

RECALL OF MPS ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS (AND SCHEDULES)

Section 2: The first and third recall conditions: further provision

18. **Section 2** contains further provision about the offences and sentences or orders that are to satisfy the first and third recall conditions. These would include offences committed by the MP before he or she became an MP and before section 1 comes into force; but only where an MP is convicted on or after the day on which section 1 comes into force and after the MP becomes an MP (*subsection (1)*).
19. *Subsection (3)* provides that references to a sentence or order for the purposes of the first recall condition include suspended sentences or orders. However, remand in custody or authorisation for detention under mental health legislation, if there is no sentence or order for imprisonment or detention other than under that legislation, are not sentences or orders for the purpose of the first recall condition. A list of “mental health legislation” for the purpose of this section is in *subsection (4)*.
20. *Subsection (5)* provides that the time at which a person becomes an MP for the purposes of this Act is the beginning of the day after the polling day for the parliamentary election at which the person was (or was last) elected.