Progress of the *Recall of MPs Bill 2014-15*

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The *Recall of MPs Bill 2014-15* received Royal Assent on 26 March 2015.

The Bill was introduced on 11 September 2014 and had its second reading on 21 October 2014. The committee stage of the Bill took place on the floor of the House of Commons over two days; the first committee stage debate was on 27 October 2014 and the second was on 3 November 2014. Zac Goldsmith tabled a number of amendments that would have replaced the Government's system of recall, triggered by a MP's conduct, with a system that allowed voters to initiate a recall process. The amendment was pressed and was defeated on a division.

The only Government amendments made to the Bill were amendments to clarify the provisions of Clause 19 relating to the role of the Speaker in the recall process. These amendments were agreed on the second day of committee.

At report stage on 24 November 2014 three Opposition amendments were agreed, these were

- To reduce the period of suspension from the House from 21 to 10 sitting days to trigger a recall;
- To make provision for a further recall condition of a Member being convicted of an offence under Section 10 of the *Parliamentary Standards Act 2009*;
- To pave the way to allow a recall petition to be triggered by an offence committed before the day Clause 1 comes into force.

The Bill was read a third time on 24 November 2014.

During consideration of the Bill by the House of Lords the following amendments were agreed:

- **At Committee stage a number of technical and consequential Government amendments which would enable the Bill to make provisions as intended by the**

House of Commons when it inserted a third trigger for recall into the Bill:

- **Government amendments were also agreed at Committee stage which gave effect to the intention of the House of Commons that the Bill should be amended so that a recall petition would be triggered by an offence committed before the day Clause 1 came into force.**
- **At Report stage a Government amendment which increased the number of signing places that a petition officer could designate within the constituency from a maximum of 4 to a maximum of 10 was agreed.**
- **Also at Report stage a Government amendment to remove the power for the Act to be amended through regulations relating to the recall petition process was agreed.**
- **At third reading a Government amendment which reduced the recall petition signing period from 8 to 6 weeks was agreed.**

The House of Lords returned the Bill to the House of Commons with amendments and these were considered and agreed to on the floor of the House on 24 March 2015.

This Note provides a brief summary of the debates on the Bill in the both Houses. For background to the Bill and details of the provisions, as introduced, see Library Research Paper 14/53, *Recall of MPs Bill 2014-15*.

Contents

1 Background

The *Recall of MPs Bill 2014-15* was introduced on 11 September 2014, and was debated on second reading on 21 October 2014. There had been 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.

Library Research Paper 14/53, *Recall of MPs Bill 2014-15*, gives further information about the Bill but, briefly, 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 would give notice to a petition officer, who in turn would give notice to parliamentary electors in the constituency. A petition would be 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 would be declared vacant and a by-election would follow. The Member who was recalled could stand in the by-election. The Bill also introduces rules on the conduct of the recall petition, including campaign spending limits for those supporting and opposing recalling the Member.

The Home Affairs Select Committee has published a report which includes a draft Bill to make provision about the recall of Police and Crime Commissioners.[1] The *Recall of MPs Bill* only extends to Members of the House of Commons although there were calls during the committee stage debates for its scope to be extended to other elected representatives.

2 Second reading 21 October 2014

The second reading debate took place on 21 October 2014. Opening the debate, Greg Clark, Minister of State, Cabinet Office, said that the Bill fulfilled a commitment made by all three main political parties in their 2010 manifestos and this had been reiterated in the Coalition Agreement. He acknowledged that although there was agreement between the parties that there should be some form of recall, "delivering on the practical detail of a recall mechanism has been more difficult."[2] The Government had tried to steer a "sensible and reasonable" course between the opposing views on the introduction of a recall mechanism:

> We have stopped short of enabling recall on any grounds so that we preserve the freedom of Members of Parliament to vote with their conscience and to take difficult decisions without facing constant challenges, at the public's expense, from their political opponents. We have, of course, considered a range of recall models, including those used internationally, but there is no direct equivalent in a constitutional system such as ours anywhere in the world, so we are breaking new ground, and it is the tradition of the House and the country that we proceed with care when making constitutional change.[3]

The Minister acknowledged that critics of the Bill thought that it gave MPs too great a role in triggering recall but the Government wanted to ensure that it "complements the disciplinary procedures that already exist and the work of the independent commissioner and the Standards Committee".[4] The triggers in the Bill had been carefully designed to fit with the

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1 *Child sexual exploitation and the response to localised grooming : follow-up*, Home Affairs Select Committee Sixth report 2014-15, HC 203

2 HC Deb 21 October 2014 c770

3 HC Deb 21 October 2014 c773

4 HC Deb 21 October 2014 c776

rules of the House of Commons and were not intended to be applied to the recall of other elected office holders.[5]

Stephen Twigg, speaking for the Opposition, broadly welcomed the Bill and supported its second reading but called for its provisions to be strengthened. He argued that a recall system was needed that improved accountability and gave more powers to the public to hold their representatives to account between elections.[6] However, he called for a balance to be drawn between giving voters the opportunity to recall MPs for misconduct and allowing MPs to make difficult decisions:

> For misconduct, recall makes sense. For holding MPs to account for their voting record, general elections are the appropriate mechanism.[7]

Stephen Twigg suggested that the length of suspension from the House required to trigger a recall petition was too high and would have failed to catch some of the clear cases of misconduct in recent years. He hoped that at committee stage changes to the suspension process would be debated and that measures would be introduced to rebalance the Standards Committee so that it did not reflect a Government majority and that the lay membership of the Committee would be increased, as also proposed by Andrew Lansley.[8]

Stephen Twigg made a number of comments on the recall proposals made by Zac Goldsmith and noted that some of these would avoid the problems associated with the Government's Bill; in particular allowing the trigger to be in the hands of the people. However, this model of recall had "the potential to give enormous power to well-funded, wealthy groups and organisations that could run concerted campaigns to pressure MPs to act in a certain way."[9]

Zac Goldsmith (Conservative) welcomed the consensus between the parties that recall was necessary but was critical of the provisions in the Government's Bill:

> …the criteria in the Bill are so narrow…that the process will be virtually pointless. It will still be possible for an MP to switch parties, refuse to attend Parliament, disappear on holiday or break every promise that they made before the election without qualifying for recall. The public will discover, with the very first scandal, that they have been misled. The Bill will inflame the very resentment and anger that gave rise to it.[10]

Zac Goldsmith said he hoped to make amendments to the Bill at the committee stage; his goal was to put voters in charge of the recall process but to ensure that there were sufficient checks and balances to prevent any possibility of abuse of the system. He suggested that the mere existence of recall would give MPs "an added, implied continuous mandate".[11]

Chris Bryant (Labour) made a number of comments about the triggers for the recall system proposed in the Bill which meant that the initial decision to begin the recall petition would be left in the hands of MPs or the courts instead of the voters. He pointed out that the public thought MPs had protected each other during the expenses scandal and that a recall system

