



Regulation of referendums

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The Prime Minister, David Cameron, announced on 23 January 2013 that if his party is elected to power following the next election expected in 2015, it would hold a referendum in the UK on EU membership, framed on an in out question. The wording of the question was not specified.

This Note sets out the mechanics for holding referendums. It summarises the applicable provisions of the *Political Parties, Elections and Referendums Act 2000* (PPERA) which regulate publicity and campaigning. The Electoral Commission has to be consulted over the intelligibility of the question or questions to be asked in the referendum. The Commission also has the power to designate organisations to campaign for Yes and No.

The Note also sets out a timeline of events for the 1975 referendum on the Common Market. It is important to note that regulation of a referendum would have significantly different elements, following the enactment of PERA.

[Research Paper 10/79 European Union Bill](#) and [Standard Note 6024](#) provides further detail on the provision for referendums following an EU treaty change (or related provision).

[Lords Library Note 2013/002 Debate on 31 January: the Prime Minister's speech on Europe](#) provides further reading, as summarised on its front cover:

The Note provides a short history of Prime Ministerial speeches on Europe since 1970; outlines Government policy towards Europe since 2010; summarises David Cameron's speech and selected reaction to it; and considers some aspects of the proposed renegotiation and referendum. It concludes with information about trends in public opinion towards Britain's membership of the EU.

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1 Introduction

Referendums have become a relatively common constitutional device in the UK since 1997, but only two referendums have been held nationwide. The first was the referendum on the continuing membership of the Common Market in 1975 and the second was on proposals to introduce the Alternative Vote (AV) in May 2011.

The *Political Parties, Elections and Referendums Act* (PPERA) 2000 sets out a scheme to regulate expenditure by political parties and campaigning groups in both elections and referendums, following recommendations from the (Neill) Committee on Standards in Public Life.¹ Each referendum held subsequently still requires primary legislation to set the terms of the question and the franchise to be used, amongst other provisions. The *Parliamentary Voting System and Constituencies Act 2010* set these out for the AV referendum. An order under section 30 of the *Scotland Act 1998* allows the Scottish Government to hold a referendum in 2014 on the question of Scottish independence.² The Edinburgh Agreement committed the Scottish Government to take account of PERA rules when conducting the referendum, although the Referendum Bill to be introduced in the Scottish Parliament will contain the details.

Just before the 2010 general election, the House of Lords Constitution Committee published a report *Referendums in the United Kingdom*. This made some general observations on the appropriate use of referendums for constitutional questions.

The Electoral Commission published a review of the conduct of the 2011 AV referendum on 19 October 2011 which makes recommendations for change, including the suggestion that if significant changes are made to the referendum question during the passage of the relevant bill, the Commission should be required to re-run its intelligibility of question test.³

1.1 Motion on EU membership referendum

A motion was debated in the Commons on 24 October 2011, following nomination by the Backbench Business Committee which called on the Government to introduce a bill in the next parliamentary session to hold a national referendum on whether the UK should:

- (a) the United Kingdom should remain a member of the European Union,
- (b) leave the European Union, or
- (c) renegotiate the terms of its membership in order to create a new relationship based on trade and cooperation⁴

Such a motion does not bind the Government to introduce legislation. They simply express the will of Parliament. The main effect of a motion passed by the House which calls upon the Government to take action is political. At Prime Minister's questions on 19 October 2011, Mr Cameron said that: "I do not believe the right answer is to hold a referendum willy-nilly in this Parliament when we have so much to do get Europe to sort out its problems".⁵

¹ [The Funding of Political Parties in the United Kingdom](#), Cm 4057

² See Standard Note 6478 [Referendum on independence for Scotland](#) for details

³ [Referendum on the voting system for UK parliamentary elections; report on May 2011 referendum Electoral Commission](#)

⁴ National Referendum on the European Union. Motion in the name of David Nuttall

⁵ HC Deb 19 October 2011 c898

A Lords Library Note (LLN2013/002) contains details of the debate on 24 October 2011. Although the Government defeated the motion, there was a significant Conservative rebellion.⁶ The motion was defeated 483 votes to 111, with 81 Conservatives voting against the Government.⁷

2 David Cameron's 2013 EU membership referendum pledge

In a [speech on 23 January 2013](#) at the London headquarters of Bloomberg, David Cameron confirmed that the Government planned to hold an in-out EU referendum after the next election (assuming the Conservatives win that election).

