



Recall elections

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Recall is a term used to describe a process whereby the electorate can petition to trigger a vote between scheduled elections on the suitability of an existing elected representative to continue in office.

There is no recall procedure in the UK, although following the MPs' expenses scandal the main political parties proposed introducing different forms of recall. The Government stated in the [Coalition Agreement](#) (11 May 2010) that it would do so, and in the Queen's Speech on 4 June 2014, it announced that it would introduce legislation on the recall of Members of Parliament. The [Recall of MPs Bill 2014-15](#) was introduced in the House of Commons on 11 September 2014. This note explains the process of recall and briefly examines its use in different countries.

The Bill differs slightly from the [draft recall bill](#) published on 13 December 2011. The draft bill was considered by the Political and Constitutional Reform Committee, see, [Recall of MPs](#) (HC 373 2012-13).

The Bill outlines two circumstances under which recall will be triggered: "first, that an MP is convicted in the UK of an offence and receives a custodial sentence of 12 months or less; or secondly that the House of Commons orders the suspension of the MP for at least 21 sitting days—or at least 28 calendar days if the motion is not expressed in terms of sitting days".

Ten per cent of the registered electorate in the relevant constituency will need to sign the petition for recall to go ahead, the seat to be vacated, and a by election to be held. The former MP may stand again in the by-election as long as the normal conditions for eligibility are met.

Note: an update (section 1) was added to this note following the announcement in the Queen's Speech 2014 that the Government would introduce legislation on recall. Section 1 was added on 23 June 2014 and updated on 12 September 2014. The remainder of this note was last reviewed and updated on 18 July 2013.

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1 Legislation on the recall of Members of Parliament announced in Queen's Speech 2014

1.1 The Bill

In the Queen's Speech, on 4 June 2014, the Government announced that it would introduce legislation on the recall of Members of Parliament.¹ The Government set out an outline of the Bill in the briefing notes issued at the time of the Queen's Speech.²

On 18 June 2014, in response to a written question, Nick Clegg, the Deputy Prime Minister confirmed that "the Government has no plans at this time to extend the power of recall beyond Members of Parliament".³

The *Recall of MPs Bill 2014-15* [Bill 94] was introduced in the House of Commons on 11 September 2014.⁴ The Deputy Prime Minister issued a written statement outlining the Government's rationale for the Bill and summarising its provisions:

The Bill puts in place a recall mechanism for MPs which is transparent, robust and fair. It strikes a fair balance between holding to account those who do not maintain certain standards of conduct, while giving MPs the freedom to do their job and make difficult decisions where necessary.

The Bill takes account of a number of helpful recommendations from the Political and Constitutional Reform Committee's pre-legislative scrutiny report on the draft Bill which was published in 2011.

Under the Bill, there are two conditions for the opening of a recall petition; first, that an MP is convicted in the UK of an offence and receives a custodial sentence of 12 months or less; or secondly that the House of Commons orders the suspension of the MP for at least 21 sitting days—or at least 28 calendar days if the motion is not expressed in terms of sitting days.

Where one of these triggers is met, an MP's constituents will have an opportunity to sign a recall petition, calling for a by-election. If 10% of parliamentary electors in the constituency sign the petition, the MP's seat will become vacant and a by-election will be held. The recall petition process does not prevent the unseated MP from standing in the by-election.

The Bill also sets out the framework for the regulation of campaign expenditure and donations at recall petitions.⁵

At Business Questions on 11 September, William Hague, the Leader of the House, announced that the Second Reading debate would be held on 14 October, that the Committee Stage would begin on 20 October, and confirmed that all stages would be taken on the floor of the House.⁶

¹ [HC Deb 4 June 2014 c6](#)

² HM Government, *Queen's Speech 2014: background briefing notes*, 4 June 2014, pp73-74

³ [HC Deb 18 June 2014 c627W](#)

⁴ [HC Deb 11 September 2014 c1091](#)

⁵ [HC Deb 11 September 2014 cc41WS-42WS](#)

⁶ [HC Deb 11 September 2014 c1077](#), c1080

Reaction to the Bill

Sadiq Khan, the Shadow Justice Minister, said that Labour supported the recall of MPs but wanted to ensure that recall was neither solely in the hands of MPs nor a mechanism that allowed MPs to be recalled because of the way they had voted on controversial issues.⁷

Others have supported Zac Goldsmith in calling for “genuine” recall. He introduced the [Recall of Elected Representatives Bill 2014-15](#) on 9 September 2014.⁸ It provides for a notice of intent to recall signed by five per cent of voters in a parliamentary constituency to trigger a recall petition. If the recall petition is signed by 20 per cent of voters, a recall referendum is held and the seat is vacated if the majority of people voting vote in favour of the Member being recalled from Parliament.⁹ Zac Goldsmith’s proposals have been supported by 38 Degrees. In July 2014, a number of MPs who supported proposals for a wider recall mechanism met to discuss these proposals.¹⁰

1.2 Background

The 2010 Liberal Democrat-Conservative Government stated in the Coalition Agreement that it would introduce a recall provision.¹¹

In December 2011, the Government published a draft Recall of MPs Bill and a white paper.¹²

Pre-legislative scrutiny was undertaken by the Political and Constitutional Reform Committee. Its report was published on 28 June 2012.¹³

The Government’s “initial response” to the Joint Committee report was published in October 2012.¹⁴ The Government said that it “remains committed to establishing a recall mechanism which is transparent, robust and fair”.¹⁵ The Government published a “comprehensive analysis and views on each of the Committee’s recommendations” in July 2013.¹⁶

On 19 November 2013, in a written answer, Greg Clark, Minister of State, Cabinet Office, stated that the Government “intends to bring forward legislation to provide for a power of recall before the end of this Parliament”.¹⁷

In February 2014, press reports suggested that recall legislation would not be included in the forthcoming Queen’s Speech,¹⁸ but following the Cabinet meeting on 4 March 2014, it was reported that the Prime Minister had proposed that a recall bill should be included in the Queen’s Speech.¹⁹ Then on 8 April, in response to questions following his statement on parliamentary standards, Andrew Lansley said that “the Government remain committed to

⁷ News Cloud, [Response to Recall of MPs Bill – Sadiq Khan](#), 11 September 2014

⁸ [HC Deb 9 September 2014 c792](#); Andrew Grice, “Critics of Recall Bill vow to give voters right to force by-elections to sack MPs”, *Independent*, 12 September 2014

⁹ [Recall of Elected Representatives Bill 2014-15 \[Bill 88 of 2014-15\]](#), clause 1

¹⁰ 38 Degrees, [Power of Recall: Hearing for Line by Line Scrutiny Report](#), 7 July 2014

¹¹ [Conservative Liberal Democrat coalition negotiations Agreements reached 11 May 2010](#), p3

