



# 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 [<sup>F1</sup>section 64 of the Government of Wales Act 2006] is not, however, to be taken to be a referendum falling within subsection (2).

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*Changes to legislation: Political Parties, Elections and Referendums Act 2000, Cross Heading: Referendums to which this Part applies is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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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.

#### Textual Amendments

- F1** Words in s. 101(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 96**, the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see [ss. 46, 161\(5\) of the Government of Wales Act 2006 \(c. 32\)](#) and art. 1(2) of the amending S.I.

#### 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**

#### 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.](#)

## 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>M2</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.

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Cross Heading: Referendums to which this Part applies is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

- C2** 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](#)

#### 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

- M2** 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>M3</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.

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**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Cross Heading: Referendums to which this Part applies is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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- (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
  - (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.

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**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](#))

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**Marginal Citations**

**M3** 1978 c. 30.

**Changes to legislation:**

Political Parties, Elections and Referendums Act 2000, Cross Heading: Referendums to which this Part applies is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(2A) inserted by [2022 c. 37 s. 18\(1\)](#)
- s. 4A-4E and cross-heading inserted by [2022 c. 37 s. 16](#)
- s. 8(3)(d) inserted by [2011 c. 13 Sch. 10 para. 12](#)
- s. 13ZA and cross-heading inserted by [2022 c. 37 s. 17\(1\)](#)
- s. 54(1)(aa) inserted by [2009 c. 12 s. 9\(1\)](#)
- s. 54(1)(aa) substituted by [2009 c. 12 s. 10\(1\)](#)
- s. 54(2ZA)-(2ZC) inserted by [2009 c. 12 s. 10\(3\)](#)
- s. 56(1A) inserted by [2009 c. 12 s. 10\(5\)](#)
- s. 56(2)(aa) inserted by [2009 c. 12 s. 9\(3\)\(b\)](#)
- s. 56(3B) inserted by [2009 c. 12 s. 9\(4\)](#)
- s. 71H(3ZA) inserted by [2009 c. 12 Sch. 6 para. 19](#)
- s. 71L(9A) inserted by [2009 c. 12 s. 11\(2\)](#)
- Sch. 1 para. 2(1) Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by [2022 c. 37 s. 19\(2\)](#)
- Sch. 1 para. 2(2) inserted by [2022 c. 37 s. 19\(4\)](#)
- Sch. 1 para. 2(1) words inserted by [2022 c. 37 s. 19\(3\)\(a\)](#)
- Sch. 1 para. 2(1) words omitted by [2022 c. 37 s. 19\(3\)\(b\)](#)
- Sch. 2 para. 2(1A) inserted by [2022 c. 37 s. 18\(2\)](#)
- Sch. 2 para. 4 and cross-heading inserted by [2022 c. 37 s. 17\(2\)](#)
- Sch. 7 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 1\(1\)](#)
- Sch. 7 para. 8(1A) inserted by [2009 c. 12 Sch. 4 para. 2](#)
- Sch. 7 para. 10(5)(aa) inserted by [2009 c. 12 Sch. 3 para. 2\(5\)\(b\)](#)
- Sch. 7 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 1\(1\)](#)
- Sch. 7 para. 10(5)(aa) words inserted by [2009 c. 12 Sch. 4 para. 3\(3\)](#)
- Sch. 7A para. 8(9A) inserted by [2009 c. 12 s. 11\(5\)](#)
- Sch. 7A para. 9(10)(ba) inserted by [2009 c. 12 s. 11\(6\)\(b\)](#)
- Sch. 11 para. 4(3) inserted by [2009 c. 12 Sch. 6 para. 29\(2\)](#)
- Sch. 11 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 4\(1\)](#)
- Sch. 11 para. 7(2)(aa) inserted by [2009 c. 12 Sch. 4 para. 5](#)
- Sch. 11 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 4\(1\)](#)
- Sch. 11 para. 4(3) words inserted by [2009 c. 12 Sch. 6 para. 29\(3\)](#)
- Sch. 15 para. 4(3)(4) inserted by [2009 c. 12 Sch. 6 para. 30\(2\)\(b\)](#)
- Sch. 15 para. 6(1)(aa) inserted by [2009 c. 12 Sch. 3 para. 7\(1\)](#)
- Sch. 15 para. 7(2)(aa) inserted by [2009 c. 12 Sch. 4 para. 8](#)
- Sch. 15 para. 6(1)(aa) substituted by [2009 c. 12 Sch. 4 para. 7\(1\)](#)
- Sch. 15 para. 4(3) words inserted by [2009 c. 12 Sch. 6 para. 30\(3\)](#)