He argued against holding a referendum now, stating that “A vote today between the status quo and leaving would be an entirely false choice”. The EU is in flux, its future uncertain and the Government has not had a “chance to put the relationship right”. His aim is to negotiate a “new settlement” for the UK in its relationship with the EU, “with the Single Market at its heart”, in order to offer voters a “real choice”:

A real choice between leaving or being part of a new settlement in which Britain shapes and respects the rules of the single market but is protected by fair safeguards, and free of the spurious regulation which damages Europe's competitiveness.

A choice between leaving or being part of a new settlement in which Britain is at the forefront of collective action on issues like foreign policy and trade and where we leave the door firmly open to new members.

A new settlement subject to the democratic legitimacy and accountability of national parliaments where Member States combine in flexible cooperation, respecting national differences not always trying to eliminate them and in which we have proved that some powers can in fact be returned to Member States.

In other words, a settlement which would be entirely in keeping with the mission for an updated European Union I have described today. More flexible, more adaptable, more open – fit for the challenges of the modern age.

As to the timing of the referendum, the Prime Minister specified that the next Conservative election manifesto in 2015 would ask for a mandate for a Conservative Government to negotiate a new settlement with the EU in the next Parliament. The electorate would be given a simple choice between staying in the EU on the new terms of membership or leaving the EU altogether.

Legislation will be drafted before the next election. And if a Conservative Government is elected we will introduce the enabling legislation immediately and pass it by the end of that year. And we will complete this negotiation and hold this referendum within the first half of the next parliament.

Optimistic of securing a new and favourable arrangement for the UK, David Cameron said that he would “campaign for it with all my heart and soul ... Because I believe something very deeply. That Britain's national interest is best served in a flexible, adaptable and open European Union and that such a European Union is best with Britain in it”.

⁶ [Lords Library Note 2013/002](#) Debate on 31 January Prime Minister's speech on Europe

⁷ [HC Deb 24 October 2011](#) c140

3 Regulation of referendums

3.1 Expenditure limits and permitted participants

PPERA established maximum expenditure limits for regional and national referendums.⁸

Briefly, expenditure limits apply during the ‘referendum period’ – a time period set out in the legislation authorising a particular referendum. The referendum on the Alternative Vote was the first nationwide referendum to be held under the PERA provisions and the referendum period began with royal assent on 16 February 2011 and lasted 11 weeks.

Groups (including political parties, campaign groups and other bodies) must register with the Electoral Commission if they plan to spend more than £10,000 during the referendum period. These are called permitted participants. The maximum expenditure is £0.5m, for political parties, the limit is related to share of the vote at the last general election, ranging up to £5m. These limits are set out in Schedule 14 of PERA.

Permitted participants must submit returns of expenditure to the Electoral Commission, within 6 months of the poll. More detail is required where participants have spent over £250,000. This means that full details of expenditure is not known until the referendum has taken place. The Electoral Commission has expressed concern in the past about the difficulty of regulating expenditure during the short campaign period, when accounts will not be submitted until after the poll.⁹

The Commission also expressed concern that the legislation did not guarantee an equality of spending, and that permitted participants could proliferate, causing difficulties in assessing whether expenditure limits had been breached.¹⁰ A number of witnesses to the Lords Constitution Committee inquiry on referendums in April 2010 also repeated these concerns. The Committee recommended the aggregation of spending limits for permitted participants who operate to a common plan and there is provision in the 2011 Act to link expenses where persons are acting in concert.¹¹