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5 HC Deb 21 October 2014 c777
6 HC Deb 21 October 2014 c780
7 HC Deb 21 October 2014 c780
8 HC Deb 21 October 2014 c783
9 HC Deb 21 October 2014 c785
10 HC Deb 21 October 2014 c790
11 HC Deb 21 October 2014 c796

with the threshold proposed in the Bill would not command the confidence of the electorate.[12] Douglas Carswell (UKIP) argued that as the Bill was currently drafted it would be MPs and Whips, not voters, who would sit in judgement on "errant MPs". He would however support the Bill at second reading, confident that it would be amended in committee.[13]

David Davies (Conservative) said he had concluded that a recall bill was necessary because he believed that the chasm between the political classes and the ordinary voters has become too wide.[14] He would vote for the Bill although he did not regard it as being a recall bill:

> If anything, it is a parliamentary expulsion Bill, because it makes it easy for the establishment of the House to expel someone from the House. Let us imagine the circumstances. A Member is found wanting by his peers in the Standards and Privileges Committee—no doubt amid a vast hue and cry from a number of tabloid and red-top newspapers—and his constituents are then told "If 10% of you vote in the referendum, this man will go." No matter that 90% of them might want him to stay; in those torrid circumstances, only 10% need to vote, and he will be expelled. I do not think that anyone who was criticised and set up in that way would survive the process, or would be reselected by his party thereafter. He might stand on his own account like Dick Taverne, like the hon. Member for Clacton, or indeed like me, but he would not survive the normal political process. This is, as I have said, a mechanism for political expulsion.[15]

Mark Durkan (SDLP) agreed that the Bill was an expulsion Bill rather than a recall Bill; he argued that the principle of recall is meant to be in the hands of the voters but in the Bill the power to initiate a recall petition was in the hands of the House or the courts.[16]

Mark Field (Conservative) suggested that the case of an MP who switches parties but who is unwilling to resign should be a "prima facie reason for recall".[17] He also commented that the second trigger (the suspension of a Member for 21 or more sitting days) was likely to be "much too open to party managers' political manipulation".[18]

Frank Dobson (Labour) opposed the Bill saying he believed that the proposals would "strengthen the hands of rich individuals and pressure groups, as well as vindictive media campaigns and unprincipled and manipulative social media targeting."[19] Richard Drax (Conservative) also opposed the Bill; he thought it was a "knee-jerk reaction" to events that had spun out of control a few years ago during the expenses scandal.[20]

Andrew Lansley (Conservative) supported the Bill in principle but expressed concern that a recall system like the one proposed by Zac Goldsmith could undermine MPs if the mechanism was abused:

> The recall mechanism proposed as an alternative to this Bill, however, is a greater risk to Members. If a Member were subject to an allegation—a serious allegation, but not a criminal one—that threatened their reputation and position in the constituency, it is clear that they would then be subject to a notice of

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12 HC Deb 21 October 2014 c800
13 HC Deb 21 October 2014 c807
14 HC Deb 21 October 2014 c809
15 HC Deb 21 October 2014 c809
16 HC Deb 21 October 2014 c827`
17 HC Deb 21 October 2014 c816
18 HC Deb 21 October 2014 c816
19 HC Deb 21 October 2014 c820
20 HC Deb 21 October 2014 c823

> intent and at risk of a recall petition. The situation would develop rapidly and the question for their party would then be whether it supported them or not.[21]

Other Members also supported the principle of having a recall system but had reservations about both the Bill and the amendments proposed by the Bill's opponents. Mike Thornton (Liberal Democrat) said the Bill had "serious flaws", the main one being that the public did not have a way of initiating a recall. However, he thought that the amendments to the Bill put down by Zac Goldsmith would not only "open the process to political abuse, but they are so horrendously long-winded and complicated that the chances of succeeding in getting anyone recalled if they deserved it would be minimal."[22] Thornton suggested that a compromise was needed between the Bill and Zac Goldsmith's proposals.

Sir George Young (Conservative) also saw risks if there was a recall mechanism like the one proposed by Zac Goldsmith. Sir George thought there was "a real risk that ministers who are doing the business of their party and the business of the Government will be destabilised by this mechanism."[23] He supported the honouring of the commitments made by the three main parties in their 2010 manifestos to introduce recall. Sir George also spoke about the role of the Standards Committee in the regulation of the conduct of MPs and suggested that the House could consider increasing the role of the Committee's lay members.[24]

Stewart Jackson (Conservative) had reservations about introducing the legislation so late in the Parliament:

> …because to do so fails to take on board the fact that there has been a significant amount of incremental reform, both administrative and legislative, in this Parliament. For example, we now elect the Chairmen of Select Committees and, from within party caucuses, Select Committee members. The power of the Whips is now much less acute than it was even five years ago.[25]

Jackson said he had changed his mind about the introduction of a system of recall and would abstain on second reading. He suggested that there was a danger of "mission creep" if recall was introduced and that "powerful groups, elites and well-funded individuals and organisations may use those particular mechanisms to oust Members with whom they bitterly disagree."[26] Graham Stuart (Conservative) agreed that a tiny minority of the public should not be allowed to use recall in a way that most people would regard as "untoward and unreasonable, simply because it is there and they feel they can use it."[27] He added:

> It would be terrible if the fear of recall were to influence not how Members treat their constituents or work on their behalf, but how they vote. That goes to the heart of the debate.[28]

Thomas Docherty (Labour) said the Opposition would support the Bill at second reading but thought it could be strengthened in a number of ways. The Opposition would consider carefully any amendments that widened the scope for recall and were clear that the trigger

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21 HC Deb 21 October 2014 c838
22 HC Deb 21 October 2014 c840
23 HC Deb 21 October 2014 c848
24 HC Deb 21 October 2014 c847
25 HC Deb 21 October 2014 c849
26 HC Deb 21 October 2014 c852
27 HC Deb 21 October 2014 c856
28 HC Deb 21 October 2014 c857

for recall should be a Member's conduct and "not the expression of an opinion with which some constituents disagree."[29]

The Deputy Leader of the House of Commons, Tom Brake, urged the House to give the Bill a second reading, saying that the Government hoped it had struck a middle ground "by providing sensible and balance proposals for a recall mechanism aimed at addressing wrongdoing".[30] The Prime Minister and the Deputy Prime Minister had both indicated that the Bill could be improved and that the Government was willing to listen to proposals.[31]

The Bill was read a second time without a division.

