

European Union Withdrawal Agreement (Public Vote) Bill

CONTENTS

- 1 Proposed Withdrawal Agreement
- 2 Public vote on the proposed Withdrawal Agreement
- 3 Provision about the public vote
- 4 Result of the public vote
- 5 Result of the public vote: provisions to remain in the European Union
- 6 Regulations
- 7 Financial provisions
- 8 Extent
- 9 Commencement
- 10 Short title

Schedule – Provision about the public vote

A
B I L L

TO

Provide that any Withdrawal Agreement between the United Kingdom and the European Union shall not have effect without a vote by the electorate of the United Kingdom and Gibraltar to that effect; to make arrangements for the holding of such a public vote; and for connected purposes.

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:—

1 Proposed Withdrawal Agreement

The Secretary of State must before 31 October 2018 lay before each House of Parliament a copy of the Withdrawal Agreement proposed by HM Government for the United Kingdom and Gibraltar to withdraw from the European Union.

5

2 Public vote on the proposed Withdrawal Agreement

- (1) A public vote is to be held on whether the United Kingdom should approve the Withdrawal Agreement proposed or remain a member of the European Union.
- (2) The Secretary of State must, by regulations, appoint the day on which the public vote is to be held.
- (3) The day appointed under subsection (2) must be before 1 February 2019.
- (4) The question that is to appear on the ballot papers is—
“Do you support the Government’s proposed United Kingdom and Gibraltar Agreement 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—
“Support the proposed Withdrawal Agreement
Remain a member of the European Union”.

10

15

- (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.

3 Provision about the public vote 5

The Schedule has effect.

4 Result of the public vote

- (1) The Government shall not conclude any agreement on terms of withdrawal from the European Union, or on the United Kingdom's future relationship with the European Union, until the conditions in subsection (2) are met. 10
- (2) The conditions are that—
- (a) more votes are cast in the public vote held under section 2 in favour of the answer "Support the proposed Withdrawal Agreement" than the answer "Remain a member of the European Union", and
 - (b) the terms of withdrawal from the European Union have been approved by resolution in both Houses of Parliament. 15
- (3) The resolutions, under subsection (2)(b), in both Houses of Parliament must be passed within one week after the result of the public vote, held under section 2, is declared.
- (4) If more votes are cast in the public vote in favour of the answer "Remain a member of the European Union" than "Support the proposed Withdrawal Agreement", the Secretary of State must by regulations bring into force section 5 ("provisions to remain in the European Union"). 20
- (5) Regulations under subsection (4) must be made on the day that the result of the public vote is declared or, if that is not practicable, the following day. 25
- (6) If—
- (a) more votes are cast in the public vote in favour of the answer "Support the proposed Withdrawal Agreement" than "Remain a member of the European Union", and
 - (b) a period of one week after the day on which the result of the public vote, 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 section 2(2) of that Act. 35
- (7) If—
- (a) more votes are cast in the public vote in favour of the answer "Support the proposed Withdrawal Agreement" than "Remain a member of the European Union", and
 - (b) the resolutions, under subsection (2)(b), in both Houses of Parliament approve the terms of withdrawal from the European Union,
- the Secretary of State must by regulations repeal section 5 ("provisions to remain in the European Union"). 40

5 Result of the public vote: 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. 5

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. 10

7 Financial provisions

- (1) *There is to be paid out of money provided by Parliament –*
 - (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.* 15
- (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.*

8 Extent

- (1) This Act extends to the whole of the United Kingdom and to Gibraltar. 20
- (2) For the purposes of the public vote, 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.

9 Commencement

Sections 1 to 4, and sections 6 to 10 come into force on the day on which this Act is passed. 25

10 Short title

This Act may be cited as the European Union Withdrawal Agreement (Public Vote) Act 2018.

SCHEDULE

Section 3

PROVISION ABOUT THE PUBLIC VOTE

- 1 Subject to the following paragraphs—
- (a) the provisions of Part 7 of the Political Parties, Elections and Referendums Act 2000 (general provision about referendums) apply to the public vote under this Act, and 5
- (b) those provisions shall apply as if, for the words “referendum” and “referendums” in each case where they appear, the words “public vote” and “public votes” respectively.
- 2 (1) It shall be the duty of all public authorities, in publications and communications about the public vote provided for under this Act, to use the term “public vote” and not to use the term “referendum”. 10
- (2) For the purposes of this paragraph, “public authority” has the same meaning as in section 3 of the Freedom of Information Act 2000 (public authorities).
- 3 Subject to paragraphs 4 to 11, the Secretary of State may by regulations made by statutory instrument make provision about the public vote. 15
- 4 Except as otherwise specified in this Act, provision about the public vote must follow as closely as reasonably practicable the provisions for a referendum made in, or by regulations or orders made under, the European Referendum Act 2015. 20
- 5 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.
- 6 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. 25
- 7 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.
- 8 Any written opinion received from the Electoral Commission received by the Clerk of the Parliaments must be laid before the House of Lords. 30
- 9 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. 35
- 10 Regulations made under paragraph 7 are subject to annulment by resolution of either House of Parliament.

- 11 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.

European Union Withdrawal Agreement (Public Vote) Bill

A

B I L L

To provide that any Withdrawal Agreement between the United Kingdom and the European Union shall not have effect without a vote by the electorate of the United Kingdom and Gibraltar to that effect; to make arrangements for the holding of such a public vote; and for connected purposes.

*Ordered to be brought in by Gareth Thomas,
Stephen Timms, Dr Rupa Huq,
Andy Slaughter, Stephen Doughty,
Anna Turley, Susan Elan Jones,
Tom Brake, Jonathan Edwards,
Caroline Lucas, Daniel Zeichner
and Paul Flynn.*

*Ordered, by The House of Commons,
to be Printed, 9 May 2018.*

© Parliamentary copyright House of Commons 2018

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS