



# House of Commons

Wednesday 17 July 2013

## PUBLIC BILL COMMITTEE

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### EUROPEAN UNION (REFERENDUM) BILL

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James Wharton

That the European Union (Referendum) Bill Committee do meet on Tuesdays at 2.00 pm and Wednesdays at 8.55 pm and 2.00 pm on days when the House is sitting.

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Emma Reynolds

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

30

Mike Gapes

Clause 1, page 1, line 2, after 'on', insert 'the terms of'.

1

Emma Reynolds

Clause 1, page 1, line 3, at end insert 'if there is a further transfer of power from the United Kingdom to the European Union'.

31

Emma Reynolds

Clause 1, page 1, line 3, at end insert—  
'(1A) A transfer of power is defined in Schedule 1.'

32

Emma Reynolds

Clause 1, page 1, line 4, leave out subsection (2).

33

Mike Gapes

Martin Horwood

Clause 1, page 1, line 4, leave out 'before 31 December 2017' and insert 'on a date to be determined'.

2

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

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

**3**

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘on a date to be determined by a Royal Commission on the future of the United Kingdom in Europe’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

**4**

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘on 22 May 2014’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

**5**

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘on 6 May 2015’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

**6**

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘before 31 December 2014’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

**7**

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘before 31 December 2015’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

**8**

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘before 31 December 2016’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

**9**

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘before 1 July 2017’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

**10**

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘before 31 December 2018’.

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European Union (Referendum) Bill, *continued*

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

11

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘before 31 December 2019’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

12

Clause 1, page 1, line 4, leave out ‘before 31 December 2017’ and insert ‘on the date of the General Election in May 2020’.

Emma Reynolds

35

Clause 1, page 1, line 5, leave out ‘Secretary of State’ and insert ‘Prime Minister’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

13

Clause 1, page 1, line 5, leave out from ‘shall’ to end of line 6 and insert ‘establish a Royal Commission to consider the arrangements for and timing of the referendum and recommend the date or dates on which the referendum is to be held.

(3A) The Royal Commission established under section 1(3) is to report to the Secretary of State within 24 months of its establishment.

(3B) The Secretary of State shall introduce legislation to enact recommendations of the Royal Commission.’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

28

Clause 1, page 1, line 5, leave out from ‘shall’ to end of line 6 and insert ‘establish a Royal Commission to consider the arrangements for and timing of the referendum and recommend the date or dates on which the referendum is to be held.

(3A) The Royal Commission established under section 1(3) is to report to the Secretary of State within 18 months of its establishment.

(3B) The Secretary of State shall introduce legislation to enact recommendations of the Royal Commission.’.

Mike Gapes  
Jim Dowd  
Mr Barry Sheerman

29

Clause 1, page 1, line 5, leave out from ‘shall’ to end of line 6 and insert ‘establish a Royal Commission to consider the arrangements for and timing of the referendum and recommend the date or dates on which the referendum is to be held.

(3A) The Royal Commission established under section 1(3) is to report to the Secretary of State within 12 months of its establishment.

(3B) The Secretary of State shall introduce legislation to enact recommendations of the Royal Commission.’.

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

- Emma Reynolds 34  
Clause 1, page 1, line 5, leave out ‘, and before 31 December 2016.’.
- Emma Reynolds 36  
Clause 1, page 1, line 6, at end insert—  
‘(3A) The Secretary of State shall appoint the date on which the referendum is to be held at least 28 weeks in advance of the proposed polling day.’.
- Emma Reynolds 37  
Clause 1, page 1, line 7, after first ‘The’, insert ‘only’.
- Emma Reynolds 38  
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  
Jim Dowd  
Mr Barry Sheerman 14  
Clause 1, page 1, line 8, leave out ‘should be’ and insert ‘should remain’.
- Mike Gapes  
Jim Dowd  
Mr Barry Sheerman 16  
Clause 1, page 1, line 8, leave out ‘be a member of’ and insert ‘leave’.
- Mike Gapes 17  
Clause 1, page 1, line 9, leave out ‘be a member of the European Union’ and insert ‘join the Schengen Agreement’.
- Mike Gapes 18  
Clause 1, page 1, line 9, leave out ‘be a member of the European Union’ and insert ‘join the European single currency’.
- Mike Gapes 15  
Clause 1, page 1, line 9, after ‘a’, insert ‘full’.
- Emma Reynolds 39  
Clause 1, page 1, line 14, at end insert ‘under the super affirmative resolution procedure set out in Schedule 2.’.

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

Emma Reynolds

40

- 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.’
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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’.

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’.

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

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’.

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*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;

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

- (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),
- (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.

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

- 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
    - (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).’.
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