



BRIEFING PAPER

Number 7486, 25 April 2016

The EU referendum campaign

By Elise Uberoi
Isobel White

SCHEDULE 4 FORMS

Regulation 83

Inside:

1. The date of the referendum
2. Secondary legislation
3. Campaign timetable
4. The campaign
5. Other elections

Form 1 – Form of ballot paper
Front of ballot paper

Referendum on the United Kingdom's membership of the European Union	
Vote only once by putting a cross <input checked="" type="checkbox"/> in the box next to your choice	
Should the United Kingdom remain a member of the European Union or leave the European Union?	
Remain a member of the European Union	<input type="checkbox"/>
Leave the European Union	<input type="checkbox"/>

Back of ballot paper

Number

[Other unique identifying mark]

Referendum on the United Kingdom's membership of the European Union

[insert voting area]

Contents

Summary	3
1. The date of the referendum	4
2. Secondary legislation	5
3. Campaign timetable	6
4. The campaign	7
4.1 Financial controls	7
Expenditure	7
Donations and loans	8
Reporting	8
4.2 Publication controls	8
4.3 Designation of lead campaign organisations	9
5. Other elections	11

Summary

The *European Union Referendum Act 2015* made provision for a referendum to be held on the UK's membership of the EU before the end of 2017. The *European Union Referendum (Date of Referendum etc.) Regulations 2016* set the date of the referendum as 23 June 2016.

The *European Union Referendum (Date of Referendum etc.) Regulations 2016* also set the start date of the referendum period (15 April 2016), during which certain controls apply to the campaign. These include financial and, at a later stage, publication controls. The regulations also appointed the date campaign groups could start to apply to be designated as a 'lead campaign organisation' (4 March 2016). Lead campaign organisations receive a number of benefits, including public funding. On 13 April 2016 the Electoral Commission designated the [In Campaign \(Britain Stronger in Europe\)](#) and [Vote Leave](#) as the lead campaign organisations.

The campaign period for the referendum overlaps with the campaigns for the elections taking place across the UK on 5 May 2016. Referendum campaigners may need to comply with an additional set of rules if their campaign messages could be seen to bear on these elections.

1. The date of the referendum

The referendum on the UK's membership of the EU will be held on 23 June 2016. The controls that apply to the campaign before the referendum are determined in relation to the poll date.

The *European Union Referendum Act 2015* (Section 1) specifies that:

- (1) A referendum is to be held on whether the United Kingdom should 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.
- (3) The day appointed under subsection (2)—
 - (a) must be no later than 31 December 2017,
 - (b) must not be 5 May 2016, and
 - (c) must not be 4 May 2017.

Regulation 3 of the [European Union Referendum \(Date of Referendum etc.\) Regulations 2016](#) provides that "The referendum is to be held on 23rd June 2016".

The regulations were laid before Parliament on 22 February 2016 after Prime Minister David Cameron reached agreement with the EU over a number of reforms on 19 February 2016. The regulations were subject to the affirmative resolution procedure and had to be approved by both Houses of Parliament.

There had been speculation about potential dates for the referendum in the press: dates in June and September were reported to be seen as most likely, as holidays were believed to make July and particularly August unsuitable for holding the poll, while darker evenings after September were thought to result in a lower turnout.¹

The First Ministers of Scotland, Northern Ireland and Wales had opposed holding the referendum on 23 June 2016; they argued this would be too soon after the elections held on 5 May 2016 (including in local authorities in England and the devolved legislatures) and would "confuse" the process.²

¹ 'EU referendum: guessing game over poll date continues', BBC News, 8 January 2016; 'EU referendum timeline: what will happen when?', [BBC News](#), 12 January 2016

² 'David Cameron urged to delay EU referendum by first ministers', [BBC News](#), 3 February 2016

2. Secondary legislation

On 25 January 2016, the Prime Minister signed a commencement regulation with the effect of bringing the *European Union Referendum Act 2015* into force on 1 February 2016. On the same day, the Government also laid before Parliament a draft statutory instrument setting out the regulations for the conduct of the referendum.³ The draft regulations were subject to the affirmative resolution procedure and were approved by the House of Commons on 22 February 2016 and by the House of Lords on 24 February 2016.