Political parties

If a registered party campaigns as a permitted participant under sections 105 and 106 of PERA, it needs to indicate the policy it intends to adopt. S106(7) defines ‘outcome’ as ‘a particular outcome in relation to any question asked in the referendum. The declaration must be signed by the ‘responsible officers of the party’, defined in s64(7) as the ‘registered leader’, the ‘registered nominating officer’ and any other registered officer. Under s106, it is necessary to make the declaration in order to become a permitted participant.

3.2 Controls on donations

Donations made to permitted participants are also controlled by PERA. Permitted participants have to register donations received over £7500 with the Commission, and refuse

⁸ This was contrary to the recommendations of the Neill Committee. Its [report](#) argued that controls would be impractical and might be considered an unwarranted restriction on freedom of speech.

⁹ [Evidence from Sam Younger](#), former Chairman of the Electoral Commission, to the Treasury Select Committee, 18 March 2003, HC 187-II, Session 2002-03, Q1327

¹⁰ [Evidence to Select Committee on Transport, Local Government and the Regions](#), 10 July 2002, HC 1077-1, Session 2001-2, Q85

¹¹ [Referendums in the United Kingdom](#) HL Paper 99 2009-10, para 200. See para 17 of Schedule 1 to the *Parliamentary Voting System and Constituencies Act 2011*

donations over £500 if they are from donors not on the UK electoral register, from non UK companies, from blind trusts, or from unknown sources.¹² Information on donations will not be made available until after the result of the poll is known, since section 120 of PPERA does not require the return to be made on referendum expenses and donations until after the end of the referendum period. The Electoral Commission issued [guidance for permitted participants](#) on the acceptance of donations for the AV referendum.¹³

During the passage of the *Parliamentary Voting System and Constituencies Act 2010*,(PVSC) an opportunity was taken to clarify the position on media comment. Section 5 of the PVSC Act set out that press or media comment is not to be treated as referendum expenditure. Newspaper advertisements would count as campaign expenditure. There are no specific guidelines on accuracy, beyond the usual Advertising Standards Authority guidance which notes that it has no remit over non-broadcast ads where the purpose of the ad is to persuade voters in a local, national or international election or referendum. Complaints of political bias in radio or TV advertisement are made to Ofcom.

Section 6 of the PVSC Act 2011 applies the new controls on non commercial loans to referendums. These new rules were applied to political parties in respect of election funding in the *Electoral Administration Act 2006*.

3.3 Designated organizations- public funding

The Electoral Commission may nominate designated or umbrella organisations for each side of the outcome of the referendum. These benefit from maximum grants of £600,000 to each organisation for infrastructure costs, combined with a free referendum address to every household and referendum campaign broadcasts.¹⁴ The Commission decided to award £380,000 to each side for the AV referendum. Designated organisations have a maximum spending limit of £5 million. They also benefit from a free post mailing to electors and referendum campaign broadcasts.

The Commission may decide not to designate, where it does not consider that an organisation exists which represents the body of opinion on one side. It cannot designate one side only. The Commission was unable to designate for the referendum on further devolution in Wales, held on 3 March 2011, since the only applicant for the ‘No’ campaign did not meet a statutory test of adequately representing those campaigning for a ‘No’ vote¹⁵. The main No campaign had decided against applying for designation.¹⁶

The Commission published the criteria for designation for the AV campaign as follows:

- ○ The extent to which the applicant is an ‘umbrella organisation’ coordinating the activities of a number of member organisations
- ○ The level of support for each applicant
- ○ The level of grassroots campaigning associated with the applicant

¹² These limits were set out in Section 20 of the *Political Parties and Elections Act 2009*, brought into force by [SI 2009/3084](#); the Act also introduced new restrictions on donations for non domiciled UK nationals, but these have not yet been brought into force