¹² HM Government, [Recall of MPs: Draft Bill](#), Cm 8241, December 2011

¹³ Political and Constitutional Reform Committee, [Recall of MPs](#), 28 June 2012, HC 373 2012-13

¹⁴ Political and Constitutional Reform Committee, [Recall of MPs: Government Response to the Committee’s First Report of Session 2012–13](#), 22 October 2012, HC 646, para 4; see also [HC Deb 8 January 2013 cc139-140](#)

¹⁵ *Ibid*, para 3

¹⁶ Deputy Prime Minister, [Government Response to the Report of the Political and Constitutional Reform Committee on the draft Recall of MPs Bill](#), July 2013, Cm 8640

¹⁷ [HC Deb 19 November 2013 c871W](#)

¹⁸ Oliver Wright, “Tories ditch pledge to let voters sack their MPs”, *Independent*, 14 February 2014

¹⁹ Rowena Mason, “Cameron and Osborne clash with Lib Dem colleagues over surprise proposals”, *Guardian*, 4 March 2014

the implementation of a system of recall, and we continue to look forward to introducing proposals in that respect".²⁰

1.3 Recalling Police and Crime Commissioners

Speaking at the Police Superintendents' Association Conference on 9 September 2014, Theresa May, the Home Secretary, "indicated that she is in favour of a 'power of recall' for Police and Crime Commissioners". The BBC reported that "Mrs May's comments come amid calls for the South Yorkshire PCC to resign over the controversy surrounding child sexual exploitation in Rotherham".²¹

Section 1 of this Note was added on 23 June 2014, and updated on 12 September 2014.

The remainder of the Note (sections 2-8) was last reviewed on 18 July 2013.

2 Introduction

Recall is a term used to describe a process whereby the electorate can petition to trigger a vote on the suitability of an existing elected representative to continue in office. The exact process and form of a recall election varies between those countries which use it but in essence it gives voters the opportunity to remove representatives whom they feel are not doing a good enough job. It is important to note that in most cases the recall rescinds a previous decision by the electorate (to elect the office holder in the first instance) rather than putting new choices before the electorate on the same ballot.²² The level of elected representative susceptible to recall varies as does the signature threshold required on the petition (i.e. the number of signatories has to reach a certain percentage of the total electorate to trigger a recall election).

Following the MPs' expenses crisis in 2009 the three largest parties stated that they would support the introduction of recall in the UK.²³

2.1 Current rules on the expulsion or disqualification of Members of Parliament

Whilst the UK does not currently have provision for recall elections, sitting MPs can be disqualified from sitting in, or be expelled from, the House of Commons by various mechanisms. These include:

- voluntarily taking a paid office of the Crown (most commonly by being appointed to either the Chiltern Hundreds or Manor of Northsteads' stewardships)²⁴
- being raised to the Peerage
- being convicted of an offence and sentenced to imprisonment for a period longer than one year

²⁰ [HC Deb 8 April 2014 c128](#)

²¹ BBC News, [PCCs: Public should have power of recall, suggests May](#), 9 September 2014

²² Nick Cowen, *Total Recall*, 2008

²³ see Sections 5 and 6

²⁴ [PIL: Appointments to the Chiltern Hundreds and Manor of Northstead Stewardships since 1850](#); SN/PC/04731

- being in receipt of a bankruptcy restrictions order in England, Wales and Northern Ireland, or a person against whom sequestration of estate has been awarded in Scotland
- being convicted of corrupt or illegal practices at elections
- Expulsion by motion of the House. The most recent example is Peter Baker who was expelled following a criminal conviction in December 1954.²⁵

Further details of the specifics of these mechanisms can be found in pp33-45 of *Erskine May, Parliamentary Practice*, 24th edition, 2011. The mechanisms are discussed in the Background section of the consultation paper issued with the draft recall bill in December 2011.²⁶ The paper also discusses existing House mechanisms for dealing with breaches of the Code of Conduct for MPs. The role of the Parliamentary Commissioner for Standards and the Standards and Privileges Committee is described.

Until 2013 MPs were also disqualified from sitting in the House of Commons if they were detained under Section 141 of the *Mental Health Act 1983* for a period of months or more. The Coalition announced their intention to repeal s.141 when Parliamentary time allowed.²⁷ The provision was in fact repealed following the passing of the Private Members' Bill introduced by Gavin Barwell MP. The *Mental Health (Discrimination) Act 2013* received Royal Assent on 28 February 2013.²⁸

3 States in which recall is permitted

Recall is used in comparatively few countries throughout the world, with the most well known examples being certain states of the United States of America, six of the 26 cantons in Switzerland, Venezuela, the Philippines and the Province of British Columbia in Canada. It is also used in South Korea, Taiwan and Argentina amongst others.²⁹ The December 2011 consultation paper on the draft bill [Annex E](#) sets out international examples of recall.

3.1 The United States of America

Recall was first adopted in the US in 1903 when voters approved a new city charter for Los Angeles³⁰ but recall of *state* officials is now permitted in the following 19 states:³¹

Alaska	Kansas	North Dakota
Arizona	Louisiana	Oregon
California	Michigan	Rhode Island
Colorado	Minnesota	Washington
Georgia	Montana	Wisconsin
Idaho	Nevada	
Illinois	New Jersey	

²⁵ Commons Journal (1954-55), volume 210, pp 6 & 25

²⁶ <http://www.cabinetoffice.gov.uk/resource-library/recall-mps-draft-bill> Cm 8241

²⁷ [HC Deb 3 February 2011 vol 522 c49WS](#)

²⁸ See Library Standard Note SN06483 *Mental Health (Discrimination) (No. 2) Bill: Committee Stage Report (Bill 11 2012-13)* for more detail of the Bills contents.

²⁹ Matt Qvortrup, "Hasta la Vista: a comparative institutionalist analysis of the recall", *Representation*, vol. 47, No. 2, July 2011, pp161-70

³⁰ [National Conference of State Legislatures: recall of state officials](#) (last accessed 12 September 2011)

³¹ *ibid*

State level recall attempts in the US have been largely ineffectual with only two Governors being successfully removed from office in this way. These were Lynn J. Frazier (North Dakota) in 1921 and Gray Davis (California) in 2003. The latter case led to the election of Arnold Schwarzenegger. Out of 32 attempts in California since 1911 to recall its Governor the election of Schwarzenegger in 2003 was the only successful one.³² In 1988 voters filed enough signatures for Evan Mecham, the Governor of Arizona, to be made the subject of a recall election but he was impeached by the state's House of Representatives before the date of the scheduled recall election.³³

Recall of state legislators has been somewhat more successful, although still uncommon. For example in California there were 107 attempts to trigger a recall election between 1911 and 1994 and only 4 of these succeeded in reaching the number of required signatures on the petition:

A state senator was recalled in 1913. A state senator was recalled in 1914, and another state senator survived a recall attempt. A state senator survived a recall attempt in 1994 with 59% of the vote. Two Assembly members were recalled in 1995.

