

These notes relate to the Lords Amendments to the Recall of MPs Bill, as brought from the House of Lords on 3 March 2015

RECALL OF MPS BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

INTRODUCTION

1. These explanatory notes relate to the Lords amendments to the Recall of MPs Bill, as brought from the House of Lords on 3 March 2015. They have been prepared by the Cabinet Office in order to assist the reader of the Bill and the Lords amendments and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
2. These notes, like the Lords amendments themselves, refer to HL Bill 62, the Bill as first printed for the Lords.
3. These notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Lords amendments.
4. All the Lords amendments were tabled in the name of the Minister.

COMMENTARY ON LORDS AMENDMENTS

Lords Amendments 1, 5, 6, 8, 9, 12 to 15, 17, 21 and 22

5. These Lords amendments are minor and technical amendments that would ensure that the relevant provisions of the Bill will work in relation to the third recall condition (conviction for an offence under section 10 of the Parliamentary Standards Act 2009) which was added at Report stage in the House of Commons.

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Lords Amendments 2 to 4

6. These Lords amendments are concerned with the second recall condition (order of suspension from the House). Lords Amendment 2 would ensure that, under the second recall condition, the report of the Committee on Standards which precedes the House of Commons' order for suspension of the MP must relate to that MP (and not, for example, broader questions of discipline of members more generally). Lords Amendment 3 would be a drafting change. Lords Amendment 4 would ensure that the reference to the Committee on Standards in the second recall condition would capture any other committee that in the future exercises the relevant functions, regardless of what it is called.

Lords Amendment 7

8. Lords Amendment 7 would ensure that offences committed before the day on which Clause 1 comes into force would trigger the opening of a recall petition, as long as the conviction and sentencing took place after the day on which Clause 1 comes into force. It reflects the substance of an amendment which was tabled at Report stage in the House of Commons but not called. The relevant paving amendment was made at that stage.

Lords Amendment 10

9. Lords Amendment 10 would ensure that under the third recall condition (as under the first recall condition (conviction for an offence and sentenced to detention)), the recall process would begin once all relevant appeals have been determined or disposed of. It would also ensure that, under the first and third recall conditions, a second (or further) appeal would only delay the opening of the petition if it is brought within 28 days of the determination of the first (or earlier) appeal, or the usual time limit for that type of further appeal, whichever is the earlier.

Lords Amendment 11

10. Lords Amendment 11 would be a minor and technical amendment to the definition of "appeal" in Clause 3(6). This would provide certainty that appeals dealt with under section 288AA of the Criminal Procedure (Scotland) Act 1995 (appeal on compatibility issues) would be covered.

Lords Amendment 16

11. Lords Amendment 16 would be a minor and technical amendment to provide that the requirement under Clause 4 for the courts to inform the Speaker that an MP had been convicted and sentenced would cease to apply after the person ceases to be an MP.

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Lords Amendment 18

12. Lords Amendment 18 would increase the number of places that the Petition Officer could designate in their constituency for signing the recall petition, from a maximum of four to a maximum of ten.

Lords Amendment 19

13. Lords Amendment 19 would reduce the length of the period during which the recall petition would be available for signing from eight to six weeks.

Lords Amendment 20

14. Lords Amendment 20 would make a clarification to the final sentence of the wording to appear on the petition signing sheet as set out in Clause 9(4).

Lords Amendments 23 to 25

15. These Lords amendments would remove the power of the Speaker to appoint a person to exercise the Speaker's functions under the Bill in his or her absence. The functions would instead fall to the elected Chairman or Deputy Chairman of Ways and Means if the Speaker is unable to perform them or there is no Speaker. Lords Amendment 24 would also make clear that the Chairman or Deputy Chairman of Ways and Means should also perform the Speaker's functions if the Speaker meets one of the three recall conditions.

Lords Amendment 26

16. Lords Amendment 26 would remove the power for the Act itself to be amended by regulations under clause 18 (power to make further provision about conduct of a recall petition etc).

Lords Amendment 27

17. Lords Amendment 27 would amend the definition of "overturned on appeal" in Clause 22 to ensure that, in the case of a conviction, it includes situations where a sentence is overturned and replaced with an absolute or conditional discharge. Under section 14 of the Powers of Criminal Courts (Sentencing) Act 2000, section 247 of the Criminal Procedure (Scotland) Act 1995 and Article 6 of the Criminal Justice (Northern Ireland) Order 1996, absolute and conditional discharges do not count as convictions for the purposes of the Bill.

Lords Amendments 28 to 30

18. These Lords amendments would amend Schedule 5 to require the petition officer to deliver recall petition returns to the Electoral Commission as soon as reasonably practicable after the documents are received, rather than on request by the Electoral Commission.

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Lords Amendment 31

19. Lords Amendment 31 would correct an incorrect cross-reference in paragraph 10 of Schedule 5.

Lords Amendment 32

20. Lords Amendment 32 would amend section 5(4) of PPERA 2000 (as inserted by paragraph 3(2)(b) of Schedule 6) to require the Electoral Commission to produce and publish a report on the recall petition process after the end of the petition period in relation to each recall petition, rather than at the Commission's discretion.

FINANCIAL EFFECTS OF THE LORDS AMENDMENTS

21. Lords Amendment 18 (which would increase the maximum number of signing places from 4 to 10) may alter the expenditure incurred by a petition officer in respect of a recall petition depending on the number of signing places that they choose to designate in their constituency. Lords Amendment 19 would reduce the expenditure that is incurred by a petition officer as a result of reducing the length of the signing period for a recall petition. The expenditure of a petition officer is reimbursed by the Minister from the Consolidated Fund (under Schedule 1). That is similar to the reimbursement of expenditure incurred by a returning officer in respect of an election (see section 29 of the Representation of the People Act 1983).

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