



# House of Commons

Wednesday 4 September 2013

## PUBLIC BILL COMMITTEE

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

### EUROPEAN UNION (REFERENDUM) BILL

Martin Horwood

51

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the consequences of withdrawal from the European Union on the free movement of goods, capital, people and services between the United Kingdom and the European Union.’.

Martin Horwood

52

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the legal and economic consequences of withdrawal from the European Union on the United Kingdom’s participation in the European Union’s external trade agreements.’.

Martin Horwood

53

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the economic consequences of withdrawal from the European Union on the representation of the United Kingdom at the World Trade Organisation.’.

Martin Horwood

54

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the environmental and economic consequences of withdrawal from the European Union on the representation of the United Kingdom at the United Nations Framework Convention on Climate Change.’.

**European Union (Referendum) Bill, *continued***

Martin Horwood

55

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the consequences of withdrawal from the European Union for the competencies exercised by the European Union that are identified in the Government’s Balance of Competence Review as appropriate.’.

Martin Horwood

56

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the consequences of withdrawal from the European Union for the economy of the United Kingdom.’.

Martin Horwood

57

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the environmental, legal and economic consequences of withdrawal from the European Union on the United Kingdom’s participation in the EU Emissions Trading Scheme.’.

Martin Horwood

58

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the consequences of withdrawal from the European Union on cooperation with Frontex.’.

Martin Horwood

59

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the consequences of withdrawal from the European Union on the United Kingdom’s participation in Europol.’.

Martin Horwood

60

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the legal and judicial consequences of withdrawal from the European Union on the United Kingdom’s participation in Eurojust.’.

Martin Horwood

61

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the consequences of withdrawal from the European Union on the United Kingdom’s participation in the Schengen Information System.’.

---

**European Union (Referendum) Bill, *continued***

Martin Horwood

62

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the consequences of withdrawal from the European Union on the United Kingdom’s participation in the European Arrest Warrant.’

Martin Horwood

63

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the economic and scientific consequences of withdrawal from the European Union on European Union Research and Development funding in the United Kingdom.’

Martin Horwood

64

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the economic consequences of withdrawal from the European Union on European Structural and Investment funding in the United Kingdom.’

Martin Horwood

65

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the economic consequences of withdrawal from the European Union on European Investment Bank funding in the United Kingdom.’

Martin Horwood

66

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the economic and environmental consequences of withdrawal from the European Union on support for the agricultural sector in the United Kingdom.’

Martin Horwood

67

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report on the potential budgetary contributions by the United Kingdom to the European Union following withdrawal from the European Union.’

---

**European Union (Referendum) Bill, *continued***

Martin Horwood

68

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the legal and economic consequences of withdrawal from the European Union on the rights of British consumers.’

Martin Horwood

69

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance of the proposed polling day the Secretary of State shall publish a comprehensive report of the legal and foreign policy consequences of withdrawal from the European Union on the United Kingdom’s participation in the Common Foreign and Security Policy.’

Martin Horwood

70

Clause 1, page 1, line 14, at end insert—

- ‘(7) At least 12 weeks in advance from the proposed polling day the Secretary of State shall publish a comprehensive report of the legal and defence and foreign policy consequences of withdrawal from the European Union on the United Kingdom’s participation in the Common Security and Defence Policy.’

Emma Reynolds

72

Clause 1, page 1, line 14, at end insert—

- ‘(7) (a) Before a referendum can take place, a body corporate known as the Committee on Britain’s Membership of the European Union, shall be established to issue a report on the costs and benefits of leaving the European Union;
- (b) The body shall consist of no more than 19 members, none of whom shall be Ministers of the Crown;
- (c) The members of the body shall be nominated by the Speaker of the House of Commons and the Lord Speaker of the House of Lords respectively, in accordance with the Standing Orders or Resolutions of their respective Houses, and subject to the approval of their respective Houses;
- (d) Members of each House shall be members of the Committee until discharged by their House or if they cease to be a Member of that House or if they become a Minister of the Crown;
- (e) The body shall elect a Chair from among those of its members who sit in the House of Commons;
- (f) The body may determine its own procedure, which shall be broadly in line with that followed by Joint Committees of the two Houses; and
- (g) after the body has issued a report, a motion shall be moved in each House of Parliament.’

Emma Reynolds

75

Clause 1, page 1, line 14, at end insert—

- ‘(7) The Secretary of State shall consult with the Electoral Commission before making an order under subsection (6).’

