
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Recall of MPs Act 2015 (Recall Petition) Regulations 2015

PART 5

ISSUE AND RECEIPT OF POSTAL SIGNING SHEETS

CHAPTER 1

General

Interpretation of Part 5

82. For the purposes of this Part—

“covering envelope” and “signing sheet envelope” have the meaning given by regulation 91 (envelopes);

“postal signer” means an elector or proxy who is entitled to sign the petition by post;

“postal signers’ ballot box” and “postal ballot box” have the meaning given by regulation 101 (postal ballot boxes and receptacles);

“postal signing pack” means for England and Wales and Scotland, the documents referred to in regulation 85(1)(a); and for Northern Ireland, the documents referred to in regulation 85(1)(b) (postal signing packs);

“receptacle for signing sheet envelopes” and other references to specified receptacles, means the receptacles referred to in regulation 101 (postal ballot boxes and receptacles);

“spoilt postal signing sheet” for England and Wales and Scotland, has the meaning given by regulation 94; and for Northern Ireland has the meaning given by regulation 95 (spoilt postal signing sheets);

“valid declaration of identity” means a declaration of identity which satisfies the conditions in regulation 105 (procedure in relation to declaration of identity);

“valid postal petition statement” means a postal petition statement which, in accordance with regulation 107 (procedure in relation to postal petition statements), the petition officer is satisfied has been duly completed.

Form of postal petition statement: England and Wales and Scotland

83. The form of the postal petition statement to be used in England and Wales and Scotland for the purposes of a petition must be in the form of Form K in Schedule 2.

Form of declaration of identity: Northern Ireland

84. The form of the declaration of identity to be used in Northern Ireland for the purposes of a petition must be in the form of Form M in Schedule 2.

Postal signing packs

85.—(1) The petition officer must issue to a person entitled to sign a petition by post—

- (a) for a petition in England and Wales or Scotland—
 - (i) a postal signing sheet,
 - (ii) a postal petition statement, and
 - (iii) envelopes for their return which comply with regulation 91 (envelopes);
- (b) for a petition in Northern Ireland—
 - (i) a postal signing sheet,
 - (ii) a declaration of identity, and
 - (iii) envelopes for their return which comply with regulation 91 (envelopes).

(2) The petition officer must also issue to such persons such information as the officer thinks appropriate about how to obtain—

- (a) translations into languages other than English of any directions to, or guidance for, signers sent with a postal signing sheet;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance;
- (d) the directions or guidance in any other form (including any audible form).

(3) The petition officer must ensure that the return of the postal signing sheet and postal petition statement or declaration of identity (as the case may be) is free of charge to the postal signer.

Time when postal signing packs are to be issued

86. A petition officer must issue the postal signing packs as soon as reasonably practicable to do so and, in any event—

- (a) between one and three working days before the designated day⁽¹⁾;
- (b) on the tenth and twentieth working day after the designated day; and
- (c) by the eighth working day before the last day of the signing period.

CHAPTER 2

Issue of Postal Signing Sheets

Procedure on issue of postal signing sheets

87.—(1) The number of the elector as stated in the register must be marked on the corresponding number list, next to the number and unique identifying mark of the signing sheet issued to that elector.

(2) A mark must be placed in the postal signers list or the proxy postal signers list against the number of the elector to denote that a signing sheet has been issued to the elector or the elector's proxy, but without showing the particular signing sheet issued.

(3) The number on a postal signing sheet and the name of the postal signer (unless the signer is an anonymous elector) must be marked on the postal petition statement or, in the case of Northern Ireland, on the declaration of identity, sent with that signing sheet.

(4) Subject to paragraph (5), the address to which the postal signing pack must be sent is—

- (a) in the case of an elector, the address shown in the postal signers list;

(1) See section 7(1) of the Act; “designated day” means the day from which the petition is made available for signing.

- (b) in the case of a proxy, the address shown in the proxy postal signers list.
- (5) Where a person has an anonymous entry in the register, the postal signing pack must be sent to the address—
 - (a) as shown in the record kept under regulations 51(4), 52(5) or 58(7); or
 - (b) as given in pursuance of an application made under paragraph 53(1) or (2) or 54(1).

Refusal to issue postal signing sheet

88. Where the petition officer is satisfied that two or more entries in the postal signers list, list of proxies, or the proxy postal signers list, or an entry in two or more of those lists, relates to the same elector, the officer must not issue more than one postal signing sheet in respect of that elector any at one petition.

Persons entitled to be present at proceedings on issue of postal petition signing sheets

- 89.** No person may be present at the proceedings on the issue of postal signing sheets other than—
- (a) the petition officer;
 - (b) any assistants of the petition officer;
 - (c) a petition clerk; or
 - (d) any representative of the Electoral Commission.

Notification of requirement of secrecy

90. The petition officer must make such arrangements as the officer considers appropriate to ensure that every person attending the proceedings in connection with the issue or receipt of postal signing sheets has been given a copy in writing of the provisions of regulation 123(5) and (6) (requirement of secrecy).