On 23 February 2016 the Government laid before Parliament another draft statutory instrument, *The European Union Referendum (Date of Referendum etc.) Regulations 2016*, which was also subject to the affirmative resolution procedure. The draft regulations set out:

- the date of the referendum: **23 June 2016**;
- the start date and duration of the referendum period (during which certain controls apply to the campaign): **15 April 2016 – 23 June 2016**;
- the start date of the period during which campaign groups can be designated 'lead campaign organisation' (which would entitle them to higher spending limits and other benefits): **4 March 2016**;
- and the periods for which donations and regulated transactions must be reported.⁴

The [*European Union Referendum \(Date of Referendum etc.\) Regulations 2016*](#) were approved by the House of Commons on 29 February 2016 and by the House of Lords on 2 March 2016.⁵

³ [*The European Union Referendum \(Conduct\) Regulations 2016*](#)

⁴ [*The European Union Referendum \(Date of Referendum etc.\) Regulations 2016*](#)

⁵ [HC Deb 29 February 2016 c709](#) and [HL Deb 2 March 2016 c829](#)

3. Campaign timetable

The table below shows the timetable for the EU referendum campaign as set out in the secondary legislation laid before Parliament. The reports referred to in the table below are the reports that the Government was required to publish to state the outcome of its negotiations with the EU, as well as its opinion on that outcome; and on the rights and obligations that arise under EU law, as well as the arrangements non-EU countries have with the EU.

During the referendum period, certain controls apply to the campaign. These include restrictions on publication of information by public bodies during the 'purdah' period. The next section provides further information.

Box 1: Timeline for the EU referendum

1 February 2016 *European Union Referendum Act 2015* came into force

19 February 2016 European Council agreement

22 February 2016 Regulations to set the date of the referendum, the referendum period and the period for designating the lead campaign organisations, laid before Parliament

29 February 2016 House of Commons approved the *European Union Referendum (Date of Referendum etc) Regulations 2016*

4 March 2016 Start date for period during which campaign groups could be designated 'lead campaign organisation'

15 April 2016 Start of referendum period (10 weeks until the date of the poll)

27 May 2016 'Purdah' starts (4 weeks until the date of the poll). Restrictions on publications by public bodies during this period

23 June 2016 Poll

4. The campaign

The EU referendum campaign is regulated by the *Political Parties, Elections and Referendums Act 2000* (PPERA), and the *European Union Referendum Act 2015*.

Controls do not apply to campaigners who spend under £10,000. Anyone spending over £10,000 on campaigning must register with the Electoral Commission as a 'permitted participant' and is subject to controls. When the 2015 Act came into force on 1 February 2016, campaigners could register as permitted participants.

The Electoral Commission has published the [register of permitted participants](#) on its website.

Most controls came into effect when the referendum period began on 15 April 2016. However, some activities that took place before this period may need to be reported.

4.1 Financial controls

Income and expenditure relating to referendum campaign activities is regulated. The [Electoral Commission](#) provides detailed guidance for campaigners about the rules they must comply with.

Expenditure

"Referendum expenses" are defined in PERA (Section 111) as:

(2) "Referendum expenses", in relation to a referendum to which this Part applies, means expenses incurred by or on behalf of any individual or body which are expenses falling within Part I of Schedule 13 and incurred for referendum purposes.

(3) "For referendum purposes" means—

(a) in connection with the conduct or management of any campaign conducted with a view to promoting or procuring a particular outcome in relation to any question asked in the referendum, or

(b) otherwise in connection with promoting or procuring any such outcome.

(4) "Referendum campaign" means a campaign such as is mentioned in subsection (3)(a); and "campaign organiser", in relation to referendum expenses, means the individual or body by whom or on whose behalf the expenses are incurred.

[Schedule 13](#) of PERA lists different activities that constitute campaigning.

Limits apply to how much permitted participants can spend on campaign activity. Certain expenditure incurred before the start of the referendum period counts towards a permitted participant's spending limits; and so can expenditure incurred before a person or body registered as a permitted participant.

The spending limits are set out in the table below.

Campaigner type	Vote share in the 2015 general election (if relevant)	Spending limit
Lead campaign organisation		£7m
Conservative Party	36.9%	£7m
Labour Party*	29.0%	£5.5m
UKIP	12.6%	£4m
Liberal Democrat Party	7.9%	£3m
All other permitted participants		£0.7m

Source: *BBC News, Election 2015*; House of Commons Library calculations

* Adjusted to account for votes for Co-op candidates

Donations and loans

Donations and loans made available to permitted participants to meet their referendum expenses are subject to controls. Campaigners must only accept donations and loans worth over £500 from certain persons and bodies (specified in PPERA and the *European Union Referendum Act 2015*). For any donation or loan worth over £7,500, campaigners must record particular details.