¹³ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0003/105618/sp-referendum-pvs-rc.pdf

¹⁴ [Referendum on the parliamentary voting system in the UK](#) 17 February 2011 *Electoral Commission*

¹⁵ [No lead campaigners for National Assembly referendum](#) 25 January 2011 *Electoral Commission*

¹⁶ [Lack of official campaigns for referendum ‘sad day’](#) 20 January 2011 *BBC News*

- ○ The applicant's capacity to deliver their campaign, and
- ○ The range of interests represented by the applicant
- □ We will also look at, but give less weight to, factors such as:
 - ○ How long the applicant's organisation has been in existence
 - ○ Its fundraising capacity, and its organisational structure
 - ○ Its capacity to ensure the proper use of public grant money ¹⁷

3.4 The regulation of campaigns

PPERA provided that any material to do with the referendum, which is published in a referendum period, must carry the name and address of the printer together with the name of any person or body on whose behalf it is published.¹⁸ This was intended to help the Electoral Commission and the public identify who is behind publications, and therefore who has incurred referendum expenses. Campaign material is subject to statutory regulation in terms of defamation, incitement to hatred etc, but there is no equivalent to the electoral law provision on false statements about candidates which led to the election petition in Oldham East and Saddleworth in November in 2010.¹⁹

PPERA places restrictions on promotional material published during the 28 days (known as the "relevant period") before a referendum by the Government, local authority or other publicly funded body, apart from the Electoral Commission.²⁰ This has caused some difficulties, according to the Commission, in alerting voters to the issues. The powers in the PVSC to enable the Commission to encourage participation have been added as a result.²¹

3.5 Public awareness

The Commission issued a booklet to each household in the UK for the AV referendum in May 2011. Content included different ways to vote (at a polling station, postal, proxy etc.) and a brief guide to AV and First Past the Post. Drafts of the leaflets are available on the [Commission website](#).²²

3.6 Referendum campaign broadcasts

Only designated umbrella organisations can have referendum campaign broadcasts.²³ This is to ensure that, in any referendum, each side of the campaign will have equal access to free airtime for campaigning.²⁴ Section 127 of PPERA prevents the main purpose of any broadcast, other than a referendum campaign broadcast, from being to procure or promote a referendum's outcome. The broadcasters will in the first instance have to interpret this. The Broadcaster's Liaison Group has a role in the allocation and regulation of party political broadcasts and has issued [production guidelines](#) for referendum broadcasts. The BBC Trust

¹⁷ [Delivering the 5 May elections and referendum statement](#) by Jenny Watson 16 February 2011

¹⁸ Section 126

¹⁹ See [Standard Note 5751 Election Petition: Oldham East and Saddleworth](#)

²⁰ Section 125

²¹ Schedule 1, paras 8 and 9

²² <http://www.electoralcommission.org.uk/news-and-media/public-awareness-campaigns/public-information-on-5-May-2011-elections-and-proposed-referendum>

²³ Section 127

²⁴ *Explanatory Notes*, paragraph 223

has consulted on these and referendum guidelines were adopted by the BBC in December 2010.²⁵

3.7 The administration of the referendum

PPERA provides that the Chief Counting Officer for the referendum is the chair of the Commission, Jenny Watson, who may delegate responsibility to counting officers for each local government relevant area.²⁶ 12 Regional Counting Officers were appointed to assist with coordination and local returning officers acted as counting officers for the AV referendum. The Electoral Commission therefore has a major role in directing the conduct of the referendums. The Chief Counting Officer has powers of direction which make the poll more centrally managed than elections, which are subject to the discretion of local returning officers.