Envelopes

- 91.—**(1) This regulation prescribes the envelopes which must be issued with the postal signing packs under regulation 85 (postal signing packs).
- (2) There must be issued an envelope (“covering envelope”) marked with the letter “B” for the return—
- (a) in England and Wales and Scotland, of the postal signing sheet and postal petition statement;
 - (b) in Northern Ireland, of the postal signing sheet and the declaration of identity.
- (3) There must also be issued a smaller envelope (“signing sheet envelope”) which is to be marked with—
- (a) the letter “A”;
 - (b) the words “postal signing sheet envelope”; and
 - (c) unless the envelope has a window through which the number on the postal signing sheet can be displayed, the number of that sheet.

Sealing up of corresponding number lists and security of special lists

92.—(1) As soon as practicable after the issue of each batch of postal signing sheets, the petition officer must make up into a packet the completed corresponding number lists of those signing sheets which have been issued and must seal the packet.

(2) Until the time referred to in regulation 104 (opening of covering envelopes) the petition officer must take proper precautions for the security of the marked copy of the special lists.

Delivery of postal signing sheets

93.—(1) For the purposes of delivering postal signing packs, the petition officer may use—

- (a) a universal postal service provider; or
- (b) a commercial delivery firm.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal signers must be counted and delivered by the petition officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage must be prepaid on envelopes addressed to the postal signers.

(4) Return postage must be prepaid on all covering envelopes where the address provided by the postal signer for the receipt of the signing sheet is within the United Kingdom.

Spoilt postal signing sheets: England and Wales and Scotland

94.—(1) Where a postal signer has inadvertently dealt with their postal signing sheet or postal petition statement in such a manner that it cannot be conveniently used as such (“spoilt signing sheet” or “spoilt postal petition statement”) (as the case may be) that person may return (either by hand or by post) to the petition officer the spoilt signing sheet or spoilt petition statement (as the case may be).

(2) Where a person exercises the entitlement conferred by paragraph (1), they must also return—

- (a) the postal signing sheet or postal petition statement (as the case may be), whether spoilt or not; and
- (b) the envelopes supplied for the return of those documents.

(3) Subject to paragraph (4), on receipt of a document referred to in paragraph (1) (and, where applicable, paragraph (2)), the petition officer must issue another postal signing sheet, except where those documents are received within the five hours before the end of the signing period.

(4) Where the petition officer receives the documents referred to in paragraph (1) (and, where applicable paragraph (2)), after 5pm on the day before the last day of the signing period, the petition officer may issue another postal signing sheet only if the documents were returned by hand.

(5) The following provisions apply to the issue of a replacement postal signing sheet under paragraphs (3) and (4)—

- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
- (b) regulations 91 (envelopes) and 92 (sealing up of corresponding number lists and security of special lists);
- (c) subject to paragraph (8), regulation 93 (delivery of postal signing sheets).

(6) Any postal signing sheet or postal petition statement, whether spoilt or not, returned in accordance with paragraph (1) or (2) must be cancelled immediately.

(7) The petition officer, as soon as practicable after cancelling those documents, must make them up into a separate packet and must seal the packet; and if on any subsequent occasion such documents are cancelled, the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.

(8) Where a person referred to in paragraph (1) applies in person—

- (a) before 5pm on the day before the last day of the signing period, the petition officer may hand a replacement postal signing sheet and postal petition statement to that person,

(b) after 5pm on that day, the petition officer may only hand a replacement postal signing sheet and postal petition statement to that person, instead of delivering it in accordance regulation 93.

- (9) The petition officer must enter in a list (“the list of spoilt postal signing sheets”)—
- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
 - (b) the number of the postal signing sheet issued under this regulation; and
 - (c) where the postal signer whose signing sheet is spoilt is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy’s electoral number alone or a statement that the proxy is not registered in the register of parliamentary electors (as the case may be)).

Spoilt postal signing sheets: Northern Ireland

95.—(1) Where a postal signer has inadvertently dealt with their postal signing sheet or declaration of identity in such a manner that it cannot be conveniently used as such (“spoilt postal signing sheet” or “spoilt declaration of identity”) (as the case maybe), that person may return (either by hand or by post) to the petition officer the spoilt signing sheet or spoilt declaration of identity (as the case may be).

- (2) Where a person exercises the entitlement conferred by paragraph (1), they must also return—
- (a) the postal signing sheet or declaration of identity (as the case maybe), whether spoilt or not; and
 - (b) the envelopes supplied for the return of those documents.

(3) On receipt of a document referred to in paragraph (1) (and, where applicable, paragraph (2)), the petition officer must issue another postal signing sheet, except where those documents are received after 5pm on the day before the last day of the signing period.

(4) The following provisions apply to the issue of a replacement postal signing sheet under paragraph (3)—

- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
- (b) regulations 91 (envelopes) and 92 (sealing up of corresponding number lists and security of special lists);
- (c) subject to paragraph (7), regulation 93 (delivery of postal signing sheets).

(5) Any postal signing sheet or declaration of identity, whether spoilt or not, returned in accordance with paragraph (1) or (2) must be cancelled immediately.