In 1983 two state senators were recalled in Michigan for the first time in its history³⁴In April 2011 multiple recall petitions were filed against senators in Wisconsin, with nine recall elections resulting. The validity of some of the signatures on the recall petition was contested. Similar issues were raised in the successful recall of the president of the Arizona state senate in November 2011 and in Michigan where one senator was recalled in 2011.

Recall is used much more often at the local level of government. At least 29 states permit recall of local officials.³⁵

Eight US states require certain preconditions to be met before a recall petition can be initiated. These are: Alaska, Georgia, Kansas, Minnesota, Montana, Rhode Island, Virginia and Washington. The signature requirements to initiate a recall election vary between states but are generally based on a formula using the percentage of the vote in the last election as a base. For specific details of these states' requirements please see: [National Conference of State Legislatures: recall of state officials](#). Annex E of the draft recall bill summarises procedures as follows:

8. Only eight of the 19 states that permit recall require specific grounds for the petition²⁹, and these differ considerably from state to state. Only a portion of these provide for a system of review to ensure that these grounds are met, and different approaches are taken in such reviews.

For example, in Georgia the recalled officer may submit a petition applying for a review of the sufficiency of the grounds for recall and the facts on which the grounds are based. A judge then considers the legal sufficiency of the grounds and alleged facts, and also reviews whether probable cause exists to believe that the alleged facts are true.³⁰ By contrast in Washington the superior court is obliged in all cases to conduct a hearing and determine the sufficiency of the alleged reasons for recall, but is explicitly prevented from considering the truth of the charges.

³² *ibid*

³³ Richard Rose, *International Encyclopaedia of Elections*, 2000

³⁴ [National Conference of State Legislatures: recall of state officials](#) (last accessed 12 September 2011)

³⁵ *ibid*

9. In the remaining 11 states where no specific grounds are required, some require the petition's proponent to set out in the petition why they believe the office holder should be recalled; some permit the official to respond to the statement of reasons, and in others the petition need not set out grounds at all.

3.2 Switzerland

The availability of literature on Swiss recall procedures is limited. Although Switzerland does not employ recall at the federal level, six of the 26 cantons in Switzerland have recall provisions for their cantonal parliaments. As with all other recall systems a certain number of voters must sign the recall petition in order for recall to proceed but in the case of Switzerland it does not appear that this number is based on a percentage of the electorate. For example, in Schaffhauses 1,000 signatures are required on the petition but in Ticino 15,000 signatures are required. However, as of November 2003, recall had not been used to successfully recall an elected representative.³⁶

3.3 Philippines

The Philippines also has provision for recall. Recall elections were temporarily suspended on 13 November 2008 due to funding concerns. This was lifted on 29 January 2009.³⁷ If the recall petition reaches the signature threshold of 25% (of registered voters in the local government unit concerned) a single election is triggered. This can effectively be seen as a by-election with all the candidates' names on the ballot including the incumbent. If the incumbent is successful in gaining the most votes then the recall has failed and they retain their position. If, however, another candidate wins the vote then they are duly elected.³⁸

3.4 Venezuela

The recall mechanism was introduced into Venezuelan law in 1999 under the new Constitution drafted by the National Constituent Assembly and sanctioned by the electorate in a referendum. Venezuela's implementation of recall allows the elected head of state to be subject to it.³⁹ This was most clearly demonstrated when President Chavez had to fight a recall election on 15 August 2004. Despite opposition allegations of fraud, President Chavez survived with close to 60% of the vote.⁴⁰

3.5 British Columbia

The Canadian province of British Columbia adopted recall in 1995 through the *Recall and Initiative Act 1995*. This gave voters the power to remove their Member of the Legislative Assembly between elections. Under the *Recall and Initiative Act 1995*, a successful recall petition triggers the removal of a Member of the Legislative Assembly. If the Chief Electoral Officer determines that a recall petition has a sufficient number of valid signatures and meets the requirements of the Act, the Member ceases to hold office and the seat becomes vacant. A by-election must be called within 90 days.

24 recall applications have been approved since 1995 although 23 of the 24 petitions failed because they did not collect enough signatures. Two proceeded to verification. Of these one

³⁶ [Report of the Chief Electoral Officer on the recall process in British Columbia](#), November 2003, pg. 33 of the PDF (last accessed 13 September 2011)

³⁷ [The Philippines Commission on Elections: press release](#) (last accessed 13 September 2011)

³⁸ The Philippines Commission on Elections; (Last accessed 13 September 2011)

³⁹ [The ACE Electoral Knowledge Network encyclopaedia](#); (Last accessed 14 September 2011)

⁴⁰ UK and EU Relations with Latin America, Library Standard Note, SN/IA/4986

was found to not have enough signatures and the second was halted because the MLA concerned resigned.⁴¹

The Chief Electoral Officer for British Columbia issued a detailed report on the recall process in November 2003.⁴² This contains a summary of all recall attempts up to November 2003, and detailed assessment of the procedure and where it might be improved.

Full details of the current British Columbian system of recall can be found on Elections BC website.⁴³ A summary is given in Annex E of the draft bill.

4 Issues surrounding recall

4.1 Sequence of ballots

Although the term recall is understood to mean the recall of an elected official the specifics of how a recall election is organised varies. In most cases recall can be seen as a two stage process:

A mechanism (often a petition) is used to determine if a recall election will take place

Then the recall election itself is conducted to determine if the representative is to be recalled (assuming the petition was successful by reaching a certain signature threshold).

If voters decide to recall the representative then a further election is required to determine the successor. However, some countries/states combine the vote for the recall election and the vote for the successor in one ballot whilst others separate the two.⁴⁴ There are exceptions to this. For example, in the Philippines a successful petition alone triggers a by-election and in the Canadian Province of British Columbia the recall petition is sufficient to remove the elected representative from office by itself.

The main advantages of combining votes are:

- cost savings associated with running a single election instead of two
- it resolves both the question of the recall and the question of a successor at the same time thus ensuring a quick handover between the incumbent and the successor

However there are arguments for holding the vote for the successor on a separate day. These include:

Asking two questions of the electorate on a single ballot may be confusing especially if one question is dependent on the other, i.e. *if* the recall is successful who would you wish to succeed the incumbent?

There may be questions of legitimacy if the incumbent gained a greater number of votes in the recall ballot than the winner of the vote for their successor.

The draft bill has chosen to hold separate ballots on reaching the threshold for a successful petition and then holding a subsequent by-election.

