



House of Commons

Friday 8 November 2013

CONSIDERATION OF BILL

EUROPEAN UNION (REFERENDUM) BILL

NEW CLAUSE

Gibraltar

James Wharton
Andrew Rosindell

NC1

To move the following Clause:—

- (1) An order under section 3(2) or (3) which extends to Gibraltar may—
 - (a) provide for conduct to constitute a criminal offence under the law of Gibraltar;
 - (b) extend and apply to Gibraltar, with or without modification, the provisions of any enactment relating to referendums or elections;
 - (c) modify any such enactment so far as it has effect in relation to any part of the United Kingdom;
 - (d) modify or apply or incorporate, with or without modification, the provisions of any legislation in force in Gibraltar relating to elections, or referendums.
 - (2) The capacity of the Gibraltar legislature to make law in relation to any matter in relation to which provision may be made under section 3 is not affected by the existence of the power conferred by that section.
 - (3) Subsection (2) is not to be regarded as restricting the operation in relation to law made by the Gibraltar legislature of the Colonial Laws Validity Act 1865 (under which colonial laws are void if repugnant to provision made under an Act of Parliament).
 - (4) “Enactment”, and “modification” have the same meaning as in the Political Parties, Elections and Referendums Act 2000 (see section 160(1) of that Act).’
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Mr William Bain

73

Clause 1, page 1, line 2, leave out ‘is to’ and insert ‘may’.

European Union (Referendum) Bill, *continued*

- Mr William Bain 74
Clause 1, page 1, line 2, at end insert ‘if there is a further transfer of power from the United Kingdom to the European Union’.
- Mr William Bain 75
Clause 1, page 1, line 3, at end insert—
‘(1A) A transfer of power is defined in Schedule (Transfer of powers)’.
- Mr William Bain 68
Clause 1, page 1, line 3, at end insert—
‘(1A) Before the appointment of the day on which the referendum is to be held, the Secretary of State shall consult the bodies listed in the Schedule (Organisations to be consulted before a referendum on the United Kingdom’s membership of the European Union) on the merits or otherwise of the United Kingdom remaining a member of the European Union and shall lay before Parliament a report of the consultation.’.
- Mike Gapes 20
Clause 1, page 1, line 4, leave out subsection (2) and insert ‘on a date to be determined’.
- Mr William Bain 76
Clause 1, page 1, line 4, leave out subsection 2.
- Mike Gapes 21
Clause 1, page 1, line 4, leave out from ‘held’ to end of line 6 and insert ‘on 7 May 2015’.
- Adam Afriyie 3
Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘on 23 October 2014’.
- Mike Gapes 25
Clause 1, page 1, line 4, leave out ‘31 December 2017’ and insert ‘1 July 2017’.
- Mike Gapes 22
Clause 1, page 1, line 4, leave out ‘2017’ and insert ‘2014’.
- Mike Gapes 23
Clause 1, page 1, line 4, leave out ‘2017’ and insert ‘2015’.

European Union (Referendum) Bill, *continued*

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| Mike Gapes | 24 |
| Clause 1, page 1, line 4, leave out ‘2017’ and insert ‘2016’. | |
| Mike Gapes | 26 |
| Clause 1, page 1, line 4, leave out ‘2017’ and insert ‘2018’. | |
| Mike Gapes | 27 |
| Clause 1, page 1, line 4, leave out ‘2017’ and insert ‘2019’. | |
| Mr Peter Hain | 77 |
| Clause 1, page 1, line 4, after ‘2017’, insert ‘and not between 31 July and 1 December 2017’. | |
| Adam Afriyie | 4 |
| Clause 1, page 1, line 5, leave out subsection (3). | |
| Mike Gapes | 58 |
| Clause 1, page 1, line 5, leave out subsection (3) and insert— | |
| ‘(3) The Secretary of State shall establish a European Union Referendum Commission to consider the date or dates on which the referendum is to be held. | |
| (3A) The Commission shall report to the Secretary of State within 12 months of its establishment. | |
| (3B) The Secretary of State shall by order provide for the date or dates to be implemented as recommended by the Commission.’. | |
| Mike Gapes | 59 |
| Clause 1, page 1, line 5, leave out subsection (3) and insert— | |
| ‘(3A) The Commission shall consult with and seek to secure agreement from the devolved administrations on the date or dates to be appointed for the referendum.’. | |
| Chris Williamson | 62 |
| Clause 1, page 1, line 5, leave out subsection (3) and insert— | |
| ‘(3) The date shall be appointed in accordance with the conclusions of the Speaker’s Committee for the Referendum on the United Kingdom’s membership of the European Union, as established under Schedule (Speaker’s Committee for the Referendum on the United Kingdom’s membership of the European Union).’. | |
| Mike Gapes | 28 |
| Clause 1, page 1, line 5, leave out ‘31 December 2016’ and insert ‘7 May 2015’. | |

