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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

The Recall of MPs Act 2015 (Recall Petition) Regulations 2016

PART 4

ABSENT SIGNERS

CHAPTER 1

Entitlement to Absent Signing

**Signing the petition as a proxy**

**58.**—(1) A person entitled to sign the petition as proxy for another may do so in person at the petition signing place allotted to the appointer under regulation 16 (allotment of petition signing place) unless the person is entitled to sign the petition by post as proxy for the appointer, in which case the person may sign the petition by post.

(2) But in the case of a person entitled to sign the petition as proxy for an appointer included in the register of electors in Northern Ireland who has an anonymous entry—

- (a) paragraph (1) does not apply, and
- (b) the person may only sign the petition by post (where entitled as a proxy to sign the petition by post).

(3) Where a person is entitled to sign the petition by post as proxy for the appointer, that appointer may not apply for a signing sheet for the purpose of signing the petition in person.

(4) For the purposes of this Part, a person entitled to sign the petition as proxy is entitled to sign the petition by post if that person is included—

- (a) in the proxy postal signers list;
- (b) in the record (record of proxy postal voting) kept under paragraph 7(6) of Schedule 4; or
- (c) in the record (record of proxy postal voting) kept under section 9(6) of the 1985 Act.

(5) Where a person applies to the registration officer to sign the petition by post as proxy, the registration officer must grant the application if the conditions set out in paragraph (6) are satisfied.

(6) Those conditions are—

- (a) that the registration officer is satisfied that the appointer is or will be entitled to sign the petition by virtue of section 10 of the Act;
- (b) that there is in force an appointment of the applicant as the appointer's proxy to sign the petition on behalf of the appointer;
- (c) the officer is satisfied that the proxy has not signed the petition at the petition signing place allotted to the appointer under regulation 16; and
- (d) that the application contains the applicant's signature and date of birth and meets the requirements of Chapter 2 of this Part.

(7) The registration officer must keep a record of those whose applications under paragraph (5) have been granted showing—

- (a) whether their applications were to sign the petition by post as proxy for an indefinite or particular period (specifying that period); and
- (b) the addresses provided by them in their applications as the addresses to which their signing sheets are to be sent.

(8) Where, in the case of a particular petition, a person included in the record kept under paragraph (7) applies to the registration officer for their signing sheet to be sent to a different address to the one shown in the record, the registration officer must grant the application if it meets the requirements of Chapter 2 of this Part.

(9) The registration officer must, in respect of each petition, keep a special list (“the proxy postal signers list”) of those who are for the time being included in the record kept under paragraph (7), together with the addresses provided by them in their application under paragraph (5) or paragraph (8) (as the case may be) as the addresses to which their signing sheets are to be sent.

(10) In the case of a person who has an anonymous entry in the register, the proxy postal signers list must contain only—

- (a) the person’s electoral number; and
- (b) the period for which the anonymous entry has effect.

(11) The registration officer must remove a person from the record kept under paragraph (7)—

- (a) if that person applies to the registration officer to be removed;
- (b) if the appointer ceases to be entitled to sign the petition as mentioned in paragraph (6)(a);
- (c) if the appointment of the person concerned as the appointer’s proxy ceases to be in force (whether or not that person is re-appointed); or
- (d) in the case of a person who applied to sign the petition by post as proxy for a particular period, once that period has expired, unless paragraph (16) applies.

(12) The registration officer must on the completion of the proxy postal signers list, supply to the petition officer so much of that list as relates to the constituency to which the petition relates.

(13) Paragraph (3) does not prevent a person, at the petition signing place to which the person is allotted, signing a tendered signing sheet in the circumstances prescribed in regulation 30 (tendered signing sheets) if the person would otherwise be able to do so.

(14) The registration officer may dispense with the requirement under paragraph (6)(d) for the applicant to provide a signature if the officer is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has;
- (b) to provide a signature because the applicant is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(15) For petitions held in Northern Ireland, the following modifications are made to this regulation—

- (a) in paragraph (6), a person applying to sign the petition by post as proxy must provide an address in the United Kingdom as an address to which their signing sheet is to be sent;
- (b) paragraphs (7)(a), (12) and (14) do not apply.

(16) For the purposes of paragraph (11)(d), and without prejudice to paragraph (11)(a) to (c), where a person has been granted an application under paragraph (5) to sign the petition by post as proxy for a definite period, and that period expires during the signing period for a particular petition, that definite period is deemed to continue until the end of the signing period for the purposes of enabling the proxy to sign the petition by post.