⁴¹ [Elections BC: recall](#) (Last accessed 13 September 2011)

⁴² *Report of the Chief Electoral Officer on the recall process in British Columbia*, November 2003, <http://www.elections.bc.ca/docs/rpt/rclrpt03.pdf> (Last accessed 13 September 2011)

⁴³ [Elections BC: frequently asked recall questions](#)

⁴⁴ [The ACE Electoral Knowledge Network encyclopaedia](#); (Last accessed 13 September 2011)

4.2 Arguments for and against the use of recall

Arguments for recall

Provides the electorate with the power to remove elected representatives who fail to perform their role to a satisfactory standard or who grossly neglect their duties.

Without recall the electorate must wait until the next scheduled election to voice their opinions on an incumbent's performance.

The possibility of recall might encourage elected representatives to meet minimum standards of behaviour.

Arguments against recall

There is some concern that recall could be abused and used as a political tool with some marginal seats becoming the target of organised campaigns.

If political decisions are restricted by circumstances beyond the control of elected representatives then recalling those that make unpopular decisions does not guarantee that their replacements will be able to reverse them. An example of this is the recall of five members of the city council of Covina, Los Angeles County, because a 6% utility tax was introduced in 1993. As a result of the revenue being lost from the utility tax the library and fire station came under threat of closure and 42 city employees faced redundancy. The councillors who were elected as replacements then introduced an 8.25% tax.⁴⁵

Whilst recall may encourage elected representatives to make popular decisions it also applies in reverse. Some have expressed concern that recall discourages necessary decisions from being made because they may be unpopular.⁴⁶

There is a cost associated with allowing recall because election authorities must be prepared to handle recall petition requests whenever they may arise. Elections BC⁴⁷ had total costs of C\$553,954 for the fiscal years 2002/03 and 2003/04 (up to the publishing of the Chief Electoral Officer's report in November 2003) as a result of administering 9 recall petitions.⁴⁸ The recall election by which Schwarzenegger was elected is reported to have cost more than US\$50 million.⁴⁹

The arguments for and against recall depend on the systems used. For example, various states attempt to minimise the problem of abuse by placing restrictions on the use of recall. Some US states insist that specific requirements⁵⁰ are met such as malfeasance⁵¹ by the incumbent and, in the Philippines, an elected representative can only be subject to recall due

⁴⁵ Felchner, M. E. *Recall Elections: Democracy in Action or Populism Run Amok*; Congressional Quarterly Inc, vol 25. no. 5, 2004

⁴⁶ [The ACE Electoral Knowledge Network encyclopaedia](#); (Last accessed 13 September 2011)

⁴⁷ [Elections BC](#) is the organisation that administers the *Election Act* and the provincial electoral process in British Columbia, Canada,

⁴⁸ [Report of the Chief Electoral Officer on the recall process in British Columbia](#), November 2003, pg 13 of PDF (Last accessed 13 September 2011)

⁴⁹ Felchner, M. E. *Recall Elections: Democracy in Action or Populism Run Amok*; Congressional Quarterly Inc, vol 25. no. 5, 2004

⁵⁰ [National Conference of State Legislatures](#)

(Last accessed 13 September 2011)

⁵¹ The intentional commission of an unlawful or wrongful act

to 'loss of confidence' once per term.⁵² Recall in British Columbia's relies on a petition alone, and not a subsequent vote, which may be theoretically more open to abuse.

4.3 Efficacy and impact of recall

The literature on the effectiveness and impact of recall is limited. In an article published in July 2011 the academic commentator Matt Qvortrup analysed the correlation between turnout in those US states with recall and those without. He correlated the average turnout in the 50 US states with a dummy variable (1 = provision for recall, 0 = no provision for recall) and a variable for the signature threshold for triggering a recall election. He found the correlation was significant at the 0.05 level.⁵³ However whether recall itself positively increases political engagement is not proven by this statistic because other factors may be influencing it. In the conclusion to his study Qvortrup writes:

This article has shown that the recall has had some effect in the US states that employ it. Turnout is higher in states that allow representatives to be recalled; an indication—perhaps—that voters are more satisfied with democracy in the recall states. It is difficult to find a similar pattern outside the US. The recall has had some effect in the Canadian province of British Columbia (where an assembly member was forced to resign in 1998), but it is difficult to find evidence of the same elsewhere.⁵⁴

Qvortrup adds:

In short, while there is only limited evidence to suggest that the recall has increased the accountability and responsiveness of the elected representatives, there is little evidence that provisions for revoking the mandates of elected representatives have disrupted politics.⁵⁵

5 Bills on Recall

5.1 *The Political Parties and Elections Bill 2008-09*

On 15 June 2009 Lord Tyler proposed an amendment to the *Political Parties and Elections Bill 2008-09* to require the Secretary of State to compel the Electoral Commission to undertake a review into introducing recall to the UK:

“Review: the procedures for local referenda on recall for misconduct

The Secretary of State shall, within 6 months of this Act being passed, in exercise of his powers under section 6(2) of the Political Parties, Elections and Referendums Act 2000 (c. 41) (reviews of electoral and political matters), request the Electoral Commission to review and report on the procedures for local referenda on the recall by constituents of a Member of Parliament found guilty of misconduct.”⁵⁶

Lord Tyler said that he tabled the amendment to ensure that the leaders of the three largest parties would honour previous statements about reform of the parliamentary system:

“Much has been made in recent days about the special link between MPs and their constituents. As a former Member, I know that there can be a very strong sense of connection for constituents in that they talk about their local MP as “their” MP. Many

⁵² The Philippines Commission on Elections (Last accessed 07 October 2011)

⁵³ Matt Qvortrup, “Hasta la Vista: a comparative institutionalist analysis of the recall”, *Representation*, vol. 47, No. 2, July 2011, pp161-70

⁵⁴ *ibid*

⁵⁵ *ibid*

⁵⁶ [HC Deb 15 June 2009 c867](#)

MPs are, in that sense, servants of their constituents, who send them to this building. If they break the rules, surely the constituents, and not their parties, party leaders, kangaroo courts or the Chief Whip, should have the right to say, "You are not our MP any more. You have broken our trust and you must go". That is a sound principle for us to agree to. Today is Parliament's earliest opportunity to make that statement. If we dodge this issue now, I fear that the public will think that we have deliberately forgotten it already, despite the promises of recent days from all three party leaders. Delay will be interpreted as a further broken promise. Let us show this place, at least, in a good light this afternoon by deciding to change rather than just to debate change."⁵⁷

The then Parliamentary Under-Secretary of State, Lord Bach, agreed that reform was necessary and quoted a statement by then Prime Minister, Gordon Brown, in which he expressed a wish to look at recall as a potential mechanism for dealing with gross financial misconduct:

I agree with noble Lords that there is no doubt that the issues that have arisen in recent weeks have badly dented—if not worse—the public's confidence in politicians of all parties and in the institutions of our democracy. As my right honourable friend the Prime Minister made clear last week, there is no more pressing task for all of us involved in public life than to respond to the public's demand for reform. In his Statement on constitutional reform on 10 June, the Prime Minister set out the Government's intention to bring forward new legislative proposals following cross-party discussions as the first stage of this reform. These proposals include, as the noble Lord, Lord Tyler reminded us when he moved this amendment, the immediate creation of a new parliamentary standards authority and the agreement of a statutory code of conduct for all Members of Parliament. The Prime Minister said:

"There will be consultation with all sides of the House to come forward with new proposals for dealing effectively with inappropriate behaviour, including the potential options of effective exclusion and recall for gross financial misconduct, identified by the new independent regulator and by the House itself".—[*Official Report, Commons, 10/6/09; col. 796.*]⁵⁸

Lord Bach went on to reiterate the Government's commitment to looking at recall in more detail:

I am sure that there is agreement on all sides that this suggestion merits careful consideration and, indeed, the Prime Minister has made clear his commitment to taking this debate forward. I therefore hope that noble Lords will agree that legislating to force a debate on this issue will not be necessary and that, in any event, the Electoral Commission is not best placed to undertake this work. Again on behalf of the House, I thank the noble Lord, Lord Tyler, for raising this very current issue and I hope that he will consider withdrawing his amendment today.⁵⁹

The amendment was defeated 48 to 149.⁶⁰

A question in relation to Lord Tyler's amendment was asked in the Commons on 17 June 2009 during Ministry of Justice topical questions:

T8. [279695] **Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD):** Apparently, as the Secretary of State will know, there is cross-party support for the

⁵⁷ [HC Deb 15 June 2009 c870](#)

⁵⁸ [HC Deb 15 June 2009 c874](#)

⁵⁹ [HC Deb 15 June 2009 c875](#)

⁶⁰ [HC Deb 15 June 2009 c877](#)

introduction of a power of recall in relation to Members of the House of Commons. With that in mind, will he tell us when he will be in a position to present proposals, and can he explain why Labour peers were whipped to vote against the idea last night?

Mr. Straw: The issue of recall is being discussed by the cross-party group which is considering the idea of a parliamentary standards authority and related matters. I have been chairing the group, and it is holding its second meeting this week. As for the wider issue of recall, the hon. Gentleman may be aware that we included in the second Green Paper on Lords reform proposals—which had been broadly agreed with all the parties—for recall for the second and subsequent terms that it is envisaged that the new Members of the second Chamber would serve.⁶¹

The *Political Parties and Elections Bill* received Royal Assent on 21 July 2009 but did not include provision for a system of recall.⁶²

5.2 The Parliamentary Elections (Recall and Primaries) Bill 2009

The *Parliamentary Elections (Recall and Primaries) Bill 2009-10* was introduced by Douglas Carswell MP as a Ten Minute Rule Bill (under Standing Order No. 23) on the 13 October 2009. In addition to introducing a system of recall the Bill also allowed for a system of primaries for the selection of party candidates.

Carswell explained the Bill's provisions concerning recall:

...my Bill would provide for a recall mechanism—that is, a way to trigger a by-election where a Member of this House was guilty of serious wrongdoing. Plainly such a measure would need safeguards. We would need to ensure that it could not be triggered frivolously or on partisan grounds. We would need to guarantee that charges could not be levelled against MPs simply because they had voted with their conscience. A recall vote should be entered into—as the Book of Common Prayer says of matrimony—“reverently, discreetly, advisedly, soberly”. Triggering a primary would require the backing of a significant number of local people, and it would also require confirmation of serious wrongdoing by the Committee on Standards and Privileges.⁶³

Carswell also argued that is not the efficacy of recall in actually recalling elected officials that makes it beneficial to the electorate but “it is the knowledge that they are possible that makes recall ballots so effective”.⁶⁴ The second reading of the Bill was scheduled for 16 October 2009 but Ten Minute Rule Bills rarely proceed further than their introduction and there was no time left for the second reading to take place in the last Parliament.

5.3 Recall of Elected Representatives Bill 2010-12

The *Recall of Elected Representatives Bill 2010-12* was introduced by Zac Goldsmith as a Presentation Bill (under Standing Order No. 57) on 26 July 2010. The Bill makes provision for voters to recall their elected representatives in specified circumstances.⁶⁵

In an article in the *Hounslow Chronicle*, Goldsmith said that recall “...is a right that should exist at every level, from councillor to MP, and it should not be subject to approval by a central authority”.⁶⁶

⁶¹ [HC Deb 16 June 2009 c162](#)

⁶² [HC Deb 21 July 2009 c1580](#)

⁶³ [HC Deb 13 October 2009 c167](#)

⁶⁴ [HC Deb 13 October 2009 c168](#)

⁶⁵ [HC Deb 26 July 2010 c741](#)

On 8 September 2010 Goldsmith secured a Westminster Hall debate on direct democracy initiatives.⁶⁷ During the debate he said:

True recall allows people to sack their representatives, for whatever reason, if a majority have lost confidence in them, and it certainly is not subject to approval by a central authority.⁶⁸

6 The position of the UK's three largest parties prior to the 2010 election

Labour

On 29 September 2009 at the Labour Party Annual Conference the Prime Minister addressed the issue of recall in his speech:

And so where there is proven financial corruption by an MP and in cases where wrongdoing has been demonstrated but Parliament fails to act we will give constituents the right to recall their Member of Parliament.⁶⁹

Gordon Brown reiterated this position in a speech to the Institute of Public Policy Research on the 2 February 2010 when he said:

It is a choice between the new politics of giving the people a right to recall MPs who break the rules where parliament itself fails to act, or refusing the people a say even if members place their personal greed above their public duty...⁷⁰

...And that is why, in grave situations where financial impropriety has been proven, but where parliament itself has failed to act, we are proposing the ultimate power of recall by the people.⁷¹

Conservative

The *Guardian* quoted David Cameron at the end of May 2009 as stating that he would "start looking at recall powers".⁷²

On 8 February 2010 David Cameron made a speech entitled "Rebuilding Trust in Politics" in which he stated that the Conservatives supported the introduction of recall:

"When it comes to the firing, we've said we'll introduce a power of recall to allow voters to kick out MPs mid-parliament if they have been proven guilty of serious wrongdoing."⁷³

Liberal Democrat

The Liberal Democrats included recall in their amendment to the Debate on the Address in 2009. The text of the amendment is given below:

Amendment proposed: at the end of the Question to add:

⁶⁶ Z Goldsmith, " 'Recall your MP' pledge falls short ", *Hounslow Chronicle*, 27 July 2010

⁶⁷ HC Deb 08 September 2010 c131-41WH

⁶⁸ HC Deb 08 September 2010 c131WH

⁶⁹ [Gordon Brown's Speech to Labour Conference](#) 29 September 2009

⁷⁰ [Towards a New Politics](#), Gordon Brown, Transcript pg.3

⁷¹ [Towards a New Politics](#), Gordon Brown, Transcript pg.7

⁷² [Guardian](#), David Cameron's expenses queried as he backs 'recall' for errant MPs, Sunday 31 May 2009

