STATUTORY INSTRUMENTS

2016 No. 637

REPRESENTATION OF THE PEOPLE

The Recall Petition (Petition Officers' Charges) Regulations 2016

Made - - - - 23rd May 2016

Coming into force in accordance with regulation 1(1)

The Chancellor of the Duchy of Lancaster, with the consent of the Treasury, makes these Regulations in exercise of the powers conferred by section 21(3)(b) of, and paragraph 3(1) and (2) of Schedule 1 to, the Recall of MPs Act 2015(**1**) and now vested in him(**2**).

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Recall Petition (Petition Officers' Charges) Regulations 2016 and come into force on the day after the day on which they are made.

(2) These Regulations extend to Great Britain.

(3) In these Regulations—

"the Act" means the Recall of MPs Act 2015;

"Greater London area" means the area of—

(a) the City of London, and

(b) the London boroughs described in Schedule 1 to the London Government Act 1963(**3**),

"official petition notice" means a notice sent in accordance with section 8 of the Act (notice of petition);

"petition signing sheet" means a signing sheet which is to be made available for signing the recall petition in accordance with section 9 of the Act (recall petition to be made available for signing);

(**1**) 2015 c. 25.

(**2**) Powers under section 21(3)(b) of and paragraph 3(1) and (2) of Schedule 1 are vested in "the Minister", which is defined under section 22(1) of the Recall of MPs Act 2015. By virtue of the Chancellor of the Duchy of Lancaster Order 2015 (S.I. 2015/1376), article 3 and Schedule 1, sub-paragraph (t), powers under that Act exercisable by the Secretary of State concurrently with the Lord President of the Council are instead exercisable concurrently with the Chancellor of the Duchy of Lancaster. A consequential amendment to section 22(1) was accordingly made by article 10 of, and paragraph 19 of Schedule 2 to, that Order.

(**3**) 1963 c. 33.

"postal signing sheet" means a petition signing sheet issued to a person who is entitled to sign the recall petition by post.

Petition officers: maximum recoverable amount for specified services.

2.—(1) The maximum recoverable amount (for the purposes of paragraph 3 of Schedule 1 to the Act) in relation to a recall petition for a service specified in column 1 of the table in Schedule 1 is to be determined in accordance with this regulation.

(2) Except in a case described in paragraph (3) or (4), the maximum recoverable amount in relation to a specified service listed in column 1 is the amount listed in the corresponding entry in column 2 of that table.

(3) Where the constituency to which a recall petition relates is wholly or partly within the Greater London area, the maximum recoverable amount in relation to a specified service listed in column 1 is the amount listed in the corresponding entry in column 3 of that table.

(4) Where the constituency to which a recall petition relates is not wholly or partly within the Greater London area but borders a constituency that is, the maximum recoverable amount in relation to a specified service listed in column 1 is the amount listed in the corresponding entry in column 4 of that table.

Petition officers: maximum recoverable amount for specified expenses

3.—(1) The maximum recoverable amount (for the purposes of paragraph 3 of Schedule 1 to the Act) in relation to a recall petition for an expense specified in column 1 of the table in Schedule 2 is to be determined in accordance with this regulation.

(2) Except in a case described in paragraph (3) or (4), the maximum recoverable amount in relation to a specified expense listed in column 1 is the amount listed in the corresponding entry in column 2 of that table.

(3) Where the constituency to which a recall petition relates is wholly or partly within the Greater London area, the maximum recoverable amount in relation to a specified expense listed in column 1 is the amount listed in the corresponding entry in column 3 of that table.

(4) Where the constituency to which a recall petition relates is not wholly or partly within the Greater London area but borders a constituency that is, the maximum recoverable amount in relation to a specified expense listed in column 1 is the amount listed in the corresponding entry in column 4 of that table.

(5) The maximum recoverable amount in respect of the expenses specified in paragraph (6), taken together, is—

(a) where the constituency to which a recall petition relates is wholly or partly within the Greater London area, £1,250;

(b) where the constituency to which a recall petition relates is not wholly or partly within that area but borders a constituency that is, £1,200;

(c) where the constituency to which a recall petition relates is not one falling within sub-paragraph (b) or (c), £1,000.

(6) Those specified expenses are—

(a) travel and overnight subsistence for the petition officer and any person appointed to assist the petition officer;

(b) printing or otherwise producing and, where appropriate, publishing notices and any other documents required by or under any enactment for or in connection with the recall petition;

(c) adapting or restoring to normal use any room or building designated as a petition signing place, including transportation costs for temporary adaptations that cannot securely be stored in the building or room overnight;

(d) providing and transporting ballot boxes, petition signing sheets and other materials and equipment needed for the administration of the recall petition;

(e) providing stationery and meeting postage, telephone, printing, translation and banking costs and the costs of other miscellaneous items;

(f) providing security, including secure storage of ballot boxes, petition signing sheets and other materials and equipment needed for the administration of the recall petition.

Overall maximum recoverable amount

4.—(1) The overall maximum recoverable amount (within the meaning of paragraph 3(1)(b) of Schedule 1 to the Act) in relation to a recall petition is to be determined in accordance with this regulation.

(2) Where the constituency to which a recall petition relates is wholly or partly within the Greater London area, the overall maximum recoverable amount is the sum of the maximum recoverable amounts specified in, or determined in accordance with—

(a) regulation 2(3) (specified services),

(b) regulation 3(3) (specified expenses), and

(c) regulation 3(5)(a) (further specified services).

(3) Where the constituency to which a recall petition relates is not wholly or partly within the Greater London area but borders a constituency that is, the overall maximum recoverable amount is the sum of the maximum recoverable amounts specified in, or determined in accordance with—

(a) regulation 2(4) (specified services),

(b) regulation 3(4) (specified expenses), and

(c) regulation 3(5)(b).

(4) Where the constituency to which a recall petition relates is not one falling within paragraph (2) or (3), the overall maximum recoverable amount is the sum of the maximum recoverable amounts specified in, or determined in accordance with—

(a) regulation 2(2) (specified services),

(b) regulation 3(2) specified expenses), and

(c) regulation 3(5)(c) (further specified services).

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18th May 2016