Following the AV referendum, the Electoral Commission published a report in October 2011 on the conduct of the poll, which called for more consistency and a longer period between royal assent and the actual referendum:

The Commission's report also makes recommendations on how future referendums can be improved. The report calls for a generic set of rules for referendums to be agreed by Parliament. Establishing a broad set of rules under which referendums would operate, separate from the important Parliamentary scrutiny of the particular question and franchise for a specific referendum, would ensure electoral administrators and campaigners could start to plan properly even if the legislation establishing the referendum is delayed. The report also recommends that there should be a minimum period of 28 weeks between Royal Assent and polling day at future referendums. Parliament only gave final agreement for the referendum on the Parliamentary voting system on 16 February 2011 leaving just 11 weeks before polling day. This was well after resources needed to be committed to planning a UK wide referendum and posed a risk to the successful delivery of the polls as well as limiting campaigners' ability to organise and plan their activities.²⁷

Schedule 2 of the PVSC Act sets out the referendum rules. These included the timetable, postal votes and procedures at the count. Schedule 3 set out the rules for absent voting and Schedule 4 adapted existing provisions in electoral law to the referendum.²⁸

One point of concern during the AV referendum was the question of providing guidance to electors in the polling station as to the nature of the referendum. Clearly, polling staff cannot describe the arguments for Yes or No, but it was suggested that a number of voters may be confused about the question being asked. The PVSC Act prescribed a guidance notice to be displayed in each polling station, but this simply explains how to mark the ballot paper. The Electoral Commission provided templates for use by counting officers..²⁹

The count

The PVSC Act set out the rules for the count of the referendum vote in Schedule 2, para 40. The rules were adapted from those in use for normal elections. Once the count was

²⁵ *Referendum campaign broadcasts- give us your views December 2010* BBC Trust

²⁶ Section 128

²⁷ "Well run referendum shows elections can be better for voters" 19 October 2011 Electoral Commission. The report is available at <http://www.electoralcommission.org.uk/elections/referendums/referendum>

²⁸ Referendum on the UK Parliamentary Voting System January 2011 campaigner update Appendix

²⁹ <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/forms-and-notices-for-poll-on-5-may-2011>

complete, the results were sent to the relevant regional counting officer. The Electoral Commission direction to counting officers was that the count for the referendum should take place **after** the count for the other elections to be held on 5 May, where administrations need to be formed. There was a limited exception for Northern Ireland Jenny Watson announced in December 2010 that the count would begin at 4pm on 6 May, verification having been concluded by 1pm that day.³⁰ The time for counting the election poll is at the discretion of the local returning officer.³¹ In Northern Ireland this is the responsibility of the Chief Electoral Officer. The count for the Northern Ireland Assembly elections concluded on the afternoon of Saturday 7 May and counting for the local elections in Northern Ireland did not begin until Monday 9 May.³²

A referendum agent or a designated counting agent, appointed by a campaign group, who is present at the completion of the counting locally, may request a recount and this may not be refused unless the request is unreasonable. There is no provision for a recount at a regional level with respect to the referendum poll after the local results have been transferred to the Regional or Chief Counting Officer. Any re-count must take place after the initial count at local level, or be the result of a direction from the Regional or Chief Counting Officer. This direction may only be where the Officer thinks there is a reason to doubt the accuracy of the counting of the votes in that area.³³ This avoids a challenge from a campaign group should the overall result be very close. Under s128 of PPERA, the Chief Counting Officer is required to certify only the total number of ballot papers and the number of votes cast for Yes or No and each local counting officer certifies the same for the local area. The local certification gave the total votes cast and the numbers for Yes and No and took place once the Regional Counting Officer was satisfied with the data passed to him/her.³⁴

1975 precedent

For the 1975 EEC referendum, the Government decided to release the results centrally. The Liberals sought to allow for a constituency count, but their amendment was defeated.³⁵ However a back-bench Labour amendment, drafted with government encouragement according to Butler & Kitzinger³⁶, was moved by Roderick MacFarquhar to provide for a county/regional count (other than in Northern Ireland, which would be treated as a single unit).³⁷ This amendment was carried by 270-153, despite the opposition of Ted Short, the government minister in charge of the bill.³⁸ Attempts to introduce a count by constituency in the Lords were, however, unsuccessful.³⁹ For the 1979 and 1997 devolution referendums, results were available by local government areas.

