



Recall of MPs Bill 2014-15

Bill No 94 of 2014-15

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The *Recall of MPs Bill 2014-15* was introduced on 11 September 2014, and is scheduled to be debated on second reading on 14 October. There was a commitment to legislate to introduce a power of recall in the Coalition Agreement, and a draft bill was scrutinised by the Political and Constitutional Reform Committee in 2012.

The Bill provides that a recall petition will be triggered if a Member is sentenced to a prison term or suspended from the House for at least 21 sitting days (28 calendar days, if not specified in terms of sitting days). If either occurs, then the Speaker gives notice to a petition officer, who in turn gives notice to parliamentary electors in the constituency. A petition is open for signing for eight weeks. If at the end of that period at least 10 per cent of eligible electors have signed the petition, the seat is declared vacant and a by-election follows. The Member who was recalled can stand in the by-election. The Bill introduces rules on the conduct of the recall petition, including campaign spending limits for those supporting and opposing recalling the Member.

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Summary

Recall is a term used to describe a process that allows the electorate in a particular constituency to petition in order to trigger a vote between scheduled elections. It may result in an existing elected representative's period of office terminating early.

In the aftermath of the 2009 parliamentary expenses scandal, the three main political parties all proposed some kind of recall mechanism in their manifestos for the 2010 general election.

The Coalition Agreement included a commitment to bring forward early legislation to introduce a power of recall. The Government published a draft bill and white paper in December 2011. The Government identified recall as a means of restoring faith in the political process, by increasing the accountability of Members of Parliament to the electorate between elections. However, it believed that a recall petition should only be triggered following a finding of serious wrongdoing; it should not be triggered for political reasons – perhaps because MPs had voted in a particular way that constituents opposed. The Government had not defined serious wrongdoing because any statutory definition could infringe parliamentary privilege.

The Political and Constitutional Reform Committee undertook pre-legislative scrutiny and recommended that the Government abandon its plans to introduce a power of recall. The Committee was neither convinced that the Government's proposals would increase public confidence in politics nor that there was a gap in the existing disciplinary powers which needed to be filled by recall. Despite its main recommendation, the Committee accepted that the Government could be unwilling to discard a coalition pledge so it also made recommendations on the operation of the recall process. In its response to the Committee, the Government confirmed that it would introduce a recall bill.

The *Recall of MPs Bill 2014-15* was introduced into the House of Commons on 11 September 2014, and is scheduled to be debated on second reading on 14 October. Committee stage will be taken on the floor of the House.

The Bill provides that a recall petition will be triggered if a Member is sentenced to a prison term or suspended from the House for at least 21 sitting days (28 calendar days, if not specified in terms of sitting days). If either occurs, then the Speaker gives notice to a petition officer, who in turn gives notice to parliamentary electors in the constituency. A petition is open for signing for eight weeks. If at the end of that period at least 10 per cent of eligible electors have signed the petition, the seat is declared vacant and a by-election follows. The Member who was recalled can stand in the by-election. The Bill introduces rules on the conduct of the recall petition, including campaign spending limits for those supporting and opposing recalling the Member.

There are already both statutory sanctions preventing individuals sentenced to over 12 months in prison from standing for election or sitting as MPs; and disciplinary processes within the House of Commons for Members who breach the Code of Conduct, which could lead to suspension or expulsion from the House. These sanctions are not changed by the *Recall of MPs Bill*. Members sentenced to over a year in prison will continue to automatically lose their seat; and breaches of the Code of Conduct will continue to be investigated by the Parliamentary Commissioner for Standards and, if necessary, sanctions recommended by the Committee on Standards will continue to be voted on by the House. However, the behaviour of the Committee and the House may change if their recommendations and decisions could trigger a recall petition.

The Bill applies to England and Wales, Scotland and Northern Ireland. It only covers MPs at Westminster.

Zac Goldsmith has introduced private Member's bills in each session since 2010, making provisions for a much broader system of recall to be introduced. His *Recall of Elected Representatives Bill 2014-15* provides for the public to initiate recall procedures against Members of Parliament, and for recall procedures to be extended, by regulation, to other elected representatives.

1 Introduction

Recall is a term used to describe a process that allows the electorate in a particular constituency to petition in order to trigger a vote between scheduled elections. It may result in an existing elected representative's period of office terminating early.

In the aftermath of the 2009 parliamentary expenses scandal, the three main political parties all proposed some kind of recall mechanism in their manifestos for the 2010 general election. The Labour Party restricted its commitment to financial wrongdoing, whilst the Conservative and Liberal Democrat Parties both referred to serious wrongdoing. No information was given on the nature of the processes that the parties envisaged.¹

Following the general election, the Conservative and Liberal Democrats' Coalition Agreement included a commitment to "bring forward early legislation to introduce a power of recall, allowing voters to force a by-election where an MP was found to have engaged in serious wrongdoing and having had a petition calling for a by-election signed by 10% of his or her constituents".²

The Government published a draft recall of MPs bill and white paper in December 2011.³ It was the subject of pre-legislative scrutiny by the Political and Constitutional Reform Committee in the first half of 2012. The Committee recommended that the Government abandon its plans to introduce a power of recall. It was neither convinced that the Government's proposals would increase public confidence in politics nor that there was a gap in the existing disciplinary powers which needed to be filled by recall.

Despite its main recommendation, the Committee accepted that the Government could be unwilling to discard a coalition pledge so it also made recommendations on the operation of the recall process.

The Government continued to promise a recall bill, in two responses to the Political and Constitutional Reform Committee, and in response to a number of parliamentary questions.⁴ However, for a brief time in spring 2014, there were doubts that a recall bill would appear in the forthcoming Queen's Speech.⁵ At the beginning of the 2014-15 Session, the final session of the current Parliament, the Government announced in the Queen's Speech that it would "introduce legislation on the recall of Members of Parliament".⁶

The *Recall of MPs Bill 2014-15* [Bill 94] was introduced in the House of Commons on 11 September 2014.⁷ The Deputy Prime Minister issued a written statement outlining the Government's rationale for the Bill and summarising its provisions:

The Bill puts in place a recall mechanism for MPs which is transparent, robust and fair. It strikes a fair balance between holding to account those who do not maintain certain

¹ Labour Party, *A fair future for all: The Labour Party Manifesto 2010*, p9.2; Conservative Party, *Invitation to Join the Government of Britain: The Conservative Manifesto 2010*, pp65-66; Liberal Democrat, *Manifesto 2010*, p89

² Conservative Liberal Democrat coalition negotiations Agreements reached 11 May 2010, p3

³ HM Government, *Recall of MPs: Draft Bill*, Cm 8241, December 2011

⁴ Political and Constitutional Reform Committee, *Recall of MPs: Government Response to the Committee's First Report of Session 2012-13*, 22 October 2012, HC 646; Deputy Prime Minister, *Government Response to the Report of the Political and Constitutional Reform Committee on the draft Recall of MPs Bill*, July 2013, Cm 8640; [HC Deb 19 November 2013 c871W](#)

⁵ Oliver Wright, "Tories ditch pledge to let voters sack their MPs", *Independent*, 14 February 2014; Rowena Mason, "Cameron and Osborne clash with Lib Dem colleagues over surprise proposals", *Guardian*, 4 March 2014

⁶ [HC Deb 4 June 2014 c6](#)

⁷ [HC Deb 11 September 2014 c1091](#)

standards of conduct, while giving MPs the freedom to do their job and make difficult decisions where necessary.

The Bill takes account of a number of helpful recommendations from the Political and Constitutional Reform Committee's pre-legislative scrutiny report on the draft Bill which was published in 2011.

Under the Bill, there are two conditions for the opening of a recall petition; first, that an MP is convicted in the UK of an offence and receives a custodial sentence of 12 months or less; or secondly that the House of Commons orders the suspension of the MP for at least 21 sitting days—or at least 28 calendar days if the motion is not expressed in terms of sitting days.

Where one of these triggers is met, an MP's constituents will have an opportunity to sign a recall petition, calling for a by-election. If 10% of parliamentary electors in the constituency sign the petition, the MP's seat will become vacant and a by-election will be held. The recall petition process does not prevent the unseated MP from standing in the by-election.

The Bill also sets out the framework for the regulation of campaign expenditure and donations at recall petitions.⁸

At Business Questions on 11 September, William Hague, the Leader of the House, announced that the Second Reading debate would be held on 14 October, that the Committee Stage would begin on 20 October, and confirmed that all stages would be taken on the floor of the House.⁹

1.1 Existing controls on the behaviour of Members

There are already both statutory sanctions preventing individuals sentenced to over 12 months in prison from standing for election or sitting as MPs; and disciplinary processes within the House of Commons for Members who breach the Code of Conduct, which could lead to expulsion from the House.

Under the *Representation of the People Act 1981*, anyone who is sentenced to more than a year in prison is disqualified for membership of the House of Commons. Existing Members' seats are vacated, and no-one serving more than a year in prison can contest any election to the House of Commons.¹⁰ The RPA 1981 was passed as a direct result of the IRA hunger striker, Bobby Sands, being elected as the MP for Fermanagh and South Tyrone at a by-election in April 1981 whilst he was serving a long prison sentence. The disqualification of MPs if they had been convicted of a felony and sentenced to a term of imprisonment exceeding 12 months had previously been removed by the *Criminal Law Act 1967*.