3 Committee stage

Three days were planned for committee stage on the floor of the House but this was reduced to two days after a Programme Motion on 3 November 2014.[32]

3.1 Day One - 27 October 2014

Zac Goldsmith introduced his amendments to the Bill and called for support for his proposals for recall which he said would be "a genuine voter-led system of recall with tight caps on spending and a high enough threshold to prevent vexatious abuse."[33] He criticised the Government's proposals as being "a bogus system of recall that is possible only in the narrowest of circumstances and with prior permission of this House."[34] He outlined the effect of his amendments:

> The process is effectively threefold. First, if 5% of the local electorate sign a notice of intent to recall, within a one-month time frame the returning officer would announce a formal recall petition. Secondly, it would take 20% of voters—14,000 or so—to sign the recall petition in person within an eight-week period to trigger a recall referendum. The referendum would be a simple yes or no—"Do you want your MP to be recalled; yes or no?" If more than 50% say yes, there would then be a by-election.[35]

The Minister of State, Cabinet Office, Greg Clark, responded that the amendments meant that there was nothing to stop repeated notice of recall petitions being lodged:

> …all with attendant publicity and each requiring only 5% of the electorate to sign, meaning that an MP could suffer a prolonged bombardment of negative publicity in that way.[36]

Goldsmith responded to concerns expressed in the second reading debate about the costs of the recall system he proposed. He said that controls were included that "mirror exactly those for the petition stage in the Government's own Bill" and suggested that it was "perfectly possible to build in further controls". He would support further amendments to the Bill at report stage to bolster the cost controls.[37]

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29 HC Deb 21 October 2014 c861
30 HC Deb 21 October 2014 c863
31 HC Deb 21 October 2014 c864 and HC Deb 15 October 2014 c298
32 HC Deb 21 October 2014 c867 and HC Deb 3 November 2014 c565
33 HC Deb 27 October 2014 c58
34 HC Deb 27 October 2014 c58
35 HC Deb 27 October 2014 c59
36 HC Deb 27 October 2014 c97
37 HC Deb 27 October 2014 c60

Anne Marie Morris (Conservative) supported Zac Goldsmith's amendments and had tabled an amendment which would make provision for a new clause that would enable the public to put forward the reason why a Member should be subjected to recall.[38] Nadine Dorries (Conservative) also supported the amendments and spoke about her own experiences when she appeared on the television programme "I'm a Celebrity..get me out of here".[39]

Cheryl Gillan (Conservative) asked whether the recall system proposed by Zac Goldsmith could be used to "to blackmail Members of Parliament who might not be able to speak out as they would wish" because they were Ministers.[40] Michael Fabricant (Conservative) had also raised the question of the risk of vexatious claims being made for party political or other purposes rather than for issues of misconduct.[41] Goldsmith responded that he and other Members who supported his amendments considered that the existence of recall was "the best possible way of challenging a noisy minority of critics either to put up or shut up." [42]

Chris Bryant (Labour) expressed support for Goldsmith's amendments although he had not signed them but said there were two issues which had not been fully addressed; the 5% required for a notice of intent to recall was very low and perhaps should be higher and the financial provisions were not strong enough.[43]

Speaking for the Opposition, Thomas Docherty placed on record the Labour Party's support for the principle of recall.[44] Although amendments concerning the role and functions of the Standards Committee were not within the scope of the Bill, he confirmed that the Labour Party wanted to see a radical overhaul of the Committee:

> That would include the removal of the Government's majority and an increase in the role and authority of its lay members. We propose that at least half the Committee should be lay members and that the Chair of the Committee should not be a Member of Parliament. I note that the right hon. Member for South Cambridgeshire (Mr Lansley), who was the Leader of the House for two years, has backed changes to the Standards Committee. If his comments are indicative of a wider view on the coalition Benches, let us move swiftly to build cross-party support for reform of the Standards Committee.[45]

The Opposition had tabled four amendments to the Bill. The first proposed halving the threshold figures that related to suspensions from the House of Commons from four sitting weeks to two and from 28 calendar days to 14. The Minister of State, Cabinet Office, Greg Clark, said the Government welcomed the constructive spirit in which the Opposition amendments were offered but had a particular problem with this one:

> There are two ways in which an MP can be suspended from the House: first, through a recommendation by the Standards and Privileges Committee; or secondly…through disorderly conduct in the Chamber and then being named by the Speaker. If an MP is suspended after being named by the Speaker, the suspension is for five sitting days for a first offence and 20 sitting days for a second offence. Setting the figure at 21 sitting days, as the Bill does, excludes

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38 HC Deb 27 October 2014 c108
39 HC Deb 27 October 2014 c115
40 HC Deb 27 October 2014 c61
41 HC Deb 27 October 2014 c59
42 HC Deb 27 October 2014 c62
43 HC Deb 27 October 2014 c64
44 HC Deb 27 October 2014 c69
45 HC Deb 27 October 2014 c69

> the possibility that a suspension from the House following being named by the Speaker for a second offence would trigger recall. I do not think that was the intention of the disciplinary measures that are in place.
>
> Members in all parts of the House have incurred the sanction of the Chair. Being suspended is not a trivial matter. It seems to me, however, that breaking the rules of order in the Chamber is not the same as a suspension for misconduct based on a recommendation by the Standards and Privileges Committee.[46]

Thomas Docherty explained the effect of the second Opposition amendment which would add a third trigger for recall to the Bill where an MP is found guilty of an offence under section 10 of the *Parliamentary Standards Act 2009*:

> …the amendment would ensure that, when the IPSA compliance officer finds that an MP has committed a serious breach of the rules, and the MP is convicted of making a false expenses claim, they will be subject to recall.
>
> Some colleagues might question why the Opposition have singled out expenses for qualifying for recall, even when a non-custodial sentence is given. Labour Members believe that a flagrant misuse of public funds by an elected representative is unacceptable and that extraordinary measures are required.[47]

A further Opposition amendment removed the exemption from recall in the case of an MP who received a custodial sentence for a crime committed before the legislation comes into force. Docherty said that "it surely cannot be right that if an historic offence comes to light and a conviction is then forthcoming, voters cannot remove and replace that convicted politician".[48] The Minister, Greg Clark, had sympathy for this proposal and said he would seek to discuss it further with the Opposition.[49]

The fourth opposition amendment sought to extend the provisions of the Bill to Members who had a dual mandate, particularly in the case of a Member who was also a councillor and had been found guilty of a breach of the councillors' rules on conduct. The Minister agreed that there was a good case for recall provisions to be extended to other elected representatives but that at the moment this was outside the scope of the Bill.[50] Later in the debate Jeremy Corbyn (Labour) suggested that the there was a need for the right to recall to remove Members of the House of Lords.[51]

Thomas Docherty said that the Opposition did not support the Goldsmith amendments to the Bill although the Labour front bench was clear that they supported the principle of recall on the grounds of misconduct but recall on the grounds of how an MP votes "would have a chilling effect on freedom of speech and limit the ability of MPs to represent their constituents effectively".[52] However, the Opposition saw merit in amendments tabled by other Members which would enable a public trigger of recall that was still based around wrong doing.

