

# Terms of Withdrawal from the EU (Referendum) (No. 2) 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 in which one option is to approve the withdrawal agreement between the United Kingdom and the European Union and the other option is for the United Kingdom to remain a member of the 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 Referendum on withdrawal agreement**

- (1) A referendum is to be held on whether the United Kingdom should approve a withdrawal agreement between the United Kingdom and the European Union or remain a member of the European Union.
- (2) That withdrawal agreement may be—
  - (a) the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as endorsed by leaders at a special meeting of the European Council on 25 November 2018, or
  - (b) a subsequent such agreement.
- (3) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.
- (4) The day appointed under subsection (3)—
  - (a) must not be 2 May 2019; and
  - (b) must be before 31 December 2019.
- (5) The question that is to appear on the ballot papers is—

“Do you approve the agreement for the United Kingdom’s withdrawal from the European Union or Should the United Kingdom remain a member of the European Union?”
- (6) The alternative answers to that question that are to appear on the ballot papers are—

“Approve the withdrawal agreement

Remain a member of the European Union”.

- (7) In Wales, the question and the alternative answers to that question must also appear in Welsh.
- (8) The Secretary of State must by regulations specify the wording in Welsh of the question and the alternative answers to that question.

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## 2 Provision about the referendum

The Schedule has effect.

## 3 Result of the referendum

- (1) If more votes are cast in the referendum held under section 1 in favour of the answer “Approve the withdrawal agreement” than “Remain a member of the European Union” the Secretary of State must by regulations repeal section 4 (“provisions to remain in the European Union”).
- (2) If more votes are cast in the referendum held under section 1 in favour of the answer “Remain a member of the European Union” than “Approve the withdrawal agreement”, the Secretary of State must by regulations bring into force section 4 (“provisions to remain in the European Union”).
- (3) Regulations under this section must be made on the day that the result of the referendum is declared or, if that is not practicable, the following day.

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## 4 Provisions to remain in the European Union

- (1) The following Acts are repealed—
- European Union (Notification of Withdrawal) Act 2017;
  - European Union (Withdrawal) Act 2018;
  - Haulage Permit and Trailer Registration Act 2018;
  - Taxation (Cross-Border Trade) Act 2018;
  - Nuclear Safeguards Act 2018;
  - Sanctions and Anti-Money Laundering Act 2018.
- (2) The Prime Minister must notify the European Council 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.

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## 5 Regulations

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- (1) Regulations made under sections 1 and 3 are to be made by statutory instrument.
- (2) A statutory instrument containing regulations under sections 1 and 3 is subject to annulment in pursuance of a resolution of either House of Parliament.

## 6 Financial provisions

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- (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.*
- (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.*

**7 Extent, commencement and short title**

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- (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.
- (3) Sections 1 to 3 and sections 5 and 6 and this section come into force on the day on which this Act is passed. 10
- (4) This Act may be cited as the Terms of Withdrawal from the EU (Referendum) Act 2019.

## SCHEDULE

Section 2

### 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  
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- 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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To require the holding of a referendum in which one option is to approve the withdrawal agreement between the United Kingdom and the European Union and the other option is for the United Kingdom to remain a member of the European Union; and for connected purposes.

*Presented by Geraint Davies  
supported by  
Mr David Lammy, Caroline Lucas,  
Thelma Walker, Daniel Zeichner,  
and Tom Brake.*

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*Ordered, by The House of Commons,  
to be Printed, 26th February 2019.*

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