⁷³ [Rebuilding Trust in Politics](#), David Cameron – last accessed 14 May 2010

but humbly regret that the Gracious Speech fails to provide proposals for constituents to recall hon. Members for misconduct, to provide for a code of financial conduct for candidates at the next general election so that the public can understand the financial affairs of those they are voting for, to complete the reform of the House of Lords to ensure that only people who have been democratically elected have power to make law, to reform party funding to ensure that the influence of large corporate donations is removed, to fix the length of the parliamentary term so that the date of a general election is known years in advance, to provide a Citizens' Assembly to agree a new voting system for parliamentary elections and fundamentally to review the procedures of this House to strengthen the power of backbenchers, reduce the power of the whips and ensure that the business of the House is organised transparently in a formal committee of the House."- (Mr. Burstow.)⁷⁴

The amendment was defeated.

The Liberal Democrats also stated on their website their intention to introduce recall powers as a matter of policy:

...We will allow constituents to recall MPs who have broken the rules...⁷⁵

The 2010 general election

During the 2010 general election campaign all three party leaders reiterated their support for recall during the live televised debates.⁷⁶

7 The 2010 Coalition Government

The 2010 Liberal Democrat – Conservative coalition government stated in the Coalition Agreement that it would introduce a recall provision:

The parties will bring forward early legislation to introduce a power of recall, allowing voters to force a by-election where an MP was found to have engaged in serious wrongdoing and having had a petition calling for a by-election signed by 10% of his or her constituents.⁷⁷

The Deputy Prime Minister, Nick Clegg, reiterated this in a speech on political reform on 19 May 2010.⁷⁸

On 8 September 2010 Zac Goldsmith secured a Westminster Hall debate on direct democracy initiatives. During the debate the Parliamentary Secretary, Mark Harper, reiterated the Coalition Government's intention to introduce recall:

...the recall mechanism would be set in motion only if there were, effectively, a trigger—if an MP were engaged in serious wrongdoing. At that point, if 10% of constituents signed a petition, a by-election would be triggered in which the individual would be able to stand and defend their record.⁷⁹

⁷⁴ [HC Deb 26 November 2009 c792](#)

⁷⁵ Liberal Democrats, [Political Reform](#)

⁷⁶ [First Prime ministerial debate](#), BBC News, transcript p14, 15 April 2010

⁷⁷ [Conservative Liberal Democrat coalition negotiations Agreements reached 11 May 2010](#), p3

⁷⁸ [Transcript](#), BBC News, 19 May 2010

⁷⁹ [HC Deb 08 September 2010 c136WH](#)

There were a number of parliamentary questions during 2011 on the timescale for the initiative.⁸⁰ On 12 October 2011 the Parliamentary Secretary, Mark Harper, answered a parliamentary question on recall:

Zac Goldsmith: To ask the Deputy Prime Minister pursuant to the answer of 24 May 2011, *Official Report*, column 623W, on Recall of Members of Parliament, whether he expects to publish his proposals for recall of hon. Members by their constituents before the Christmas recess.

Mr Harper: Yes.⁸¹

The Government published the [Recall of MPs Draft Bill](#) on 13 December 2011.⁸²

8 Draft Bill on Recall December 2011

The draft bill was issued as a white paper, and published jointly by the Deputy Prime Minister and Mark Harper, the Minister for Political and Constitutional Reform. The consultation paper calls for responses and the Political and Constitutional Affairs Committee is currently undertaking pre-legislative review. However, no time limit was set for responses to the consultation. A written ministerial statement issued with the draft bill stated:

We are publishing this White Paper and draft Bill for pre-legislative scrutiny, and I am inviting the Political and Constitutional Reform Committee to scrutinise the draft Bill. We will consider the results of this process with great care.⁸³

A recall petition will be triggered where:

An MP is convicted in the United Kingdom of an offence and receives a custodial sentence of 12 months or less (the Representation of the People Act 1981 only disqualifies MPs who receive custodial sentences of more than 12 months); or,

The House of Commons resolves that an MP should face recall (this would be an additional disciplinary power for the House).

If at least 10 per cent of those on the electoral register for the eligible constituency sign the petition, the seat is automatically vacated and a by-election ensues. The former MP may stand again for that seat, unless they do not meet eligibility criteria.

Suspended sentences would trigger a recall petition, but detention on remand or on mental health grounds would not. The petition would not be triggered until the 'in-time' appeal rights had been exhausted by the Member. The result of the petition would be challengeable in the same way as for an election, through a petition to the election court. There will be campaign limits for accredited campaigners of up to £10,000.

The process begins when the Speaker notifies the relevant Returning Office that one or both of the conditions have been met. The recall petition will be opened for two weeks after the receipt of the Speaker's notice and the petition will be available for signature for 8 weeks. Only registered electors will be eligible to sign. The petition takes the form of individual signature sheets to safeguard anonymity and constituents will be able to sign in person, by post or by postal proxy. In Great Britain only, constituents will be able to sign in person or in

⁸⁰ [HC Deb 521 c687](#); [HC Deb 530 c1161W](#); [HC Deb 533 c424W](#)

⁸¹ [HC Deb 533 c424W](#)

⁸² Cm 8241

⁸³ [HC Deb 13 December 2011 c93WS](#)

proxy at a single designated location. For Northern Ireland, the paper expressed concerns that intimidation might be an issue, if there was a single location in which to sign the petition.

The consultation paper restricted the recall provisions to Members of the House of Commons. It also argued that the mechanism proposed would best fit the UK system of representative democracy. The paper did not rule out extending recall in the future:

158. The Government recognises that this is an emotive issue as well as an entirely novel mechanism for our political landscape and it is important that the time is taken to find the best possible approach.

Once such a mechanism has been established for recalling MPs, the Government will give careful consideration to whether recall should be extended to other elected offices across the United Kingdom.

The paper acknowledged that political motivation might well be a factor in the offence committed by a Member, but that it should be for the constituents to decide on whether recall would be appropriate:

58. The draft Bill does not take account of the motivation of the MP in committing a crime. It is possible that an MP may commit a crime for the purpose of making a wider political point. If an MP were convicted of an offence and received a custodial sentence in those circumstances, it would be up to their constituents to judge in the recall petition process whether the MP should retain their seat.

