



European Union Referendum Act 2015

2015 CHAPTER 36

An Act to make provision for the holding of a referendum in the United Kingdom and Gibraltar on whether the United Kingdom should remain a member of the European Union. [17th December 2015]

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:—

Modifications etc. (not altering text)

C1 Act functions transferred (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), arts. 1(2), 3(1), [Sch. 1\(w\)](#) (with arts. 3(2), 6, 12)

The referendum

1 The referendum

- (1) A referendum is to be held on whether the United Kingdom should remain a member of the European Union.
- (2) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.
- (3) The day appointed under subsection (2)—
 - (a) must be no later than 31 December 2017,
 - (b) must not be 5 May 2016, and
 - (c) must not be 4 May 2017.
- (4) The question that is to appear on the ballot papers is—

“Should the United Kingdom remain a member of the European Union or leave the European Union?”

Changes to legislation: There are currently no known outstanding effects for the European Union Referendum Act 2015. (See end of Document for details)

(5) The alternative answers to that question that are to appear on the ballot papers are—

*“Remain a member of the European Union
Leave the European Union”.*

(6) In Wales, there must also appear on the ballot papers—

(a) the following Welsh version of the question—

“A ddylai'r Deyrnas Unedig aros yn aelod o'r Undeb Ewropeaidd neu adael yr Undeb Ewropeaidd?”, and

(b) the following Welsh versions of the alternative answers—

*“Aros yn aelod o'r Undeb Ewropeaidd
Gadael yr Undeb Ewropeaidd”.*

Commencement Information

II [S. 1](#) in force at 1.2.2016 by [S.I. 2016/69](#), [reg. 2](#)

2 Entitlement to vote in the referendum

(1) Those entitled to vote in the referendum are—

- (a) the persons who, on the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency,
- (b) the persons who, on that date, are disqualified by reason of being peers from voting as electors at parliamentary elections but—
 - (i) would be entitled to vote as electors at a local government election in any electoral area in Great Britain,
 - (ii) would be entitled to vote as electors at a local election in any district electoral area in Northern Ireland, or
 - (iii) would be entitled to vote as electors at a European Parliamentary election in any electoral region by virtue of section 3 of the Representation of the People Act 1985 (peers resident outside the United Kingdom), and
- (c) the persons who, on the date of the referendum—
 - (i) would be entitled to vote in Gibraltar as electors at a European Parliamentary election in the combined electoral region in which Gibraltar is comprised, and
 - (ii) fall within subsection (2).

(2) A person falls within this subsection if the person is either—

- (a) a Commonwealth citizen, or
- (b) a citizen of the Republic of Ireland.

(3) In subsection (1)(b)(i) “local government election” includes a municipal election in the City of London (that is, an election to the office of mayor, alderman, common councilman or sheriff and also the election of any officer elected by the mayor, aldermen and liverymen in common hall).

Changes to legislation: There are currently no known outstanding effects for the European Union Referendum Act 2015. (See end of Document for details)

Commencement Information

I2 S. 2 in force at 1.2.2016 by S.I. 2016/69, reg. 2

3 Further provision about the referendum

Part 7 of the 2000 Act (general provision about referendums) applies to the referendum but see also—

- (a) Schedules 1 and 2 (which make, in relation to the referendum, further provision about campaigning and financial controls, including provision modifying Part 7 of the 2000 Act), and
- (b) Schedule 3 (which makes further provision about the referendum, including provision modifying Part 7 of the 2000 Act).

Commencement Information

I3 S. 3 in force at 1.2.2016 by S.I. 2016/69, reg. 2

4 Conduct regulations, etc

- (1) The Minister may by regulations—
 - (a) make provision about voting in the referendum and otherwise about the conduct of the referendum, which may include provision corresponding to any provision of Schedules 2 and 3 to the 2011 Act (with or without modifications);
 - (b) apply for the purposes of the referendum, with or without modifications—
 - (i) any provision of the 1983 Act, or
 - (ii) any other enactment relating to elections or referendums, including provisions creating offences;
 - (c) further modify the 2000 Act for the purposes of the referendum;
 - (d) modify or exclude any provision of any other enactment (other than this Act) that applies to the referendum.
- (2) The Minister may by regulations make provision for and in connection with the combination of the poll for the referendum with any one or more of the following—
 - (a) the poll for any election specified in the regulations;
 - (b) the poll for any other referendum specified in the regulations.

