



# Political Parties, Elections and Referendums Act 2000

## 2000 CHAPTER 41

### PART VII

#### REFERENDUMS

### CHAPTER I

#### PRELIMINARY

#### *Referendums to which this Part applies*

#### **101 Referendums to which this Part applies.**

- (1) Subject to the following provisions of this section, this Part applies to any referendum held throughout—
  - (a) the United Kingdom;
  - (b) one or more of England, Scotland, Wales and Northern Ireland; or
  - (c) any region in England specified in Schedule 1 to the <sup>M1</sup>Regional Development Agencies Act 1998.
- (2) In this Part—
  - (a) “referendum” means a referendum or other poll held, in pursuance of any provision made by or under an Act of Parliament, on one or more questions specified in or in accordance with any such provision;
  - (b) “question” includes proposition (and “answer” accordingly includes response).
- (3) A poll held under section 36 of the <sup>M2</sup>Government of Wales Act 1998 is not, however, to be taken to be a referendum falling within subsection (2).

*Status: Point in time view as at 16/02/2001.*

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- (4) If the Secretary of State by order so provides—
- (a) subsection (2) shall apply to any specified Bill which has been introduced into Parliament before the making of the order as if it were an Act; and
  - (b) any specified provisions of this Part shall apply, subject to any specified modifications, in relation to any specified referendum for which provision is made by the Bill.
- (5) In subsection (4) “specified” means specified in the order under that subsection.

**Modifications etc. (not altering text)**

- C1** S. 101(1)(2) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**
- C2** S. 101(2) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

**Commencement Information**

- II** S. 101 wholly in force at 16.2.2001; s. 101 partly in force at Royal Assent, see s. 163(3); s. 101 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

**Marginal Citations**

- M1** 1998 c. 45.
- M2** 1998 c. 38.

**102 Referendum period.**

- (1) For the purposes of this Part the referendum period for any referendum to which this Part applies shall be determined in accordance with this section.
- (2) In the case of a referendum held in accordance with Schedule 1 to the <sup>M3</sup>Northern Ireland Act 1998, the referendum period—
  - (a) begins with the date when the draft of an order under that Schedule is laid before Parliament for approval by each House in accordance with section 96(2) of that Act; and
  - (b) ends with the date of the poll.
- (3) In the case of a referendum held in pursuance of any provision made by or under any other Act, the referendum period shall (subject to subsections (4) and (5)) be such period as is provided for by or under that Act.
- (4) In the case of a referendum to which an order under section 101(4) applies, the referendum period shall be such period (not exceeding six months) as may be specified in the order.
- (5) If (apart from this subsection) the referendum period in a case within subsection (4) would end after the date of the poll, it shall instead end on that date.

**Modifications etc. (not altering text)**

- C3** S. 102 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

*Status: Point in time view as at 16/02/2001.*

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#### Commencement Information

**I2** S. 102 wholly in force at 16.2.2001; s. 102 not in force at Royal Assent, see s. 163(2); s. 102 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M3** 1998 c. 47.

### 103 Date of poll.

- (1) Where the date of the poll in the case of any referendum to which this Part applies falls to be fixed under any provision made by or under any Act, the date so fixed shall not be earlier than 28 days after the end of the period of 14 days mentioned in section 109(3).
- (2) If an order under section 109(6) applies to the referendum, subsection (1) shall be read as referring to the period which by virtue of the order is to apply instead of that period of 14 days.

#### Commencement Information

**I3** S. 103 wholly in force at 16.2.2001; s. 103 not in force at Royal Assent, see s. 163(2); s. 103 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 104 Referendum questions.

- (1) Subsection (2) applies where a Bill is introduced into Parliament which—
  - (a) provides for the holding of a poll that would be a referendum to which this Part applies, and
  - (b) specifies the wording of the referendum question.
- (2) The Commission shall consider the wording of the referendum question, and shall publish a statement of any views of the Commission as to the intelligibility of that question—
  - (a) as soon as reasonably practicable after the Bill is introduced, and
  - (b) in such manner as they may determine.
- (3) Subsections (4) and (5) apply where the wording of the referendum question in the case of any poll that would be a referendum to which this Part applies falls to be specified in subordinate legislation within the meaning of the <sup>M4</sup>Interpretation Act 1978.
- (4) If a draft of the instrument in question is to be laid before Parliament for approval by each House, the Secretary of State—
  - (a) shall consult the Commission on the wording of the referendum question before any such draft is so laid, and
  - (b) shall, at the time when any such draft is so laid, lay before each House a report stating any views as to the intelligibility of that question which the Commission have expressed in response to that consultation.
- (5) If the instrument in question is to be subject to annulment in pursuance of a resolution of either House of Parliament, the Secretary of State—
  - (a) shall consult the Commission on the wording of the referendum question before making the instrument; and

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- (b) shall, at the time when the instrument is laid before Parliament, lay before each House a report stating any views as to the intelligibility of that question which the Commission have expressed in response to that consultation.
- (6) Where any Bill, draft instrument or instrument to which subsection (2), (4) or (5) applies specifies not only the referendum question but also any statement which is to precede that question on the ballot paper at the referendum, any reference in that subsection to the referendum question shall be read as a reference to that question and that statement taken together.
- (7) In this section “the referendum question” means the question or questions to be included in the ballot paper at the referendum.