---

**European Union (Referendum) Bill, *continued***

Mr Barry Sheerman

87

Clause 1, page 1, line 14, at end insert—

- ‘(7) (a) Within six months of this Act receiving Royal Assent the Prime Minister will, following a consultation, lay before both Houses of Parliament a report providing details of the powers and competencies held by the European Union under the Treaty on European Union and the Treaty on the Functioning of the European Union which the Government intends to repatriate from the European Union to the United Kingdom;
- (b) six months after the report in paragraph (a) being laid before both Houses, the Government will lay a further report detailing what success it has had at securing the powers requested in the report in subsection (1).’.

Mr Barry Sheerman

90

Clause 1, page 1, line 14, at end insert—

- ‘(7) A referendum cannot be held after the dissolution of the Parliament in existence at the commencement of this Act.’.
- 

Mr Barry Sheerman

93

Clause 2, page 1, line 17, leave out from ‘would’ to end and insert ‘are British citizens resident in the United Kingdom and have attained the age of 16 years old.’.

Mike Gapes  
Martin Horwood

19

Clause 2, page 1, line 18, leave out ‘and’ and insert—

- ‘(aa) Persons who are legally resident in the United Kingdom, and’.

Mike Gapes  
Martin Horwood

20

Clause 2, page 1, line 18, leave out ‘and’ and insert—

- ‘(aa) Persons over the age of 16 who are legally resident in the United Kingdom, and’.

Mike Gapes  
Martin Horwood

21

Clause 2, page 1, line 18, leave out ‘and’ and insert—

- ‘(aa) All persons who are legally entitled to vote as electors in a European Parliamentary election, and’.

---

**European Union (Referendum) Bill, *continued***

Mike Gapes  
Martin Horwood

22

- Clause 2, page 1, line 18, leave out ‘and’ and insert—  
 ‘(aa) All persons who are legally entitled to vote as electors at a local election, and’.

Mike Gapes  
Martin Horwood

23

- Clause 2, page 1, line 18, leave out ‘and’ and insert—  
 ‘(aa) All British citizens resident in any of the member states of the European Union, and’.

Mike Gapes  
Martin Horwood

24

- Clause 2, page 1, line 18, leave out ‘and’ and insert—  
 ‘(aa) All British citizens over the age of 16 resident in any country in the world, and’.

Mike Gapes  
Martin Horwood

25

- Clause 2, page 1, line 18, leave out ‘and’ and insert—  
 ‘(aa) All British citizens over the age of 16 resident in any of the member states of the European Union, and’.

Mike Gapes  
Martin Horwood

26

- Clause 2, page 1, line 18, leave out ‘and’ and insert ‘citizens of Gibraltar, and’.

Mike Gapes

27

- Clause 2, page 1, line 19, after ‘being’, insert ‘prisoners or’.

Martin Horwood

71

- Clause 2, page 1, line 20, at end add ‘but—
- (i) would be entitled to vote as electors at a local government election in any electoral area in Great Britain,
  - (ii) would be entitled to vote as electors at a local election in any district electoral area in Northern Ireland, or
  - (iii) would be entitled to vote as electors at a European Parliamentary election in any electoral region by virtue of section 3 of the Representation of the People Act 1985 (peers resident outside the United Kingdom).
- (2) In subsection (2)(b)(i) “local government election” includes a municipal election in the City of London (that is, an election to the office of mayor, alderman, common councilman or sheriff and also the election of any officer elected by the mayor, alderman and liveryman in common hall).’.

---

**European Union (Referendum) Bill, *continued***

- Mr Barry Sheerman 43
- Clause 2, page 1, line 20, at end insert—  
(c) this Act shall not come into force until the disqualification of peers from voting as electors at parliamentary elections has been removed.’.
- Emma Reynolds 76
- Clause 2, page 1, line 20, at end insert—  
(c) provision will be made so that all Britons resident in Gibraltar aged 16 and over will be able to vote in person or by post.’.
- Emma Reynolds 77
- Clause 2, page 1, line 20, at end insert—  
(c) provision will be made so that all British soldiers resident abroad aged 16 and over will be able to vote in person or by post.’.
- Emma Reynolds 78
- Clause 2, page 1, line 20, at end insert—  
(c) would be entitled to vote as electors at a European parliamentary election in any electoral region by virtue of section 3 of the Representation of the People Act 1985 (peers resident outside the United Kingdom).’.
- Emma Reynolds 79
- Clause 2, page 1, line 20, at end insert—  
(c) This Act shall not come into force until the disqualification of peers from voting as electors at parliamentary elections has been removed.’.
- Mr Barry Sheerman 96
- Clause 2, page 1, line 20, at end insert—  
(d) provision will be made so that all Britons resident abroad aged 16 and over will be able to vote in person or by post.’.
- 
- Emma Reynolds 82
- Clause 3, page 2, line 6, leave out sub-paragraphs (2) and (3) and insert ‘the referendum will be conducted in accordance with section 101 to section 110 of the Political Parties Elections and Referendums Act 2000.’.
- Emma Reynolds 85
- Clause 3, page 2, line 6, leave out sub-paragraphs (2), (3) and (4) and insert—  
(2) An order under this section may not be made unless the Secretary of State has consulted with the Electoral Commission.