In 1986 11 Ulster Unionist and Democratic Ulster Unionist MPs served sentences of 7 days for various offences, as a protest against the Anglo-Irish Agreement of 15 November 1985. The Northern Ireland MP Bernadette Devlin served a number of months in prison following conviction on public order offences in 1970. In 1981 the Anti H Block/Armagh Political Prisoners candidate, Bobby Sands, was elected MP while imprisoned. He died some weeks later as a result of his hunger strike. The law was subsequently changed so that candidates serving sentences of more than a year would be not eligible to stand as a candidate in a Parliamentary election.⁸⁴

Other matters covered in the paper and draft bill included defining serious wrongdoing. The paper noted:

58. The draft Bill does not take account of the motivation of the MP in committing a crime. It is possible that an MP may commit a crime for the purpose of making a wider political point. If an MP were convicted of an offence and received a custodial sentence in those circumstances, it would be up to their constituents to judge in the recall petition process whether the MP should retain their seat.

The paper acknowledged that the draft Bill would work alongside the House of Commons' own arrangements for dealing with discipline. It commended the decision of the House to add lay members to the Committee on Standards and Privileges, which would "significantly enhance public acceptance of the robustness of the House's disciplinary process (para 74). The paper called for the House to formulate a clear set of criteria governing the circumstances in which the House would trigger the use of a recall petition. It noted the difficulties of setting out in statute the role of the Standard and Privileges Committee:

76. Although the power to resolve that a recall petition is to be opened in respect of an MP is not formally limited, the Government expects that it will be reserved for serious

⁸⁴ Representation of the People Act 1981, Section 2

disciplinary matters. An alternative approach would be to provide explicitly in statute that the new power for the House to trigger a recall mechanism could only be used in exercise of the House's disciplinary powers. However, given that the exercise of this power would amount to proceedings in Parliament, which the courts are prevented from reviewing by article 9 of the Bill of Rights 1689, such a provision could not be enforced by the courts, nor would this be appropriate. Moreover, the House's disciplinary powers are generally not limited by statute. The House has already put in place specific procedures for investigating alleged serious wrongdoing before any disciplinary sanctions are imposed.

The paper acknowledged that representatives of political parties were already subject to controls on campaigning and the receipt of donations and if they wanted to register as accredited campaigners, the Government would need to consider whether the burden of regulation was proportionate. One option would be to record donations twice- once as usual to the Electoral Commission and twice as part of a record of donations given during a recall petition.

The Impact Assessment, given in Annex G of the white paper, stated that the cost of the conduct of a recall petition would be between £37,700 and £100,500, with a best estimate of £64,300. No details were given of the costs of any subsequent by-elections.

8.1 Initial reactions to the draft bill

The draft bill received a mixed reaction in the media. The Taxpayer's Alliance was concerned that the scope for initiating a petition was limited.⁸⁵ Michael White expressed concern in the *Guardian* that recall by-elections might be triggered by a vociferous minority. He thought the process might be manipulated for party political advantage, or to intimidate MPs who did not follow the party line.⁸⁶

Sadiq Khan, shadow justice minister, commented that there would need to be safeguards:

"The fact that MPs have a final say in whether a recall petition is triggered, unless an MP commits a crime punishable with a prison sentence, is certainly not what the Tory or Lib Dem manifestos promised," shadow justice secretary Sadiq Khan commented.

"There needs to be clear guidelines and checks and balances to ensure a recall trigger can't be abused by particular interest groups and works to the benefit of all constituents."⁸⁷

Zac Goldsmith and Douglas Carswell have expressed disappointment that the petition proposals were too restrictive in evidence to the Political and Constitutional Committee on 19 January 2012. Peter Facey, director of Unlock Democracy, also expressed his concerns.⁸⁸

8.2 Political and Constitutional Reform Committee report HC 373

On 28 June 2012 the Political and Constitutional Reform Committee published its first report of session 2012-13, HC 373, *Recall of MPs*. The report examined the Government's draft bill. The Committee recommended that:

...the Government abandon its plans to introduce a power of recall and use the parliamentary time this would free up to better effect⁸⁹

⁸⁵ "Coalition's plans to oust misbehaving MPs are toothless, say campaigners" 14 December 2011 *Guardian*

⁸⁶ "Don't make it easier to expel MPs" Michael White *Guardian* blog 14 December 2011

⁸⁷ "Commons could fire misbehaving MPs" *Politics.co.uk* 13 December 2011

⁸⁸ "Zac Goldsmith attacks MP recall bill" 18 January 2012 *Guardian*

The main factors in their reasoning were set out in the report's summary:

We are not convinced that the proposals will increase public confidence in politics. Indeed, we fear that the restricted form of recall proposed could even reduce confidence by creating expectations that are not fulfilled. Under the Government's proposals, constituents themselves would not be able to initiate a recall petition. The circumstances that the Government proposes would trigger a recall petition—if an MP received a custodial sentence of 12 months or less, or if the House of Commons resolved that there should be a recall petition following a case of "serious wrongdoing"—are so narrow that recall petitions would seldom, if ever, take place. Moreover, time has shown that the existing democratic and legal processes worked in removing the MPs who were shown to have been guilty of serious wrongdoing during the expenses scandal.⁹⁰

The Committee's full reasoning, and their recommendations for improving the Government's proposed recall process can be found in their report, but the following extract from the summary is relevant:

However, we recognise that the Government may be unwilling to discard a pledge made in the Coalition Agreement. We have therefore made some specific recommendations for improving the recall process if the Government decides to proceed with its proposals. In particular, we recommend that the Government replace the requirement for a single designated location for signing the recall petition with a requirement for multiple locations, to make signing the petition in person as convenient as possible for everyone in the constituency. We further recommend that people who have an existing postal vote should automatically be sent a postal signature sheet in the event of a recall petition.

We urge the Government to ensure that constituents in Northern Ireland have the same options for signing a recall petition as constituents elsewhere in the UK, rather than being restricted to signing by post.

Finally, although we understand why the Government has avoided defining "serious wrongdoing" in the draft Bill, we consider that there is a need for an indication of what constitutes such behaviour. We suggest that wrongdoing in the context of recall constitutes a breach of the code of conduct for MPs, while serious implies a breach of sufficient gravity that it would merit more than a period of suspension.⁹¹

8.3 Government response to the Political and Constitutional Reform Committee report

The Government published its response to the Committee's report on 22 October 2012.⁹² The report gave initial responses to the recommendations made by the Political and Constitutional Reform Committee but the Government committed to send the Committee a further response in due course setting out proposals in more detail.⁹³

The Committee recommended that the motivation of the crime committed by an MP should be taken into account and could carry an exemption from triggering a recall election, for example for a conviction following an act of civil disobedience or of protest.