#### Commencement Information

**I4** S. 104 wholly in force at 16.2.2001; s. 104 not in force at Royal Assent, see s. 163(2); S. 104 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### Marginal Citations

**M4** 1978 c. 30.

### *Permitted participants*

#### **105 Permitted participants.**

- (1) In this Part “permitted participant”, in relation to a particular referendum to which this Part applies, means—
- (a) a registered party by whom a declaration has been made under section 106 in relation to the referendum; or
  - (b) any of the following by whom a notification has been given under section 106 in relation to the referendum, namely—
    - (i) any individual resident in the United Kingdom or registered in an electoral register (as defined by section 54(8)), or
    - (ii) any body falling within any of paragraphs (b) and (d) to (h) of section 54(2).
- (2) In this Part “responsible person” means—
- (a) if the permitted participant is a registered party—
    - (i) the treasurer of the party, or
    - (ii) in the case of a minor party, the person for the time being notified to the Commission by the party in accordance with section 106(2)(b);
  - (b) if the permitted participant is an individual, that individual; and
  - (c) otherwise, the person or officer for the time being notified to the Commission by the permitted participant in accordance with section 106(4)(b)(ii).

#### Modifications etc. (not altering text)

**C4** S. 105 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 7\(1\)](#), [Sch. 3 Pt. 1](#)

*Status: Point in time view as at 16/02/2001.*

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#### Commencement Information

- I5** S. 105 wholly in force at 16.2.2001; s. 105 not in force at Royal Assent, see s. 163(2); s. 105 in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

### 106 Declarations and notifications for purposes of section 105.

- (1) For the purposes of section 105(1) a registered party makes a declaration to the Commission under this section if the party makes a declaration to the Commission which identifies—
  - (a) the referendum to which it relates, and
  - (b) the outcome or outcomes for which the party proposes to campaign.
- (2) A declaration under this section—
  - (a) must be signed by the responsible officers of the party (within the meaning of section 64); and
  - (b) if made by a minor party, must be accompanied by a notification which states the name of the person who will be responsible for compliance on the part of the party with the provisions of Chapter II.
- (3) For the purposes of section 105(1) an individual or body gives a notification to the Commission under this section if he or it gives the Commission a notification which identifies—
  - (a) the referendum to which it relates, and
  - (b) the outcome or outcomes for which the giver of the notification proposes to campaign.
- (4) A notification under this section must—
  - (a) if given by an individual, state—
    - (i) his full name, and
    - (ii) his home address in the United Kingdom, or (if he has no such address in the United Kingdom) his home address elsewhere,
 and be signed by him;
  - (b) if given by a body falling within any of paragraphs (b) and (d) to (h) of section 54(2), state—
    - (i) all such details in respect of the body as are required by virtue of any of sub-paragraphs (4) and (6) to (10) of paragraph 2 of Schedule 6 to be given in respect of such a body as the donor of a recordable donation, and
    - (ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter II, and be signed by the body’s secretary or a person who acts in a similar capacity in relation to the body.
- (5) If at any time before the end of the compliance period any of the statements which, in accordance with any provision of subsection (4), are contained in a notification under this section (as it has effect for the time being) ceases to be accurate, the permitted participant by whom the notification was given shall give the Commission a notification (“a notification of alteration”) indicating that that statement is replaced by some other statement—
  - (a) contained in the notification of alteration, and

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- (b) conforming with that provision of subsection (4).
- (6) For the purposes of subsection (5)—
  - (a) “the compliance period” is the period during which any provisions of Chapter II remain to be complied with on the part of the permitted participant; and
  - (b) any reference to subsection (4) shall be read, in relation to a notification under subsection (2), as a reference to subsection (2).
- (7) In this section and sections 108 and 109 “outcome”, in the case of a referendum, means a particular outcome in relation to any question asked in the referendum.

**Modifications etc. (not altering text)**

- C5** S. 106 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

**Commencement Information**

- I6** S. 106 wholly in force at 16.2.2001; s. 106 not in force at Royal Assent, see s. 163(2); s. 106 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

**107 Register of declarations and notifications for purposes of section 105.**

- (1) The Commission shall maintain a register of—
  - (a) all declarations made to them under section 106; and
  - (b) all notifications given to them under that section.
- (2) The register shall be maintained by the Commission in such form as they may determine and shall contain, in the case of each such declaration or notification, all of the information supplied to the Commission in connection with it in pursuance of section 106.
- (3) Where any declaration or notification is made or given to the Commission under section 106, they shall cause—
  - (a) the information mentioned in subsection (2) to be entered in the register, or
  - (b) in the case of a notification under section 106(5), any change required as a consequence of the notification to be made in the register,
 as soon as is reasonably practicable.
- (4) The information to be entered in the register in respect of a permitted participant who is an individual shall, however, not include his home address.