(6) The petition officer, as soon as practicable after cancelling those documents, must make them up into a separate packet and must seal the packet; and if on any subsequent occasion such documents are cancelled, the sealed packet must be opened and the additional cancelled documents included in it and the packet must again be made up and sealed.

(7) Where a postal signer applies in person, the petition officer may hand a replacement postal signing sheet to that person instead of delivering it in accordance with regulation 93.

(8) The petition officer must enter in a list kept for the purpose of recording spoilt postal signing sheets (“the list of spoilt postal signing sheets”)—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
- (b) the number of the postal signing sheet issued under this regulation; and

- (c) where the postal signer whose signing sheet is spoilt is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy's electoral number alone or a statement that the proxy is not registered in the register of parliamentary electors (as the case may be)).

Lost postal signing sheets: England and Wales and Scotland

96.—(1) Where a postal signer claims either to have lost or not to have received—

- (a) the postal signing sheet,
- (b) the postal petition statement, or
- (c) one or more of the envelopes supplied for their return,

by the fourth day before the last day of the signing period, the postal signer may apply (whether or not in person) to the petition officer for a replacement signing sheet.

(2) Such an application must include evidence of the postal signer's identity.

(3) Where a postal signer exercises the entitlement conferred by paragraph (1), they must return the documents (if any) referred to in paragraph (1)(a) to (c) which the postal signer has received and which have not been lost.

(4) Any postal signing sheet or postal petition statement returned in accordance with paragraph (3) must be cancelled immediately and the petition officer must take any administrative steps which that officer considers appropriate for the purpose of preventing an elector signing the petition more than once.

(5) The petition officer, as soon as practicable after cancelling those documents, must make them up in a separate packet and must seal the packet; and if on any subsequent occasion such documents are cancelled, the sealed packet must be opened and the additional cancelled documents included in it and the packet must be again made up and sealed.

(6) Subject to paragraph (7), the petition officer must issue another postal signing sheet where the application is received by the petition officer at least five hours before the end of the signing period and the petition officer—

- (a) is satisfied as to the postal signer's identity; and
- (b) has no reason to doubt that the postal signer has either lost or has not received the original postal signing statement or postal petition statement or one or more of the envelopes provided for their return.

(7) Where the application is received by the petition officer after 5pm on the day before the last day of the signing period, the officer may only issue another postal signing sheet if the postal signer applies in person.

(8) The petition officer must enter in a list kept for the purpose of recording lost postal signing sheets ("the list of lost postal signing sheets")—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
- (b) the number of any postal signing sheet issued under this regulation; and
- (c) where the postal signer whose signing sheet is lost is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy's electoral number alone or a statement that the proxy is not registered as in the register of parliamentary electors (as the case may be)).

(9) The following provisions apply to the issue of a replacement postal signing sheet under paragraph (6)—

- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);

- (b) regulations 91 (envelopes) and regulation 92 (sealing up of corresponding number lists and security of special lists); and
 - (c) subject to paragraph (10), regulation 93 (delivery of postal signing sheets).
- (10) Where a postal signer applies in person—
- (a) by 5pm on the day before the last day of the signing period, the petition officer may hand a replacement postal signing sheet to the postal signer, or
 - (b) after 5pm on the day before the last day of the signing period, the petition officer may only hand a replacement postal signing sheet to the postal signer,
- instead of delivering it in accordance with regulation 93.

Lost postal signing sheets: Northern Ireland

- 97.—(1) Where a postal signer claims either to have lost or not to have received—
- (a) the postal signing sheet,
 - (b) the declaration of identity, or
 - (c) one or more of the envelopes supplied for their return,
- by the fourth day before the last day of the signing period, the postal signer may apply (whether or not in person) to the petition officer for a replacement signing sheet.
- (2) Such an application must include evidence of the postal signer’s identity.
- (3) Where a postal signer exercises the entitlement conferred by paragraph (1), they must return the documents (if any) referred to in paragraph (1)(a) to (c) which the postal signer has received and which have not been lost.
- (4) Any postal signing sheet or declaration of identity returned in accordance with paragraph (3) must be cancelled immediately and the petition officer must take any administrative steps which that officer considers appropriate for the purpose of preventing an elector signing the petition more than once.
- (5) The petition officer, as soon as practicable after cancelling those documents, must make them up in a separate packet and must seal the packet; and if on any subsequent occasion such documents are cancelled, the sealed packet must be opened and the additional cancelled documents included in it and the packet must be again made up and sealed.
- (6) The petition officer must issue another postal signing sheet where the application is received by the petition officer before 5pm on the day before the last day of signing period and the petition officer—
- (a) is satisfied as to the postal signer’s identity; and
 - (b) has no reason to doubt that the postal signer has either lost or has not received the original postal signing sheet or declaration of identity or one or more envelopes for their return.
- (7) The petition officer must enter in a list kept for the purpose of recording lost postal signing sheets (“the list of lost postal signing sheets”)—
- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
 - (b) the number of any postal signing sheet issued under this regulation; and
 - (c) where the postal signer whose signing sheet is lost is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy’s electoral number alone or a statement that the proxy is not registered in the register of parliamentary electors).