David Heath (Liberal Democrat) had tabled amendments which would give the public access to a system of recall independent of any Parliamentary committee or criminal convictions. He

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46 HC Deb 27 October 2014 c101
47 HC Deb 27 October 2014 c71
48 HC Deb 27 October 2014 c73
49 HC Deb 27 October 2014 c102
50 HC Deb 27 October 2014 c102
51 HC Deb 27 October 2014 c113
52 HC Deb 27 October 2014 c76

argued that this additional and alternative trigger would strengthen the Bill. There had been some debate as to what defines misconduct and Heath suggested that the common law offence of misconduct in public office could serve as an objective test and would put MPs in the same position as other public servants.[53] His amendments also proposed that 100 constituents could petition and make a claim of misconduct to an election court which would receive submissions relating to that claim and also receive any rebuttal from the MP concerned.[54] The election court would be the filter which would prevent constituents bringing vexatious charges time and time again.[55]

The Minister of State, Cabinet Office, Greg Clark, stated that the Bill as drafted implemented the promises made by the three main political parties at the 2010 general election. However, he added that the Bill could be improved and clarified and that the Government would be "open to reflecting improvements in the Bill during its passage".[56] The Minister said that the amendments tabled by David Heath which would allow a constituent-led trigger for recall had much to commend it and the Government would reflect on this as well as the Opposition amendment which would mean that the criminal abuse of the Parliamentary expenses system should trigger recall.

Stephen Twigg, speaking for the Opposition, also expressed support for the amendments tabled by David Heath and suggested that the proposal for an election court as a trigger of recall was a serious proposal that should have further consideration.[57]

Members opposing the Goldsmith amendments cited the fear that his proposals would "give powerful individuals with deep pockets a big influence over how our democracy is conducted" (Kevan Jones (Labour))[58] and Sir Edward Leigh (Conservative) described them as "fundamentally very dangerous" and argued that they went against the principle of allowing Members of Parliament total freedom of expression.[59] Sir Edward's own amendment to the Bill proposed that:

> No action shall be initiated against an MP in relation to a recall petition process on the basis, or as a result of votes cast, speeches made or any text submitted for tabling by such an MP, within, or as a part of, a parliamentary proceeding.[60]

The Minister, Greg Clark, sympathised with the intention behind Sir Edward's amendment but said it could have unforeseen consequences, "specifically the suspension of a Member for tabling Parliamentary questions in return for payment might be precisely the sort of misconduct for which this Bill is designed to trigger recall".[61] Sir James Paice (Conservative) echoed the views of a number of MPs when he suggested that the Bill might create an opportunity "for large pressure groups, probably backed with big money, to make a big impression on this House and to counter and influence the way in which Members vote".[62]

David Winnick (Labour) supported the Bill but was hesitant in supporting the Goldsmith amendments. He was concerned that these could "act as a kind of inhibition on MPs wishing

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53 HC Deb 27 October 2014 c82
54 HC Deb 27 October 2014 c83
55 HC Deb 27 October 2014 c84
56 HC Deb 27 October 2014 c95
57 HC Deb 27 October 2014 c133
58 HC Deb 27 October 2014 c93
59 HC Deb 27 October 2014 c122
60 HC Deb 27 October 2014 c120
61 HC Deb 27 October 2014 c103
62 HC Deb 27 October 2014 c126

to campaign".[63] Crispin Blunt (Conservative) also thought there were dangers inherent in the Goldsmith amendments and suggested that the Bill was addressing a problem that did not actually exist: he accepted that there was a reputational issue for the House of Commons since the expenses scandal but was not convinced that a system of recall was the right way to address it.

The Opposition did not press their amendments to a vote; Stephen Twigg suggested that a significant refinement of the amendments was required and said that Labour Members would work with the cross-party group of MPs who had proposed them to ensure that they could be made workable.[64] Sam Gyimah, Parliamentary Secretary, Cabinet Office, urged Members to reject the Goldsmith amendments and said the Government would return to the issues of historic offences and the trigger of criminal abuse of the expenses system at report stage.

Zac Goldsmith pressed his amendment 1 to a vote and this was defeated: Ayes 166, noes 340.

Clauses 1-5 were ordered to stand part of the Bill.

3.2 Day Two – 3 November 2014

Jacob Rees-Mogg (Conservative) tabled an amendment to clause 7 of the Bill which would make it a requirement for the petition officer to select a minimum of four places where the recall petition could be signed. The Bill had provided for a maximum of four places. Wayne David (Labour) pointed out that the Electoral Commission had also recommended that there should be a minimum of four signing places.[65] Sam Gyimah, Parliamentary Secretary, Cabinet Office, suggested that not setting a maximum could result in an inconsistent approach across the country and could increase costs of the recall procedure.[66] He reminded Members that the petition period would be eight weeks, 40 working days, giving voters time to attend a designated signing places. The opening hours of the designated places would be set out in regulations. Jacob Rees-Mogg pointed out the differences in the geographical size of constituencies and suggested that more signing places were needed in large rural constituencies than in urban constituencies of a few square miles.[67] David Heath (Liberal Democrat) agreed:

> There is also a political issue here. If we have a limited number of physical places where people can sign these petitions, where those places are situated may affect the outcome of the petition. The hon. Member for North Down (Lady Hermon) will probably agree that there are some Northern Ireland constituencies where it would matter a great deal where the place was that someone had to go to sign the petition. But that is generally true of many constituencies. Hard as it is to believe, there are areas that will be broadly supportive of a Member of Parliament, and some that will be less broadly supportive. There is an outcome issue that needs to be considered. I hope that the Minister will take that away and look at it again to see whether a better solution can be found.[68]

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63 HC Deb 27 October 2014 c117
64 HC Deb 27 October 2014 c134
65 HC Deb 27 October 2014 c572
66 HC Deb 3 November 2014 c567
67 HC Deb 3 November 2014 c575
68 HC Deb 3 November 2014 c578

Sam Gyimah urged Jacob Rees-Mogg not to press his amendment saying that expectations of service that would be hard to meet should not be set out in statute and that the flexibility built into the Bill following pre-legislative scrutiny provided enough physical locations for signing when people wished to do so in person.

The amendment was negatived.[69]

Lady Hermon (Independent) asked whether measures would be put in place "to ensure that recall petitions do not result in an increase in vote stealing".[70] Sam Gyimah responded that the Bill made provision for it to be an offence to sign the petition more than once. Lady Hermon also drew attention to the evidence of problems with postal voting in Northern Ireland at the last general election and the Parliamentary Secretary promised to assess any issues regarding postal signatures and write to her.[71]

Mark Durkan (SDLP) also asked whether there would be regulations about the security of the petition signing process. Sam Gyimah responded that the details would be set out in the regulations but added that:

> Constituents eligible to vote will be sent a petition notice card allocating them a location, and they will be able to sign only at that location. They will be marked off the register at that location when they are given a signing sheet. [72]

David Heath asked whether the Government had had any discussions with the Independent Parliamentary Standards Authority about whether it was producing a scheme to deal with the staff of a Member who lost their seat because of recall. Tom Brake, Parliamentary Secretary, Office of the Leader of the House, agreed that such discussions should take place as soon as possible.[73]

During the debate on clause 16 relating to expenses, donations and reporting, Tom Brake assured the committee that the rules would prevent undue influence by wealthy or foreign donors over the outcome of recall petitions:

> The definition of a relevant donation is consistent with wider electoral law. It is based on what counts as a donation to permitted participants at a referendum under the 2000 Act [*Political Parties, Elections and Referendums Act 2000*]. The definition of permissible donor is based on the definition relating to donations to political parties. That will prevent the overseas funding of recall petition campaigns without preventing UK electors, organisations or companies from donating to campaigners of their choice.[74]

Lady Hermon called on the Government to ensure that the Bill applied evenly across the UK, including Northern Ireland. Currently reportable donations to a Northern Ireland political party are not made public and this will apply to donors funding a recall petition. Lady Hermon argued that:

> Constituents and MPs in Northern Ireland are therefore entitled to know, as they are in Yorkshire, Devon, Cornwall or anywhere else in the United Kingdom, who is funding the recall petition that seeks to unseat them when

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69 HC Deb 3 November 2014 c591
70 HC Deb 3 November 2014 c569
71 HC Deb 3 November 2014 c571
72 HC Deb 3 November 2014 c589
73 HC Deb 3 November 2014 c597
74 HC Deb 3 November 2014 c600

> they have been legitimately and properly elected in Northern Ireland, just as other MPs have been legitimately and properly elected elsewhere in the United Kingdom.[75]

Tom Brake responded that it was not appropriate to provide a solution to this problem in the current Bill.

