From: FOI
To: [redacted]
Subject: FOI 197/17 Adoption of Brexit Policy Response
Date: 03 January 2018 13:19:38

Dear [redacted],

Our Ref: FOI 197/17

Thank you for your email to the Electoral Commission dated **15 December 2017**.

The Commission aims to respond to requests for information promptly and has done so within the statutory timeframe of twenty working days.

Your requests are in bold below, followed by our responses.

Under the Freedom of Information Act, 2000.Please answer the following questions regarding the adoption of Brexit following the result of the EU 2016 Referendum (Advisory).:-

Q1,Prior to the adoption of Brexit (approximately September 7th.) did Cabinet Office or any Government Department reporting to Cabinet, compare the result with the Scottish Devolution Referendum of March 1979?

The Electoral Commission is not a Government Department. The Commission is an independent statutory body, which is accountable to and reports to the UK Parliament and – where relevant – the Scottish Parliament.

Under section 128 of the Political Parties, Elections and Referendums Act 2000, as applied by the European Union (Referendum) Act 2015, the Chair of the Electoral Commission was designated as the Chief Counting Officer for the June 2016 EU referendum.

Following the certification and announcement of the results of the referendum the Electoral Commission published detailed results for each counting area on our website at https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum/electorate-and-count-information.

Q2, Why was the Cunningham Amendment requiring a 40% "quota" of the electorate to vote for the question, NOT applied in the UK Membership of EU/ 2016 Referendum?

The Electoral Commission was not responsible for drafting or approving the legislation for the EU referendum. Any proposal to require a turnout or minimum percentage threshold for the EU referendum would have been for the UK Government to propose and for Parliament to approve or reject as it considered the European Union Referendum Bill.

The Commission was responsible for administering the referendum poll and

regulating referendum campaigners, and we did not take a view on whether a turnout or minimum percentage threshold would have been desirable or practicable for the EU referendum.

The Commission issued briefings to Parliamentarians throughout the passage of the European Union Referendum Bill, which you can read on our website at: https://www.electoralcommission.org.uk/our-work/our-views/parliamentary-briefings

Q3,Was this possible, anomalous position in British Referendum law and practice, made clear to the Cabinet before September 7th?i.e. Prior to the Brexit adoption decision.

The Electoral Commission is not responsible for advising the UK Government about its approach to implementing policy following the EU referendum, and we have not advised the UK Government on this issue.

I trust that this information satisfies your request. If you are not satisfied with this response, please note that the Commission operates a review procedure, details of which can be found on the Commission website at: http://www.electoralcommission.org.uk/about-us/freedom-of-information-requests/how-do-I-make-an-foi-request

Please also note that if you have exhausted all internal Commission review procedures and you are still not satisfied you have the right to appeal to the Information Commissioner. Details of this procedure can be found on the ICO website: https://ico.org.uk/

Yours sincerely,

[redacted]
Information, Knowledge and Systems Manager
The Electoral Commission
3 Bunhill Row
London EC1Y 8YZ
FOI@electoralcommission.org.uk
electoralcommission.org.uk
yourvotematters.co.uk

Twitter | **Facebook** | **Blog**