



Recall of MPs Act 2015

2015 CHAPTER 25

How an MP becomes subject to a recall petition process

3 The first and third recall conditions: expiry of appeal period

- (1) For the purposes of section 1(3) and (9) (the first and third recall conditions), the appeal period expires at the earliest time at which—
 - (a) it is no longer possible for there to be a relevant appeal, and
 - (b) all relevant appeals have been determined or otherwise disposed of.
- (2) “Relevant appeal”, in relation to the first recall condition, means—
 - (a) an appeal that—
 - (i) is in respect of the conviction, sentence or order mentioned in section 1(3), and
 - (ii) is brought within the usual period, or
 - (b) an appeal that—
 - (i) is in respect of the determination of an appeal that was itself a relevant appeal, and
 - (ii) is brought within the period of 28 days beginning with the date of that determination or, if it ends earlier, the usual period.
- (3) “Relevant appeal”, in relation to the third recall condition, means—
 - (a) an appeal that—
 - (i) is in respect of the conviction mentioned in section 1(9) or of any sentence or order imposed in relation to that conviction, and
 - (ii) is brought within the usual period, or
 - (b) an appeal that—
 - (i) is in respect of the determination of an appeal that was itself a relevant appeal, and
 - (ii) is brought within the period of 28 days beginning with the date of that determination or, if it ends earlier, the usual period.

Status: This is the original version (as it was originally enacted).

- (4) References in this section to an appeal being brought within the usual period are to the appeal being brought within the period allowed for bringing an appeal of the kind in question, disregarding the possibility of an appeal out of time with permission.
- (5) References in this section to an appeal—
- (a) are to an appeal to a court in the United Kingdom;
 - (b) include an application (and accordingly references to an appeal being brought include an application being made);
 - (c) include an appeal under paragraph 13(a) of Schedule 6 to the Scotland Act 1998, paragraph 31(a) of Schedule 10 to the Northern Ireland Act 1998 or paragraph 21(a) of Schedule 9 to the Government of Wales Act 2006 (appeal against a determination, in proceedings in Scotland, of a Scottish, Northern Irish or Welsh devolution issue), or an appeal under section 288AA of the Criminal Procedure (Scotland) Act 1995 (appeal on compatibility issues);
 - (d) do not include a reference under Part 2 of the Criminal Appeal Act 1995 (the Criminal Cases Review Commission) or Part 10A of the Criminal Procedure (Scotland) Act 1995 (the Scottish Criminal Cases Review Commission), or a petition to the nobile officium.
- (6) References in this section to the determination of an appeal are, where the court to which the appeal is brought remits the matter to another court, to the disposal of the proceedings by that other court.