



# House of Commons

Friday 29 November 2013

## CONSIDERATION OF BILL

---

### EUROPEAN UNION (REFERENDUM) BILL

---

- 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.’.
- 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.’.

---

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

- (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

Clause 1, page 1, line 12, leave out ‘shall’ and insert ‘may’.

41

Mike Gapes

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

‘(7) The referendum shall be held on Thursday.’.

9

Mike Gapes

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

‘(7) The referendum shall be held over two days on a Saturday and Sunday.’.

10

Mike Gapes

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

‘(7) The referendum shall be held over three days on a Thursday, Friday and Saturday.’.

11

Mike Gapes

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.’.

14

Mike Gapes

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.’.

15

Mike Gapes

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.’.

19

---

European Union (Referendum) Bill, *continued*

James Wharton  
Mike Gapes  
Andrew Rosindell

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

42

Mike Gapes

Clause 2, page 1, line 18, at end insert—  
‘(aa) persons who have right of abode in the United Kingdom.’

43

Mike Gapes

Clause 2, page 1, line 18, at end insert—  
‘(aa) persons who would be entitled to vote as electors in a European Parliament election.’

45

Mike Gapes

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.’

46

Mike Gapes

Clause 2, page 1, line 18, at end insert—  
‘(aa) all British citizens resident in any of the member states of the European Union.’

47

Mike Gapes

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

48

Mike Gapes

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.’

8

Mike Gapes

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.’

44

---

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

- 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  
( ) 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’.

European Union (Referendum) Bill, *continued*

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.’.

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.’.

---

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

- 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.’
- 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.’
- Chris Williamson 85
- Clause 3, page 2, line 11, at end insert—  
(3A) Those entitled to vote in the referendum who do not without reasonable excuse cast their vote shall pay a penalty of £50.’
- Mike Gapes 57
- Clause 3, page 2, line 12, leave out ‘shall’ and insert ‘may’.

---

European Union (Referendum) Bill, *continued*

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.”’.

Mr Gareth Thomas

84

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

- ‘(5) The Electoral Commission shall undertake a review of the conduct of the referendum and shall publish a report setting out the conclusions of the review no more than 12 months after the day or days on which the referendum is held.’.

---

James Wharton  
Andrew Rosindell

81

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

- ‘( ) This Act extends to—
- (a) England and Wales, Scotland and Northern Ireland; and
- (b) Gibraltar.’.

---

*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.

---

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

- (i) 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.
- (j) The member of the Committee specified in subsection (2)(c) shall be appointed to membership of the Committee by the Prime Minister.
- (k) 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.
- (l) 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,
  - (i) the Local Government Association, and
  - (j) other organisations as the Secretary of State shall see fit.'.
-



European Union (Referendum) Bill, *continued*

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),
  - (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—

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

- (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.’
- 

James Wharton  
Andrew Rosindell

82

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

---