(8) The following provisions apply to the issue of a replacement postal signing sheet under paragraph (6)—

- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
- (b) regulations 91 (envelopes) and 92 (sealing up of corresponding number lists and security of special lists);
- (c) subject to paragraph (9), regulation 93 (delivery of postal signing sheets).

(9) Where a postal signer applies in person, the petition officer may hand a replacement postal signing sheet to that person instead of delivering it in accordance with regulation 93.

Cancellation of postal signing sheets

98.—(1) Where, on or after the designated day, a registration officer grants a relevant application or receives a relevant notice and the application or notice is not to be disregarded for the purposes of the petition under regulations 71 or 72 (closing date for applications), that officer must immediately notify the petition officer who must—

- (a) cancel any postal signing sheet issued to the elector or proxy;
- (b) in the case of an application under regulations 53(4)(a), 54(4)(a) or 58(8) (postal signing sheet to be sent to different address), issue a replacement postal signing sheet; and
- (c) take any administrative steps which the petition officer consider appropriate for the purpose of preventing an elector signing the petition more than once.

(2) Where a person returns a postal signing sheet that has been or is to be cancelled in accordance with paragraph (1), it must be dealt with as follows—

- (a) any postal signing sheet, postal signing statement or declaration of identity (as the case may be), or covering envelope returned to the registration officer must be given to the petition officer;
- (b) any document returned in accordance with this paragraph but not already cancelled in accordance with paragraph (1) must be immediately cancelled;
- (c) the petition officer, as soon as practicable after receiving and cancelling the documents referred to in subparagraphs (a) and (b), must make them up in a separate packet and must seal the packet, and if on any subsequent occasion documents are returned in accordance with this paragraph, the sealed packet must be opened, the additional cancelled documents included in it and the packet must be again made up and sealed.

(3) The petition officer must enter in a list kept for the purpose of recording postal signing sheets cancelled under this regulation (“the list of cancelled postal signing sheets”)—

- (a) the name and number of the elector as stated in the register (or the electoral number alone in the case of an elector who has an anonymous entry);
- (b) the number of any cancelled postal signing sheet;
- (c) the number of any replacement postal signing sheet issued under paragraph (1);
- (d) where the postal signer is a proxy, their name and address (or, in the case of a proxy who has an anonymous entry or is the proxy for a person with an anonymous entry, the proxy’s electoral number alone or a statement that the proxy is not registered as an elector (as the case may be)).

(4) The following provisions apply to the issue of a replacement postal signing sheet under paragraph (1)—

- (a) regulation 87 (except paragraph (2)) (procedure on issue of postal signing sheets);
- (b) regulations 91 (envelopes);

- (c) regulation 92 (sealing up of corresponding number lists and security of special lists);
 - (d) regulation 93 (delivery of postal signing sheets).
- (5) For the purposes of this regulation—
- (a) a relevant application is an application under—
 - (i) regulation 51(5)(a) or 52(6)(a) (application to be removed from record),
 - (ii) regulation 51(6) (application to sign the petition by proxy instead of post),
 - (iii) regulation 51(7) (application to sign the petition by post instead of proxy),
 - (iv) regulation 52(7) (application to sign by post or proxy instead of proxy or post respectively),
 - (v) regulations 53(4)(a) or 54(4)(a) (postal signing sheet to be sent to different address),
 - (vi) regulations 57(6) and (7) (appointment of proxies),
 - (vii) regulation 58(8) (application by a postal proxy signer for signing sheet to be sent to different address),
 - (viii) regulation 58(11)(a) (application for proxy to be removed),
 - (b) a relevant notice is a notice under regulation 57(9) (cancellation of proxy appointment).

CHAPTER 3

Receipt of Postal Signing Sheet etc

Alternative means of returning postal signing sheets, postal petition statements and declarations of identity.

- 99.**—(1) For the purposes of regulation 39(2) (the count)—
- (a) the manner in which a postal signing sheet and postal petition statement, or declaration of identity (as the case may be) may be returned to any petition signing place is by hand;
 - (b) the manner in which such a sheet, statement or declaration may be returned to the petition officer is by hand or by post.
- (2) Subject to paragraph (3), the petition clerk must deliver, or cause to be delivered, any postal signing sheet, postal petition statement or declaration of identity returned to that signing place, to the petition officer in the same manner and at the same time as the petition clerk delivers, or causes to be delivered, the packets referred to in regulation 37 (procedure on close of petition).
- (3) The petition officer may collect, or cause to be collected, any postal signing sheet, postal petition statement or declaration of identity which by virtue of paragraph (2) the petition clerk would otherwise be required to deliver or cause to be delivered to the petition officer.
- (4) Where the petition officer collects, or causes to be collected, any postal signing sheet, postal petition statement or declaration of identity in accordance with paragraph (3) the petition clerk must first make it (or them) up into a packet (or packets) sealed with the petition clerk's own seal.