Government amendments to clause 19 were agreed to without division. Clause 19 mirrors existing legislation and makes provision for the Speaker's functions, such as issuing the notice to the petition officer, to be exercised by another person in the absence of the Speaker. The Government's amendments remove any ambiguities from the clause and state that if the Speaker is unable to perform the functions these are to be performed by the Chairman of Ways and Means or a Deputy Chairman of Ways and Means.

4 Report stage and third reading 24 November 2014

The report stage took place on 24 November 2014.[76] Two groups of amendments were debated at report stage: on the triggers for recall and on the wording of the petition.

Julian Huppert (Liberal Democrat) introduced the debate on a new clause which would allow the recall process to be triggered following a petition made to an election court signed by 500 or more constituents alleging improper behaviour on the part of their MP.[77] Mr Huppert explained the process:

> If the court upheld the allegation that would act as another trigger for a recall petition in the same way as a suspension by the Standards Committee of this House would do. However, because there would have been no proof of misconduct, only evidence of reasonable belief, we would require a slightly higher hurdle for the petition—15% rather than 10% of the electorate.[78]

The Opposition supported the principles behind the new clause but Thomas Docherty raised concerns about the ease with which the court process could be started as 500 signatures would not be difficult to obtain:

> A well-funded individual or group could achieve 500 signatures, tie a Member of Parliament down in difficult court proceedings, in which the attackers do not even have to prove their allegation, and, if they succeed in court, subject the Member of Parliament to not only a recall petition, but the possibility of criminal proceedings.[79]

Mr Docherty added:

> …the Opposition do not wish to see that US-style pact, with well-funded vested interest groups able to recall, tie up and bog down a Member of Parliament for four and a half years of a five-year Parliament.[80]

Two other new clauses were proposed by Mark Durkan (SDLP); one made provision for MPs to sign a pledge when they took the oath at the beginning of each new Parliament. This pledge would be a promise that they would act according to the Code of Conduct for

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75 HC Deb 3 November 2014 c602
76 HC Deb 24 November 2014 c649
77 HC Deb 24 November 2014 c649
78 HC Deb 24 November 2014 c655
79 HC Deb 24 November 2014 c673
80 HC Deb 24 November 2014 c673

Members of Parliament. The other new clause would allow the recall process to be triggered if a complaint that a Member had breached the pledge was made by at least 500 constituents to an election court.[81] The Minister, Greg Clark, suggested that the amendments raised the question as to whether the Code of Conduct should be policed both by the House of Commons and in the courts.[82]

Zac Goldsmith (Conservative) spoke against the Bill saying it did "nothing to empower voters" and describing it as "a sham and a stich-up". He had decided not to vote on the amendments because he did not want to give the Bill any credibility and urged Members to do the same adding that:

> Change is inevitable, and we are moving in the right direction. I also believe that, with the new composition of the House after the election, we will be in a better position to bring in a genuine form of recall.[83]

Thomas Docherty (Labour) reiterated the Labour Party's support for the principle of recall but suggested that the Bill could be strengthened. The amendments the Opposition had tabled would:

- Lower the threshold from 21 days to 10 days for the period of suspension from the Commons relating to the point at which a MP may be subject to a recall petition. The suspension must be the result of a report into a MP's behaviour by the Standards Committee;
- Make provision for a further recall trigger when a MP is convicted of an offence under Section 10 of the *Parliamentary Standards Act 2009*;
- Allow for recall to be triggered by an offence that was committed before the Bill received Royal Assent.

Greg Clark, Minister of State, Cabinet Office, set out the Government's views on the amendments and new clauses.[84] The Government had not tabled any amendments at Report Stage, reflecting its view that "the Bill, as drafted, meets fully and faithfully the commitment that our parties made in their 2010 election manifestos."[85] However, any amendments would be subject to a free vote, including Ministers, on the Government side.

The Minister suggested that the amendment which would lower the number of days that a Member has to be suspended for in order for the recall process to be triggered would reduce the scope that the Standards Committee might have to issue sanctions without starting a recall process.[86] The amendment meant that more Members who were suspended would be caught by the provision:

> If the recall petition process had been in force with the threshold set at 10 sitting days, then of the 11 MPs suspended since 2000 seven would have met the condition for opening the process.[87]

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81 HC Deb 24 November 2014 c661
82 HC Deb 24 November 2014 c679
83 HC Deb 24 November 2014 c667
84 HC Deb 24 November 2014 c675
85 HC Deb 24 November 2014 c675
86 HC Deb 24 November 2014 c676
87 HC Deb 24 November 2014 c676

Greg Clark also questioned whether a conviction under the *Parliamentary Standards Act 2009* should be treated differently to a conviction under other legislation:

> The trigger relates to imprisonment for other offences, many of which—including the Theft Act 1968—have been used to prosecute Members of Parliament. In considering this matter, the question in colleagues' minds should be, to put it crudely, whether theft from a member of the public is less worthy of automatic sanction than theft through the IPSA expenses system.[88]

The Minister said that it would be unusual for legislation to have a retrospective effect like that proposed by the Opposition's amendment which would ensure that historical offences could trigger recall "and for a criminal act to have consequences – in this case, triggering recall as an MP – that were not the case when the act was committed."[89]

Julian Huppert had also tabled an amendment which proposed a new clause establishing that a Member should be subject to the recall process if they were convicted of the common law offence of misconduct in public office was, Greg Clark suggested, problematic because there is no clear definition of what misconduct in public office covers, moreover the offence does not exist in Scotland.[90] He later commented that if an election court was asked to make the judgment about the alleged misconduct this would mark a significant departure from current practice and questioned whether an election court model was the right basis for the proposal.[91] Chris Bryant (Labour) argued that there was a fundamental contradiction in the new clause:

> Under it, the court could decide that how somebody had spoken in Parliament or engaged in a proceeding in Parliament could be considered relevant to a misconduct hearing. That would limit free speech, which we should guard jealously in this House, and, essentially, undo the Bill of Rights.[92]

Jacob Rees-Mogg (Conservative) agreed with much of Chris Bryant's speech and said that the new clauses which would involve an election court in the recall process would introduce a third party to try to determine what are "fundamentally political issues":