**Modifications etc. (not altering text)**

- C6** S. 107 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

**Commencement Information**

- I7** S. 107 wholly in force at 16.2.2001; s. 107 not in force at Royal Assent, see s. 163(2); s. 107 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

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### *Assistance for designated organisations*

#### **108 Designation of organisations to whom assistance is available.**

- (1) The Commission may, in respect of any referendum to which this Part applies, designate permitted participants as organisations to whom assistance is available in accordance with section 110.
- (2) Where there are only two possible outcomes in the case of a referendum to which this Part applies, the Commission—
  - (a) may, in relation to each of those outcomes, designate one permitted participant as representing those campaigning for the outcome in question; but
  - (b) otherwise shall not make any designation in respect of the referendum.
- (3) Where there are more than two possible outcomes in the case of a referendum to which this Part applies, the Secretary of State may, after consulting the Commission, by order specify the possible outcomes in relation to which permitted participants may be designated in accordance with subsection (4).
- (4) In such a case the Commission—
  - (a) may, in relation to each of two or more outcomes specified in any such order, designate one permitted participant as representing those campaigning for the outcome in question; but
  - (b) otherwise shall not make any designation in respect of the referendum.

#### **Commencement Information**

- 18** S. 108 wholly in force at 16.2.2001; s. 108 partly in force at Royal Assent, see s. 163(3); s. 108 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222, art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

#### **109 Applications for designation under section 108.**

- (1) A permitted participant seeking to be designated under section 108 must make an application for the purpose to the Commission.
- (2) An application for designation must—
  - (a) be accompanied by information or statements designed to show that the applicant adequately represents those campaigning for the outcome at the referendum in relation to which the applicant seeks to be designated; and
  - (b) be made within the period of 28 days beginning with the first day of the referendum period.
- (3) Where an application for designation has been made to the Commission in accordance with this section, the application must be determined by the Commission within the period of 14 days beginning with the day after the end of the period of 28 days mentioned in subsection (2)(b).
- (4) If there is only one application in relation to a particular outcome at the referendum, the Commission shall designate the applicant unless—
  - (a) they are not satisfied that the applicant adequately represents those campaigning for that outcome; or

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- (b) they are prevented from making any designation by virtue of section 108(2) (b) or (4)(b).
- (5) If there is more than one application in relation to a particular outcome at the referendum, the Commission shall designate whichever of the applicants appears to them to represent to the greatest extent those campaigning for that outcome unless—
  - (a) they are not satisfied that any of the applicants adequately represents those campaigning for that outcome; or
  - (b) they are prevented from making any designation by virtue of section 108(2) (b) or (4)(b).
- (6) The Secretary of State may, in the case of any referendum to which this Part applies, by order provide for this section to have effect as if each, or either, of the periods of 28 and 14 days referred to in subsections (2) and (3) was instead such shorter or longer period as is specified in the order.
- (7) In this section, in relation to a referendum, any reference to designation is to designation in respect of the referendum under section 108.

**Modifications etc. (not altering text)**

- C7** S. 109(2)(3) modified (24.7.2004) by [The Regional Assembly and Local Government Referendums \(Date of Referendums, Referendum Question and Explanatory Material\) \(North East Region\) Order 2004 \(S.I. 2004/1963\)](#), **art. 6(1)**

**Commencement Information**

- I9** S. 109 wholly in force at 16.2.2001; s. 109 partly in force at Royal Assent, see s. 163(3); s. 109 in force in so far as not already in force at 16.2.2001 by [S.I. 2001/222](#), **art. 2**, **Sch. Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

**110 Assistance available to designated organisations.**

- (1) Where the Commission have made any designations under section 108 in respect of a referendum, assistance shall be available to the designated organisations in accordance with this section.
- (2) The Commission shall make to each designated organisation a grant of the same amount, which shall be an amount not exceeding £600,000 determined by the Commission.
- (3) A grant under subsection (2) may be made subject to such conditions as the Commission consider appropriate.
- (4) Each designated organisation (or, as the case may be, persons authorised by the organisation) shall have the rights conferred by or by virtue of Schedule 12, which makes provision as to—
  - (a) the sending of referendum addresses free of charge;
  - (b) the use of rooms free of charge for holding public meetings; and
  - (c) referendum campaign broadcasts.
- (5) In this section and Schedule 12 “designated organisation”, in relation to a referendum, means a person or body designated by the Commission under section 108 in respect of that referendum.



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**Commencement Information**

**I10** S. 110 wholly in force at 16.2.2001; s. 110 not in force at Royal Assent, see s. 163(2); s. 110 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

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