Regulations under this subsection may amend or modify any enactment (but may not alter the date of the poll for any such election or other referendum).

- (3) The reference in subsection (2) to any enactment includes—
 - (a) the definition of “counting officer” in section 11(1),
 - (b) section 11(2), and
 - (c) Schedule 3,but does not include any other provision of this Act.

Changes to legislation: There are currently no known outstanding effects for the European Union Referendum Act 2015. (See end of Document for details)

- (4) The Minister may by regulations make such amendments or modifications of this Act or any other enactment as appear to the Minister to be necessary because the referendum is to be held in Gibraltar as well as the United Kingdom.
- (5) Regulations under this section may, in particular—
- (a) make provision for disregarding alterations in a register of electors;
 - (b) make provision extending or applying to (or extending or applying only to) Gibraltar or any part of the United Kingdom;
 - (c) make different provision for different purposes.
- (6) Before making any regulations under this section, the Minister must consult the Electoral Commission.
- (7) Consultation carried out before the commencement of this section is as effective for the purposes of subsection (6) as consultation carried out after that commencement.

Commencement Information

I4 [S. 4](#) in force at 1.2.2016 by [S.I. 2016/69](#), [reg. 2](#)

5 Gibraltar

- (1) Regulations under section 4 which extend to Gibraltar may extend and apply to Gibraltar, with or without modifications, any enactment relating to referendums or elections that applies in any part of the United Kingdom.
- (2) The capacity (apart from this Act) of the Gibraltar legislature to make law for Gibraltar is not affected by the existence of—
- (a) section 4, or
 - (b) anything in any other provision of this Act which enables particular provision to be made under section 4,
- and in this Act “Gibraltar conduct law” means any provision of law made in and for Gibraltar which corresponds to any provision that has been or could be made for any part of the United Kingdom by regulations under section 4.
- (3) Subsection (2) does not affect the operation of the Colonial Laws Validity Act 1865 in relation to Gibraltar conduct law.

Commencement Information

I5 [S. 5](#) in force at 1.2.2016 by [S.I. 2016/69](#), [reg. 2](#)

6 Duty to publish information on outcome of negotiations between member States

- (1) The Secretary of State must publish a report which contains (alone or with other material)—
- (a) a statement setting out what has been agreed by member States following negotiations relating to the United Kingdom's request for reforms to address concerns over its membership of the European Union, and

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- (b) the opinion of the Government of the United Kingdom on what has been agreed.
- (2) The report must be published before the beginning of the final 10 week period.
- (3) In this section “the final 10 week period” means the period of 10 weeks ending with the date of the referendum.
- (4) A copy of the report published under this section must be laid before Parliament by the Secretary of State.

Commencement Information

I6 S. 6 in force at 1.2.2016 by S.I. 2016/69, reg. 2

7 Duty to publish information about membership of the European Union etc

- (1) The Secretary of State must publish a report which contains (alone or with other material)—
 - (a) information about rights, and obligations, that arise under European Union law as a result of the United Kingdom's membership of the European Union, and
 - (b) examples of countries that do not have membership of the European Union but do have other arrangements with the European Union (describing, in the case of each country given as an example, those arrangements).
- (2) The report must be published before the beginning of the final 10 week period.
- (3) In this section “the final 10 week period” means the period of 10 weeks ending with the date of the referendum.
- (4) A copy of the report published under this section must be laid before Parliament by the Secretary of State.

Commencement Information

I7 S. 7 in force at 1.2.2016 by S.I. 2016/69, reg. 2

8 Power to modify section 125 of the 2000 Act

- (1) In this section—
 - (a) “section 125” means section 125 of the 2000 Act (restriction on publication etc of promotional material by central and local government etc), as modified by paragraph 38 of Schedule 1, and
 - (b) “section 125(2)” means subsection (2) of section 125 (which prevents material to which section 125 applies from being published by or on behalf of certain persons and bodies during the 28 days ending with the date of the poll).
- (2) The Minister may by regulations make provision modifying section 125, for the purposes of the referendum, so as to exclude from section 125(2) cases where—
 - (a) material is published—
 - (i) in a prescribed way, or