In cases in which Members of either House are arrested on criminal charges, the House must be informed of the reason for which they are detained from their service in Parliament.¹¹

The House of Commons also has its own disciplinary processes. A Code of Conduct has been agreed by the House.¹² The Code states that in carrying out their duties, Members are expected to observe the seven principles of public life espoused by the Committee on

⁸ [HC Deb 11 September 2014 cc41WS-42WS](#)

⁹ [HC Deb 11 September 2014 c1077](#), c1080

¹⁰ [Representation of the People Act 1981](#) (chapter 34)

¹¹ Erskine May, *Parliamentary Practice*, 24th edition, 2011, p243

¹² House of Commons, [The Code of Conduct together with The Guide to the Rules Relating to the Conduct of Members](#), 12 March 2012, HC 1885 2010-12

Standards in Public Life,¹³ and to obey the rules and associated resolutions of the House: acting in the public interest; not acting as a paid advocate; not accepting bribes or fees; registering and declaring their financial interests; and not damaging the reputation or integrity of the House.

The Parliamentary Commissioner for Standards considers complaints alleging that a Member of Parliament has breached the Code of Conduct and its associated rules. The Commissioner can also inquire into a self-referral, with the agreement of the Committee on Standards and can investigate specific matters brought to her attention. The Commissioner will initiate an inquiry if it comes within her remit and she considers there is sufficient evidence to justify it.

An inquiry is most likely to be concluded in one of three ways:

- The Commissioner will not uphold the allegation;
- Resolution through the rectification procedure¹⁴ for a breach of the rules at the less serious end of the spectrum;
- For more serious matters or inquiries that raise issues of wider importance, the Commissioner submits a memorandum to the Committee on Standards.

The Committee informs the Member concerned and that Member has an opportunity to comment on the Commissioner's findings of fact before the Commissioner reaches her conclusions. The Member then sees a copy of the Commissioner's final report and may make representation to the Committee on Standards before it determines whether the Member is in breach of the rules and whether to recommend any sanction.

If the Committee finds the Member is in breach of the rules, it may recommend a sanction. This could be that the Member make an apology to the House, either in writing or in person, or repay the costs of any misused facilities. In more serious cases it may recommend to the House that a penalty be imposed. In the most exceptional cases the Committee could recommend the expulsion of the Member. A recommendation that the Member should have his or her salary withheld, be suspended or expelled must be debated and approved by the House.¹⁵

Under Standing Orders, Members can be suspended from the service of the House for disorderly conduct in the Chamber.

The last MP to be expelled from the House of Commons was Peter Baker, in 1954. He was expelled after being sentenced to seven years imprisonment,¹⁶ for uttering forged documents. The *Times* reported that:

The decision to submit a motion for Mr Baker's expulsion was announced in the Commons yesterday by Mr Crookshank, Leader of the House. It had been thought at first that under the Forfeiture Act, 1870, Mr Baker's seat would have been vacated automatically on his being sentenced, and it would be necessary only to move for the issue of a new writ. Doubts arose about this, and a re-examination of the law and of

¹³ The seven principles are: Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty; and Leadership

¹⁴ For information, see House of Commons Library Standard Note, [Rectification procedure](#), SN/PC/5754

¹⁵ Parliamentary Commissioner for Standards, [Procedure for Inquiries](#), April 2012, para 32

¹⁶ [HC Deb 16 December 1954 c1986](#)

precedents has led to the conclusion that a motion for Mr Baker's expulsion is necessary.¹⁷

The last MP to be expelled as a result of the House's own disciplinary powers was Garry Allighan, on 30 October 1947, "for his gross contempts of the House and for his misconduct", after the Committee for Privileges found him guilty of a libel upon the House and the acceptance of a bribe.¹⁸

2 Recall and public confidence in the political process

In the 2011 white paper on the draft Recall of MPs Bill, the Government identified recall as a means of restoring faith in the political process, by increasing the accountability of Members of Parliament to the electorate between elections. In the foreword to the white paper, Nick Clegg, Deputy Prime Minister, and Mark Harper, then Minister for Political and Constitutional Reform, wrote that:

Politicians are held accountable at elections for the way in which they have voted or their record in office. However, at present a Member of Parliament may have been found to have engaged in serious wrongdoing but would not have to account to their constituents until the next general election, which could be up to five years away. These recall proposals are about ensuring MPs remain accountable to their constituents. It was the behaviour of individual MPs which rocked confidence in Parliament over the expenses scandal and it is right that constituents should be able to express their view on their MP when they have committed serious wrongdoing.¹⁹

The Political and Constitutional Reform Committee, which undertook pre-legislative scrutiny of the Government's draft bill in the first half of 2012, published the results of a YouGov survey on the Government's proposals for recall. It reported that the proposals for recall would increase confidence in MPs and Parliament. The survey also found that 91% of respondents agreed with the idea that MPs who had committed a crime serious enough to receive a prison sentence should face a recall petition.²⁰ However, the Committee observed that not all behaviours which the public thought should merit recall were covered by criminal offences or even by the Code of Conduct.²¹ The Committee asked is "such a narrow form of recall worth introducing at all"?²²

The Committee recommended that "the Government abandon its plans to introduce a power of recall".²³ It was neither convinced that the Government's proposals would increase public confidence in politics nor that there was a gap in the existing disciplinary powers which needed to be filled by recall.

The Committee reported that witnesses thought the process was unlikely to increase public confidence in politics because, if introduced, it would rarely be used:

Democratic Audit said: "We...doubt that the government's proposals will ever result in a recall election taking place" and argued that the window of conduct which would open an MP to recall was "very narrow and possibly non-existent". Opinions differed as to

¹⁷ "Motion for MP's expulsion: Question of Precedent", *Times*, 15 December 1954, see also [HC Deb 14 December 1954 c1582](#)

¹⁸ HC Deb 30 October 1947 c1197; c1106

¹⁹ HM Government, *Recall of MPs Draft Bill*, Cm 8241, December 2011, Foreword

²⁰ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, paras 67 and 14

²¹ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, para 35

²² Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, para 13

²³ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2013, HC 373 2012-13, p3

whether it would matter if a recall mechanism was introduced but rarely used. Democratic Audit suggested that this could undermine public confidence in the recall system. On the other hand, Dr Renwick, of the University of Reading, told us that, based on the evidence of recall elsewhere, he thought that the effect on public confidence of a rarely used recall system would not be “particularly strong”.²⁴

The Committee was also told that “even if the Government’s recall mechanism was used, it would make little difference to the UK’s political landscape”. The Committee noted that, following the expenses scandal, MPs guilty of serious wrongdoing had been punished, although the process was slow. However, it was told that the recall process would also take time.²⁵

Matt Qvortrop, an academic who had analysed recall systems, told the Committee that “there is little solid evidence that the recall fundamentally changes the political landscape” and “there is only limited evidence to suggest that the recall has increased the accountability and responsiveness of elected representatives”.²⁶

The Hansard Society’s eleventh annual audit of political engagement, published in 2014, which focussed on conduct and accountability of MPs, suggests that a specific measure to address accountability is required because “the public don’t appear to have noticed any real difference in the behaviour and conduct of MPs generally” despite the “biggest turnover of new MPs in post-war electoral history”, in 2010, in the aftermath of the expenses scandal.²⁷

There is some evidence that the public think that recall could be effective in holding politicians to account. The Hansard Society found that when asked to choose two or three items from a list of measures that would be effective in holding politicians to account, 42% selected recall.²⁸ It reported that:

... the public would like to see the introduction of a right of recall for MPs as promised by all the main political parties following the parliamentary expenses scandal. ... It is regularly clear in our focus groups that the public do not feel that they have any means of holding MPs to account effectively between general elections and recall would therefore help address this. Importantly, the right of recall was also a party manifesto promise, and the public set great store in manifesto commitments as a bond of accountability.²⁹

However, the Hansard Society cautioned, before the Bill was introduced, that “the continuing failure to make progress with this policy consequently provides further evidence in the public’s mind of the extent to which MPs say one thing and do another”.³⁰

The scope of the Bill is limited. It introduces a recall mechanism for Members of the House of Commons, and the recall petition is only triggered in two circumstances: when an MP receives a custodial sentence or when an MP is suspended by the House for at least 21

²⁴ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, para 71

²⁵ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, paras 72-73

²⁶ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, para 75

²⁷ Hansard Society, *Audit of Political Engagement 11: The 2014 Report with a focus on the accountability and conduct of MPs*, 2014, p29

²⁸ The Hansard Society asked “Which two or three of the following do you think would be most effective in holding politicians to account?” The response on recall was “Introduce a right for constituents to ‘recall’ their MP if they behaved badly, forcing an immediate election for that MP” – Hansard Society, *Audit of Political Engagement 11: The 2014 Report with a focus on the accountability and conduct of MPs*, 2014, p99

²⁹ Hansard Society, *Audit of Political Engagement 11: The 2014 Report with a focus on the accountability and conduct of MPs*, 2014, p31

³⁰ Hansard Society, *Audit of Political Engagement 11: The 2014 Report with a focus on the accountability and conduct of MPs*, 2014, p31

sitting days or, when not expressed in terms of sitting days, at least 28 days. The general public cannot initiate a petition.

Questions about the role of the public in the process were raised with the Political and Constitutional Reform Committee and it also considered whether the recall procedures would be used and, if they were, whether they would make a difference, when it undertook pre-legislative scrutiny. Like the Government, the Committee opposed full recall,³¹ commenting that “differences of opinion about what constitutes the proper role of an MP should not be allowed to trigger recall petitions”. But it expressed concerns that an MP could face a recall petition as a result of “a political crime or a crime of conscience”, recommending that the Government “change its decision not to take into account the motivation of the MP in committing the offence”.³² In the subsequent Bill, the Government did not alter its opinion on these issues.