Political parties must only accept loans and donations up to the value of their spending limit.

Reporting

Permitted participants must report certain information about their referendum spending and the donations and loans they have received to the Electoral Commission.

Some information must be reported before the poll. This includes information about loans and donations worth over £7,500 received before the start of the referendum period (but after the commencement of the relevant provisions of the *European Union Referendum Act 2015*). Regulation 6 of the [European Union Referendum \(Date of Referendum etc.\) Regulations 2016](#) specifies the periods for which such reports must be prepared, and the dates they must be submitted (19 May 2016, 16 June 2016, and 29 June 2016).

4.2 Publication controls

PPERA (Section 126) specifies that all “material relating to a referendum to which this Part applies” published during the referendum period must include:

- (a) the name and address of the printer of the document;
- (b) the name and address of the promoter of the material; and
- (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

Additionally, public bodies are restricted from publishing certain types of information during the final 28 days before the poll (PPERA, Section 125). This period is known as ‘purdah’ and is similar to the purdah period before elections. Information about purdah is provided in Library Briefing Paper 5262 [‘Purdah’ before elections and referendums](#).

Under Section 125 of PPERA, central and local government, as well as “any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority” are prohibited during the purdah period from publishing any material that:

- (a) provides general information about a referendum to which this Part applies;
- (b) deals with any of the issues raised by any question on which such a referendum is being held;
- (c) puts any arguments for or against any particular answer to any such question; or
- (d) is designed to encourage voting at such a referendum.

Certain exemptions apply, including the issue of press notices, and publications by the BBC and Sianel Pedwar Cymru.

The *European Union Referendum Act 2015* additionally applied these rules to public bodies in Gibraltar, and exempted the Gibraltar Broadcasting Corporation.

The 2015 Act also created the power for the Minister to modify Section 125 for the purpose of the referendum. Such changes needed to be made at least four months before the date of the poll and following consultation with the Electoral Commission. The Government did not lay regulations proposing such modifications.

4.3 Designation of lead campaign organisations

The Electoral Commission can designate one campaign organisation to represent each side of the debate. These designated ‘lead campaign organisations’ are entitled to receive public money (up to £600,000), free mailshots, referendum broadcasts (prohibited for all other campaigners), and to use public buildings for meetings.

On 13 April 2016 the Electoral Commission designated the [In Campaign \(Britain Stronger in Europe\)](#) and [Vote Leave](#) as the lead campaign organisations:

Explaining its decision to designate ‘Vote Leave Ltd’ ahead of the two other competing applications on the ‘Leave’ side, Claire Bassett, Chief Executive of the Electoral Commission said:

“Where there are competing applicants for a particular outcome the law is clear, we must designate the applicant which appears to us to represent those campaigning for that outcome to the greatest extent. We received two high quality applications on the ‘Leave’ side, from ‘Vote Leave Ltd’ and ‘The Go Movement Ltd’. After careful consideration, the Commission decided that ‘Vote Leave Ltd’ better demonstrated that it has the structures in place to ensure the views of other campaigners are represented in the delivery of its campaign. It therefore represents, to a greater

extent than 'Go Movement Ltd', those campaigning for the 'Leave' outcome, which is the test we must apply."⁶

Papers relating to the Electoral Commission's decision and copies of the applications made by all applicant organisations, together with supporting information, are available on the Electoral Commission's [website](#).

In the case that no organisation had applied to represent one side of the campaign, or the Electoral Commission was not satisfied that any of the applicants adequately represented it, the Commission could still have designated an organisation to represent the other side of the campaign. However, this organisation would not have been entitled to referendum broadcasts and public money.

The Electoral Commission has published information about the designation process on [its website](#).

⁶ Electoral Commission designates 'Vote Leave Ltd' and the 'In Campaign Ltd' as lead campaigners for the EU referendum, Electoral Commission news release, 13 April 2016

5. Other elections

There is some overlap between the campaign period for the EU referendum and the campaign for the elections that will be held across the UK on 5 May 2016. Campaigners could be required to comply with an additional set of rules: even if referendum campaign messages do not refer to the elections, they may have a bearing on them. Political parties are governed by PPERA; the *Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014* amended the rules for non-party campaigners in PPERA.

The Electoral Commission has provided [guidance for campaigners](#) that includes information on how to comply with the rules applying to the elections as well as the referendum.

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).