> What concerns me about the new clauses is that they would allow the courts to rule on what was going on in the House. It is very important to prevent that from happening, both from our point of view and from the point of view of the courts. The courts are rightly reluctant to rule on what they believe to be fundamentally political decisions, and it seems to me that new clauses 2 and 3 would give them authority in regard to fundamentally political decisions, such as whether someone's standard had been that of a decent Member of Parliament who had committed no offence.[93]

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88 HC Deb 24 November 2014 c677
89 HC Deb 24 November 2014 c676
90 HC Deb 24 November 2014 c677
91 HC Deb 24 November 2014 c680
92 HC Deb 24 November 2014 c685
93 HC Deb 24 November 2014 c 687

Jacob Rees-Mogg also disagreed with the amendment which would make provision for Members to sign a pledge and said he believed that the "right of recall should be as wide as it can possibly be made…and therefore reducing the threshold is sensible."[94]

The new clause making provision for a petition to an election court alleging improper behaviour on the part of a Member was defeated on division: Ayes 64, Noes 271.[95]

The amendment which would make provision for a further recall condition of a Member being convicted of the common law offence of misconduct in public office was defeated on division: Ayes 119, Noes 193.[96]

Three Opposition amendments were agreed:

- **Amendment 14: to reduce the period of suspension from the House from 21 to 10 sittings days to trigger a recall: Ayes 204, Noes 125.[97]**
- **Amendment 24: to make provision for a further recall condition of a Member being convicted of an offence under Section 10 of the *Parliamentary Standards Act 2009*: Ayes 281, Noes 2.[98]**
- **Amendment 16: to pave the way for amendments to allow a recall petition to be triggered by an offence committed before the day Clause 1 comes into force: Ayes 236, Noes 65.[99]**

Amendment 17 which would have allowed recall to be triggered by an offence committed before the Bill received Royal Assent and a number of other amendments consequential on the amendments made were not moved.

Julian Huppert moved an amendment which would require the Minister to consult the Electoral Commission on the wording of a recall petition and to an amendment which would avoid ambiguity over who should perform the Speaker's duties relating to the recall process, particularly if the recall petition affects the Speaker. Thomas Docherty, speaking for the Opposition, supported these minor technical amendments. The Deputy Leader of the House of Commons, Tom Brake, said that as some matters of detail needed to be addressed the matter would be considered in the House of Lords. Julian Huppert withdrew his amendment.[100]

After a brief debate the Bill was read a third time and passed.[101]

5 Progress in the House of Lords

The Bill was given a formal first reading in the House of Lords on 25 November 2014.[102]

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94 HC Deb 24 November 2014 c688
95 HC Deb 24 November 2014 c694
96 HC Deb 24 November 2014 c700
97 HC Deb 24 November 2014 c695
98 HC Deb 24 November 2014 c702
99 HC Deb 24 November 2014 c704
100 HC Deb 24 November 2014 c709
101 HC Deb 24 November 2014 c714
102 HL Deb 25 November 2014 c776

5.1 Second reading 17 December 2014

The second reading debate took place on 17 December 2014.[103]

5.2 Committee of the whole House 14 and 19 January 2015

On the first day of the Committee of the whole House on 14 January 2015, the Minister, Lord Gardiner of Kimble, moved a number of technical and consequential Government amendments which would enable the Bill to make provisions as intended by the House of Commons when it inserted a third trigger for recall into the Bill at report stage. The third trigger is when there is a conviction under Section 10 of the *Parliamentary Standards Act 2009.* Lord Gardiner explained the need for the amendments:

> In passing these amendments, the House of Commons concentrated on passing the most essential of the provisions and did not vote on the necessary consequential and technical amendments that would enable these new measures to work in practice. For this reason, the Government have tabled the necessary consequential and technical amendments to enable the Bill to work as the House of Commons intended.[104]

The amendments were agreed.

Lord Tyler (Liberal Democrat) moved an amendment which called into question the priorities of the Bill and allowed debate on a number of probing amendments.[105] Lord Tyler suggested that the Bill was defective "because it does not do what it says on the tin" and quoted from the House of Lords Constitution Committee's analysis of the Bill's provisions:

> The text is as follows. It says that,
>
> "the provision that an MP should be subject to recall where he or she is suspended from the House for ten sittings days or more means that it will be MPs themselves, rather than voters, who under this scenario determine whether the recall process can be triggered. The constitutional purpose of recall is to increase MPs' direct accountability to their electorates: it is questionable whether that purpose is achieved when the trigger is put in the hands of MPs rather than constituents."[106]

The amendment was withdrawn after debate on a number of issues including the role of the Standards Committee in the recall process.

An amendment moved by Lord Foulkes of Cumnock proposed making provision for recall to be triggered if an MP was given a prison sentence overseas as well as in the United Kingdom.[107] The Minister, Lord Gardiner, set out a number of difficulties with the proposal:

> Outside the United Kingdom, Parliament has no control over what acts amount to criminal conduct or when custodial sentences are imposed. Therefore, we cannot predict that a recall petition would be appropriate in all circumstances where an MP is given a custodial sentence outside the United Kingdom.
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> […]

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[103] HL Deb 17 December 2014 c175
[104] HL Deb 14 January 2015 c794
[105] HL Deb 14 January 2015 c808
[106] HL Deb 14 January 2015 c808; Constitution Committee, *Recall of MPs Bill*, 15 December 2014, HL Paper 80 2014-15
[107] HL Deb 14 January 2015 c829

> There is also the practical difficulty of how such a conviction would affect the working of the recall petition process. Under the Bill, the relevant court would notify the Speaker of the conviction and of when the relevant period for appeals had expired. I hope that your Lordships would understand that it would not be possible to put such a duty on a court outside the United Kingdom.[108]

Lord Foulkes withdrew his amendment.

Government amendments were also considered which gave effect to the intention of the House of Commons that the Bill should be amended so that a recall petition would be triggered by an offence committed before the day Clause 1 came into force. Lord Gardiner explained why the amendments were required:

> The House of Commons was clear that it wished historic offences to be caught as well, as long as the conviction took place after the Bill came into force and after the MP became an MP, and voted with that intention, passing an amendment tabled by the Opposition Front Bench in the Commons by 236 votes to 65.
>
> A pair of amendments was tabled to give effect to that intention: a substantive amendment and a paving amendment. Unfortunately, however, only the paving amendment was actually made, which had the effect of deleting the words "the reference" at the start of Clause 2(1) so that it does not now make sense. The substantive amendment was not made, so the Government tabled Amendment 15 to give concrete effect to the will of the House of Commons.[109]

The amendments were agreed.[110]

Lord Dubs moved a probing amendment which proposed bringing the work of election courts within the scope of the Bill.[111] The amendment proposed an additional trigger for recall when an election court found a person guilty of illegal practices in respect of a parliamentary election. The Minister, Lord Gardiner, responded that it was the Government's view that the system and penalties under the *Representation of the People Act 1983* were sufficient if an MP's agents were found to have engaged in corrupt or illegal practices during an election.[112] The amendment was withdrawn.