The Committee was told, by Anne Twomey, Professor of Constitutional Law, University of Sydney, that “the proposals created ‘illusory promises of empowerment’”. The same witness stated: “It is a proposal that is intended to make it look like the people will be directly empowered to recall their member of parliament, while ensuring that this will probably never occur”.³³ The Committee reported the views of others who argued that:

... voters might feel disillusioned when they discovered that they were not able to initiate recall petitions themselves and that their confidence in politics would not be increased if the use of recall was controlled by the courts and by politicians. Professor Judge, of the University of Strathclyde, argued that “the restricted nature of the Bill...would do little to assuage public perceptions of a ‘unique constitutional framework’ that is consciously (and in the case of the draft Bill deliberately) exclusionary.” In other words, it might make people feel less involved in the political process, rather than more involved. Zac Goldsmith MP suggested that the promises which the coalition parties had made about introducing recall while in opposition had been reformulated to become less participatory now that they were in power because it “was possible that people might actually make a decision for themselves, and that is a terrifying thing for a government.”³⁴

3 Triggering a recall petition (clauses 1-5)

The *Recall of MPs Bill 2014-15* [Bill 94 of 2014-15] sets out the process that has to be followed to trigger and conduct a recall petition that if successful causes the MP’s seat to become vacant; and how donations and expenses in connection with a recall petition would be regulated.

Under provisions in the Bill, the recall petition process is triggered if either of two conditions is met, and the Speaker gives notice to the petition officer in the relevant constituency. **Clause 1** sets out the two conditions and clauses 2-4 set out further details about the application of the triggers.

(i) The first condition

(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

³¹ A recall system that allows Members to be recalled for any reason

³² Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2013, HC 373 2012-13, p3 and para 18

³³ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, para 69

³⁴ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, para 70

(b) the appeal period expires without the conviction, sentence or order having being overturned on appeal.

(ii) The second condition

the House of Commons orders the suspension of the MP from the service of the House for a specified period and—

(a) where the period is expressed as a number of sitting days, the period specified is a period of at least 21 sitting days, or

(b) in any other case, the period specified (however expressed) is a period of at least 28 days.

3.1 Custodial sentence

Clause 2 sets out further details on the custodial sentence trigger. An MP would trigger the recall process if he or she were convicted and sentenced whilst an MP, even if the offence was committed before his or her election as an MP. Any sentence or order to be imprisoned or detained, including a suspended sentence would trigger the process. However, the legislation is not retrospective: offences committed before the legislation comes into force (on a day to be appointed) would not trigger the process. MPs held in custody on remand or under mental health legislation are not considered imprisoned or detained for the purposes of the legislation. The Bill is explicit that it does not alter the provisions of the *Representation of the People Act 1981*, under which Members who are imprisoned for over a year are disqualified for membership of the House of Commons whilst detained or unlawfully at large (**clause 1(6)**). The Explanatory Notes (on the first recall condition) state that “custodial sentences imposed by courts overseas would not trigger a recall petition”.³⁵

For the purposes of the Bill an elected person is an MP from the day after polling day – the legislation applies to Members whether or not they have sworn or affirmed and taken their seat.

The Speaker cannot give notice of a recall petition being triggered until the appeal period has expired, without the conviction, sentence or order having been overturned on appeal. **Clause 3** defines the expiry of the appeal period. If an appeal is made, the appeal period expires when it has been determined or otherwise disposed of. In England and Wales, those convicted in a Magistrate’s Court have 21 days after sentence to appeal against that sentence. Those convicted in a Crown Court have 28 days after sentence to appeal against that sentence.³⁶ Different limits apply for application for judicial review.³⁷

The Bill requires the court that imposes the sentence or order for imprisonment to notify the Speaker (**clause 4(2)(a)** and (b)); and, if an appeal is made, the court to which an appeal is brought has to notify the Speaker of the outcome of the appeal.

The condition in the Bill is expressed in almost identical terms as it was in the draft bill:

³⁵ EN 94 2014-15, para 16 [on clause 1(3)]

³⁶ 21 and 28 days, respectively, are also the limits for appeals against conviction, following sentence or the date sentence is deferred in a magistrate’s court, and following conviction in a Crown Court, *Criminal Procedure Rules 2013*, Rule 63 and Rule 68. For time limits in Scotland, see the *Criminal Procedure (Scotland) Act 1995* (chapter 46), s110 and chapter 8 of *The Carloway Review*

³⁷ HM Courts and Tribunals Service, *Notes for guidance on applying for judicial review*, Section 5

Bill	Draft bill
<p>The first recall condition is that—</p> <p>(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</p> <p>(b) the appeal period expires without the conviction, sentence or order having being overturned on appeal.</p>	<p>The first recall condition is that—</p> <p>(a) the member has, after becoming a member, been found guilty in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained, and</p> <p>(b) the appeal period expires (see section 3) without the conviction, sentence or order having being overturned on appeal.</p>

Questions about the threshold

When considering the Government's draft proposals that any custodial sentence would trigger the opening of a recall petition, the Political and Constitutional Reform Committee heard views suggesting that the trigger was both too broad and too narrow. It was told by one witness that any conviction for an indictable offence should trigger the recall process but others suggested that MPs should not face recall if the offence was politically motivated. In the white paper, the Government had said it took no account of motivation – in any case where an MP was imprisoned for a year or less “it would be up to their constituents to judge in the recall petition process whether the MP should retain their seat”.³⁸

Despite the difficulty of defining what constituted a political crime or a crime of conscience, the Committee recommended that the Government should take account of motivation in the recall process. The Government disagreed with the Committee, arguing that constituents who disagreed with the MPs actions should not be denied the opportunity to petition for the MP's recall:

14. Recommendation 1 [of the Committee]: We recognise the difficulty of defining what constitutes a political crime or a crime of conscience. However, we recommend that, for the purposes of the first trigger of a custodial sentence of 12 months or less, the Government change its decision not to take account of the motivation of the MP in committing the offence. One possibility would be to enable the House itself to decide whether there should be an exemption from a recall petition in a particular instance because of the political nature of the crime. (Paragraph 18)

15. We note the views of the Committee and of those who gave evidence on this point. However, having considered this matter further, we do not agree that a Member imprisoned for a crime perceived to have a political motivation should be excluded from the operation of the first trigger. We consider that imprisonment of any length would most likely lead to a loss of faith in an MP, so the current law, which only penalises those imprisoned for more than 12 months, is inadequate. In circumstances where an MP receives a custodial sentence of 12 months or less, we think it is right that constituents should have the final say on whether the MP should retain their seat.

16. There may of course be circumstances in which constituents considered that their MP broke the law only because he or she was standing up for a right or principle with which they agreed. However, it is then likely they would not sign the petition. Constituents who disagreed should not be denied recourse.

³⁸ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, para 15

17. As the Committee notes, it would be difficult to define what constitutes a political crime and if the courts have determined that the act was serious enough to hand down such a custodial sentence, having taken account of the circumstances in which it was committed, we think that the recall trigger should apply.³⁹

In his evidence to the Political and Constitutional Reform Committee, Kevin Barron, then Chair of the Committee on Standards and Privileges,⁴⁰ suggested that the threshold in the *Representation of the People Act 1981*, requiring a Member to vacate their seat, if they were imprisoned for more than a year, could be “looked at”.⁴¹

3.2 Suspension from the House of Commons

A suspension from the House of Commons can either be expressed in terms of sitting days or a total period of time. Under the second condition the suspension of a Member for at least 21 sitting days or any period of at least 28 days would prompt the Speaker to give notice of a recall petition to the petition officer in the MP’s seat. There are two circumstances in which a Member could be suspended from the House: first, either by a motion under or by the direct application of Standing Order No 44 for disorderly conduct in the Chamber (when a Member is named);⁴² and, secondly, on a motion when a committee (likely to be the Committee on Standards or the Committee of Privileges) has recommended such a suspension. The Bill has been drafted so that a Member who is named is not usually subject to a recall petition. Indeed the Impact Assessment states that a recall petition will be triggered when “the House of Commons suspends an MP for 21 days or more for a serious breach of the Code of Conduct for MPs”.⁴³ However, if the Serjeant at Arms is required to use force to remove a Member who has been named, the Member concerned is suspended until the end of the Session – it appears, but is not clear from the Bill, that this is a specified period that could exceed 28 days and could therefore trigger a recall petition (see Appendix 1 for an example of the Speaker warning Members that if the Serjeant at Arms was required to use force, they would be suspended until the end of the Session).

The condition has changed from the proposal in the draft bill:

³⁹ Deputy Prime Minister, *Government Response to the Report of the Political and Constitutional Reform Committee on the draft Recall of MPs Bill*, July 2013, Cm 8640, paras 14-17

⁴⁰ He now chairs both the separate committees: the Committee on Standards and the Committee of Privileges

⁴¹ Political and Constitutional Reform Committee, Recall of MPs, 28 June 2012, HC 373 2012-13, Q64

⁴² Under Standing Order No 44, if a Member named by the Speaker, the question, on a motion that the Member “be suspended from the service of the House”, is put forthwith. If the motion is agreed, then “... suspension on the first occasion shall continue for five sitting days, and on the second occasion for twenty sitting days, including in either case the day on which he was suspended, but, on any subsequent occasion, until the House shall resolve that the suspension of such Member do terminate” and “If a Member, or two or more Members acting jointly, who have been suspended under this order from the service of the House, shall refuse to obey the direction of the Speaker, when severally summoned under the Speaker’s orders by the Serjeant at Arms to obey such direction, the Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his direction, and the Member or Members named by him as having refused to obey his direction shall thereupon and without any further question being put be suspended from the service of the House during the remainder of the session”.

