

# 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, following the completion of formal exit negotiations; 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 before 29 September 2018 lay before each House of Parliament a statement complying with the provisions of subsections (2) and (3), 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);
  - (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; 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;
  - (d) the proposed status of rights guaranteed by the law of the European Union, including— 15
    - (i) labour rights,
    - (ii) health and safety at work,
    - (iii) the Working Time Directive,
    - (iv) consumer rights, and
    - (v) environmental standards; 20
  - (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;
- (f) details of the government’s internal estimates as to the impact of the above measures on—
- (i) the balance of trade,
  - (ii) GDP, and
  - (iii) unemployment
- in the UK after the UK leaves the EU. 5
- (3) Where the government cannot include the information specified in subsection (2) it must include its best estimate of the likely terms.
- 2 Referendum on the proposed exit package 10**
- (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.
- (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 3 May 2018; and
  - (b) must be before 29 December 2018.
- (4) The question that is to appear on the ballot papers is— 20
- “Do you support the Government’s proposed United Kingdom and Gibraltar exit package for withdrawal from the European Union or Should the United Kingdom remain a member of the European Union?”
- (5) The alternative answers to that question that are to appear on the ballot papers are— 25
- “Support the Government’s proposed exit package  
Remain a member of the European Union”.
- (6) In Wales, the question and the alternative answers to that question must also appear in Welsh.
- (7) The Secretary of State must by regulations specify the wording in Welsh of the question and the alternative answers to that question. 30
- 3 Provision about the referendum**
- The Schedule has effect.
- 4 Result of the referendum**
- (1) The Government shall not conclude any agreement on terms of withdrawal from the European Union, or on the UK’s future relationship with the European Union, until the conditions in subsection (2) are met. 35
- (2) The conditions are that—
- (a) more votes are cast in the referendum held under section 2 in favour of the answer “Approve the Government’s proposed exit package” than the answer “Remain in the European Union”, and 40

- (b) the terms of withdrawal from the European Union, or on the UK's future relationship with the European Union, have been approved by resolution in both Houses of Parliament.
- (3) The resolutions, under subsection (2)(b), in both Houses of Parliament must be passed within one week after the result of the referendum, held under section 2, is declared. 5
- (4) If more votes are cast in the referendum in favour of the answer "Remain a member of the European Union" than "Support the Government's proposed exit package", the Secretary of State must by regulations bring into force section 5 ("provisions to remain in the European Union"). 10
- (5) Regulations under subsection (4) must be made on the day that the result of the referendum is declared or, if that is not practicable, the following day.
- (6) If—
- (a) more votes are cast in the referendum in favour of the answer "Support the Government's proposed exit package" than "Remain a member of the European Union", and 15
- (b) a period of one week after the day on which the result of the referendum, held under section 2, is declared ends without both Houses of Parliament passing the resolutions under subsection (2)(b), the provisions of section 2 of the Fixed Term Parliaments Act 2011 ("early parliamentary general election") shall apply in these circumstances as if the House of Commons had passed a motion under subsection 2(2) of that Act. 20
- (7) If—
- (a) more votes are cast in the referendum in favour of the answer "Support the Government's proposed exit package" than "Remain a member of the European Union", and 25
- (b) the resolutions, under subsection (2)(b), in both Houses of Parliament approve the terms of withdrawal from the European Union, or on the UK's future relationship with the European Union, the Secretary of State must by regulations repeal section 5 ("provisions to remain in the European Union"). 30
- 5 Result of the referendum: provisions to remain in the European Union**
- (1) The European Union (Notification of Withdrawal) Act 2017 is repealed.
- (2) The Prime Minister must notify the European Commission of the retraction of the notification under Article 50(2) of the Treaty on European Union of the United Kingdom's intention to leave the European Union. 35
- 6 Regulations**
- (1) Regulations made under sections 2 and 4 are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under sections 2 and 4 is subject to annulment in pursuance of a resolution of either House of Parliament. 40
- 7 Financial provisions**
- (1) *There is to be paid out of money provided by Parliament –*

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- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, or by a Government department, and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*
- (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.* 5

## **8 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 Act 2000 (whose extent is set out in section 163 of that Act) extends also to Gibraltar. 10

## **9 Commencement**

Sections 1 to 4, and sections 6 to 10 come into force on the day on which this Act is passed.

## **10 Short title**

This Act may be cited as the Terms of Withdrawal from EU (Referendum) Act 2018. 15

## SCHEDULE

Section 3

### 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 schedule 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 schedule 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 schedule 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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## **B I L L**

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, following the completion of formal exit negotiations; and for connected purposes

*Presented by Geraint Davies,  
supported by Mr David Lammy,  
Caroline Lucas,  
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*Ordered, by The House of Commons,  
to be Printed, 6 September 2017.*

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