

# Terms of Withdrawal from EU (Referendum) Bill

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Schedule – Provision about the referendum

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**B I L L**

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Require the holding of a referendum to endorse the United Kingdom and Gibraltar exit package proposed by HM Government for withdrawal from the EU, or to decide to remain a member, prior to the UK giving notice under Article 50 of the Treaty on European Union; and for connected purposes.

**B**E 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 Exit package proposed by HM Government for withdrawal from the EU**

- (1) The Secretary of State must lay before each House of Parliament a statement complying with the provisions of subsection 2, and generally comprising the United Kingdom and Gibraltar exit package proposed by HM Government for withdrawal from the European Union. 5
- (2) The statement must include detailed and specific information on—
- (a) the proposed terms of the UK's access to the Single Market (if any) or the negotiating mandate thereof;
  - (b) the nature and extent of any tariffs that will or may be imposed on goods and services from the UK entering the EU and goods and services from the EU entering the UK or the negotiating mandate thereof; 10
  - (c) the terms of proposed trade agreements with the EU or EU Member States, and the expected timeframe for the negotiation and ratification of said trade agreements or the negotiating mandate thereof; 15
  - (d) the proposed status of rights guaranteed by the law of the European Union, including—
    - (i) labour rights,
    - (ii) health and safety at work,
    - (iii) the Working Time Directive, 20
    - (iv) consumer rights, and
    - (v) environmental standards;
  - (e) the proposed status of—
    - (i) EU citizens living in the UK and,

- (ii) UK citizens living in the EU,  
after the UK has exited the EU or the negotiating mandate thereof;
- (f) details of the government’s internal estimates as to the impact of the above measures on—
- (i) the balance of trade, 5
- (ii) GDP, and
- (iii) unemployment
- in the UK after the UK leaves the EU.
- 2 Referendum on the proposed exit package**
- (1) A referendum is to be held on whether the United Kingdom should approve the United Kingdom and Gibraltar exit package proposed by HM Government for withdrawal from the European Union or remain a member of the European Union. 10
- (2) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held. 15
- (3) The day appointed under subsection (2)—
- (a) must not be 4 May 2017;
- (b) must not be between 1 November 2017 and 1 January 2018;
- (c) must not be 3 May 2018;
- (d) must not be 2 May 2019; and 20
- (e) must be more than three months before 7 May 2020.
- (4) The question that is to appear on the ballot papers is—  
“Do you support the Government’s proposed United Kingdom and Gibraltar exit package for negotiating withdrawal from the European Union or Should the United Kingdom remain a member of the European Union?” 25
- (5) The alternative answers to that question that are to appear on the ballot papers are—  
“Support the Government’s proposed exit package  
Remain a member of the European Union”.
- (6) In Wales, the alternative answers to that question must also appear in Welsh. 30
- (7) The Secretary of State must by regulations made by statutory instrument subject to annulment by resolution of either House of Parliament specify the wording in Welsh of the alternative answers to that question.
- 3 Notice under Article 50 of the Treaty on European Union**
- The Secretary of State must not give notice under Article 50 of the Treaty on European Union of the United Kingdom’s intention to withdraw from the European Union before the declaration of the result of Referendum held under section 2. 35
- 4 Provision about the referendum**
- The Schedule has effect. 40

## **5 Financial provisions**

- (1) The following are to be paid out of money provided by Parliament –
  - (a) expenditure incurred under this Act by the Minister;
  - (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided. 5
- (2) There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.

## **6 Extent**

- (1) This Act extends to the whole of the United Kingdom and to Gibraltar.
- (2) For the purposes of the referendum, Part 7 of the Political Parties, Elections and Referendums 2000 Act (whose extent is set out in section 163 of that Act) extends also to Gibraltar. 10

## **7 Commencement**

- (1) This section comes into force on the day on which this Act is passed.
- (2) The remaining provisions of this Act come into force on such day as the Minister may by regulations appoint. 15
- (3) Different days may be appointed for different purposes.

## **8 Short title**

This Act may be cited as the Terms of Withdrawal from the European Union (Referendum) Act 2017. 20

## SCHEDULE

Section 4

### PROVISION ABOUT THE REFERENDUM

- 1 Subject to the following paragraphs, the Secretary of State may by regulations made by statutory instrument make provision about the referendum. 5
- 2 Except as otherwise specified in this Act, provision about the referendum must follow as closely as reasonably practicable the provisions made in, or by regulations or orders made under, the European Referendum Act 2015.
- 3 A draft of any regulations to be made under this section must be laid before each House of Parliament and a copy of the draft must be transmitted to the Electoral Commission. 10
- 4 The Electoral Commission may transmit to the Speaker of the House of Commons and the Clerk of the Parliaments its written opinion on the draft regulations.
- 5 Any written opinion received from the Electoral Commission received by the Speaker of the House of Commons must be laid before the House of Commons. 15
- 6 Any written opinion received from the Electoral Commission received by the Clerk of the Parliaments must be laid before the House of Lords.
- 7 If, in the written opinion of the Electoral Commission laid before either House of Parliament, the provisions made in a draft of regulations to be made under this section do not differ substantively from those made for the Referendum held on 23 June 2016, the Secretary of State may within 21 days of the opinion of the Electoral Commission being laid before the House of Commons make the regulations. 20  
25
- 8 Regulations made under paragraph 7 are subject to annulment by resolution of either House of Parliament.
- 9 If in the opinion of the Electoral Commission, the provisions made in a draft of regulations to be made under this section differ substantively from those made for the Referendum held on 23 June 2016, the Secretary of State may not make the regulations unless a draft of the regulations has been approved by resolution of each House of Parliament. 30

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To require the holding of a referendum to endorse the United Kingdom and Gibraltar exit package proposed by HM Government for withdrawal from the EU, or to decide to remain a member, prior to the UK giving notice under Article 50 of the Treaty on European Union; and for connected purposes.

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