House of Commons, *Standing Orders of the House of Commons – Public Business 2013*, December 2013, HC 900, Standing Order No 44

⁴³ Cabinet Office, *MP Recall – Impact Assessment*, 26 June 2014, p5

Bill	Draft bill
<p>The second recall condition is that the House of Commons orders the suspension of the MP from the service of the House for a specified period and—</p> <p>(a) where the period is expressed as a number of sitting days, the period specified is a period of at least 21 sitting days, or</p> <p>(b) in any other case, the period specified (however expressed) is a period of at least 28 days.</p>	<p>The second recall condition is that the House of Commons resolves that the member is to be the subject of a recall petition.</p>

The draft bill, published in December 2011, required the House to resolve that a Member should be the subject of a recall petition. In the white paper, the Government had said that “before a recall petition is initiated the Government believes that there should be a finding of serious wrongdoing”. The Government had not defined serious wrongdoing because any statutory definition “would be limited in scope and open to interpretation by the courts” (i.e. it could infringe parliamentary privilege).⁴⁴

There were calls for it to be more specific, in evidence to the Political and Constitutional Reform Committee, Kevin Barron, then Chair of the Committee on Standards and Privileges, expressed concern that the Committee would be required to determine what was meant by serious wrongdoing, before it could recommend that a Member should be the subject of a recall petition. He argued that it would be “difficult” to define what was meant by serious wrongdoing outwith the criminal law and therefore to equate a serious breach of the Code of Conduct to serious wrongdoing.⁴⁵

Kevin Barron told the Political and Constitutional Reform Committee that his Committee worked hard to be non-political but that “It would be very difficult for that to happen if a Member of Parliament might, effectively, be up for re-election, but also might, effectively, be being thrown out”. He also questioned what would happen to a Committee recommendation on the floor of the House, if the Government of the day had a very small majority.⁴⁶

As the Bill now stands, the Committee on Standards is not required to change its approach. It is not required to recommend that recall petition is triggered. However, the Committee will know that if it recommends a suspension of at least 21 sitting days and it is agreed to by the House, the Member concerned would face a recall petition. Any recommendation made by the Committee could be altered by the House. A list of suspensions from the House is given in Table 1 (p23).

3.3 Speaker’s notice

Clause 5(1) requires the Speaker to give notice of the fact that either of the conditions is met to the petition officer for the Member’s constituency “As soon as reasonably practicable after becoming aware that the first or second recall condition has been met in relation to an MP”. The Speaker must do so unless any of the following apply:

⁴⁴ HM Government, [Recall of MPs: Draft Bill](#), Cm 8241, December 2011, paras 51-52

⁴⁵ Political and Constitutional Reform Committee, [Recall of MPs](#), 28 June 2012, HC 373 2012-13, Q56

⁴⁶ Political and Constitutional Reform Committee, [Recall of MPs](#), 28 June 2012, HC 373 2012-13, Q64

- (a) polling day for the next parliamentary general election is within six months,
- (b) the MP is already subject to a recall petition process, or
- (c) the MP's seat has already been vacated.

The clause also sets out what has to be included in the notice:

- (5) A notice under this section—
 - (a) must specify the day on which it is given,
 - (b) must specify which of the recall conditions has been met in relation to the MP, and
 - (c) in a case in which the first recall condition has been met, must specify the offence of which the MP has been convicted.

The notice has to be treated as received by the petition officer on the first working day after the day on which it is given.

An MP who triggers the recall petition process continues to be an MP whilst the process is underway. He or she would continue to be able to play a full part in parliamentary proceedings and would continue to receive a salary (unless serving a suspension from the service of the House).

4 The recall procedure (clauses 6-15)

4.1 The petition officer

Clause 6 of the Bill makes provision for each Parliamentary constituency in the United Kingdom to have a petition officer. In England and Wales the petition officer will be the person who is the (Acting) Returning Officer for Parliamentary elections in the relevant constituency; in Scotland it will be the Returning Officer for Parliamentary elections in the relevant constituency and in Northern Ireland the petition officer will be the Chief Electoral Officer for Northern Ireland.

Schedule 1 sets out the duty of a petition officer to conduct a recall petition. The petition officer may appoint one or more deputies to carry out the functions related to the recall petition. Local authorities are required to place the services of their officers at the disposal of the petition officer to assist in the conduct of the recall petition.

Paragraph 3 of Schedule 1 makes provision for payments to petition officers in relation to a recall petition; all payments will be paid out of the Consolidated Fund. Regulations will set out the maximum recoverable amount for services rendered or expenses incurred and the Minister may make advance payments to the petition officer on request.

4.2 Signing of the recall petition

Clause 7 requires the petition officer to designate a day from when the petition must be made available for signing. This day must be the 10th working day after the day on which the petition officer received the Speaker's notice that a recall condition has been met.

The Political and Constitutional Reform Committee had recommended that the requirement in the draft bill for a single designated location for signing the petition should be replaced with a requirement for at least two and no more than four locations.⁴⁷ The Committee also recommended that there should be a specific duty for the petition officers to ensure that the

⁴⁷ Political and Constitutional Reform Committee, *Recall of MPs*, HC 373 2012-13, p 30

designated locations are accessible to constituents who are disabled.⁴⁸ Clause 7 of the Bill requires the petition officer to designate a maximum of four places where the recall petition is to be made available for signing. These places must have “reasonable facilities” and “so far as is reasonable and practicable” must be accessible to disabled persons. There is no provision in the Bill allowing the petition to be signed electronically.

Clause 8 requires the petition officer to send a notice of the petition to all electors on the Parliamentary electoral register for the constituency and to such other persons as may be specified in regulations. Regulations will be made by the Secretary of State which will set out the requirement for the notice to contain information about the recall condition which has been met in relation to the MP.

Clause 9 states that the petition must be made available for signing at one of these designated locations or by post for an eight week period after the designated day. Regulations made by the Secretary of State under **Clause 18** of the Bill will set out the days and times when the petition will be made available for signing and allocate electors to a particular signing location (in the same way as they are allocated to a particular polling station at elections).

A separate petition signing sheet will be made available for each person to sign.

Clause 10 sets out who is entitled to sign the recall petition. A person may sign the petition if they are entitled to vote in a parliamentary election in the constituency and are included on the electoral register of parliamentary electors. An application to be on that register must be made on or before the day on which the Speaker’s notice of the petition was given in order for the elector to sign the petition. Alterations to the register which take effect after this day and on or before the cut-off day (3 working days before the beginning of the signing period) do not have effect for recall petition purposes unless they are made as a result of a court order or the correction of an error. Electors who will be 18 before the end of the eight week signing period are eligible to sign the petition.

Clause 11 sets out how a person may sign the petition; this can be in person, by post or by proxy. A person can sign the petition only once and once they have signed the petition the signature cannot be withdrawn.

The Association of Electoral Administrators had told the Political and Constitutional Reform Committee that it was concerned that voters who had a postal vote would assume that they would automatically receive a postal ballot for the recall petition when this was not the case. In written evidence to the Committee the then Minister for Political and Constitutional Reform, Mark Harper, explained why the Government had not included this in the draft bill:

The recall process must maintain political impartiality at all times. Automatically sending out a petition signature sheet to registered postal voters could be seen as soliciting petition signatures. There is also a risk that some constituents may feel compelled to sign something without the full understanding of what it is they are signing due to its authoritative appearance. For these reasons the Government decided that recall petition sheets should not be automatically sent to individuals who have registered for a postal vote.⁴⁹

The Committee recommended that electors who already had an existing postal vote should be sent a postal signature sheet if there was a recall petition saying that “the risk of being

⁴⁸ Political and Constitutional Reform Committee, [Recall of MPs](#), HC 373 2012-13, p 31

⁴⁹ Political and Constitutional Reform Committee, [Recall of MPs](#), HC 373 2012-13, [Ev 106](#)

seen to solicit signatures, or of constituents feeling compelled to sign, should be minimised by clear accompanying instructions and information about the purpose of the petition.”⁵⁰

The Bill does not specifically make provision for registered postal voters to be sent a petition sheet but the Impact Assessment accompanying the Bill states that “the postal signing method will be based on the existing provision for postal voting at parliamentary elections in Great Britain, with postal voting papers automatically being sent to existing postal voters”.⁵¹

The draft Bill had made provision for electors in Northern Ireland to sign a recall petition only by post. The Electoral Commission, in evidence to the Political and Constitutional Reform Committee, argued that it was not appropriate to have different arrangements in Northern Ireland given the drive in recent years towards greater alignment in electoral law and practice between Northern Ireland and Great Britain.⁵² The arrangements for signing the petition in the Bill apply to the whole of the UK.

It will be an offence to sign the petition more than once under **Clause 12** of the Bill. Offences under this clause mirror existing offences of illegal practices and other offences under the *Representation of the People Act 1983* and the penalties will be the same (a fine not exceeding level 5 on the standard scale, currently £5,000), although the Bill makes provision for some flexibility in sentencing under subsection (6) of Clause 12 if the court “thinks it just in the special circumstances of the case”.

4.3 Early termination of the recall petition process

Clause 13 sets out the three circumstances under which the recall petition process can be terminated before the end of the 8 week signing period:

- An early Parliamentary general election is brought forward under section 2(7) of the *Fixed-term Parliaments Act 2011*;
- The MP’s seat is vacated (because of the MP’s disqualification, death or otherwise);
- In the case of a petition where the first recall condition was met, the MP’s conviction or sentence is overturned on appeal.