---

**European Union (Referendum) Bill, *continued***

- (3) The Secretary of State may by order make further provisions for the purposes of facilitating the holding of the referendum or implementing recommendations of the Electoral Commission in respect of the referendum.
- (4) An order under this section may make minor, consequential or incidental modifications or amendments to this Act or another enactment that was passed before this Act is passed if the Secretary of State is reasonably satisfied that there are compelling reasons to make such modifications or amendments.
- (4A) No order under this Act may be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.’.

Emma Reynolds

Clause 3, page 2, line 7, leave out ‘by order’ and insert ‘present further legislation to Parliament to’.

**83**

Emma Reynolds

Clause 3, page 2, line 9, leave out sub-paragraph (4).

**84**

Emma Reynolds

Clause 3, page 2, line 13, after second ‘a’, insert ‘super-affirmative resolution’.

**81**

Emma Reynolds

Clause 3, page 2, line 14, at end insert—

‘(5) Results for the referendum will be published according to European parliamentary constituencies, except that Gibraltar’s results shall be published separately from the rest of the South West.’.

**80**

Emma Reynolds

Clause 3, page 2, line 14, at end insert—

‘(1) The counting officer must provide each presiding officer with however many ballot boxes and ballot papers the counting officer thinks are necessary.

(2) Every ballot box must be constructed so that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked or (in the case of a box without a lock) the seal being broken.’.

**86**

Mr Barry Sheerman  
Mr William Bain

Clause 3, page 2, line 14, at end insert—

‘(5) If the turn out for the vote is found to be less than 50 per cent of electors, the referendum is to be considered invalid.’.

**91**

Mr Barry Sheerman  
Mr William Bain

Clause 3, page 2, line 14, at end insert—

‘If it appears to the Secretary of State that less than 40 per cent of the persons entitled to vote in the referendum have voted “no” in reply to the

**92**



**European Union (Referendum) Bill**, *continued*

question posed in the referendum he shall lay before Parliament the draft of an Order for the repeal of this Act.’

*NEW SCHEDULES*

Emma Reynolds

NS1

To move the following Schedule:—

## ‘TRANSFER OF POWERS

- 1 Subject to section 1(A), a “transfer of power” involves one or more of the following—
  - (a) the extension of the objectives of the EU as set out in Article 3 of the Treaty on European Union;
  - (b) the conferring on the EU of a new exclusive competence;
  - (c) the extension of an exclusive competence of the EU;
  - (d) the conferring on the EU of a new competence shared with the member states;
  - (e) the extension of any competence of the EU that is shared with the member states;
  - (f) the extension of the competence of the EU in relation to—
    - (i) the co-ordination of economic and employment policies, or
    - (ii) common foreign and security policy;
  - (g) the conferring on the EU of a new competence to carry out actions to support, co-ordinate or supplement the actions of member states;
  - (h) the extension of a supporting, co-ordinating or supplementing competence of the EU;
  - (i) the conferring on an EU institution or body of power to impose a requirement or obligation on the United Kingdom, or the removal of any limitation on any such power of an EU institution or body;
  - (j) the conferring on an EU institution or body of new or extended power to impose sanctions on the United Kingdom;
  - (k) any amendment of a provision listed in Schedule 1 that removes a requirement that anything should be done unanimously, by consensus or by common accord;
  - (l) any amendment of Article 31(2) of the Treaty on European Union (decisions relating to common foreign and security policy to which qualified majority voting applies) that removes or amends the provision enabling a member of the Council to oppose the adoption of a decision to be taken by qualified majority voting;
  - (m) any amendment of any of the provisions specified in paragraph 3 that removes or amends the provision enabling a member of the Council, in relation to a draft legislative act, to ensure the suspension of the ordinary legislative procedure.
- 2 A transfer of power also includes a reference to the removal of a limitation on a competence.
- 3 The provisions referred to in paragraph 1(m) are—
  - (a) Article 48 of the Treaty on the Functioning of the European Union (social security),

**European Union (Referendum) Bill, *continued***

- (b) Article 82(3) of the Treaty on the Functioning of the European Union (judicial co-operation in criminal matters), and
  - (c) Article 83(3) of the Treaty on the Functioning of the European Union (particularly serious crime with a cross-border dimension).
- 4 A treaty or Article 48(6) decision does not fall within this section merely because it involves one or more of the following—
- (a) the codification of practice under the Treaty on European Union or the Treaty on the functioning of the European Union in relation to the previous exercise of an existing competence;
  - (b) the making of any provision that applies only to member states other than the United Kingdom;
  - (c) in the case of a treaty, the accession of a new member state.’