Persons entitled to be present at proceedings on receipt of postal signing sheet

- 100.** No person may be present at the proceedings on the receipt of postal signing sheets other than—
- (a) the petition officer;
 - (b) any assistants of the petition officer;
 - (c) a petition clerk; and
 - (d) any representative of the Electoral Commission.

Postal ballot boxes and receptacles

101.—(1) The petition officer must provide a separate ballot box for the reception of—

- (a) the covering envelopes returned by the postal signers (“postal signers’ ballot box”); and
- (b) postal signing sheets (“postal ballot box”).

(2) Each such ballot box must be marked “postal signers’ ballot box” or “postal ballot box” (as the case may be) and marked with the name of the petition signing place in relation to which it is to be used at the petition.

(3) The postal ballot box must be shown to those present on the occasion of opening the first postal signers’ ballot box as being empty.

(4) The petition officer must then lock the postal ballot box (if it has a lock) and apply the officer’s seal in such manner as to prevent its being opened without breaking the seal.

(5) For petitions in England and Wales and Scotland, the petition officer must provide the following receptacles—

- (a) receptacle for rejected signing sheets;
- (b) receptacle for signing sheet envelopes;
- (c) receptacle for rejected signing sheet envelopes;
- (d) receptacle for rejected signing sheets (verification procedure); and
- (e) receptacle for postal petition statements (verification procedure).

(6) For petitions in Northern Ireland, the petition officer must provide the following receptacles—

- (a) receptacle for rejected signing sheets;
- (b) receptacle for signing sheet envelopes; and
- (c) receptacle for declarations of identity.

(7) The petition officer must take proper precautions for the safe custody of every ballot box and receptacle referred to in this regulation.

Receipt of covering envelopes

102.—(1) The petition officer must, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal signing sheet) before the end of the signing period, place it unopened in a postal signers’ ballot box.

(2) Where an envelope, other than a covering envelope issued by the petition officer—

- (a) has been opened, and
- (b) contains a signing sheet envelope, postal petition statement or declaration of identity (as the case may be), or signing sheet,

the first-mentioned envelope, together with its contents, must be placed in a postal signers’ ballot box.

Opening of postal signers’ ballot box

103.—(1) Each postal signers’ ballot box must be opened by the petition officer in the presence of at least one petition clerk or other person appointed by that officer and any representative of the Electoral Commission who attends for the opening of the postal signers’ ballot box.

(2) So long as the petition officer ensures that there is at least one sealed postal signers’ ballot box for the reception of covering envelopes up to the end of the signing period, the other postal signers’ ballot boxes may previously be opened by the officer in accordance with paragraph (1).

(3) The last postal signers' ballot box and the postal ballot box must be opened at the counting of the signatures under regulation 39 (the count).

Opening of covering envelopes

104.—(1) When a postal signers' ballot box is opened, the petition officer must count and record the number of covering envelopes (including any envelope which is stated to include a postal signing sheet and any envelope described in regulation 102(2)) (receipt of covering envelopes).

(2) The petition officer must open separately each envelope.

(3) For petitions in Northern Ireland—

- (a) the procedure in regulation 105 (procedure in relation to declarations of identity) applies where a covering envelope (including an envelope to which regulation 102(2) applies) contains both a declaration of identity and a signing sheet envelope or, if there is no signing sheet envelope, a signing sheet;
- (b) where a covering envelope does not contain a declaration of identity separately, the petition officer must open the signing sheet envelope to ascertain whether the declaration of identity is inside;
- (c) where the covering envelope does not contain both a declaration of identity (whether separately or not) and a signing sheet envelope or, if there is no envelope a signing sheet, the petition officer must mark the covering envelope “rejected” attach its contents (if any) and place it in the receptacle for rejected signing sheets.

(4) For petitions in England and Wales and Scotland—

- (a) the procedure in regulation 107 (procedure in relation to postal petition statements: personal identifier verification) applies where a covering envelope (including an envelope to which regulation 102(2) applies) contains a postal petition statement;
- (b) where the covering envelope does not contain a postal petition statement separately, the petition officer must open the signing sheet envelope to ascertain whether the postal petition statement is inside;
- (c) where a covering envelope does not contain a postal petition statement (whether separately or not) the petition officer must mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected signing sheets.

(5) In carrying out the procedures in this regulation and regulations 108 (opening of signing sheet envelopes) to 111 (checking lists of rejected signing sheets: England and Wales and Scotland) the petition officer and the petition officer's assistants—

- (a) must keep the signing sheets face downwards and must take proper precautions for preventing any person from seeing the mark made on the signing sheets; and
- (b) must not be permitted to view the corresponding number list used at the issue of the postal signing sheets.

(6) Where an envelope opened in accordance with paragraph (2) contains a postal petition statement or declaration of identity (as the case may be), the petition officer must place a mark in the marked copy of the postal signers list or proxy postal signers list in a place corresponding to the number of the elector to denote that a postal signing sheet has been returned.

(7) A mark made under paragraph (6) must be distinguishable from and not obscure the mark made under regulation 87 (procedure on issue of postal signing sheets).

