



BRIEFING PAPER

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Sitting Members imprisoned since 1945

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Imprisonment of Members of Parliament

There is a requirement for the House to be notified formally of proceedings against an MP in the following cases:

- Imprisonment or remanding in custody of a Member
- On passage of any sentence of imprisonment against a Member
- Conviction of illegal or corrupt practice at a parliamentary election
- Conviction of an offence under s.10 of the *Parliamentary Standards Act 2009*¹

Once the Speaker receives such a notification he is obliged to report it to the House. The Speaker normally makes an oral statement and lays a copy of the letter before the House; The letter is recorded in the Votes and Proceedings.

Recall of MPs Act 2015

A recall procedure for Members of Parliament was introduced in 2015. The recall procedure allows the electorate of a parliamentary constituency to trigger a by-election.

S.4(2) of the *Recall of MPs Act 2015* requires the Speaker to be notified of the sentencing and imprisonment of a sitting Member of Parliament. The Speaker is also informed of any appeal against conviction and the result of that appeal as required by s.4(4) of the *Recall of MPs Act 2015*.

MPs can be recalled in the following circumstances:

- If they are convicted in the UK of an offence and sentenced or ordered to be imprisoned or detained and all appeals have been exhausted (and the sentence does not lead to automatic disqualification from being an MP);
- If they are suspended from the House, following report and recommended sanction from the Committee on Standards, for a specified period (at least 10 sitting days, or at least 14 days if sitting days are not specified).;
- If they are convicted of an offence under section 10 of the Parliamentary Standards Act 2009 (making false or misleading Parliamentary allowances claims).

Once an MP has been convicted, imprisoned and exhausted the appeals process, the Speaker must give notice to the petitions officer in the MP's constituency to open a recall

¹ [Notification of the arrest of Members](#), [HC 649 2015-16] para 8, 15 Dec 2015

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petition. Background to the introduction of recall, details of the recall process and recall campaigns can be found in the [Commons Library Briefing Paper: Recall elections](#).

Arrest of Members

The Speaker wrote to the Chair of the Procedure Committee in January 2015 to invite the Committee to review the practice of notifying the House where a Member has been arrested.

The Committee recommended retaining the requirement for police forces to notify the House authorities of the arrest of a Member on a criminal charge; but removing the obligation of the Speaker to notify the House by laying the notification on the table and its subsequent publication in the Votes and Proceedings. It proposed instead that once notified, the Clerk of the House would consult the arrested Member as to whether they wished the notification to be made to the House.

Details of the Procedure Committee's conclusions and recommendations are contained in the Committee's report, [Notification of the arrest of Members](#), which was [agreed](#) by the House on 10 February 2016

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Suggestions for new lists welcomed

Imprisonment of sitting Members of Parliament since 1945

Member	Constituency	Party	Date House notified*	Hansard reference	Length of imprisonment	Reason For imprisonment
David Weitzmann	Stoke Newington	Labour	30/10/1947	443 c1053	12 months (quashed)	Unlawful supply of toilet preparations (lipstick)
Peter Baker	South Norfolk	Conservative	01/12/1954	535 c145	7 years (expelled from House)	Uttering forged documents (six offences)
Bernadette Devlin	Mid-Ulster	Opposition Unity	02/07/1970	803 c43	6 months	Incitement to riot
Frank McManus	Fermanagh And South Tyrone	Opposition Unity	22/01/1971	809 c1453	6 months	Unlawful procession in contravention of the Public Order Act (Northern Ireland) 1951
Bernadette Devlin	Mid-Ulster	Opposition Unity	20/04/1972	835 c717	6 months	Unlawful procession in contravention of the Public Order Act (Northern Ireland) 1951
Frank McManus	Fermanagh And South Tyrone	Opposition Unity	20/04/1972	835 c718	6 months	Unlawful procession in contravention of the Public Order Act (Northern Ireland) 1951
Harold McCusker	Upper Bann	Ulster Unionist	28/01/1987	109 c317	7 days	Failure to pay fine following conviction of using a motor vehicle not exhibiting a licence
Kenneth Maginnis	Fermanagh and South	Ulster Unionist	25/06/1987	118 c36-7	7 days	Failure to pay fine following conviction of using a motor vehicle not exhibiting a licence
Peter Robinson	Belfast East	Democratic Unionist	21/10/1987	120 c703	7 days	Failure to pay fine following conviction of using a motor vehicle not exhibiting a licence
Cecil Walker	Belfast North	Ulster Unionist	11/01/1988	125 c3	7 days	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
Peter Robinson**	Belfast East	Democratic Unionist	25/01/1988	126 c1-2	a) 7 days (Belfast) b) 7 days (Enniskillen)	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
Ian Paisley**	North Antrim	Democratic Unionist	01/02/1988	126 c 681-2	a) 7 days (Belfast) b) 7 days (Ballymena)	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
William McCrea	Mid Ulster	Democratic Unionist	01/02/1988	126 c 681	7 days	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)

Member	Constituency	Party	Date House notified*	Hansard reference	Length of imprisonment	Reason For imprisonment
Roy Beggs	Antrim East	Ulster Unionist	15/02/1988	127 c685	7 days	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
Peter Robinson	Belfast East	Democratic Unionist	22/02/1988	128 c1	30 days (actually 7)	Failure to pay fine following conviction of using a motor vehicle not exhibiting a licence
Clifford Forsythe	South Antrim	Ulster Unionist	25/02/1988	128 c423	7 days	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
Harold McCusker	Upper Bann	Ulster Unionist	25/02/1988	128 c423	7 days	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
Martin Smyth	Belfast South	Ulster Unionist	25/02/1988	128 c423	7 days	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
William Ross	Londonderry East	Ulster Unionist	25/02/1988	128 c423	7 days	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
Peter Robinson	Belfast East	Democratic Unionist	25/02/1988	128 c424	7 days	Failure to pay fine following conviction of using a motor vehicle not exhibiting a licence
Peter Robinson	Belfast East	Democratic Unionist	19/10/1988	138 c871	7 days	Failure to pay fine following conviction of taking part in a public procession contrary to Public Order (Northern Ireland) Order 1987 (article 3)
Terry Fields	Liverpool, Broadgreen	Labour	15/07/1991	195 c1	60 Days	Non-payment of the community charge for the period ending 31/03/1991
Fiona Onasanya	Peterborough	Independent	11/02/2019	654 c593	3 months	Perverting the course of public justice

Notes:

* Date that the House was notified is not the same as the date of the conviction nor the date of imprisonment. For full details of the latter two dates please see the Hansard reference where the original letters from the Courts are reproduced

**Member was imprisoned on two separate occasions but the House was informed of both on the same day

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