Number of recall petition signing places

On the second day of the Committee stage on 19 January 2015, Baroness Hayter moved an amendment which would change the number of petition signing places from a maximum of 4 to a minimum of 4.[113] Lady Hayter said that the amendment would mean that:

> … where at present the number of signing places is limited to four, the petition officer would not be able to allocate fewer than four. The very fact that the Electoral Commission categorises the constituencies into boroughs and counties indicates that the demography of each varies enormously.
>
> The largest constituency, Ross, Skye and Lochaber—I hope I have pronounced the latter correctly—is some 12,000 square kilometres, while

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[108] HL Deb 14 January 2015 c840
[109] HL Deb 14 January 2015 c840
[110] HL Deb 14 January 2015 c876
[111] HL Deb 14 January 2015 c878
[112] HL Deb 14 January 2015 c882
[113] HL Deb 19 January 2015 c1082

> Islington North, the smallest, is just 735 hectares. I therefore ask the Minister why it would not be better, as advocated by the Electoral Commission, to leave the responsibility for determining the number of venues to the petition officer, who will have far better knowledge of the area than either he or indeed I. The Electoral Commission states:
>
> "We have previously highlighted its concern that 4 signing locations may not be enough to allow reasonable access for voters in every constituency given the diverse geographical nature of some constituencies … Petition Officers should be given the power to determine the appropriate number of signing places based on the characteristics of their constituency in order to provide more reasonable access for voters to sign a recall petition".[114]

During the debate on the amendment other peers spoke in favour of increasing the number of signing places. Lord Wallace of Saltaire noted the strength of feeling that had been expressed and said he was willing to take the issue away "and discuss whether a degree more flexibility is desirable".[115] In the light of this Lady Hayter withdrew the amendment.

There was a debate on whether Clause 8 should stand part of the Bill.[116] Baroness Hayter raised the question of whether signing a recall petition was to be a secret or a public act. The Opposition regarded this as a fundamental issue about the whole Bill. Lord Wallace acknowledged that the Government had not "entirely spelled out the degree of secrecy and publicity" that comes with the recall process:

> Unavoidably, signing a petition is, to some extent, a public act. We all know that someone going into a polling station often can be observed and checked, although those who make postal votes preserve a great deal more anonymity. The mere fact of going to the signing place to sign the petition clearly indicates in which direction you are moving, which makes this unavoidably a less secret activity than the secret ballot.[117]

Lord Wallace gave a commitment to come back at Report stage with "as clear a statement as possible of the Government's view".[118]

Lord Kennedy of Southwark moved an amendment which would delete from the Bill the wording to be used on the petition when the recall provisions had been triggered.[119] The amendment would ensure that the wording of the petition would be properly tested before it was used and that the Electoral Commission would be involved in that process. Lord Wallace said that the wording of the petition signing sheet was developed with input from the Commission before the Bill was introduced and that there would be a power in the regulations to change it if this proved necessary.[120] The amendment was withdrawn.

An amendment moved by Lord Hamilton of Epsom proposed increasing the threshold for recall from 10% of voters in a constituency signing a petition to 20%. Lord Gardiner said the

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[114] HL Deb 19 January 2015 c1082
[115] HL Deb 19 January 2015 c1093
[116] HL Deb 19 January 2015 c1111
[117] HL Deb 19 January 2015 c1113
[118] HL Deb 19 January 2015 c1111
[119] HL Deb 19 January 2015 c1115
[120] HL Deb 19 January 2015 c1118

Government believed that "reaching a figure of 10% of constituents signing the petition would show a significant level of support for a recall".[121] The amendment was withdrawn.

Lord Foulkes of Cumnock moved an amendment which would allow 16 and 17 year-olds to sign a recall petition. He also moved an amendment which would allow someone to withdraw their signature from a recall petition.[122] Lord Wallace said that it was not appropriate to address the issue of lowering the voting age during consideration of the Bill. He also noted that there was no precedent for "returning officers withdrawing ballot papers on the request of electors who change their minds".[123] The amendments were withdrawn and not moved respectively.

Some further minor and technical Government amendments were made in Committee before the Bill was reported with amendments.

5.3 Report stage 10 February 2015

Baroness Hayter of Kentish Town moved an amendment at Report stage which would have made it clear that the signing of a recall petition was a public act. Lady Hayter explained the intention behind the amendment:

> At Second Reading and in Committee, we discussed whether signing a recall petition is to be secret or a public act. If it were the latter, we noted that people must be aware before they sign that their identity could become known in due course. We then waited for the Government to decide whether to attempt to keep this a secret act, and therefore bring in different rules from those for general elections regarding access to the marked register, or to acknowledge that secrecy cannot be maintained and therefore to make it clear that signing a petition would be, as with any other petition, a public statement.
>
> Alas, the Government are still all over the place. In response to our Constitution Committee, they say they will set out in regulations—which we have not yet seen—how to address the issue of keeping names secret, yet they must surely realise that, at the very least, the MP and the agent are bound to have access to the marked register, as is anyone who thinks someone may have signed in their place. Little thought seems to have been given to how in this respect a recall petition differs from elections, and from referendums—that is, where signing is only a one-way act—and its implications for the rest of the process.[124]

Lord Wallace of Saltaire noted there were a number of difficult issues, including that of possible electoral fraud, and said that signing a petition was "unavoidably, to a degree, a public act". However, this did not go as far as sanctioning the publication of the full list of those who had signed the petition, the marked register, and the Government would set out some safeguards in the regulations which

> …should specify that the marked register will be available for inspection, although, as at elections, that will be dependent on certain restrictions and an application to the petition officer. There are also some protections we can provide, such as choosing not to mirror the provision at elections where the marked register can be requested as a document for campaigning purposes by political parties and candidates. There is a good argument here that inspection

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[121] HL Deb 19 January 2015 c1129
[122] HL Deb 19 January 2015 c1136
[123] HL deb 19 January 2015 c1143
[124] HL Deb 10 February 2015 c1121

> should be allowed for reasons of preventing personation, but that the document itself should be kept securely and used only to test whether or not personation has been attempted.[125]

There was a division on the amendment which was disagreed, Contents 195; Not-Contents 213.[126]

Lord Tyler moved an amendment which would make provision for any offence to trigger a recall petition:

> It is our contention that if the Government were to accept this quite radical strengthening of the criminal trigger, it could leave behind the non-criminal trigger and leave MPs and the Standards Committee completely out of the recall process.[127]

The debate on the amendment covered the publication of a report by the Standards Committee which set out new proposals for the future of the Committee.[128] Lord Tyler argued that unless the House of Commons first addressed the recommendations in that report, "the Bill and the recall process will be fatally flawed."[129]

Lord Wallace responded that the Government had considered a number of options and had come to the conclusion that "a custodial sentence was one of the appropriate levels for a trigger".[130] He also suggested that Lord Tyler's proposals could lead to recall becoming a frequent procedure and that "collapsing the three triggers into one would drive a coach and horses through the Bill."[131]

The amendment was withdrawn.