(8) As soon as practicable after the last covering envelope has been opened, the petition officer must make up into a packet the copy of the marked postal signers list and proxy postal signers list that have been marked in accordance with paragraph (6) and must seal that packet.

Procedure in relation to declarations of identity: Northern Ireland

105.—(1) A declaration of identity is a valid declaration of identity for the purposes of these Regulations if—

- (a) it is duly signed by the postal signer; and
- (b) in the case of an elector, regulation 39(5) is satisfied (the count).

(2) The petition officer must be satisfied that the declaration of identity is a valid declaration of identity.

(3) Where the petition officer is not so satisfied, the petition officer must mark the declaration “rejected”, attach to it the signing sheet envelope, or if there is no such envelope, the signing sheet and place it in the receptacle for rejected signing sheets.

(4) The petition officer must then compare the number on the declaration of identity against the number on the signing sheet envelope and, where they are the same, the petition officer must place the declaration and the signing sheet envelope respectively in the receptacle for declarations of identity and the receptacle for signing sheet envelopes.

(5) Where—

- (a) the number on a valid declaration of identity is not the same as the number on the signing sheet envelope, or
- (b) that envelope has no number on it and the number is not displayed through a window in it,

the petition officer must open the envelope.

(6) Paragraph (7) applies where—

- (a) there is a valid declaration of identity but no postal signing sheet envelope; or
- (b) the postal signing sheet envelope has been opened under paragraph (5) or regulation 104(3) (b) (opening of covering envelopes).

(7) In the circumstances described in paragraph (6), the petition officer must place—

- (a) in the postal ballot box, any postal signing sheet the number on which is the same as the number on the valid declaration of identity;
- (b) in the receptacle for rejected signing sheets, any other petition signing sheet, with the valid declaration of identity attached and marked “rejected”;
- (c) in the receptacle for rejected signing sheets, any valid declaration of identity marked “rejected” where there is no postal signing sheet;
- (d) in the receptacle for declarations of identity, any valid declaration not disposed of under subparagraph (b) or (c).

Confirming receipt of postal signing statements: England and Wales and Scotland

106.—(1) An elector or a proxy signer who is shown in the postal signers list or proxy postal signers list may make a request, at any time after the first issue of postal signing sheets under regulation 86 (time when postal signing packs are to be issued) and before the end of the signing period, that the petition officer confirm—

- (a) whether a mark is shown in the marked copy of the postal signers list or proxy postal signers list in a place corresponding to the number of the elector to denote that a postal signing sheet has been returned; and
- (b) whether the number of the signing sheet issued to the elector or the elector’s proxy has been recorded on either of the lists kept by the petition officer under regulation 110 (lists of rejected postal signing sheets).

(2) A request under paragraph (1) must—

- (a) be made by any method specified by the petition officer; and
 - (b) include any evidence of the signer’s identity requested by that officer.
- (3) Where a request is received in accordance with paragraph (2) the petition officer must satisfy himself or herself that the request has been made by the elector or their proxy and, if satisfied that it was, provide confirmation of the matters under paragraph (1).

Procedure in relation to postal petition statements: personal identifier verification: England and Wales and Scotland

107.—(1) This paragraph applies in the circumstances described in regulation 104(4)(a) (opening of covering envelopes).

(2) The petition officer must satisfy himself or herself that the postal petition statement is duly completed and as part of that process must compare the date of birth and the signature on the postal petition statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal signing sheet was addressed.

(3) Where the petition officer is not satisfied that the postal petition statement is duly completed, the officer must mark the statement “rejected”, attach to it the signing sheet envelope, or if there is no such envelope but there is a signing sheet, the signing sheet and place it in the receptacle for rejected signing sheets (verification procedure).

(4) The petition officer must then compare the number on the postal petition statement against the number on the signing sheet envelope and, where they are the same, the officer must place the statement and the signing sheet envelope respectively in the receptacle for postal petition statements (verification procedure) and the receptacle for signing sheet envelopes.

(5) The petition officer must open the signing sheet envelope where—

- (a) the number on a valid postal petition statement is not the same as the number on that signing sheet envelope; or
- (b) that envelope has no number on it.

(6) Paragraph (7) applies where—

- (a) there is a valid postal petition statement but no signing sheet envelope;
- (b) the signing sheet envelope has been opened under paragraph (5); or
- (c) the signing sheet envelope has been opened under regulation 104(4)(b) (opening of covering envelopes).

(7) In the circumstances described in paragraph (6), the petition officer must place—

- (a) in the postal ballot box, any signing sheet the number on which is the same as the number on the valid postal petition statement;
- (b) in the receptacle for rejected signing sheets (verification procedure), any other signing sheet, with the valid postal petition statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected signing sheets (verification procedure), any valid postal petition statement marked “provisionally rejected” where there is no signing sheet;
- (d) in the receptacle for postal petition statements (verification procedure), any valid statement not disposed of under subparagraph (b) or (c).

Opening of signing sheet envelopes

108.—(1) The petition officer must open separately each signing sheet envelope placed in the receptacle for signing sheet envelopes.