European Union (Referendum) Bill, *continued*

- Mike Gapes 31
 Clause 1, page 1, line 5, leave out ‘31 December 2016’ and insert ‘1 July 2017’.
- Mike Gapes 29
 Clause 1, page 1, line 5, leave out ‘2016’ and insert ‘2014’.
- Mike Gapes 30
 Clause 1, page 1, line 5, leave out ‘2016’ and insert ‘2015’.
- Mike Gapes 32
 Clause 1, page 1, line 5, leave out ‘2016’ and insert ‘2017’.
- Mike Gapes 33
 Clause 1, page 1, line 5, leave out ‘2016’ and insert ‘2018’.
- Mike Gapes 12
 Clause 1, page 1, line 6, at end insert—
 ‘(3A) Before appointing the day on which the referendum is to be held under subsection (3) above, the Secretary of State shall consult leaders of the principal faiths represented in the United Kingdom so as to identify days which it would be inappropriate for him to appoint for holding the referendum, and he shall pay due regard to the outcome of those consultations in appointing the day.’
- Mike Gapes 13
 Clause 1, page 1, line 6, at end insert—
 ‘(7) The day on which the referendum is to be held shall not be the same day as—
 (a) a general election for the United Kingdom Parliament;
 (b) elections to the European Parliament;
 (c) a Scottish parliamentary general election;
 (d) a Welsh Assembly general election;
 (e) a general election for members of the Northern Ireland Assembly;
 (f) any local government election;
 (g) a mayoral election in London; and
 the terms above shall be defined as in section 4 of the Parliamentary Voting System and Constituencies Act 2011.’
- Mr William Bain 70
 Clause 1, page 1, line 6, at end insert ‘, subject to subsection (3A) below.
 (3A) The Secretary of State may not appoint a day on which the referendum is to be held until he has published a detailed analysis of the consequences of the United Kingdom—
 (a) remaining, or

European Union (Referendum) Bill, *continued*

- (b) not remaining a member of the European Union, including—
 - (i) the economic and social consequences of withdrawal from the European Union for the people of the United Kingdom,
 - (ii) the consequences for the United Kingdom’s overseas territories,
 - (iii) the consequences for prevention of crime and terrorism in the United Kingdom,
 - (iv) the consequences for climate change and the environment of the United Kingdom, and
 - (v) the consequences for the effectiveness of the foreign policy of the United Kingdom.’.

Mr Peter Hain

78

Clause 1, page 1, line 6, at end insert—

‘(3A) The date appointed under subsection 1(3) must not be less than 28 weeks in advance of the proposed polling day.’.

Martin Horwood

66

Clause 1, page 1, line 7, leave out subsection (4) and insert—

‘(4) The question that is to appear on the ballot is, as recommended in the Electoral Commission report of October 2013:
“Should the United Kingdom remain a member of the European Union?”.’.

Mr Gareth Thomas

72

Clause 1, page 1, line 7, leave out subsection (4) and insert—

‘(4) Before making an order under subsection (3) the Secretary of State shall conduct a consultation lasting not less than six months on what question should appear on the ballot paper, and shall by order set out the question to be asked.’.

Mike Gapes

35

Clause 1, page 1, leave out lines 8 and 9 and insert *‘Should the United Kingdom remain a member of the European Union?’.*

Mike Gapes

36

Clause 1, page 1, leave out lines 8 and 9 and insert *‘Should the United Kingdom remain a member of the European Union or leave the European Union?’.*

Mike Gapes

37

Clause 1, page 1, line 10, leave out ‘version’ and insert ‘translation’.

