

# Introduction to the Recall of MPs Act 2015

## August 2016

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The Recall of MPs Act 2015 introduced 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 must 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 explains the main rules about recall petitions.

## About this factsheet

This factsheet explains:

- when the Recall of MPs Act 2015 came into force
- how a recall petition is triggered
- 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 did the Act come into force?

The Recall of MPs Act 2015 came into force on 4 March 2016.

## 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 (including a suspended sentence) or ordered to be

detained, other than solely under mental health legislation

- 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.

In the case of a conviction, the recall petition will not be opened unless the appeal period expires without the conviction, sentence or order having been overturned or all appeals have been heard and dismissed.

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 due 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.

A petition will be open to sign for 6 weeks. However, it will be terminated early if:

- the MP's seat is made vacant for any other reason (such as resignation)

- the MP's conviction, sentence of imprisonment or detention order is overturned, or
- Parliament calls an early UK Parliamentary general election which will be held within 6 months of the Speaker's notice

## Roles

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

- provide advice and guidance to help people understand the rules
- forfeit impermissible donations, if necessary by court order
- 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, including publishing a register of electors who can sign the petition and notifying those electors of the petition
- declare the result, including notifying the Speaker of the House of Commons
- receive donation and spending returns and make them available for public inspection.

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

The role of the police is to:

- investigate breaches
- enforce compliance with the law

## How are petition campaigners regulated?

People or organisations may wish to campaign for or against the recall petition. 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; 'registered' and 'un-registered' campaigners. During the regulated period, the spending limits are:

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

An eligible person or organisation can become registered by notifying the Petition Officer in writing. You can only be a registered 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

Registered campaigners must also notify the Petition Officer of a 'responsible person'. This person is responsible for making sure the registered 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.

Registered 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.

Please see our [spending and donations guidance](#) for more information about the spending rules.

## The donations rules

Registered 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.

Registered 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 registered campaigners must report donations over £500, including impermissible donations, in the spending return to the Petition Officer.

Please see our [spending and donations guidance](#) for more information about the donations rules.

## More information

This factsheet explains the main rules. We have published full guidance for petition campaigners on [spending and donations](#) and [imprints](#).

## Contact details

You can contact us for advice on, spending and donations and imprints using the contact details below. Please contact the Petition Officer for details on registering.

Call us on 0333 103 1928 or 0333 103 1929 (Welsh)

Or email

- England:  
[pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk)
- Scotland:  
[infoscotland@electoralcommission.org.uk](mailto:infoscotland@electoralcommission.org.uk)
- Wales:  
[infowales@electoralcommission.org.uk](mailto:infowales@electoralcommission.org.uk)
- Northern Ireland:  
[infonorthernireland@electoralcommission.org.uk](mailto:infonorthernireland@electoralcommission.org.uk)

Visit us at

<http://www.electoralcommission.org.uk>

We welcome feedback on our guidance – just email us at:  
[pef@electoralcommission.org.uk](mailto:pef@electoralcommission.org.uk).