The Speaker is required to notify the petition officer “as soon as reasonably practicable” after becoming aware that one of these three conditions has been met and must also lay this notice before the House of Commons. The petition officer then has to “take such steps as the officer considers necessary to terminate the process relating to the signing of the recall petition” and issue a public notice of the termination of the petition.

4.4 The result of the petition

The recall petition is successful if the number of people who validly sign the petition is at least 10% of the number of eligible registered voters. The average number of electors in a UK parliamentary constituency is 68,175,⁵³ so if just over 6,800 signed the petition a by-election would be triggered.

The Political and Constitutional Reform Committee had recommended that this threshold should be higher and should be at least 20% if there were several designated locations where the petition could be signed and if those electors who already had a postal vote were

⁵⁰ Political and Constitutional Reform Committee, *Recall of MPs*, HC 373 2012-13, p31

⁵¹ Cabinet Office, *MP Recall – Impact Assessment*, 26 June 2014, pp11-12

⁵² Political and Constitutional Reform Committee, *Recall of MPs*, HC 373 2012-13, Ev 91

⁵³ House of Commons, *Parliamentary constituencies*

automatically sent a postal signature sheet. Evidence to the Committee had suggested that 10% was too low a threshold and the Committee on Standards in Public Life had noted that “the appropriate trigger level is clearly a matter of judgement, but the relatively low level required could leave the process open to abuse through manipulation of postal or proxy votes”.⁵⁴

The number of eligible registered voters is the number of people on the register of Parliamentary electors for the relevant constituency on the **last** day of the signing period (excluding those who are on the register but who are aged under 18 on that day).

Clause 14 requires the petition officer to notify the Speaker of the outcome of the recall petition and also give a public notice of the result. The Speaker is required to lay the notice before the House of Commons.

Clause 15 makes provision for the MP’s seat to become vacant when the petition officer notifies the Speaker that the recall petition was successful. This does not apply if the seat has already been vacated as a result of the MP’s disqualification, death or for any other reason.

The subsequent by-election would only take place after the Speaker had issued the writ. The Bill does not make this automatic.

4.5 Costs of a recall petition

The [Impact Assessment](#) for the Bill estimates the cost of a recall petition to be approximately £55,000 which would be paid from the Consolidated Fund. The petition officer (who will be the (Acting) Returning Officer) would be paid a fee estimated to be £500 for their time and work.

The administration costs would include:

- Petition notice cards which would be sent to constituents advising them when a petition is open and how it can be signed;
- Costs associated with running a petition signing place. The Impact Assessment allows for one designated signing place as provided for in the draft bill; the Bill allows for a maximum of four. The costs would include the training of the petition clerks as well as the costs of the staffing of the signing places;
- Postal petition signature costs;
- Counting costs;
- Other costs which might include translation of petition documentation into Welsh if required; printing and delivery of public awareness leaflets.

A by-election following a successful recall petition is likely to cost between £200,000 and £260,000. For example the 2013 by-election in Eastleigh cost £259,629; the cost of the conduct of the poll was £133,075 and the cost of the candidates’ free mailing was £126,554.⁵⁵

⁵⁴ Political and Constitutional Reform Committee, [Recall of MPs](#), HC 373 2012-13, p31

⁵⁵ [Returning Officers’ expenses England and Wales: statement of accounts 2013-14](#), HC 619, 2014

5 Expenses and donations (clauses 16 and 17)

The draft bill did not contain provisions to regulate campaigning in respect of recall petitions although the white paper had stated that spending and donations during the recall petition period should be regulated in the same way as during other elections and referendums. In evidence to the Political and Constitutional Reform Committee the Electoral Commission recommended that the Government should consider whether the petition officer was the best person to be responsible for the regulation of petition expenditure and in its report the Committee suggested that the Electoral Commission might be better placed to undertake this role.⁵⁶

Clause 16 of the Bill gives effect to Schedules 3, 4 and 5 which regulate expenditure and donations in relation to recall petitions and impose reporting requirements. The schedules also set out the circumstances in which a person commits an offence under these provisions.

5.1 Recall petition expenses

Schedule 3 regulates expenditure in relation to recall petitions. It limits the amount of petition expenses that can be incurred during the recall petition period to £10,000 for accredited campaigners and £500 for non-accredited campaigners. Part 4 of the schedule makes provision for the Electoral Commission to prepare a code of practice on petition expenses. Paragraphs 17 and 18 in Part 5 of Schedule 3 set out the eligibility to be an accredited campaigner; this includes political parties as well as individuals. Paragraph 19 of Schedule 3 also sets out the process for submitting an accreditation notice to the petition officer. The accreditation notice must state whether the accredited campaigner is campaigning for the success or failure of the petition.

The recall petition period is defined as the period beginning with the day after the day on which the Speaker's notice is given and ends on the day that the petition officer gives notice to the Speaker of the outcome of the petition, or the day on which the petition officer is notified by the Speaker that one of the conditions for early termination of the recall petition process has been met.

5.2 Donations to accredited campaigners

Schedule 4 sets out the controls on donations to accredited campaigners who are not registered parties or who are registered parties but are minor parties. The schedule defines who can be a 'permissible donor'. The explanatory notes to the Bill provide a summary:

Schedule 4 also sets out the definition of a "permissible donor", which is: a registered party; an individual who is on the electoral register; a registered company incorporated in the United Kingdom or another member state but which conducts its business in the United Kingdom; a trade union entered in lists contained under relevant legislation set out in the Schedule; a building society; a limited liability partnership that is registered and conducts its business in the United Kingdom; a friendly society or a society that is registered under relevant legislation set out in the Schedule; or an unincorporated association of two or more people that carries on its business or activities wholly or mainly in the United Kingdom and the main office of which is in the United Kingdom.⁵⁷

Donations to registered parties are regulated by Part 4 of the Political Parties, Elections and Referendums Act 2000 (PPERA) and are not covered by schedule 4.

⁵⁶ Political and Constitutional Reform Committee, *Recall of MPs*, HC 373 2012-13, p31

⁵⁷ EN 94 2014-15

5.3 Recall petition returns

Schedule 5 puts the onus on the responsible person in relation to an accredited campaigner to make returns giving details of expenses and donations to the petition officer. Paragraph 21 of Schedule 3 defines who will be the responsible person for the accredited campaigner; in the case of a registered party (other than a minor party) this will be the party treasurer. In other circumstances the responsible person is the individual who is named in the accreditation notice. The responsible person must, within 30 days of the end of the recall period, deliver the recall petition return to the petition officer with all the documentation required under the provisions of the schedule. Evidence of payments made of £20 or more must be provided with this return.

5.4 Loans

Section 62 of the *Electoral Administration Act 2006* gives the Minister the power to make an order to extend the loans and related transactions regime in part 4 of the *Political Parties, Elections and Referendums Act 2000* (PPERA) to candidates at elections, recognised third parties at national elections and permitted participants in a referendum. **Clause 17** of the Bill amends this provision so that an order made under this section of PPERA will also cover loans in relation to accredited campaigners in recall petitions. No orders have yet been made under Section 62 of the *Electoral Administration Act 2006*.

6 States in which recall is permitted

Recall is used in comparatively few countries throughout the world, with the best known examples being certain states of the United States of America, six of the 26 cantons in Switzerland, Venezuela, the Philippines and the Province of British Columbia in Canada. It is also used in South Korea, Taiwan and Argentina amongst others.⁵⁸ Brief details of recall in some of these countries are given below; [Annex E](#) to the 2011 consultation paper on the draft bill also set out international examples of recall. The Government noted in Annex E that generally recall in other countries allowed for a politician to be recalled for 'political' reasons rather than for concerns about their conduct:

23. The Government's intention in establishing a recall mechanism is not that an MP's position should be called into question at every opportunity, but that they should be held to account where their conduct falls below the standards expected of those who hold public office. The experience of recall petitions in the United States tells us that under the models used there, politicians often face a constant stream of recall petitions. With the exception of the incumbent, every Governor of California since Ronald Reagan in the 1960s has been the subject of a recall petition. If a model was adopted similar to those which are used in some other countries, which allow for a person to be recalled for political reasons, this may only serve to prevent MPs from tackling controversial issues or taking on vested interests.

24. Whilst MPs are elected on the basis of the views they set out at the time of their election, they are elected to serve as a representative at Westminster for the duration of a Parliament. They will inevitably have to deal with a range of issues which were not apparent at the time of the election, or on which the surrounding circumstances have changed so radically that they believe a different stance is now appropriate.

25. A recall mechanism should not, in the Government's view, leave MPs vulnerable to attack from those who simply disagree with them, or think that

⁵⁸ Matt Qvortrup, "Hasta la Vista: a comparative institutionalist analysis of the recall", *Representation*, vol. 47, No. 2, July 2011, pp161-70

they should have voted a different way on a particular measure. Recall must be more than a way of trying to rerun the election to get a different result.