3.8 Combination of polls

The Government chose to combine the poll with planned elections in Scotland Wales and Northern Ireland and local elections in Northern Ireland and England for 26 and 280 councils

³⁰ [Decision of the Chief Counting Officer on timing of the count](#) December 2010 Electoral Commission

³¹ [Jenny Watson royal assent statement](#) 16 February 2011 Electoral Commission

³² [Decision of the Chief Counting Officer on timing of the count](#) December 2010 Electoral Commission

³³ Schedule 2, paras 43 and 44 of PVSCA. See also [Referendum on the voting system for UK Parliamentary Elections Verification and count](#) Electoral Commission undated p30

³⁴ [Referendum on the voting system for UK Parliamentary Elections Verification and count](#) Electoral Commission undated p30

³⁵ HC Deb 23 April 1975 cc1491, 1492

³⁶ David Butler and Uwe Kitzinger, *The 1975 Referendum*, 1996, p63

³⁷ s2(3)-(7) of the *Referendum Act 1975*

³⁸ HC Deb 23 April 1975

³⁹ HL Deb 5 May 1975 cc144-154

respectively. Parish polls could also be held on the same day. Section 4 and Schedules 5-8 of PVSC Act 2011 contained the detailed provisions for combination, together with statutory instruments passed under the relevant devolution legislation.⁴⁰ The decision on whether to use a separate ballot box for referendum votes rested with the returning officers. The colour of the ballot paper for the Scottish Parliament elections was peach. The colour for the referendum was grey.⁴¹

In Scotland and Wales the administration of the referendum was conducted according to the same boundaries as used for the Scottish Parliamentary and Welsh Assembly constituency seats. In England it was organised by local authority areas. In Northern Ireland, the Chief Electoral Officer took responsibility.

4 The 1975 referendum on the UK staying in the Common Market

4.1 Chronology of events

- [Labour manifesto election](#) pledges in February 1974 and [October 1974](#) committed the new Labour Government to providing a referendum on whether Britain should stay in Common Market on renegotiated terms, or leave EEC. Harold Wilson had returned as Prime Minister after October 1974 elections, promising to renegotiate the terms of Britain's entry into EEC.
- December 1974: Harold Wilson requests renegotiation of EEC membership terms.
- European Council agreed to new terms for UK in Dublin by 11 March 1975 and renegotiation largely ended. See Prime Minister's statement, [HC Deb 12 March 1975 vol 888 cc509-22](#) :
 - ...with these agreements on the budget and on New Zealand, we had now taken our discussions within the Community on renegotiation as far as they could go. The Cabinet will shortly be reviewing what has been achieved over the last year in the renegotiation as a whole on the basis of the objectives set out in our party manifestos of February and October last year. I expect to announce the Government's decision to Parliament before the Easter Recess.
- and:
 - Concerning the timetable, I thought I had indicated that we hope to make a statement before Easter on the Government's recommendation to the country when the Cabinet has so decided. I know that my hon. Friend will co-operate to the full in helping to get the [Referendum Bill](#) through so that the issue on which the Government fought the election— a free decision by the British people— can take place as quickly as possible.
- 26 February 1975: White Paper announcing referendum to be held after result of renegotiation was known (Cmnd 5925).
- 26 March 1975: *Referendum Bill* published.

