



Cabinet Office

Guidance for Petition Officers - administration of recall petitions under the Recall of MPs Act 2015

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Guidance for Petition Officers - administration of recall petitions under the Recall of MPs Act 2015

Under the Recall of MPs Act 2015 (“the Act”), when one of the three conditions for a recall condition is met, there is a statutory duty placed on the “Petition Officer” to make arrangements for a recall petition to be opened in their constituency. To date, there have been three recall petitions held under the Act.

Having considered the operation of these recall petitions and in light of a recommendation from the Electoral Commission that the responsibilities of Petition Officers are clarified, the Cabinet Office is publishing guidance to assist Petition Officers in the performance of their statutory duties.

This guidance does not change the responsibilities of Petition Officers. It is intended to offer further guidance on the statutory duties placed on Petition Officers which are set out in the Act and the Recall of MPs Act (Recall Petition) Regulations 2016 (“the Regulations”).

The number of signing stations opened during the six-week signing period

The process as set out in the Recall of MPs Act 2015

- The Recall of MPs Act 2015 (“the Act”) sets out the responsibilities of the Petition Officer once they have been notified by the Speaker of the House of Commons that one of the recall conditions have been met and arrangements for a recall petition need to be made.
- Once notification has been received, the Petition Officer must, as soon as reasonably practicable, designate “a place, or places, at which a recall petition is to be made available for signing”.¹
- The Act provides that “a maximum of 10 places may be designated” and in determining how many signing stations to make available, and the locations to be used as signing stations, the Petition Officer must seek to ensure:
 - “that all persons entitled to sign the recall petition have such reasonable facilities for signing it as are practicable in the circumstances”, and
 - “that so far as is reasonable and practicable, every designated place is accessible to disabled persons.”²

Guidance

- It is the responsibility of each individual Petition Officer to consider the specific needs of their constituency and determine the number of signing stations needed to ensure that all persons entitled to sign the recall petition have reasonable facilities for doing so. They should also seek to ensure that, as far as is reasonable and practicable, every place designated is accessible to disabled people.
- This means that, rather than automatically presuming the maximum number of signing stations should be opened, the size of the constituency and its particular demographics (e.g. whether it is urban and densely populated or rural) should be carefully considered.
- Ultimately, so long as the statutory requirements are complied with, it is for each individual Petition Officer to determine what is practicable and reasonable for their constituency.

¹ Clause 7 (1), Recall of MPs Act 2015.

² Clause 7 (3), Recall of MPs Act 2015.

Time at which signing places should close on the final day of the six-week petition signing period

The process as set out in the Act and the Regulations

- The Petition Officer must give public notice of the petition and this notice must set out:
 - the name of the MP who has become subject to the petition process,
 - the details relating to the recall condition which has been met in relation to that MP,
 - the beginning and end dates of the signing period,
 - the situation of each petition signing place,
 - the days and hours during which the petition will be available for signing at each petition signing place, and
 - the persons entitled to sign the petition under section 10 of the Act (persons entitled to sign a recall petition).³
- The Petition Officer must ensure that the petition is available for signing at each petition signing place:
 - on each working day through the signing period; and
 - between the hours of 9am and 5pm on each of those days.
- The Petition Officer must also make “reasonable provision for the availability of the petition for signing at other times during the signing period” and for this purpose, the Petition Officer can specify different signing days and hours for different petition signing places.⁴

Guidance

- The legislation provides flexibility and discretion to Petition Officers to enable them to make arrangements appropriate to their constituency to ensure that eligible voters are able to access the petition.
- This is because recall petitions are one-off electoral events held in a singular constituency and should be organised in a way that reflects the particular needs of that constituency.
- The Regulations provide that in addition to ensuring the petition is available for signing between the set opening hours of 9am to 5pm on each working day, the petition officer must ‘make reasonable provision for the availability of the petition for signing at other times during the signing period.’⁵

³ Regulation 14, Recall of MPs Act (Recall Petition) Regulations 2016

⁴ Regulation 14, Recall of MPs Act (Recall Petition) Regulations 2016

⁵ Regulation 15, Recall of MPs Act (Recall Petition) Regulations 2016

- It is for each individual Petition Officer, taking account of the local context, to determine what is reasonable in terms of making provision for all eligible voters to access the petition outside of the set opening hours.
- The days and hours on which the petition will be available for signing at each signing station must be clearly communicated in the public notice informing constituents that a recall petition is to take place.
- The public notice must also make clear at what time the petition will close at each signing station on the final day of the signing period.

