

Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 10

ALTERATION OF REGISTERS OF PARLIAMENTARY ELECTORS

- 1 Part 1 of the Representation of the People Act 1983 (parliamentary franchise etc) is amended as follows.

Commencement Information

- I1** Sch. 2 para. 1 partly in force; Sch. 2 para. 1 in force at Royal Assent for specified purposes, see s. 24(2)(c)
I2 Sch. 2 para. 1 in force at 4.3.2016 in so far as not already in force by S.I. 2016/290, reg. 2

- 2 In section 13 (publication of registers), in subsection (5)(b), for “13BA” substitute “ 13BC ”.

Commencement Information

- I3** Sch. 2 para. 2 in force at 4.3.2016 by S.I. 2016/290, reg. 2

- 3 (1) Section 13A (alteration of registers) is amended as follows.
(2) In subsection (4), for “or 13BA(3), (6) or (9)” substitute “ , 13BA(3), (6) or (9) or 13BC(3) or (6) ”.
(3) In subsection (5), for “or section 13BA” substitute “ , section 13BA or section 13BC ”.

Commencement Information

- I4** Sch. 2 para. 3 in force at 4.3.2016 by S.I. 2016/290, reg. 2

- 4 (1) Section 13AB (alteration of registers: interim publication dates) is amended as follows.
(2) In subsection (7)(a), after “13A(2)” insert “ or 13BC(3) or (6) ”.
(3) In subsection (7), for paragraph (b) substitute—
“ (b) in relation to the second interim publication date—
(i) section 13A(2);
(ii) section 13BC(3) or (6);
(iii) subsection (3) of this section as it applies in relation to the first interim publication date.”
(4) After subsection (7), insert—
“(7A) In determining for the purposes of subsection (1)(c) whether an alteration made in consequence of the determination, requirement or decision is due to

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take effect under section 13BC(3) on or before the interim publication date, the reference to section 13AB in section 13BC(2) is to be disregarded.”

(5) After subsection (9), insert—

“(10) Subsection (2) does not require a registration officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.”

Commencement Information

I5 Sch. 2 para. 4 in force at 4.3.2016 by S.I. 2016/290, reg. 2

5 (1) Section 13B (alteration of registers: pending elections), as it has effect in England and Wales and Scotland, is amended as follows.

(2) In subsection (1), after “section 13A(2) above” insert “ or section 13BC(3) or (6) below ”.

(3) In subsection (2)(c), for “or section 13AB(3)” substitute “ , or under section 13AB(3) or section 13BC(3) or (6), ”.

(4) After subsection (3), insert—

“(3ZA) In determining for the purposes of subsection (2)(c) whether an alteration made in consequence of the determination, requirement or decision is due to take effect under section 13BC(3) on or before the fifth day before the date of the poll, the reference to section 13B in section 13BC(2) is to be disregarded.

(3ZB) Subsection (3) does not require a registration officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.”

Commencement Information

I6 Sch. 2 para. 5 in force at 4.3.2016 by S.I. 2016/290, reg. 2

6 (1) Section 13BA (alteration of registers in Northern Ireland: pending elections) is amended as follows.

(2) In subsection (1), after “section 13A(2)” insert “ or section 13BC(3) or (6) ”.

(3) In subsection (2)(b), after “section 13A(2)” insert “ , or section 13BC(3), ”.

(4) After subsection (3), insert—

“(3A) In determining for the purposes of subsection (2)(b) whether an alteration made in consequence of the determination or requirement is due to take effect under section 13BC(3) on or before the final nomination day, the reference to section 13BA in section 13BC(2) is to be disregarded.

(3B) Subsection (3) does not require the Chief Electoral Officer to issue a notice under that subsection in a case where section 13BC(3) requires the officer to issue a notice under that provision at an earlier time.”

(5) In subsection (5)(b), after “section 13A(2)” insert “ , or section 13BC(3) or (6), ”.

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(6) After subsection (6), insert—

“(6A) In determining for the purposes of subsection (5)(b) whether an alteration made in consequence of the decision or determination is due to take effect under section 13BC(3) on or before the fifth day before the date of the poll, the reference to section 13BA in section 13BC(2) is to be disregarded.

(6B) Subsection (6) does not require the Chief Electoral Officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.”

Commencement Information

I7 Sch. 2 para. 6 in force at 4.3.2016 by S.I. 2016/290, reg. 2

7 Before section 13C, insert—

Alteration of registers: recall petition

“13BQ) This section applies if—

- (a) a Speaker's notice is given in relation to a recall petition in respect of an MP under the Recall of MPs Act 2015 (“the 2015 Act”), and
- (b) a day is designated in relation to that petition under section 7(1)(b) of that Act (first day of the signing period).