Mike Gapes

38

Clause 1, page 1, line 11, after ‘order’, insert ‘after consultation with the National Assembly for Wales and the Welsh Assembly Government.’.

European Union (Referendum) Bill, *continued*

- Mike Gapes 39
- Clause 1, page 1, line 11, at end insert—
(5A) In Scotland, a Gaelic translation of the question is also to appear on the ballot papers, as provided by order, after consultation with the Scottish Parliament and the Scottish Government.’
- Mike Gapes 40
- Clause 1, page 1, line 11, at end insert—
() In Northern Ireland, a Gaelic translation of the question is also to appear on the ballot papers, as provided by order, after consultation with the Northern Ireland Assembly and the Northern Ireland Executive.’
- Mr William Bain 71
- Clause 1, page 1, line 12, leave out subsection (6) and insert—
(6) An order under this section shall be made by statutory instrument.
(7) An order under subsection (3) may not be made unless each House of Parliament has passed a resolution that the referendum shall take place on a day specified in the resolution and the day specified in the resolution is the same as in the order.
(8) An order under subsection (5) may not be made unless a draft of the order has been laid before, and approved by, a resolution of each House of Parliament.’
- Mike Gapes 41
- Clause 1, page 1, line 12, leave out ‘shall’ and insert ‘may’.
- Mike Gapes 9
- Clause 1, page 1, line 14, at end add—
(7) The referendum shall be held on Thursday.’
- Mike Gapes 10
- Clause 1, page 1, line 14, at end add—
(7) The referendum shall be held over two days on a Saturday and Sunday.’
- Mike Gapes 11
- Clause 1, page 1, line 14, at end add—
(7) The referendum shall be held over three days on a Thursday, Friday and Saturday.’
- Mike Gapes 14
- Clause 1, page 1, line 14, at end add—
(7) No date shall be set for the referendum until there is in place a secure system of voting by text message or by SMS.’

European Union (Referendum) Bill, *continued*

- Mike Gapes 15
- Clause 1, page 1, line 14, at end add—
 ‘(7) Voting in the referendum shall be possible in person, by post, by proxy, by email, by text message or by SMS.’.
- Mike Gapes 19
- Clause 1, page 1, line 14, at end add—
 ‘(7) Prior to the holding of any referendum the Secretary of State shall establish a Public Judicial Inquiry into the merits of UK membership of the European Union which shall publish its report within six months, unless the Secretary of State otherwise directs.’.
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- James Wharton
 Mike Gapes
 Andrew Rosindell 42
- Clause 2, page 1, line 18, leave out ‘and’.
- Mike Gapes 43
- Clause 2, page 1, line 18, at end insert—
 ‘(aa) persons who have right of abode in the United Kingdom.’.
- Mike Gapes 45
- Clause 2, page 1, line 18, at end insert—
 ‘(aa) persons who would be entitled to vote as electors in a European Parliament election.’.
- Mike Gapes 46
- Clause 2, page 1, line 18, at end insert—
 ‘(aa) all persons who are legally entitled to vote as electors at a local government election.’.
- Mike Gapes 47
- Clause 2, page 1, line 18, at end insert—
 ‘(aa) all British citizens resident in any of the member states of the European Union.’.
- Mike Gapes 48
- Clause 2, page 1, line 19, after ‘peers’, insert ‘or prisoners’.

