



Recess Elections Act 1975

1975 CHAPTER 66

1 Issue of warrants by Speaker for making out writs

(1) During any recess of the House of Commons, whether by prorogation or adjournment, it shall be the duty of the Speaker, subject to the provisions of this Act, upon receipt of a certificate of vacancy to issue his warrant to the Clerk of the Crown in Chancery to make out a new writ for electing a Member of the House in place of a Member whose seat has become vacant—

- (a) because he has died or become a peer, either during the recess or before it;
- (b) because he has accepted a disqualifying office during the recess; or
- (c) because of his bankruptcy.

(2) In this Act—

" certificate of vacancy " means—

- (a) where the seat has become vacant because the Member has died, become a peer or accepted a disqualifying office, a certificate under the hands of two Members of the House of Commons in the form set out in Schedule 1 to this Act, or to the like effect; and
- (b) where the seat has become vacant because of a Member's bankruptcy, a certificate under the relevant bankruptcy enactment given by the court which adjudged him bankrupt;

" disqualifying office" means any office, other than the office of steward or bailiff of Her Majesty's three Chiltern Hundreds of Stoke, Desborough and Burnham or of the Manor of Northstead, which disqualifies its holder for membership of the House of Commons; and

" the relevant bankruptcy enactment " means—

- (a) for a court in England or Wales, section 33(1) of the Bankruptcy Act 1883 ;
- (b) for a court in Scotland, that subsection as applied to Scotland by section 184 of the Bankruptcy (Scotland) Act 1913 ; and
- (c) for a court in Northern Ireland, section 42 of the Bankruptcy (Ireland) Amendment Act 1872.