

Recall of Elected Representatives Bill

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Permit voters to recall their elected representatives in specified circumstances; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Interpretation

In this Act—

“constituency” means an area represented by an elected representative;

“elected representative” means any person elected in England to serve as a Member of Parliament, a Member of the European Parliament, a member of a local or parish council, or an elected Mayor;

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“recall petition” means a petition calling, in terms determined under section 4, for the seat of an elected representative to be vacated in accordance with this Act.

2 Returning officer’s notice of a recall petition

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(1) If one per cent of registered voters in the constituency of an elected representative sign a notice-of-intent-to-recall petition stating that they have lost confidence in their elected representative for whatever reason then a recall petition must be made available under section 3.

(2) A returning officer must be appointed if a recall petition is to be held in accordance with subsection (1).

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(3) In order for a notice-of-intent-to-recall petition to be valid the Returning Officer must be satisfied that the petition has been submitted in accordance with the rules provided for in subsection (4).

(4) The Secretary of State must make rules by statutory instrument within 6 months of the passing of this Act setting out how a notice-of-intent-to-recall petition is to be submitted.

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- (5) The Returning Officer must, within two weeks after subsection (3) is met, give notice that the elected representative is subject to a recall petition.

3 Returning officer to make recall petition available for signature

- (1) Where the returning officer for a constituency gives notice, the officer must—
- (a) designate a place or places at which a recall petition is to be made available for signature, 5
 - (b) ensure that arrangements are made to enable access to the petition, and
 - (c) designate a day from which the petition is to be made available for signature.
- (2) The returning officer must ensure that the recall petition is made available for signature at the designated place or places throughout the signing period. 10
- (3) In this Act “the signing period” means the period—
- (a) beginning with the designated day, and
 - (b) ending with the day eight weeks later.

4 Wording of recall petition 15

- (1) This section makes provision about the wording of a recall petition that is to be made available for signature under section 3.
- (2) The recall petition is to read “If you think that [name], the [elected representative] for [constituency] should be subject to a recall election, please sign below.” 20

5 Determination of whether recall petition is successful

- (1) A recall petition is successful if the number of persons who validly sign the petition is at least 20% of the number of persons registered in the register of electors for the constituency.
- (2) As soon as reasonably practicable after the end of the signing period, the returning officer must determine whether the recall petition has been successful. 25
- (3) If the recall petition has been successful then a recall election must be held within 2 months.

6 Recall elections 30

- (1) The question that is to appear on the ballot papers in a recall election is “Should [name of elected representative] be recalled from [name of body or office]?”.
- (2) The Secretary of State must make rules by statutory instrument within 6 months of the passing of this Act making provision relating to—
- (a) the entitlement to vote in, and the conduct of, the recall election; and 35
 - (b) the arrangements to be made if the elected representative has been elected under a system of proportional representation.
- (3) If at a recall election more votes are cast in favour of the answer “Yes” than in favour of the answer “No”, then—

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- (a) if the elected representative has been elected under a first past the post or alternative vote electoral system, he or she is recalled and a by-election must be held within 2 months in which the recalled candidate may stand, or
- (b) if the elected representative has been elected under a system of proportional representation, a candidate must be chosen in accordance with rules made by the Secretary of State in accordance with subsection (2)(b). 5
- 7 Rules**
- A statutory instrument containing rules under this Act is subject to annulment in pursuance of a resolution of either House of Parliament. 10
- 8 Financial provisions**
- (1) *There shall be paid out of money provided from the Consolidated Fund any sums to be paid by the Secretary of State for or in connection with the carrying out of his functions under this Act relating to the cost of a by-election.* 15
- (2) The cost of recall petitions and recall elections shall be defrayed by the local authority concerned and no account shall be taken of such expenditure in assessing the amount of grant (of any type) payable to that local authority from central government funds.
- 9 Short title, commencement and extent** 20
- (1) This Act may be cited as the Recall of Elected Representatives Act 2012.
- (2) Section 2(1) of this Act comes into force at the end of the period of 18 months beginning with the day on which this Act is passed.
- (3) The remaining provisions of this Act come into force on the day it is passed.
- (4) This Act extends to England and Wales. 25

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Presented by Zac Goldsmith.

*Ordered, by The House of Commons,
to be Printed, 27 June 2012.*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED

Printed in the United Kingdom by The Stationery Office Limited

£x.xx