

Recall petitions: when do they apply?

On 24 February 2025, the Labour MP Mike Amesbury was sentenced after pleading guilty to repeatedly punching a constituent. He was jailed for 10 weeks and has stated he would be appealing this sentence. An application for bail so that the MP could appeal his sentence was refused, although it is understood that a further application for bail will take place later this week.

In the meantime, where does this leave his constituency of Runcorn and Helsby?

Recall of MPs Act 2015

Most by-elections in this country are uncomplicated. The MP either resigns, sadly dies or becomes disqualified. However, in 2015, the Recall of MPs Act 2015 (the '**RMA 2015**') was passed, which provides another route for calling what is called a recall petition by an MP's constituents if one of the following three conditions are met:

1. An MP has, after becoming an MP, been convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained, and the appeal period expired without the conviction, sentence or order having been overturned on appeal (**RMA 2015, section 1 (3) and section 3** - the applicable condition in this case);
2. Following a report from the Committee on Standards, the House of Commons orders the suspension of the MP for a period of at least 10 sitting days, or of at least 14 days (**RMA 2015, section 1 (4) – (8)**) - this is what would have happened to Boris Johnson if he had not resigned); or
3. An MP has, after becoming an MP, been convicted of an offence under section 10 of the Parliamentary Standards Act 2009 (offence of providing false or misleading information for allowances claims), and the appeal period expired without the conviction having been overturned on appeal (**RMA 2015, section 1 (9)**).

It should be noted that conditions 1 and 3 are qualified under **RMA 2015, section 2 (3)**:

(3) The reference in section 1(3) to an MP being sentenced or ordered—

(a) includes the MP being sentenced or ordered where the sentence or order is suspended,

(b) does not include the MP being remanded in custody, and

(c) does not include the MP being authorised to be detained under mental health legislation if there is no sentence or order for imprisonment or detention other than under that legislation.

In the case of conditions 1 and 3, the courts must notify the Speaker of the House of Commons, as should any of the conditions be met, **RMA 2015, section 8** sets out that it is for the Speaker to notify the Petition Officer (for England, Wales and Scotland, the acting Returning Officer (as per the **Representation of the People Act 1983, section 25 and 28** and for Northern Ireland the Chief Electoral Officer for Northern Ireland (**RMA 2015, section 6**)).

However, as per **RMA 2015, section 5**, this 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 [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)

As per **RMA 2015 section 9 (4)** the following text must be included in the petition:

By signing in the box below, you are signing a petition for [name of MP], the MP for [name of constituency], to lose [his/her] seat in the House of Commons. If at least 10% of eligible people in the constituency sign the petition, [name of MP] MP will lose [his/her] seat in the House of Commons and a by-election will be held. The loss of [his/her] seat does not prevent [name of MP] standing in this by-election. If less than 10% of eligible people in the constituency sign the petition, [name of MP] MP will not lose [his/her] seat and therefore no by-election will be held.

As the text suggests, if 10% of eligible constituents sign, this makes the MP's seat vacant, and then a by-election will be called. It is perfectly possible for the (now previous MP) to stand again in said by-election.

Who can sign the petition

As per **RMA 2015 section 10 (1)**, an individual is able to sign the recall petition if the following apply:

(a) the person is registered in the register of parliamentary electors for the constituency,

(b) the person is aged 18 or over, or the date of his or her 18th birthday is before the end of the signing period, and

(c) the person would be entitled to vote as an elector at a parliamentary election in the constituency.

The individual needs to have registered to vote the day before the Speaker gives notice of the recall petition (**RMA 2015, section 10 (2)**).

How do voters sign the petition

As set out in **RMA 2015, section 7**, it is then for the Petition Officer to designate a maximum of 10 places where the petition is available for signing, as well as a day for which the petition will be available for signing. This will generally be the tenth working day after receipt of the speaker's notice, but "if it is not reasonably practicable to designate that day" it can also be "the first subsequent working day that it is reasonably practicable to designate" (**RMA 2015, section 7(4)**).

When constituents attend to sign, the standard rules for Voter ID apply, so constituents will need to bring one of the approved forms of photo ID to the signing place, or, if they are signing by proxy, have the proxy bring it with them.

Voters who have registered to sign the petition by post will also receive the signing sheet by post.

What next for Runcorn and Helsby?

As set out above, Mike Amesbury has indicated his intention to appeal his sentence, and therefore condition 1 has not yet been triggered. He has pled guilty, so whether the condition is met will depend on whether 1) his appeal is successful in reducing his sentence and 2) this brings any punishment below a non-custodial level. As set out above, a suspension is not enough to stop the recall petition. It will be interesting to see the results of the appeal, and, if a custodial sentence is maintained, whether we will witness the seventh recall petition ever in the UK.

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