The Political and Constitutional Reform Committee considered recall in other countries in its report on the draft bill and commented that recall is “particularly rare in ‘Westminster style’ democracies”.⁵⁹

6.1 The United States of America

Matt Qvortrup noted in an article on recall in the journal *Representation* that recall “is predominantly an American phenomenon”.⁶⁰ However, there is no uniform recall process in the United States. Recall was first adopted in the US in 1903 when voters approved a new city charter for Los Angeles and recall of *state* officials is now permitted in the following 19 states.⁶¹

Alaska	Kansas	North Dakota
Arizona	Louisiana	Oregon
California	Michigan	Rhode Island
Colorado	Minnesota	Washington
Georgia	Montana	Wisconsin
Idaho	Nevada	
Illinois	New Jersey	

Two Governors have been removed from office following recall petitions; Lynn J. Frazier (North Dakota) in 1921 and Gray Davis (California) in 2003 (which led to the election of Arnold Schwarzenegger).⁶² In 1988 voters filed enough signatures for Evan Mecham, the Governor of Arizona, to be made the subject of a recall election but he was impeached by the State’s House of Representatives before the date of the scheduled recall election.⁶³

Recall of state legislators has been somewhat more successful, although still uncommon. For example in California there were 107 attempts to trigger a recall election between 1911 and 1994 and only 4 of these succeeded in reaching the number of required signatures on the petition.

In 1983 two state senators were recalled in Michigan for the first time in its history.⁶⁴ In April 2011 multiple recall petitions were filed against senators in Wisconsin, with nine recall elections resulting. The validity of some of the signatures on the recall petition was contested. Similar issues were raised in the successful recall of the president of the Arizona state senate in November 2011 and in Michigan where one state senator was recalled in 2011.

The signature requirements to initiate a recall election vary between states but are generally based on a formula using the percentage of the vote in the last election as a base. For further details see the website of the [National Conference of State Legislatures: recall of state officials](#). Annex E of the draft recall bill summarises the different recall procedures:

⁵⁹ Political and Constitutional Reform Committee, *Recall of MPs*, HC 373 2012-13, para 9

⁶⁰ Matt Qvortrup, “Hasta la Vista: a comparative institutionalist analysis of the recall”, *Representation*, vol. 47, No. 2, July 2011, pp161-70

⁶¹ *ibid*

⁶² *ibid*

⁶³ Richard Rose, *International Encyclopaedia of Elections*, 2000

⁶⁴ [National Conference of State Legislatures: recall of state officials](#) (last accessed 22 September 2014)

8. Only eight of the 19 states that permit recall require specific grounds for the petition, and these differ considerably from state to state. Only a portion of these provide for a system of review to ensure that these grounds are met, and different approaches are taken in such reviews.

For example, in Georgia the recalled officer may submit a petition applying for a review of the sufficiency of the grounds for recall and the facts on which the grounds are based. A judge then considers the legal sufficiency of the grounds and alleged facts, and also reviews whether probable cause exists to believe that the alleged facts are true. By contrast in Washington the superior court is obliged in all cases to conduct a hearing and determine the sufficiency of the alleged reasons for recall, but is explicitly prevented from considering the truth of the charges.

9. In the remaining 11 states where no specific grounds are required, some require the petition's proponent to set out in the petition why they believe the office holder should be recalled; some permit the official to respond to the statement of reasons, and in others the petition need not set out grounds at all.⁶⁵

Matt Qvortrup noted in his comparative analysis of recall in 2011 that the procedure was "mainly used in states where a recall process is a political tool. In states where the representative must be guilty of some form of malfeasance or misconduct, the recall is less frequently used".⁶⁶

Recall is used much more often at the local level of government in the United States; at least 29 US states permit recall of local officials.⁶⁷

6.2 Canada

The only Canadian province to have a recall mechanism is British Columbia which adopted recall in 1995 under the provisions of the *Recall and Initiative Act 1995*. This gave voters the power to remove their Member of the Legislative Assembly between elections; the petition does not have to be based on particular grounds. If the Chief Electoral Officer determines that a recall petition has a sufficient number of valid signatures and meets the requirements of the Act, the Member ceases to hold office and the seat becomes vacant. A by-election must be called within 90 days.

Since 1995 24 recall applications have been approved although 23 of the 24 petitions failed because they did not collect enough signatures; the petition must be signed by more than 40% of the voters registered to vote in the Member's electoral district at the last election.⁶⁸

The Chief Electoral Officer for British Columbia issued a detailed report on the recall process in November 2003.⁶⁹ This contains a summary of all recall attempts up to November 2003, and a detailed assessment of the procedure.

6.3 Recall in other countries

Switzerland

Switzerland does not employ recall at the federal level but 6 of the 26 cantons in Switzerland have recall provisions for their cantonal legislatures. The recall systems allow the public to petition for the recall of the whole of the legislature rather than an individual representative.

⁶⁵ Annex E to the [Recall of MPs Draft Bill](#) Cm 8241, December 2011

⁶⁶ Matt Qvortrup, "Hasta la Vista: a comparative institutionalist analysis of the recall", *Representation*, vol. 47, No. 2, July 2011, pp161-70

⁶⁷ [National Conference of State Legislatures: recall of state officials](#) (last accessed 22 September 2014)

⁶⁸ Further details of the procedure are given on the Elections British Columbia website [Elections BC: recall](#)

⁶⁹ [Report of the Chief Electoral Officer on the recall process in British Columbia](#), November 2003

Philippines

There is a recall procedure in the Philippines for local government. The percentage of signatures required to trigger a recall depends on the population of the relevant Local Government Unit and the recall is effectively a by-election with all the candidates' names on the ballot including the representative being recalled.

Venezuela

A recall mechanism was introduced in 1999 under the new Constitution drafted by the National Constituent Assembly and sanctioned by the electorate in a referendum. The elected head of state can also be subject to recall and in August 2004 President Chávez had to fight a recall election.⁷⁰ Despite opposition allegations of fraud, President Chávez survived with close to 60% of the vote.⁷¹

7 Potential use of recall in the last five Parliaments

In the Bill there are two ways in which a recall petition can be triggered, a prison sentence of a year or less, or suspension from the House. In identifying whether Members could have been subject to recall petitions in the previous five Parliaments each trigger mechanism is considered in turn, below. The outcomes of cases in which the arrests of Members in the current Parliament have been reported to the House are also noted – none would have triggered a petition. In addition to the arrests reported to the House, two Members have been convicted in the current Parliament but resigned before they were sentenced.

7.1 Triggered by imprisonment

No sitting MP has been imprisoned in any of the last five Parliaments (1992, 1997, 2001, 2005 or 2010).⁷²

The last sitting MP to be imprisoned was Terry Fields, in July 1991 (in the 1987 Parliament). He was imprisoned for 60 days for non-payment of the community charge for the period ending 31 March 1991.⁷³

Earlier in the same Parliament, a number of Northern Ireland Unionist MPs undertook campaigns of civil disobedience in protest against the Anglo-Irish Agreement and were imprisoned for periods of seven days after they refused to pay fines following convictions for either using a motor vehicle not exhibiting a licence or taking part in a public procession contrary to the *Public Order (Northern Ireland) Order 1987* (article 3).⁷⁴

Terry Fields and the Northern Ireland MPs were all sentenced to be imprisoned. Their sentences would have met the first condition in the Bill (“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 the Speaker would have had to have given notice to the petition officer in the Members’ constituencies, who would then have had to make arrangements for the signing of the recall petition.

7.2 Triggered as a result of suspension from the House

Since the beginning of the 1992 Parliament, two Members have been suspended from the service of the House for a period longer than 28 days:

⁷⁰ [The ACE Electoral Knowledge Network encyclopaedia](#); (Last accessed 6 October 2014)

⁷¹ [Venezuela: the Chávez legacy](#), Library Standard Note, SN/IA/6603

⁷² Eric Illsley and Chris Huhne both pleaded guilty whilst still MPs but were sentenced after they had resigned as MPs (see below)

⁷³ [HC Deb 15 July 1991 c1](#)

⁷⁴ House of Commons Library, [Members imprisonment since 1979](#), SN/PC/4594

- On 1 March 2000, Teresa Gorman was suspended for one month;⁷⁵ and
- On 13 February 2002, Keith Vaz was suspended for one month.⁷⁶

Both suspensions followed reports from the Committee on Standards and Privileges and had the provisions in the *Recall of MPs Bill* been in force at the time, the suspensions would have triggered recall petitions. Of course, if the provisions in the Bill had been in place, the Committee may have recommended a different length of suspension: the behaviour of the Committee and of the House may change once the consequences of a suspension of at least 21 sitting days changes. The table below lists all the Members who have been suspended for any period of time since the beginning of the 1992 Parliament, whether they were suspended following a recommendation from the Committee on Standards and Privileges or because of the application of Standing Orders relating to disorder in the Chamber.

