

Draft Regulations laid before Parliament under section 9(2) of the European Union Referendum Act 2015, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No.

REFERENDUMS

REPRESENTATION OF THE PEOPLE

The European Union Referendum (Date of Referendum etc.) Regulations 2016

Made - - - -

Coming into force in accordance with regulation 1(1)

These Regulations are made in exercise of the powers conferred by sections 1(2) and 11(1) of, paragraphs 1, 12 and 39(2)(b), (5)(b) and (7) of Schedule 1 to, and paragraph 5(2)(b), (5)(b) and (7) of Schedule 2 to, the European Union Referendum Act 2015(1).

A draft of this instrument has been laid before and approved by a resolution of each House of Parliament pursuant to section 9(2) of that Act.

Accordingly, the Secretary of State makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Union Referendum (Date of Referendum etc.) Regulations 2016 and come into force on the day after the day on which they are made.

(2) These Regulations extend to the whole of the United Kingdom and Gibraltar.

Interpretation

2. In these Regulations “the 2015 Act” means the European Union Referendum Act 2015.

Date of the referendum

3. The referendum is to be held on 23rd June 2016.

Referendum period

4. The referendum period for the referendum—

(1) [2015 c.36](#). See the definition of “the Minister” in section 11(1).

- (a) begins with 15th April 2016; and
- (b) ends with the date of the referendum.

Application for designation: start of period for making application

5. The day prescribed under paragraph 12 of Schedule 1 to the 2015 Act (applying to become a designated organisation: period for making application) is 4th March 2016.

Periods for reporting of donations or regulated transactions during referendum period

6.—(1) This regulation makes provision in respect of reports which must be prepared under paragraph 39 of Schedule 1 (reporting of donations during referendum period), or paragraph 5 of Schedule 2 (reporting of regulated transactions during referendum period), to the 2015 Act (each a “report”).

(2) The periods set out in the first column of the Schedule are prescribed under paragraph 39(2)(b) of Schedule 1, and paragraph 5(2)(b) of Schedule 2, to the 2015 Act, as periods in respect of which reports must be prepared.

(3) A report in respect of a period set out in the first column of the Schedule must be delivered to the Electoral Commission on or before the date set out in the second column of the Schedule which corresponds to that period.

(4) Where an individual or body becomes a permitted participant during a period set out in the first column of the Schedule (the “relevant period”)—

- (a) the responsible person in relation to that permitted participant is not required to prepare separate reports in respect of any reporting period that preceded the relevant period, and paragraph 39(2) of Schedule 1, and paragraph 5(2) of Schedule 2, to the 2015 Act are to be read accordingly; and
- (b) the report prepared by the responsible person in respect of the relevant period must also cover every reporting period that preceded the relevant period and references in paragraph 39(3) and (4) of Schedule 1 and paragraph 5(3) and (4) of Schedule 2 to the 2015 Act to “period” are to be read accordingly.

(5) In this regulation “reporting period” means any of the periods set out in—

- (a) paragraph 39(2)(a) of Schedule 1, and paragraph 5(2)(a) of Schedule 2, to the 2015 Act; or
- (b) the first column of the Schedule.

Date

Name
Minister
Foreign and Commonwealth Office

SCHEDULE

Regulation 6(2) and (3)

Period	Date by which report must be delivered
The period beginning with 22nd April 2016 and ending with 12th May 2016	19th May 2016
The period beginning with 13th May 2016 and ending with 9th June 2016	16th June 2016
The period beginning with 10th June 2016 and ending with 22nd June 2016	29th June 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set the date of the referendum on whether the United Kingdom should remain a member of the European Union. They also prescribe the length of the referendum period, the start of the period for applications for becoming a designated organisation and periods for reporting of donations or regulated transactions. They extend to the whole of the United Kingdom and Gibraltar.

Regulation 3 sets 23rd June 2016 as the date of the referendum. The European Union Referendum Act 2015 (c.36) (“the 2015 Act”) provides that the referendum must take place no later than 31st December 2017. It may not be held on 5th May 2016 or 4th May 2017.

Regulation 4 prescribes the referendum period, which will begin with 15th April 2016. Under paragraph 1(2) of Schedule 1 to the 2015 Act the referendum period must not be less than 10 weeks and must end with the date of the referendum. The referendum period is relevant, in particular, to restrictions on incurring referendum expenses provided for in sections 117 and 118 and Schedule 14 of the Political Parties, Elections and Referendums Act 2000 (c.41) (“the 2000 Act”), which apply, as modified, for the referendum.

Regulation 5 prescribes 4th March 2016 as the start of the period in which applications can be made to become a designated organisation at the referendum. The process and effects of designation are set out in Part 7 of the 2000 Act, as modified by Schedule 1 to the 2015 Act. Paragraph 12 of Schedule 1 to the 2015 Act modifies section 109 of the 2000 Act, with the effect that the period for making an application for designation begins with the day prescribed in regulations. Section 109 of that Act sets out that the application period lasts for 28 days.

Regulation 6 and the Schedule set out periods for reporting, by permitted participants who are not registered parties or are minor parties, of donations or regulated transactions, for example loans, and the date on or before which reports must be delivered to the Electoral Commission. Where an individual or body which either is not a registered party or is a minor party becomes a permitted participant during a period set out in the Schedule, the report which is submitted to the Electoral Commission must cover that period but also every reporting period which preceded that period.

An impact assessment has not been produced for this instrument as any impact on the private or voluntary sectors is not significant.

Draft Legislation: *This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The European Union Referendum (Date of Referendum etc.) Regulations 2016 No. 278*