⁴⁰ [Scottish Parliament \(Elections\) etc Order 2010](#) SI no 2999; the [Northern Ireland Assembly \(Elections\) \(Amendment\) Order 2010](#); SI no 2892 and the [Local Elections \(Northern Ireland\) Order 2010](#). SI 2977. No amendments have been necessary in relation to the combination provisions for Wales, according to the Minister, Mark Harper (HC Deb 2 November 2010 c795

⁴¹ <http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/forms-and-notice-for-poll-on-5-may-2011>

- 31 March 1975: White Paper setting out the results of the renegotiation of the UK membership of the EC (Cmnd 6003). Cmnd 6003 published before 2nd reading of Referendum Bill in Commons.
- 9 April 1975: after a three-day debate on the Government's recommendation to continue Britain's EC membership, the Commons voted 396 to 170 to continue in Common Market on the new terms. At the same time Government drafts Referendum Bill, to be moved in case of a successful renegotiation. On 22 April 1975 the House of Lords approved continued membership by 261 votes to 20.
- Post-legislative referendum held 5 June 1975. Referendum not directly related to White Paper on renegotiation, but preamble referred to renegotiation. Question much broader: "Do you think the UK should stay in the European Community (Common Market)?" The result was 67 per cent in favour on a 65 per cent turnout.

4.2 Campaign literature

An unusual feature of the 1975 campaign was the fact that the Government in effect agreed to suspend the normal convention of collective responsibility and individual Cabinet members campaigned on different sides

The Wilson Government and the No-campaign published leaflets which were paid for and printed by the National Referendum Campaign and distributed to all households by the Post Office during the days immediately before the referendum. The following online summaries of these leaflets are available:

Campaign leaflet published during the referendum on British membership, Why You Should Vote Yes (May, 1975)

It makes good sense for our jobs and prosperity. It makes good sense for world peace. It makes good sense for the Commonwealth. It makes good sense for our children's future. Being in does not in itself solve our problems. No one pretends it could. It doesn't guarantee us a prosperous future. Only our own efforts will do that. But it offers the best framework for success, the best protection for our standard of living, the best foundation for greater prosperity. All the original six members have found that. They have done well - much better than we have - over the past 15 years. . .

Our friends want us to stay in. If we left we would not go back to the world as it was when we joined, still less to the old world of Britain's imperial heyday. The world has been changing fast. And the changes have made things more difficult and more dangerous for this country. It is a time when we need friends. What do our friends think? The old Commonwealth wants us to stay in, Australia does, Canada does. New Zealand does. The new Commonwealth wants us to stay in. Not a single one of their 34 governments wants us to leave. The United States wants us to stay in. They want a close Atlantic relationship (upon which our whole security depends) with a Europe of which we are part; but not with us alone. The other members of the European Community want us to stay in. That is why they have been flexible in the recent re-negotiations and so made possible the improved terms which have converted many former doubters. Outside, we should be alone in a harsh, cold world, with none of our friends offering to revive old partnerships.

Why can't we go it alone? To some this sounds attractive. Mind our own business. Make our own decisions. Pull up the drawbridge. In the modern world it just is not practicable. It wasn't so even 40 or 60 years ago. The world's troubles, the world's wars inevitably dragged us in. Much better to work together to prevent them happening. Today we are even more dependent on what happens outside. Our trade, our jobs, our food, our defence cannot be wholly within our own control. That is why so much of the argument about sovereignty is a false one. It's not a matter of dry legal theory. The real test is how we can protect our own interests and exercise British influence in the world. The best way is to work with our friends and neighbours. If we came out, the Community would go on taking decisions which affect us vitally - but we should have no say in them. We would be clinging to the shadow of British sovereignty while its substance flies out of the window. The European Community does not pretend that each member nation is not different. It strikes a balance between the wish to express our own national personalities and the need for common action. All decisions of any importance must be agreed by every member. Our traditions are safe. We can work together and still stay British. The Community does not mean dull uniformity. It hasn't made the French eat German food or the Dutch drink Italian beer. Nor will it damage our British traditions and way of life. The position of the Queen is not affected. She will remain Sovereign of the United Kingdom and Head of the Commonwealth. Four of the other Community countries have monarchies of their own.