- (2) The petition officer must—
- (a) place in the postal ballot box, any signing sheet the number on which is the same as the number on the signing sheet envelope;
 - (b) place in the receptacle for rejected signing sheets, any other signing sheets which must be marked “provisionally rejected” and to which the signing sheets envelope is to be attached;
 - (c) place in the receptacle for rejected signing sheet envelopes, any signing sheet envelope which must be marked “provisionally rejected” because it does not contain a signing sheet.
- (3) In the application of this regulation to Northern Ireland—
- (a) references to “provisionally rejected” are to be read as references to “rejected”; and
 - (b) in paragraph 2(c) substitute “receptacle for rejected signing sheet envelopes” with “receptacle for rejected signing sheets”.

Retrieval of cancelled postal signing sheets

109.—(1) Where it appears to the petition officer that a cancelled postal signing sheet has been placed—

- (a) in a postal signers’ ballot box,
- (b) in the receptacle for signing sheet envelopes, or
- (c) in a postal ballot box,

the officer must proceed as follows.

(2) The petition officer must, on at least one occasion on which a postal signers’ ballot box is opened in accordance with regulation 103 (opening of postal signers’ ballot box), also open any postal ballot box and the receptacle for signing sheet envelopes and—

- (a) retrieve the cancelled signing sheet;
- (b) retrieve the postal petition statement or declaration of identity (as the case may be) that relates to a cancelled signing sheet from the receptacle for postal petition statements (verification procedure) or receptacle for declarations of identity (as the case may be);
- (c) attach any cancelled postal signing sheet to the postal petition statement or declaration of identity to which it relates;
- (d) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by regulations 94 and 95 (spoilt postal signing sheets) or regulation 98 (cancellation of postal signing sheets); and
- (e) unless the postal ballot box has been opened for the purposes of the counting of signing sheets under regulation 39 (the count), re-lock (if it has a lock) and re-seal the postal ballot box.

Lists of rejected postal signing sheets: England and Wales and Scotland

110.—(1) In respect of any petition, the petition officer must keep three separate lists relating to rejected postal signing sheets as required by this regulation (“lists of rejected postal signing sheets”).

(2) In the first list, the officer must record the signing sheet number of any postal signing sheet for which no valid postal petition statement was received with it.

(3) In the second list, the officer must record the postal signing sheet number which is entered on a valid postal petition statement where that signing sheet is not received with the postal petition statement.

(4) In the third list, the officer must record, for every postal petition statement in the receptacle for rejected signing sheets (verification procedure) immediately prior to sealing—

- (a) the elector’s name and address (and the name and address of the proxy if the elector has a proxy);
 - (b) the elector’s number on the register of electors (and that of the proxy if the elector has a proxy);
 - (c) the specified reason or reasons for the rejection of the postal petition statement; and
 - (d) any other information relating to the rejection that the petition officer considers appropriate, but not the signing sheet number.
- (5) The specified reasons that may be given under paragraph (4)(c) for the rejection of a postal petition statement are as follows—
- (a) the signature does not match the example held on the personal identifiers record;
 - (b) the date of birth does not match the one held on the personal identifiers record;
 - (c) the signature field is blank; or
 - (d) the date of birth field is blank.

Checking lists of rejected postal signing sheets: England and Wales and Scotland

111.—(1) Where the petition officer receives a valid postal petition statement without the postal signing sheet to which it relates, the officer may, at any time before the end of the signing period, check the list kept under regulation 110(2) to see whether the number of a postal signing sheet to which the statement relates is entered in that list.

(2) Where the petition officer receives a postal signing sheet without the postal petition statement to which it relates, the officer may, at any time prior to the end of the signing period, check the list kept under regulation 110(3) to see whether the number of that signing sheet is entered in that list.

(3) The petition officer must conduct the checks required by paragraphs (1) and (2) as soon as practicable after the receipt of the packets from every petition signing place.

(4) Where the signing sheet number in the list matches that number on a valid postal petition statement or the postal signing sheet (as the case may be) the petition officer must retrieve that statement or sheet.

(5) The petition officer must then take the appropriate steps under these Regulations as though any document earlier marked “provisionally rejected” had not been so marked and must amend the document accordingly.

Sealing of receptacles

112.—(1) For petitions in England and Scotland and Wales, as soon as practicable after the completion of the procedure under regulation 111(3) and (4) (checking of lists of rejected signing sheets), the petition officer must make up into separate packets, and seal up such packets, the contents of—

- (a) the receptacle of rejected signing sheets;
- (b) the receptacle of rejected signing sheet envelopes;
- (c) the lists of spoilt, lost or cancelled postal signing sheets;
- (d) the receptacle of rejected signing sheets (verification procedure);
- (e) the receptacle of postal petition statements (verification procedure).

(2) For petitions in Northern Ireland, as soon as practicable after the completion of the procedure under regulation 108 (opening of signing sheet envelopes) the petition officer must make up into separate packets, and seal up such packets, the contents of—

- (a) the receptacle of rejected signing sheets;

- (b) the receptacle of declarations of identity;
- (c) the lists of spoilt, lost or cancelled postal signing sheets.