⁷⁵ HC Deb 1 March 2000 cc428-459; Committee on Standards and Privileges, *Complaints against Mrs Teresa Gorman*, 17 February 2000, HC 260 1999-2000

⁷⁶ HC Deb 13 February 2002 cc213-223; Committee on Standards and Privileges, *Complaints against Mr Keith Vaz*, 8 February 2002, HC 605-I 2001-02

Table 1: Members suspended from the House of Commons since 1992

Date	Hansard ref	Member	Reason for suspension	Period
29.11.1993	Vol 233 c790-794	Rev. Ian Paisley (DUP)	SO No.42 relating to disorderly conduct	5 sitting days
20.04.1995	Vol 258 c350-82	David Tredinnick (Con)	Privilege Committee report [HC 351, 1994-95] Payments for tabling PQs	20 sitting days
20.04.1995	Vol 258 c350-82	Graham Riddick (Con)	Privilege Committee report [HC 351, 1994-95] Payments for tabling PQs	10 sitting days
29.07.1997	Vol 299 c1051-2	Robert Wareing (Lab)	Standards & Privileges Committee report [HC 182, 1997-98] Non-disclosure of directorship	1 week
12.07.1999	Vol 335 c26-60	Ernie Ross (Lab)	Standards & Privileges Committee report [HC 607, 1998-99] Disclosure of draft select committee report	10 sitting days
21.10.1999	Vol 336 c600-5	Don Touhig (Lab)	Standards & Privileges Committee report [HC 747, 1998-99] Receiving leaked select committee report	3 sitting days
21.10.1999	Vol 336 c600-5	Kali Mountford (Lab)	Standards & Privileges Committee report [HC 747, 1998-99] Disclosure of select committee report	5 sitting days
01.03.2000	Vol 345 c428-59	Teresa Gorman (Con)	Standards & Privileges Committee report [HC 260, 1999-00] Non-disclosure of property interests	1 month
31.10.2001	Vol 373 c884-906	Geoffrey Robinson (Lab)	Standards & Privileges Committee report [HC 465, 2000-01] Non-disclosure of contract	-
			Standards & Privileges Committee report [HC 297, 2001-02] Supplemental	3 weeks
13.02.2002	Vol 380 c213-23	Keith Vaz (Lab)	Standards & Privileges Committee report [HC 605, 2001-02] Breaches of the code of conduct & contempt of the House	1 month
27.02.2003	Vol 400 c424-9	Michael Trend (Con)	Standards & Privileges Committee report [HC 435, 2002-03] Misuse of additional costs allowance	2 weeks
11.09.2003	Vol 410 c488-90	Clive Betts (Lab)	Standards & Privileges Committee report [HC 947, 2002-03] Misuse of parliamentary pass	7 sitting days
08.02.2005	Vol 430 c1463-72	Jonathan Sayeed (Con)	Standards & Privileges Committee report [HC 233 & HC 473, 2004-05] Misuse of access to the House	2 weeks
23.07.2007	Vol 463 c610-638	George Galloway (Respect)	Standards & Privileges Committee report [HC 909, 2005-06] Conduct of Mr George Galloway	18 sitting days
23.07.2007	Commons Journal 263, No 128	George Galloway (Respect)	Named by the Speaker for wilfully disregarding the authority of the Chair (SO No. 44)	5 sitting days
31.01.2008	Vol 471 c481-490	Derek Conway (Con)	Standards & Privileges Committee report [HC 280, 2007-08] Conduct of Mr Derek Conway	10 sitting days
15.01.2009	Vol 486 c367	John McDonnell (Lab)	Named by the Deputy Speaker for conducting himself in a grossly disorderly manner (SO No. 44)	5 sitting days
16.05.2011	Vol 528 cc45-54	David Laws (Lib Dem)	Standards & Privileges Committee report [HC 1023-I, 2010-12] Mr David Laws	7 sitting days
18 .09.2012	Vol 550 c792	Paul Flynn (Lab)	Named by the Speaker for disregarding the authority of the Chair (SO No. 44)	5 sitting days

Source: House of Commons Library Standard Note, *MPs who have withdrawn from the House of Commons or who have been suspended*, SN/PC/2430

In two cases in this Parliament when the Committee on Standards (and Privileges) has recommended suspensions in excess of 28 days, the Members concerned resigned, triggering by-elections, before the House was given the opportunity to approve the Committee's recommendations. The Committee found that Denis MacShane knowingly submitted false invoices for parliamentary expenses and recommended that he should be

suspended from the House for twelve months.⁷⁷ (Following this, he was convicted and imprisoned.) The Committee found that Patrick Mercer engaged in paid advocacy and brought the House into disrepute and recommended that he should be suspended from the House for six months.⁷⁸ In both cases, the House endorsed the Committee's reports after the Members had resigned.⁷⁹ Had the Members not resigned, the second recall condition would have been met ("the House of Commons orders the suspension of the MP from the service of the House for a specified period of at least 21 sitting days or ... of at least 28 days") and the Speaker would have had to have given notice to the petition officer in the Members' constituencies.

7.3 Arrests and convictions of Members in the current Parliament

In cases in which Members of either House are arrested on criminal charges, the House must be informed of the reason for which they are detained from their service in Parliament.⁸⁰

In total eight arrests have been reported to the Speaker of the House of Commons in the 2010 Parliament. None of the eight arrests resulted in a sanction that could have triggered the initiation of a recall petition under the "custodial sentence" trigger.

Six arrests resulted in either the police taking no further action or acquittal following court proceedings.

Member	Date arrest reported	Outcome
Andrew Bridgen	9 June 2011	Police take no further action (16 June 2011)
Eric Joyce	18 March 2013	Police take no further action (28 March 2013)
Nigel Evans	14 May, 19 June 2013 and 17 October 2013	Acquitted (10 April 2014)
Caroline Lucas	29 August 2013	Acquitted (17 April 2014)

Sources: House of Commons, [Votes and Proceedings](#), 9 June 2011, Appendix, Item 9; BBC News, [Andrew Bridgen MP sex assault arrest: Police drop case](#), 16 June 2011; HC, [V&P](#), 18 March 2013, Appendix, Item 15; BBC News, [MP Eric Joyce will not face charges over bar incident](#), 28 March 2013; HC, [V&P](#), 14 May 2013, Appendix, Item 2; HC, [V&P](#), 19 June 2013, Appendix, Item 4; HC, [V&P](#), 17 October 2013, Appendix, Item 2; "Nigel Evans re-arrested over further alleged sex offences", *Daily Telegraph*, 10 September 2013; HC, [V&P](#), 29 August 2013, Item 85; Caroline Davis, "Caroline Lucas cleared of anti-fracking protest charges", *Guardian*, 17 April 2014

The remaining two arrests resulted in criminal sanctions being imposed on a Member but neither led to a prison sentence.

⁷⁷ Committee on Standards and Privileges, [Mr Denis MacShane](#), 2 November 2012, HC 635 2012-13

⁷⁸ Committee on Standards, [Patrick Mercer](#), 1 May 2014, HC 1225 2013-14

⁷⁹ [HC Deb 6 November 2012 cc754-757](#); [HC Deb 8 May 2014 cc302-310](#)

⁸⁰ Erskine May, *Parliamentary Practice*, 24th edition, 2011, p243

Member	Date arrest reported	Outcome
Eric Joyce	27 February 2012	Fine, £3,000; ordered to pay compensation (£1,400); 12 month community; banned from entering bar, pub or restaurants for three months; and curfew order imposed (9 March 2012).
Eric Joyce	3 June 2013	Fine, £1,500 (21 March 2014)

Sources: HC, *V&P*, 27 February 2012, Appendix, Item 15; Shiv Malik, “[Eric Joyce fined £3,000 for assault in House of Commons bar](#)”, *Guardian*, 9 March 2012; HC, *V&P*, 3 June 2013, Appendix, Item 23; BBC News, [MP Eric Joyce fined over Edinburgh airport abuse](#), 21 March 2014

In addition, Eric Illsley and Chris Huhne were both convicted whilst MPs in the current Parliament. Eric Illsley was sentenced to a year in prison on 10 February 2011 for dishonestly claiming parliamentary expenses,⁸¹ after pleading guilty to the charges on 11 January 2011.⁸² He resigned as an MP before sentencing, on 8 February 2011,⁸³ but under the *Representation of the People Act 1981*, he would not have had to vacate his seat as he was sentenced to exactly a year, not more than a year, in prison.

Chris Huhne resigned from the Cabinet, after being charged with perverting the course of justice, in February 2012. He pleaded guilty on 4 February 2013, and resigned as an MP.⁸⁴ He was sentenced to eight months imprisonment in March 2013.⁸⁵

In both cases, the recall process set out in the Bill would have been triggered, if they had not resigned as MPs.

Not all arrests of Members are reported to the Speaker of the House of Commons, there may be instances of other Members who have received fines or other penalties in the current Parliament who have not been reported here. The Bill provides that the Speaker must be informed if any MP is convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained. Members who are convicted but not sentenced or ordered to be imprisoned or detained would not trigger a recall petition under the Bill.

8 Total recall

Under the Government’s proposals for recall, the petitioning process can only begin if a Member is imprisoned or suspended from the service of the House of Commons. Many systems of recall include a trigger mechanism like this but some allow members of the public to initiate recall processes for any reason.