(2) Subsection (3) applies where—

- (a) at any time before the cut-off day, section 13A applies to a registration officer, by virtue of subsection (1) of that section, in connection with—
 - (i) a requirement or determination falling within paragraph (za) or (a) of that subsection in respect of a qualifying application for registration,
 - (ii) a requirement falling within paragraph (zb) of that subsection in respect of an entry in the register resulting from a qualifying application for registration, or
 - (iii) a requirement, decision or determination falling within any of paragraphs (b) to (d) of that subsection,
- (b) in consequence of the requirement, determination or decision, an entry relating to a person falls to be made or altered in, or removed from, the relevant register,
- (c) no alteration made in consequence of the requirement, determination or decision has already taken effect, or is due to take effect, under section 13A, 13AB, 13B or 13BA on or before the cut-off day, and
- (d) if the relevant register is for a constituency in Northern Ireland, the Chief Electoral Officer for Northern Ireland is supplied on or before the prescribed date with such additional material as is prescribed supporting the appropriate alteration in the register.

(3) In such a case—

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- (a) the registration officer must issue, in the prescribed manner on the cut-off day, a notice specifying the appropriate alteration in the register, and
 - (b) subject to sections 13B(1) and 13BA(1), the alteration is to take effect as from the beginning of the day on which the notice is issued.
- (4) In determining for the purposes of subsection (2)(c) whether an alteration made in consequence of the requirement, determination or decision is due to take effect under section 13AB, 13B or 13BA on or before the cut-off day, the references to section 13BC(3) in section 13AB(7), 13B(2) and 13BA(2) and (5) are to be disregarded.
- (5) Subsection (6) applies where—
- (a) at any time on or after the cut-off day but before the prescribed time on the last day of the signing period, section 13A applies to a registration officer, by virtue of subsection (1) of that section, in connection with—
 - (i) a notification mentioned in paragraph (c) of that subsection, or
 - (ii) a determination falling within paragraph (d) of that subsection, and
 - (b) in consequence of the notification or determination, an entry relating to a person falls to be made or altered in, or removed from, the relevant register.
- (6) In such a case—
- (a) the registration officer must issue, in the prescribed manner and on the appropriate day, a notice specifying the appropriate alteration in the register, and
 - (b) subject to sections 13B(1) and 13BA(1), the alteration is to take effect as from the beginning of the day on which the notice is issued.
- (7) “The appropriate day” means—
- (a) in a case falling within subsection (5)(a)(i), the day when the registration officer receives the notification referred to in that provision (or, if that is not a working day, the next working day);
 - (b) in a case falling within subsection (5)(a)(ii), the day when the registration officer makes the determination referred to in that provision (or, if that is not a working day, the next working day).
- (8) If the petition officer in relation to the recall petition receives a notice under section 13(6) of the 2015 Act (early termination of recall petition process), this section ceases to apply in the case of that petition.
- (9) But if, at the time when that notice is so received—
- (a) the registration officer is under a duty under subsection (3) or (6) of this section to issue a notice, but
 - (b) has not yet issued the notice,
- the registration officer remains under that duty to issue the notice at the time at which it would have been required to be issued if subsection (8) had not applied.
- (10) In this section—

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- (a) “the cut-off day” means the 3rd working day before the beginning of the signing period,
- (b) “qualifying application for registration” means an application for registration that—
 - (i) is made on or before the day on which the Speaker's notice is given, or
 - (ii) is treated as made by virtue of section 10A(2) (return of canvass form treated as application for registration) in respect of a form returned on or before that day,
- (c) “relevant register” means the register of parliamentary electors for the MP's constituency,
- (d) the following expressions have the same meaning as in the 2015 Act: “MP”, “petition officer”, “recall petition”, “the signing period”, “Speaker's notice” and “working day” (see section 22 of that Act), and
- (e) any reference to a notice given under the 2015 Act or the time at which such a notice is given has the same meaning as in that Act.”

Commencement Information

- I8** Sch. 2 para. 7 partly in force; Sch. 2 para. 7 in force at Royal Assent for specified purposes, see s. 24(2)(c)
- I9** Sch. 2 para. 7 in force at 4.3.2016 in so far as not already in force by S.I. 2016/290, reg. 2

- 8 (1) Section 56 (registration appeals: England and Wales) is amended as follows.
- (2) In subsection (4), for “and 13B” substitute “, 13B and 13BC”.
 - (3) In subsection (4A), after “13B(3) or (3B)” insert “ or 13BC(3) or (6)”.

Commencement Information

- I10** Sch. 2 para. 8 in force at 4.3.2016 by S.I. 2016/290, reg. 2

- 9 (1) Section 58 (registration appeals: Northern Ireland) is amended as follows.
- (2) In subsection (4), for “and 13BA” substitute “, 13BA and 13BC”.
 - (3) In subsection (5), for “or 13BA(6) or (9)” substitute “, 13BA(6) or (9) or 13BC(3) or (6)”.

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- I11** Sch. 2 para. 9 in force at 4.3.2016 by S.I. 2016/290, reg. 2

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