English Common Law is not affected. For a few commercial and industrial purposes there is need for Community Law. But our criminal law, trial by jury, presumption of innocence remain unaltered. So do our civil rights. Scotland, after 250 years of much closer union with England, still keeps its own legal system.

Campaign leaflet published during the referendum on British membership, Why You Should Vote No (May, 1975)

Re-negotiation. The present Government, though it tried, has on its own admission failed to achieve the 'fundamental re-negotiation' it promised at the last two General Elections. All it has gained are a few concessions for Britain, some of them only temporary. The real choice before the British peoples has been scarcely altered by re-negotiation.

What did the pro-Marketers say? Before we joined the Common Market the Government forecast that we should enjoy - A rapid rise in our living standards; A trade surplus with the Common Market; Better productivity; Higher investment; More employment; Faster industrial growth. In every case the opposite is now happening, according to the Government's figures.

Our legal right to come out. It was agreed during the debates which took us into the Common Market that the British Parliament had the absolute right to repeal the European Communities Act and take us out. There is nothing in the Treaty of Rome which says a country cannot come out.

The right to rule ourselves. The fundamental question is whether or not we remain free to rule ourselves in our own way. For the British people, membership of the Common Market has already been a bad bargain. What is worse, it sets out by stages to merge Britain with France, Germany, Italy and other countries into a single nation. This will take away from us the right to rule ourselves which we have enjoyed for centuries.

Your food, your jobs, our trade. We cannot afford to remain in the Common Market because: it must mean still higher food prices. Before we joined, we could buy our food at the lowest cost from the most efficient producers in the world. Since we joined, we are no longer allowed to buy all our food where it suits us best.

Your jobs at risk. If we stay in the Common Market, a British Government can no longer prevent the drift of industry southwards and increasingly to the Continent. This is already happening.

If it went on, it would be particularly damaging to Scotland, Wales, Northern Ireland and much of the North and West of England, which have suffered so much from unemployment already.

If we stay in the Common Market, our Government must increasingly abandon to them control over this drift of industry and employment. Far reaching powers of interference in the control of British industry, particularly iron and steel, are possessed by the Market authorities.

Interference with the oil around our shores has already been threatened by the Brussels Commission.

Huge trade deficit with Common Market. The Common Market pattern of trade was never designed to suit Britain. Taxes to keep prices up. The Common Market's dear food policy is designed to prop up inefficient farmers on the Continent by keeping food prices high.

Agriculture. It would be far better for us if we had our own national agricultural policy suited to our own country, as we had before we joined.

Commonwealth links. Our Commonwealth links are bound to be weakened much further if we stay in the Common Market. We are being forced to tax imported Commonwealth goods. And as we lose our national independence, we shall cease, in practice, to be a member of the Commonwealth.

Britain a mere province of the Common Market? The real aim of the Market is, of course, to become one single country in which Britain would be reduced to a mere province. The plan is to have a Common Market Parliament by 1978 or shortly thereafter.

What is the alternative? A far better course is open to us. If we withdraw from the Market, we could and should remain members of the wider Free Trade Area which now exists between the Common Market and the countries of the European Free Trade Association (EFTA) - Norway, Sweden, Finland, Austria, Switzerland, Portugal and Iceland. These countries are now to enjoy free entry for their industrial exports into the Common Market without having to carry the burden of the Market's dear food policy or suffer rule from Brussels. Britain already enjoys industrial free trade with these countries. If we withdrew from the Common Market, we should remain members of the wider group and enjoy, as the EFTA countries do, free or low-tariff entry into the Common Market countries without the burden of dear food or the loss of the British people's democratic rights.⁴²

⁴² <http://www.spartacus.schoolnet.co.uk/2WWeec.htm>

The Labour Government also published a pamphlet called “[Britain’s new deal in Europe](#)”, which set out the renegotiated terms of entry for Britain and called on the electorate to vote in favour of continued membership.