(3) Any document in those packets referred to in paragraph (1) marked “provisionally rejected” is to be deemed to be marked “rejected”.

Early termination of petition

113. Where a petition is terminated by virtue of section 13 of the Act (early termination of recall petition process) after postal signing sheets have been issued, the petition officer—

- (a) must not take any step or further steps to open covering envelopes or deal with the contents in accordance with the provisions of this Part; and
- (b) must, notwithstanding regulation 104 (opening of covering envelopes) to regulation 108 (opening of signing sheet envelopes), treat all unopened covering envelopes and the contents of those that have been opened as if they were counted signing sheets.

Forwarding of documents

114.—(1) The petition officer must forward to the registration officer at the same time as the petition officer forwards the documents mentioned in regulation 44 (delivery of documents to the registration officer)—

- (a) any packets referred to in regulation 92 (sealing up of corresponding number lists), regulations 94 and 95 (spoilt postal signing sheets), regulations 96 and 97 (lost signing sheets), regulation 98 (cancellation of postal signing sheets), regulation 104 (opening of covering envelopes) and regulation 112 (sealing of receptacles) and subject to regulation 113, endorse on each packet a description of its contents and the name of the petition signing place; and
- (b) a completed statement of the number of postal signing sheets issued, which is to be in the form of Form L in Schedule 2 (forms).

(2) Where—

- (a) any covering envelopes are received by the petition officer after the end of the signing period (apart from those delivered in accordance with the provisions of regulation 99(3) (alternative means of returning postal signing sheets, postal petition statements and declarations of identity),
- (b) any envelopes addressed to postal signers are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal signing sheets are returned too late to enable other postal signing sheets to be issued,

the petition officer must put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in paragraph (1).

(3) A petition officer, must at the same time as forwarding the documents mentioned in paragraph (1)—

- (a) forward the list required to be compiled under regulation 110(4) (lists of rejected postal signing sheets) to the relevant registration officer; and
- (b) where the constituency comprises any part of the area of more than one local authority, the petition officer must also forward a copy of such extract of the list required to be compiled under regulation 110(4) as are relevant to each of the other registration officers concerned.

(4) Regulation 45 (orders for the production of documents) and regulation 46 (retention of documents) are to apply to any packet or document forwarded under this regulation except that in

applying those provisions the list compiled and any extracts from it under regulation 110(4) (lists of rejected postal signing sheets) must be treated in the same manner as a counted signing sheet.

(5) In the application of this regulation to Scotland, the petition officer is not required to forward the documents mentioned to the registration officer but instead the petition officer must retain those documents and regulation 47 (retention and disposal of documents: Scotland) is to apply to those documents as it applies to documents retained under that regulation.

(6) A copy of the statement referred to in paragraph (1)(b) is to be provided by the petition officer to the Secretary of State and the Electoral Commission in the period which starts 10 days after the day of the signing period ends 15 days after that date.

(7) In the application of this regulation to Northern Ireland—

- (a) a reference to the registration officer is a reference to the Clerk of the Crown for Northern Ireland; and
- (b) in paragraph (6), the copy of the statement mentioned in that paragraph is to be provided to the Electoral Commission only.

Notification of a rejected postal petition statement: England and Wales and Scotland

115.—(1) Where an absent signer for a petition in England and Wales or Scotland appears on the list compiled under regulation 110(4) (lists of rejected postal signing sheets)—

- (a) the registration officer responsible for the personal identifiers record that contains information in respect of the absent signer must notify the absent signer (and the elector if the absent signer is a proxy) that the signing sheet concerned was rejected because the petition officer was not satisfied that the postal petition statement was duly completed;
- (b) the registration officer must send the notification as soon as possible, and within the period of three months beginning with the last day of the signing period; and
- (c) the notification must include information as to which of the specified reasons referred to in regulation 110(5) applied to the postal petition statement.

(2) The registration officer is not obliged to send a notification—

- (a) to any person who is no longer shown as signing the petition by post in the record kept under regulation 51(4) or regulation 58(7) at the time the registration officer proposes to send the notification; or
- (b) where the registration officer suspects that an offence may have been committed in relation to the postal signing sheet, the postal petition statement or the absent signer's entitlement to sign the petition under section 10 of the Act (persons entitled to sign a recall petition).

(3) A notification issued under paragraph (1) may also include any other information that the registration officer considers appropriate, but a notification must not include information held on the personal identifiers record.

Requirement to provide fresh signature following rejection of a postal petition statement: England and Wales and Scotland

116.—(1) This regulation applies where an absent signer is notified under regulation 115 (notification of a rejected postal petition statement) that the signature on the postal petition statement with which they were issued does not match the example held on the personal identifiers record, and the person continues to be shown on the record kept under regulation 51(4) as signing the petition by post.

(2) Where this regulation applies, the registration officer may require the absent signer to provide a fresh signature for the personal identifiers record in accordance with regulation 59 (the personal identifiers record).

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Recall of MPs Act 2015 (Recall Petition) Regulations 2016 ISBN 978-0-11-114199-1
