



Recall of MPs Act 2015

2015 CHAPTER 25

How an MP becomes subject to a recall petition process

5 Speaker's notice that first, second or third recall condition has been met

- (1) As soon as reasonably practicable after becoming aware that the first, second or third recall condition has been met in relation to an MP, the Speaker must give notice of that fact to the petition officer for the MP's constituency.
- (2) But subsection (1) does not apply if it would require the Speaker to give notice at a time—
 - (a) within the period of 6 months ending with the [^{F1}last possible] polling day for the next parliamentary general election,
 - (b) when the MP is already subject to a recall petition process, or
 - (c) when the MP's seat has already been vacated (whether by the MP's disqualification or death, or otherwise).

[^{F2}(2A) For the purposes of subsection (2)(a), the last possible polling day is the day on which polling would take place, according to the election timetable in rule 1 of Schedule 1 to the Representation of the People Act 1983, if the Parliament then in existence were dissolved by virtue of section 4 of the Dissolution and Calling of Parliament Act 2022 (automatic dissolution of Parliament after five years).]

^{F3}(3)

- (4) For the purposes of subsection (2)(b), an MP is “subject to a recall petition process” during the period beginning with the giving of a notice under this section in relation to the MP and ending with—
 - (a) the receipt by the petition officer of a notice under section 13(6) (early termination of recall petition process) in relation to the recall petition in question, or
 - (b) the giving by the petition officer of a notice under section 14(2)(b) (determination of whether recall petition successful) of the outcome of that recall petition.

Changes to legislation: There are currently no known outstanding effects for the Recall of MPs Act 2015, Section 5. (See end of Document for details)

- (5) A notice under this section—
- (a) must specify the day on which it is given,
 - (b) must specify which of the recall conditions has been met in relation to the MP, and
 - (c) in a case in which the first recall condition has been met, must specify the offence of which the MP has been convicted.
- (6) For the purposes of this Act, a notice under this section—
- (a) is to be treated as given on the day specified in it under subsection (5)(a), and
 - (b) is to be treated as received by the petition officer on the first working day after the day on which it is given.
- (7) References in this Act to a “Speaker's notice” are to a notice under this section.

Textual Amendments

- F1** Words in s. 5(2)(a) inserted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 25\(2\)](#)
- F2** [S. 5\(2A\)](#) inserted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 25\(3\)](#)
- F3** [S. 5\(3\)](#) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 25\(4\)](#)
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Commencement Information

- I1** [S. 5](#) in force at 4.3.2016 by [S.I. 2016/290](#), [reg. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Recall of MPs Act 2015, Section 5.