European Union (Referendum) Bill, *continued*

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| Mike Gapes | 8 |
| Clause 2, page 1, line 20, at end add— ‘(c) British citizens, regardless of where they are resident, who have registered to vote with a British Embassy or High Commission or with the local authority where they last lived in the United Kingdom not less than six months before the date of the referendum, and the statutory provisions relating to overseas voters shall be disapplied for the purposes of this section.’ | |
| Mike Gapes | 44 |
| Clause 2, page 1, line 20, at end insert— ‘(2) Persons aged 16 or 17 on the date of the referendum shall be entitled to vote if they would, save for their age, be otherwise entitled to vote under any of the categories set out in subsection (1) above.’ | |
| Mike Gapes | 49 |
| Clause 2, page 1, line 20, at end insert— ‘(c) citizens of the Republic of Ireland, Cyprus and Malta resident in the United Kingdom shall not be entitled to vote.’ | |
| Mike Gapes | 50 |
| Clause 2, page 1, line 20, at end insert— ‘(c) residents of all Crown Dependencies.’ | |
| Mike Gapes | 51 |
| Clause 2, page 1, line 20, at end insert— ‘(c) residents of all British Overseas Territories.’ | |
| Mr Gareth Thomas | 63 |
| Clause 2, page 1, line 20, at end add— ‘(2) Provision will be made for all electors included in the Gibraltar register as defined in Schedule 1 to the Government of Gibraltar’s European Parliamentary Elections Act 2004 to vote in Gibraltar in person or by post.’ | |
| Mr William Bain | 69 |
| Clause 2, page 1, line 20, at end add— ‘(c) persons who are citizens of British Overseas Territories.’ | |
| James Wharton Andrew Rosindell | 80 |
| Clause 2, page 1, line 20, at end insert ‘and | |

European Union (Referendum) Bill, *continued*

- () Commonwealth citizens who, on the date of the referendum, would be entitled to vote in Gibraltar as electors at a European Parliamentary election in the combined electoral region in which Gibraltar is comprised.’.

Mike Gapes 52
 Clause 3, page 2, line 2, after ‘report’, insert ‘by 1 March 2015’.

Mike Gapes 53
 Clause 3, page 2, line 2, after ‘report’, insert ‘by 1 March 2016’.

Mike Gapes 54
 Clause 3, page 2, line 2, after ‘report’, insert ‘by 1 March 2017’.

Mike Gapes 55
 Clause 3, page 2, line 2, after ‘report’, insert ‘six months before the date or dates appointed for the referendum’.

Mike Gapes 17
 Clause 3, page 2, line 5, at end insert—
 ‘(1A) The rules recommended by the Electoral Commission shall provide that if—
 (a) fewer than 60 per cent of registered voters take part in the referendum, or
 (b) the majority in favour of not remaining in the European Union comprises fewer than 40 per cent of registered voters, or
 (c) the result is not the same in England, Scotland, Wales and Northern Ireland, or
 (d) the result is not the same in each of the European Parliament constituencies in the United Kingdom,
 the Chief Counting Officer shall declare that the referendum has not produced a valid outcome.’.

Mike Gapes 56
 Clause 3, page 2, line 6, leave out ‘shall’ and insert ‘may’.

Mike Gapes 5
 Clause 3, page 2, line 11, at end insert—
 ‘(3A) The Secretary of State shall make available a sum of not more than £10 million to organisations campaigning—
 (a) for a Yes vote in the referendum, and
 (b) for a No vote in the referendum, for provision of public information and literature, to be divided equally between those campaigning for each answer to the referendum question.’.

European Union (Referendum) Bill, *continued*

Mike Gapes

6

Clause 3, page 2, line 11, at end insert—

- ‘(3A) The Secretary of State shall ensure that the proponents and opponents of the question in the referendum shall be allotted no fewer than six nor more than 10 broadcasts of a total time of at least 60 minutes on all television channels broadcasting to the United Kingdom, at such times as are determined by the Electoral Commission so as to ensure that so far as possible they are broadcast simultaneously, and with Welsh language and Gaelic versions as directed by the Secretary of State in relation to particular channels.’

Mike Gapes

7

Clause 3, page 2, line 11, at end insert—

- ‘(3A) The Secretary of State shall ensure that the proponents and opponents of the question in the referendum are able to publish a two full page advertisement spread immediately after the front page in all national editions of newspapers published in any part of the United Kingdom, as specified by the Electoral Commission, on four dates to be specified by the Commission, with Welsh language and Gaelic versions where specified by the Commission.’

Mike Gapes

16

Clause 3, page 2, line 11, at end insert—

- ‘(3A) Polling stations are to be open from 6 am to midnight on each designated day or days for the referendum.’

Mike Gapes

60

Clause 3, page 2, line 11, at end insert—

- ‘(3A) The Secretary of State shall establish a European Union Referendum Commission to consider the conduct of the referendum.
- (3B) The Commission shall report to the Secretary of State within 12 months of its establishment.
- (3C) The Secretary of State shall by order provide for the conduct of the referendum to be implemented as recommended by the Commission.’