Deadline for receipt of postal signing papers

The process as set out in the Act and the Regulations

- The Regulations do not specify the exact time (on the last day of the “signing period”) that postal signing papers must be returned.
- The Regulations instead stipulate that, for such signing sheets to be included in the final count, they must reach the petition officer or a petition signing place before the end of the signing period”.⁶

Guidance

- In making arrangements for the recall petition, it is the responsibility of the Petition Officer to issue a public notice informing constituents that a recall petition is taking place. This notice should clearly set out both the end date for the signing period and the closing time for signing stations. It is the end of the signing period which determines the deadline for the return of postal signing sheets by post.
- In respect of postal voters who intend to deliver the postal signing sheet by hand (rather than in the post), the closing time for signing stations will determine the time by which any undelivered postal signing sheets must be returned to each station.
- In any event any postal signing sheets need to be returned by the end of the signing period. This mirrors the arrangements made for other electoral events such as parliamentary General Elections where the deadline for the return of postal signing sheets by hand (rather than by post) and the close of polling stations are aligned.

⁶ Regulation 39, paragraph 3(b), Recall of MPs Act (Recall Petition) Regulations 2016

Notification of the Speaker of the petition result

The process as set out in the Act

- The Act requires that ‘as soon as reasonably practicable’ after becoming aware that a recall condition has been met, the Speaker of the House of Commons must give notice of that fact to the Petition Officer for the MP’s constituency.
- The Act provides that the ‘Speaker’s notice’ must:
 - specify the date on which it is given;
 - specify which of the recall conditions has been met and;
 - in a case in which the first recall condition has been met, must specify the offence of which the MP has been convicted.
- At the end of the signing period, there is a corresponding duty on the Petition Officer to determine ‘as soon as reasonably practicable’ whether the recall petition was successful and notify the Speaker that the recall petition was successful or unsuccessful.
- It is the responsibility of the Petition Officer to make the arrangements for the count to determine the number of persons who have validly signed the petition. The count must begin as soon as reasonably practicable after the end of the signing period and, in any event, no later than one day after the end of that period.⁷
- Once the Speaker has been notified of the result of the petition, the Petition Officer must issue a public notice of the outcome of the recall petition.

Guidance

- Recall petitions are unique in that they are one-off electoral events held in a single constituency. It is for this reason that Petition Officers have discretion in some respects to make arrangements which are appropriate to their constituency.
- The Act and the Regulations do not specify the form that the communication between the Speaker and the Petition Officer must take. As such, it is open to the Speaker and the responsible Petition Officer to make appropriate practical arrangements.
- Once initial contact has been made by the Speaker, the Petition Officer should as early as possible in the six-week signing period, agree with the Speaker’s Office how they will notify the Speaker of the outcome of the recall petition.
- Practically, this means ensuring that there is a clear line of communication between the Petition Officer and the Speaker and also that the Speaker’s Office are aware of what time they can expect to be notified of the result. This is because, until the Speaker has acknowledged receipt of the result, the Petition Officer cannot issue their public notice announcing the result.

⁷ Regulation 39(1) of the Recall of MPs Act (Recall Petition) Regulations 2016

- Whilst the Act does not require the Speaker to confirm receipt before public notice is given, it is recommended and the usual practice has been that receipt is confirmed. This is because, in the event a petition does reach the signing threshold, the Speaker will be able to notify the MP in question prior to the result being announced.
- In the interests of timeliness and transparency, the results of any electoral event should be made public as soon as practicable. It is for this reason that Petition Officers should make practical arrangements for communication with the Speaker's Office.