Emma Reynolds

NS2

To move the following Schedule:—

‘SUPER-AFFIRMATIVE RESOLUTION PROCEDURE

- 1 The “super-affirmative resolution procedure” in relation to a draft order under this Act is as follows.
- 2 The Minister must have regard to—
- (a) any representations,
  - (b) any resolution of either House of Parliament, and
  - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,
- made during the 60-day period with regard to the draft order.
- 3 If, after the expiry of the 60-day period, the Minister wishes to make an order in the terms of the draft, he must lay before Parliament a statement—
- (a) stating whether any representations were made under subsection (2)(a); and
  - (b) if any representations were so made, giving details of them.
- 4 The Minister may after the laying of such a statement make an order in the terms of the draft if it is approved by a resolution of each House of Parliament.
- 5 However, a committee of either House charged with reporting on the draft order may, at any time after the laying of a statement under paragraph 3 and before the draft order is approved by that House under paragraph 4, recommend under this subsection that no further proceedings be taken in relation to the draft order.
- 6 Where a recommendation is made by a committee of either House under paragraph 5 in relation to a draft order, no proceedings may be taken in relation to the draft order in that House under paragraph 4 unless the recommendation is, in the same Session, rejected by resolution of that House.
- 7 If, after the expiry of the 60-day period, the Minister wishes to make an order consisting of a version of the draft order with material changes, he must lay before Parliament—
- (a) a revised draft order; and
  - (b) a statement giving details of—
    - (i) any representations made under paragraph 2(a); and

**European Union (Referendum) Bill, *continued***

- (ii) the revisions proposed.
- 8 The Minister may after laying a revised draft order and statement under paragraph 7 make an order in the terms of the revised draft if it is approved by a resolution of each House of Parliament.
- 9 However, a committee of either House charged with reporting on the revised draft order may, at any time after the revised draft order is laid under paragraph 7 and before it is approved by that House under paragraph 8, recommend under this paragraph that no further proceedings be taken in relation to the revised draft order.
- 10 Where a recommendation is made by a committee of either House under paragraph 9 in relation to a revised draft order, no proceedings may be taken in relation to the revised draft order in that House under paragraph 8 unless the recommendation is, in the same Session, rejected by resolution of that House.
- 11 For the purposes of paragraphs 4 and 8 an order is made in the terms of a draft order if it contains no material changes to the provisions of the draft order.
- 12 In this section the “60-day period” means the period of 60 days beginning with the day on which the draft order was laid before Parliament under section 1(6).’.

Martin Horwood

NS3

To move the following Schedule:—

‘COMBINATION OF POLLS

- (1) Where the date of the poll for one or more of the following is the same as the date of the poll for the referendum, the polls are to be taken together—
- (a) a local authority election in England;
  - (b) a local referendum in England;
  - (c) a mayoral election in England;
  - (d) a Welsh Assembly general election;
  - (e) Welsh local elections;
  - (f) a Scottish parliamentary general election;
  - (g) Scottish local elections;
  - (h) the general election of members of the Northern Ireland Assembly;
  - (i) local elections in Northern Ireland.
- (2) If any of the elections referred to in subsection (1) are not held on the same day as the referendum, that subsection does not apply.
- (3) In this section—
- “local authority election in England” means the election of a councillor of any of the following—
- (a) a county council in England;
  - (b) a district council in England;
  - (c) a London borough council;
  - (d) a parish council.
- “local referendum in England” means a referendum held in England under Part 2 of the Local Government Act 2000;

**European Union (Referendum) Bill**, *continued*

“mayoral election in England” means an election in England for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000;

“Northern Ireland local election” means a local election as defined by section 130(1) of the Electoral Law Act (Northern Ireland) 1962;

“Scottish parliamentary general election” means an ordinary election under section 2 of the Scotland Act 1998;

“Welsh Assembly general election” means an ordinary election under section 3 of the Government of Wales Act 2006.’.

---