Mike Gapes

61

Clause 3, page 2, line 11, at end insert—

- ‘(3A) The Secretary of State shall consult with and seek to secure agreement from the devolved administrations on the conduct of the referendum within the relevant part of the United Kingdom.’

Mr Gareth Thomas

64

Clause 3, page 2, line 11, at end add—

- ‘(3A) Results for the referendum will be published for European parliamentary constituencies, except that Gibraltar’s shall be published separately from the rest of the South West return.’

European Union (Referendum) Bill, *continued*

Martin Horwood

65

Clause 3, page 2, line 11, at end insert—

- ‘(3A) Persons who are resident in part of the United Kingdom that has voted to leave the United Kingdom or that has formed an independent country, or that is in the process of negotiating such independence or holding a referendum on independence will have their votes counted separately and be subject to a separate declaration.’.

Mike Gapes

57

Clause 3, page 2, line 12, leave out ‘shall’ and insert ‘may’.

Martin Horwood

67

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

‘(1) The European Union Act 2011 is amended as follows.

(2) Leave out section 2(2) and insert—

“2 (2) The referendum condition is that—

- (a) the Act providing for the approval of the treaty provides that the provision approving the treaty is not to come into force until an in or out referendum on the UK’s entire membership of the European Union, as defined in the European Union (Referendum) Bill 2013, is held throughout the United Kingdom, or where the treaty also affects Gibraltar, throughout the UK and Gibraltar,
- (b) the referendum has been held, and
- (c) the majority of those voting in the referendum are in favour of continued membership of the European Union.”’.

James Wharton
Andrew Rosindell

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Clause 5, page 2, line 21, at beginning insert—

‘() This Act extends to—

- (a) England and Wales, Scotland and Northern Ireland; and
 - (b) Gibraltar.’.
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European Union (Referendum) Bill, *continued*
NEW SCHEDULES

Chris Williamson

NS1

To move the following Schedule:—

‘SPEAKER’S COMMITTEE FOR THE REFERENDUM ON THE UNITED KINGDOM’S
MEMBERSHIP OF THE EUROPEAN UNION

- () There is to be a committee known as the Speaker’s Committee for the Referendum on the United Kingdom’s membership of the European Union (“the Committee”) to consider the day to be appointed for the referendum.
- () The Speaker’s Committee shall consist of the Speaker of the House of Commons, who shall be the chair of the Committee, and the following other members, namely—
 - (a) the Member of the House of Commons who is for the time being the Chair of the Foreign Affairs Select Committee of the House of Commons;
 - (b) the Lord President of the Council;
 - (c) a Member of the House of Commons who is a Minister of the Crown with responsibilities in relation to foreign affairs; and
 - (d) five Members of the House of Commons who are not Ministers of the Crown.
- () The member of the Committee specified in subsection (2)(c) shall be appointed to membership of the Committee by the Prime Minister.
- () The members of the Committee specified in subsection (2)(d) shall be appointed to membership of the Committee by the Speaker of the House of Commons.
- () The Speaker’s Committee shall make a report to the House of Commons on the exercise by the Committee of their functions.’.

Mr William Bain
Mr Peter Hain

NS2

To move the following Schedule:—

“ORGANISATIONS TO BE CONSULTED BEFORE A REFERENDUM ON THE UNITED
KINGDOM’S MEMBERSHIP OF THE EUROPEAN UNION

The following organisations shall be consulted before a referendum on the United Kingdom’s membership of the European Union is held—

- (a) the Confederation for British Industry,
- (b) the National Farmers Union,
- (c) the Trades Union Congress,
- (d) the National Association of Citizens Advice Bureaux,
- (e) the Association of Chief Police Officers,
- (f) Universities UK,
- (g) the National Council of Voluntary Organisations,
- (h) Friends of the Earth,

European Union (Referendum) Bill, *continued*

- (i) the Local Government Association, and
- (j) other organisations as the Secretary of State shall see fit.’

Mr William Bain

NS3

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 provisions 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.’
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James Wharton
Andrew Rosindell

82

Title, line 1, after ‘Kingdom’, insert ‘and Gibraltar’.