⁸⁹ Political and Constitutional Reform Committee, [Recall of MPs](#), HC 373 20012-13, p3

⁹⁰ Political and Constitutional Reform Committee, [Recall of MPs](#), HC 373 20012-13, p3

⁹¹ Ibid

⁹² Political and Constitutional Reform Committee, [Recall of MPs: Government Response to the Committee's First Report of Session 2012-13](#), HC646 2012-13

⁹³ Ibid, p1

The Government response was that if a recall election resulted from such a situation constituents would have the power to agree with the political motivation by refusing to sign the recall petition. The Government would consider the arguments put by the Committee but did not think and substantially new arguments had been advanced.⁹⁴

In the draft legislation the Government had not defined 'serious wrongdoing'. The Committee recommended that, while it was difficult to define 'serious wrongdoing', restricting the serious wrongdoing which merited a recall petition to breaches of the code of conduct for MPs and its associated rules would provide a rational and comprehensible basis for making a judgement. The Government acknowledged the merits of the suggestion but noted that there were mixed views about the issue. It stated it would consider the matter further.⁹⁵

The draft proposals from the Government had recommended only a single designated location for signing a recall petition in each constituency in Great Britain. In Northern Ireland only postal responses were allowed and there would be no opportunity to sign the petition in person (in response to possible intimidation at polling stations). The Committee recommended that more than one location should be made available in each constituency, that there should be a specific duty in the legislation to ensure disabled access to the petition and constituents in Northern Ireland should be able to sign in person if they so wished.

The Government said it would consult further with the Association of Electoral Administrators, the Electoral Commission and returning officers on the feasibility of increasing the number of locations for signing a recall petition. In the Government's view equality legislation was already adequate in ensuring access to disabled constituents but would consult relevant stakeholders further. It stated it would take into the account the view of the Committee in Northern Ireland when looking again at the detail of the proposals.⁹⁶

The draft legislation contained a provision to restrict access to documentation relating to recall petitions after the conclusion of the process and to only allow observers from the Electoral Commission to observe working practices during a recall. The Committee recommended that the petition would carry more public confidence if the petition was an open and public document. The Government maintained its position that there were ways in which privacy of signatories could be protected.⁹⁷

The Committee commented that the requirement for eligible constituents to sign the petition should not prevent disabled people unable to sign the petition from participating. The Government stated that the intention was that secondary legislation would include provision regarding signing with assistance, similar to that made for voting with assistance in Parliamentary Election Rules. The Government stated it was committed to further consultation to develop these proposals.⁹⁸

The Committee recommended that the wording of the recall petition and the accompanying information about the process should be tested by the Electoral Commission. The Government accepted this recommendation and stated it would work closely with the Commission.⁹⁹

⁹⁴ Ibid, p2

⁹⁵ Ibid, pp3-4

⁹⁶ Ibid, pp4-6

⁹⁷ Ibid, pp5-6

⁹⁸ Ibid, p6

⁹⁹ Ibid, p7

The Government proposed in its draft legislation that electoral registration officers should be responsible for expenditure and donations relating to recall petitions. The Political and Constitutional Reform Committee recommended this be reconsidered and suggested that the Electoral Commission might be better placed to undertake this role. The Government committed to consulting further.¹⁰⁰

The Government also stated it would give further consideration to the Committee's recommendations that Henry VIII powers be removed from the proposed legislation and that the threshold for triggering a by-election should be raised from 10% of registered electors signing the recall petition to 20%.

The Committee stated in recommendations 18 and 19 that it could not agree with 'full recall', where recall is allowed for any reason, for example where there are differences of opinion on policy or local issue makes an MP unpopular. The government endorsed this view.¹⁰¹

In the Committee's recommendations 17 and 20 it stated that the Committee had not found that the case for recall and called on the Government to abandon its plan for recall elections. The Government responded by reaffirming its commitment to introduce a recall mechanism. The Government's response to the Committee's report concluded:

The proposals set out in the White paper were intended to facilitate a wide debate on the best model for recall and the variety of responses received by the Committee during the pre-legislative process has certainly satisfied that intention.

The government recognises that this is an entirely novel mechanism for our political landscape and it is important that we take time to find the best possible approach.

We remain committed to introducing a mechanism for the recall of MPs and will consider further the Committee's recommendations alongside detailed and careful consultation with our stakeholder in determining our policy on recall.¹⁰²

This commitment to introduce recall elections for MPs was restated in the Coalition Government's progress report, published in January 2013, but this gave no further details of how this was to be achieved.¹⁰³

In April 2013, Nick Clegg reiterated his commitment to introducing a Bill before the next general election. Speaking on his weekly phone in radio show on LBC, he said "I can assure you I want to see recall provisions on the statute book in this parliament."¹⁰⁴ He was responding to a phone call from Zac Goldsmith MP.

In July 2013, Chloe Smith MP, Parliamentary Secretary, Cabinet Office, issued a written statement announcing the publication of the Government's full response to the Political and Constitutional Reform Committee report. The statement reaffirmed the Government's commitment to the introduction of recall using the two triggers contained in the draft Bill:

We set out our proposals and draft legislation in a White Paper which has been scrutinised by the Political and Constitutional Reform Committee and we have today issued our full response to their report.

¹⁰⁰ Ibid, p7

¹⁰¹ Ibid, p8

¹⁰² Ibid, p9

¹⁰³ *The Coalition: together in the national interest*, January 2013, p39

¹⁰⁴ *Guardian*, [Nick Clegg wants to see MP recall law on statute book before election](#), 18 April 2013

In our response, we have reiterated our intention to proceed with the introduction of a recall mechanism and to legislate as soon as parliamentary time allows.

We believe this recall mechanism will go some way to restoring trust and accountability to the political process. It will provide an important tool for the House to add to its own suite of disciplinary measures and will give a reassurance to constituents who should not have to rely on their MP choosing to stand down following the committal of a serious wrongdoing.

The recall mechanism we are proposing will have two triggers. Firstly, where a Member receives a custodial sentence of 12 months or less, a recall petition will be automatically opened in that Member's constituency (under the Representation of the People Act 1981, where a Member receives a custodial sentence of more than 12 months, they are automatically disqualified from membership of the House). If 10% of constituents sign the petition, the MP's seat will be vacated and a by-election called. The former MP may stand as a candidate.

Secondly a recall petition will be opened where the House of Commons resolves that one of its members should face recall. This will ensure that a Member could also face recall where they have committed serious wrongdoing which did not result in a custodial sentence, for example, a serious breach of the House of Commons Code of Conduct. This will be a new disciplinary power for the House to help ensure that it is able to deal with disciplinary issues effectively. Constituents would again then have the opportunity to decide if a by-election should be held.

We welcome the Committee's thorough consideration of the proposals and have accepted many of their recommendations, particularly on the conduct of the recall petition. The process of pre-legislative scrutiny has been valuable and will result in an improved Bill being presented to Parliament in due course.¹⁰⁵

¹⁰⁵ HC Deb 17 July 2013, c103WS; Deputy Prime Minister, [Government Response to the Report of the Political and Constitutional Reform Committee on the draft Recall of MPs Bill](#), July 2013, Cm 8640