Lord Campbell-Savours moved an amendment which would provide that a suspension from the House of Commons of at least 20 days would trigger a recall petition. The original provision in the Bill ("at least 21 sitting days") had been reduced to "at least 10 sitting days" by the Commons at Report stage.[132] Lord Wallace urged the House to be cautious "before seeking to overturn what the other place has decided".[133] Lord Campbell-Savours withdrew his amendment.

A Government amendment was agreed which made changes to the clause setting out the appeal period that must expire before a petition can opened following an appeal by an MP against a criminal conviction or sentence. The amendment would limit the timeframe in which bringing a judicial review for a second appeal would stop the recall petition commencing.[134]

A Government amendment which increased the **number of signing places** that a petition officer could designate within the constituency from a maximum of 4 to a maximum of 10 was agreed. Lord Gardiner said the Government had listened to concerns about the potential difficulties that "a cap of four signing places could pose in certain circumstances, such as

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[125] HL Deb 10 February 2015 c1124
[126] HL Deb 10 February 2015 c1125
[127] HL Deb 10 February 2015 c1130
[128] Standards Committee, *The Standards System in the House of Commons*, 10 February 2015, HC 383 2014-15
[129] HL Deb 10 February 2015 c1130
[130] HL Deb 10 February 2015 c 1143
[131] HL Deb 10 February 2015 c1144
[132] HL Deb 10 February 2015 c1145
[133] HL Deb 10 February 2015 c1153
[134] HL Deb 10 February 2015 c1154

constituencies that have a large number of population centres or are far flung and where it could be difficult for some constituents to attend a signing place in person".[135]

Baroness Hayter moved an amendment to make provision to "restrict donations to all campaigners in the recall process to our normal rules".[136] Lady Hayter said the Opposition supported the recall process but that process had to be fair:

> Our amendment would introduce a crucial element of fairness, an equality of arms and a top limit on the total expenditure permitted in the constituency during this process. It would also make sure that we had control over foreign money coming in during the recall process.[137]

Lord Wallace responded that the Government had "employed the regulatory regime for campaign spending and donations drawn from existing electoral law" and that the proposed campaign rules for recall petitions followed those for referendums.[138]

The amendment was disagreed after a division: Contents 45; Not-Contents 99.

A Government amendment to remove the power for the Act to be amended through regulations relating to the recall petition process was agreed.[139] This recommendation had been made by the Delegated Powers and Regulatory Reform Committee in its report on the Bill.[140]

An amendment moved by Lord Norton of Louth made provision for a review of the Act five to six years after enactment. Lord Norton noted that the debates on the Bill had "demonstrated uncertainty about its effect" and that there was "clearly a case for review". The Minister, Lord Gardiner, acknowledged that the Government had included review clauses in other Acts but had reservations in this case:

> My noble friend's amendment commits to a review after five years. That is a reasonable period in some respects, but it is of course by no means certain that there will have been a recall petition by that point. In fact, I think that the noble Lord, Lord Howarth, was getting very close to that. A review of an Act which has not had the opportunity to operate as intended would be severely limited in its usefulness. It would be unable to consider the operation of the recall process, and its conclusions would have to be to some extent hypothetical.[141]

The amendment was withdrawn.

5.4 Third reading 2 March 2015

At third reading on 2 March 2015 Lord Campbell-Savours moved an amendment which would increase the number of days that a Member was suspended from the House of Commons, and thus triggering a recall, from at least 10 to at least 15 sitting days. Earlier amendments which he had moved at previous stages of the Bill sought to make it at least 20 sitting days; this was a compromise amendment.[142] Lord Wallace responded that the

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[135] HL Deb 10 February 2015 c1160
[136] HL Deb 10 February 2015 c 1192
[137] HL Deb 10 February 2015 c1194
[138] HL Deb 10 February 2015 c1199
[139] HL Deb 10 February 2015 c1205
[140] Delegated Powers and Regulatory Reform Committee, Seventeenth report, HL 112 2014-15
[141] HL Deb 10 February 2015 c1209
[142] HL Deb 2 March 2015 c14

Government "did not see a strong case for reversing the decision which the House of Commons took on an amendment for the Labour Opposition" and was not willing to accept the amendment.[143] The amendment was withdrawn.

An amendment moved by Lord Campbell-Savours on the lay membership of the Standards Committee was also withdrawn after Lord Wallace clarified the Government's position on legislating about the membership of the committee:

> The membership and operation of the Standards Committee is a matter for the House of Commons and the provisions in the Bill have been designed in such a way as to fit in with its disciplinary arrangements, however they are constituted. The second recall trigger would work in exactly the same way whether there were three, seven, 10 or 15 lay members on the Standards Committee, so it would not be justified to stop the second trigger from operating unless the number of lay members was increased. We have consulted with the Opposition to ensure that we are giving effect to precisely what they intended and I thank the noble Baroness, Lady Hayter, for putting her name to these amendments.[144]

Reducing the length of the recall petition signing period

Lord Gardiner moved a Government amendment which reduced the length of the petition signing period. He said that it had been clear from the debate on Report that "the decision to increase the number of signing places to a maximum of 10 could allow us to consider a reduction in the signing period".[145] He continued:

> Having reflected on the issue, we consider that a shortened period of six weeks would strike the right balance between tightening the process and enabling proper access to signing. It would allow sufficient time for electors to consider the campaigns for and against signing the petition and enable those who wish to sign by post to make an application.
>
> Additionally, the revised period would still allow the petition officer to check and approve postal applications in good time for signing sheets to be issued and returned, including making the important check that an elector has not already signed the petition in person. A further benefit of shortening the signing period, which was referred to in previous debates, is that constituents will find out the result of the petition sooner, and if a by-election is to be held, this would enable the election of their Member of Parliament more quickly.[146]

A Government amendment which reduced the recall petition signing period from 8 to 6 weeks was agreed.[147]

Further Government amendments were agreed which would require the petition officer to "deliver all recall petition returns to the Electoral Commission as soon as reasonably practicable after the documents have been received". The amendments supported the more substantive Government amendment which required the Electoral Commission to prepare a report after a recall petition.[148]

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[143] HL Deb 2 March 2015 c22
[144] HL Deb 2 March 2015 c31
[145] HL Deb 2 March 2015 c33
[146] HL Deb 2 March 2015 c33
[147] HL Deb 2 March 2015 c35
[148] HL Deb 2 March 2015 c39-40

The Bill was passed and returned to the Commons with amendments.

6 Consideration of Lords Amendments

Lords Amendments (*Lords Amendments to the Recall of MPs Bill 2014-15*, Bill 182 of 2014-15) were considered in the House of Commons on 24 March 2015.[149] Bill 182 reported the changes made to the Bill as introduced in the House of Lords (HL Bill 62).

The Lords Amendments were agreed to by the House of Commons on 24 March 2015 and the Bill received Royal Assent on 26 March 2015.[150]

[149] HC Deb 24 March 2015 c1334
[150] HL Deb 26 March 2015 c1589