In the white paper, published alongside the draft Recall of MPs Bill, the Government said that it was “willing to consider alternative models” of recall.⁸⁶ However, the Impact Assessment published with the current Bill considered only doing nothing versus the current option in the

⁸¹ BBC News, [MPs’ expenses: Eric Illsley sentenced to year in jail](#), 10 February 2011

⁸² “[MPs’ expenses: Eric Illsley pleads guilty to dishonestly claiming more than £14,000](#)”, *Daily Telegraph*, 11 January 2011

⁸³ House of Commons, *Votes and Proceedings*, 8 February 2011, Item 12

⁸⁴ BBC News, [Nick Clegg ‘shocked’ as Chris Huhne quits after guilty plea](#), 4 February 2013; House of Commons, *Votes and Proceedings*, 5 February 2013, Item 13

⁸⁵ BBC News, [Chris Huhne and Vicky Price jailed for eight months](#), 11 March 2013

⁸⁶ HM Government, *Recall of MPs: Draft Bill*, Cm 8241, December 2011, para 86

Bill.⁸⁷ And in the foreword to the white paper, Nick Clegg and Mark Harper dismissed wider approaches to recall:

It is crucial we do all we can to ensure that MPs remain accountable to their constituents. At the same time MPs must not be left vulnerable to attack from those who simply disagree with them or think that they should have voted a different way on a particular measure. We believe that the proposals outlined here address this issue in the right way.⁸⁸

In evidence to the Political and Constitutional Reform Committee, Douglas Carswell and Zac Goldsmith argued for “real recall”. Douglas Carswell described a three-stage process – which could be initiated locally without any pre-conditions:

Under the real recall proposal, it's a three-stage process. A petition is initiated locally; the complaint is initiated locally. If a certain number of people—I would say one in five voters—sign that petition, you face stage B, which is the recall ballot. It's a yes/no vote. ... If more than half the people taking part in that vote said yes, you should be recalled, you would face a by-election.⁸⁹

Supporters of total recall argue that it avoids any involvement of Members in the process of determining whether their peers should face a recall petition.⁹⁰

The Committee also heard evidence against proposals for total recall. Witnesses identified the asymmetric effects that arise, either, when the decision of one set of constituents affects the whole country (if a minister faces recall), or, where recall is used against an individual whereas it is a party responsibility.⁹¹

The Committee argued against a system of full recall:

We believe that a system of full recall may deter MPs from taking decisions that are unpopular locally or unpopular in the short-term, but which are in the long-term national interest. It may also discourage them from taking on powerful interests, or expressing controversial or unusual opinions. The Government argues that a recall mechanism should not leave MPs vulnerable to attack from those who simply disagree with them. We agree. For these reasons, we cannot support a system of full recall.⁹²

In its response to the Committee's report, the Government set out the Committee's conclusions on “full recall” and welcomed them. It concluded that recall should be triggered by serious wrongdoing, and that it should not be possible to for recall to be initiated by “anyone for any reason”:

The Government welcomes and agrees with the Committee's conclusion on a system of full recall. The Government's White Paper looked at a number of international examples of recall including those where a recall petition can be initiated by anyone for any reason. However, we do not think that a model can simply be imported and whilst MPs are elected on the basis of the views they set out at the time of their election, they are elected to serve as a representative at Westminster for the duration of Parliament. An MP should therefore only face recall if they have done something seriously wrong.

⁸⁷ Cabinet Office, *MP Recall – Impact Assessment*, 26 June 2014

⁸⁸ HM Government, *Recall of MPs: Draft Bill*, Cm 8241, December 2011, p5

⁸⁹ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, Q2

⁹⁰ Political and Constitutional Reform Committee, *Recall of MPs*, HC 373 2012-13, Qq1-3

⁹¹ Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, paras 80-83

⁹² Political and Constitutional Reform Committee, *Recall of MPs*, 28 June 2012, HC 373 2012-13, para 84

Full recall could lead to MPs facing a stream of recall petitions and we agree with the Committee that it could also deter MPs from taking difficult decisions.⁹³

8.1 Private Members' bills on recall since 2010

Zac Goldsmith, MP for Richmond Park, has worked with other MPs and 38 Degrees⁹⁴ to develop proposals for full recall.

Following the Queen's Speech in the current session, he tabled an Early Day Motion calling for a recall system that would allow voters to recall elected representatives for "whatever reason":

That this House welcomes the Government's commitment to introduce a power of recall for constituents to recall their hon. Members; urges the Government not to introduce a system that requires approval by a parliamentary or other committee; and calls instead for a system where voters themselves can recall their elected representatives if a majority has lost confidence in them, for whatever reason, and if enough voters sign a petition to trigger a recall vote, in order to rebuild trust between people and power.⁹⁵

At 12 September 2014, the EDM had been signed by 68 Members.

In July 2014 a number of MPs who supported proposals for a wider recall mechanism met to discuss these proposals.⁹⁶ Their conclusions formed the basis of the *Recall of Elected Representatives Bill 2014-15*, which Zac Goldsmith introduced on 9 September 2014.⁹⁷

The Bill provides for a means of petitioning for the recall of an MP that is initiated by constituents, in contrast to the Government's Bill in which the petitioning process is triggered following a custodial sentence or a suspension from the House of Commons of at least 21 sitting days. A draft version of the Bill was discussed in July 2014 by a number of MPs who supported proposals for a wider recall mechanism.⁹⁸

Zac Goldsmith has introduced private Members' bills on recall in every session of the current Parliament, none made progress beyond introduction. The bills have differed, for example, a notice of intent to recall was not included the 2010-12 Bill:

- *Recall of Elected Representatives Bill 2010-12*;
- *Recall of Elected Representatives Bill 2012-13*;
- *Recall of Elected Representatives Bill 2013-14*;⁹⁹
- *Recall of Elected Members of Parliament Bill 2013-14*; and
- *Recall of Elected Representatives Bill 2014-15*.

⁹³ Deputy Prime Minister, *Government Response to the Report of the Political and Constitutional Reform Committee on the draft Recall of MPs Bill*, July 2013, Cm 8640, para 83

⁹⁴ 38 Degrees describes itself as "a community of UK citizens working together to bring about real change in the UK by taking action on the issues that we all care about" [38 Degrees, *FAQs*]

⁹⁵ *Early Day Motion 25*, 2014-14

⁹⁶ 38 Degrees, *Power of Recall: Hearing for Line by Line Scrutiny Report*, 7 July 2014

⁹⁷ *HC Deb 9 September 2014 c792*; Andrew Grice, "Critics of Recall Bill vow to give voters right to force by-elections to sack MPs", *Independent*, 12 September 2014

⁹⁸ 38 Degrees, *Power of Recall: Hearing for Line by Line Scrutiny Report*, 7 July 2014

⁹⁹ This Bill was introduced under the 10-minute rule procedure. Although it was not printed, Zac Goldsmith described its effect when he sought leave to introduce it [*HC Deb 4 December 2013 cc937-939*]

In 2010-12, John Mann introduced the [Recall of Elected Representatives \(No 2\) Bill 2010-12](#).

8.2 Recall of Elected Representatives Bill 2014-15

The *Recall of Elected Representatives Bill 2014-15* [[Bill 88 of 2014-15](#)] provides for a notice of intent to recall signed by five per cent of voters in a parliamentary constituency to trigger a recall petition. If the recall petition is signed by 20 per cent of voters, a recall referendum is held and the seat is vacated if the majority of people voting vote in favour of the Member being recalled from Parliament.¹⁰⁰ The proposals are contrasted below with those contained in the Government's *Recall of MPs Bill*.

<i>Recall of Elected Representatives Bill</i>	<i>Recall of MPs Bill</i>
Introduced by: Zac Goldsmith	Introduced by: Government
Trigger: notice of intent to recall signed by 5% of eligible voters in the 28 days preceding its deposit with the Returning Officer	Trigger: MP imprisoned for a year or less or suspended for at least 21 sitting days (or 28 days)
Recall petition threshold: 20% of eligible voters	Recall petition threshold: 10% of eligible voters
Threshold achieved: Referendum on whether MP should be recalled	Threshold achieved: MP recalled, seat vacated, by-election triggered: the recalled MP can stand
If more voters vote that the MP should be recalled than vote that the MP should not be recalled, the Member's seat becomes vacant	

The *Recall of Elected Representatives Bill 2014-15* provides that the notice of intent to recall should include a statement of reasons (up to 200 words) setting out why the Member should be recalled; and sets the wording of the recall petition, and of the recall referendum question.

If the Returning Officer determines that the notice of intent to recall is effective, the MP who faces a recall petition is able to "respond to the statement of reasons given in the notice of intent to recall in a written statement in reply". The MP's statement of reply must not exceed 200 words and must be provided to the Returning Officer within 10 working days.

The petition should be made available for signature three weeks after the Returning Officer issued a recall petition notice and invited the MP to reply to the notice of intent to recall. The Returning Officer must ensure that "any statement in reply by the member is available to be read, at the designated places throughout the signing period". The recall petition is made available for signature for eight weeks in "at least four places within the relevant constituency".

The Bill provides that the Secretary of State may by regulations extend a system of recall to local councillors, members of the Greater London Authority, elected mayors and elected Police and Crime Commissioners.

¹⁰⁰ *Recall of Elected Representatives Bill 2014-15* [[Bill 88 of 2014-15](#)], clause 1

It also provides that the power to introduce a system of recall in the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales should be devolved to those bodies.

Appendix 1 – The possibility of suspension until the end of the Session

On 16 November 1981, Rev Ian Paisley, Peter Robinson and John McQuade were named by the Speaker for grossly disorderly conduct. After the House had agreed that they should be suspended, they refused to leave the Chamber. The Speaker asked the Serjeant at Arms to enforce the House's order and warned the Members that they could be suspended for the rest of the Session (the 1981-82 Session began on 4 November 1981 and ran until 28 October 1982):

Mr. Speaker: In my judgment the hon. Members for Belfast, North (Mr. McQuade), for Belfast, East (Mr. Robinson) and for Antrim, North (Rev. Ian Paisley) are guilty of grossly disorderly conduct and of ignoring the authority of the Chair. I therefore name Mr. John McQuade, Mr. Peter Robinson and the Rev. Ian Paisley.

[...]

Mr. Speaker: Order. The hon. Members for Belfast, North, for Belfast, East and for Antrim, North will leave the House immediately.

Rev. Ian Paisley: I shall not be leaving.

Mr. Speaker: Order. The hon. Members will leave immediately. Will the Serjeant at Arms ensure that the hon. Members leave the precincts of the House? I warn the hon. Members that, if they have as much as a touch on their arms, they will be suspended for the rest of the Session.¹⁰¹

¹⁰¹ HC Deb 16 November 1981 cc23-24