is a set time when the rules on spending and donations apply. We call this time the 'regulated period'. The regulated period will:

- start on the day after the Speaker of the House of Commons notifies the Petition Officer that the conditions for opening a petition have been met and
- end on the day the Petition Officer notifies the Speaker of the House of Commons of the result of the petition.

The spending rules

There are two types of campaigners; 'accredited' and 'non-accredited' campaigners. During the regulated period, the spending limits are:

- £500 for non-accredited campaigners
- £10,000 for accredited campaigners

An eligible person or organisation can become accredited by notifying the Petition Officer in writing. You can only be an accredited campaigner if you are:

- an individual registered on a UK electoral register or resident in the UK

- a UK registered political party (including 'minor' parties)
- a UK registered company which is incorporated in the EU and carries on business in the UK
- a UK registered trade union
- a UK registered building society
- a UK registered Limited Liability partnership which carries on business in the UK
- a UK registered friendly, industrial or provident society
- a UK based unincorporated association that carries on the majority of its business or other activities in the UK

Accredited campaigners must also notify the Petition Officer of a 'responsible person'. This person is responsible for making sure the accredited campaigner follows the rules on spending, donations and reporting.

If a campaigner incurs spending as part of a joint plan with one or more other campaigners, that spending will count towards the spending limit of all the campaigners involved in the arrangement.

Accredited campaigners must submit a spending return to the Petition Officer with details of donations and spending. The return must be submitted within 30 days from the day after the Petition Officer notifies the Speaker of the House of Commons of the result of the petition.

The donations rules

Accredited campaigners are subject to rules on donations they receive towards spending on petition campaigns. Donations over £500

must come from a permissible source. Permissible sources are:

- a UK registered political party (including 'minor' parties)
- an individual registered on a UK electoral register, including overseas electors and those leaving bequests
- a UK registered company which is incorporated within the EU and carries on business in the UK
- a UK registered trade union
- a UK registered building society
- a UK registered limited liability partnership (LLP) that carries on business in the UK
- a UK registered friendly society
- a UK unincorporated association that is based and carries on business or other activities wholly or mainly in the UK

Campaigners have 30 days from receipt to check permissibility. Campaigners must return impermissible donations. If a campaigner does not return the donation within this time, they will be deemed to have accepted it. They may also be subject to enforcement action if the donation is from an impermissible source and the Commission can apply for forfeiture of the donation.

Accredited campaigners who are registered political parties (excluding minor parties) do not report donations to the Petition Officer as they report their donations to the Electoral Commission. All other accredited campaigners must report donations over £500, including impermissible donations, in the spending return to the Petition Officer.

When will the Act come into force?

The Government will provide more detail on the rules in secondary legislation and the new rules will not come into force until the secondary legislation is approved by Parliament.

The Electoral Commission will produce further guidance when the secondary legislation is made. We will also be available to offer advice when the new rules come into force.

Further information about the Act

On our website, you can read our briefings on the Act, including further information on the changes made:

<http://www.electoralcommission.org.uk/our-work/our-views/parliamentary-briefings>

Contact details

You can contact the Electoral Commission on 0333 103 1928. When you call this number you will be given a number of options that will direct you through to the party and election finance advice line or your national office. You can also email us:

- England: pef@electoralcommission.org.uk
- Scotland: infoscotland@electoralcommission.org.uk
- Wales: infowales@electoralcommission.org.uk
- Northern Ireland: infonorthernireland@electoralcommission.org.uk