



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Tuesday 16 June 2015

COMMITTEE OF THE WHOLE HOUSE
PROCEEDINGS

EUROPEAN UNION REFERENDUM BILL

[FIRST DAY]

CLAUSE 1; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER
OF CLAUSE 1

Alex Salmond
Angus Robertson
Stephen Gethins
Hywel Williams
Mike Weir
Ms Tasmina Ahmed-Sheikh

Tommy Sheppard

Joanna Cherry

Negated 16

Clause 1, page 1, line 4, at end insert—

- “(2) The Chief Counting Officer shall declare whether the result of the referendum is that a majority wish the United Kingdom to leave the European Union.
- (3) The Chief Counting Officer may declare that a majority wish the United Kingdom to leave the European Union only if—
- (a) a majority of total votes cast in the referendum in the United Kingdom are against the United Kingdom remaining a member of the European Union, and
 - (b) a majority of the votes cast in the referendum in each of England, Scotland, Wales and Northern Ireland are against the United Kingdom remaining a member of the European Union.”

Mike Gapes

Not called 49

Clause 1, page 1, line 7, leave out “31 December” and insert “1 July”

Mike Gapes

Not called 50

Clause 1, page 1, line 8, leave out “2017” and insert “2016”

Secretary Philip Hammond

Agreed to 55

★ Clause 1, page 1, line 8, at end insert “and must not be 5 May 2016”

European Union Referendum Bill, *continued*

Ms Harriet Harman
 Hilary Benn
 Ms Rosie Winterton
 Mr Pat McFadden
 Heidi Alexander
 Mike Gapes

Not called 4

Clause 1, page 1, line 8, at end insert—

“(3A) No later than ten weeks before the date on which the referendum is to be held the Secretary of State must lay before both Houses of Parliament an independent report by the Office for Budget Responsibility on the implications for the sustainability of the public finances of the United Kingdom leaving the European Union.”.

Ms Harriet Harman
 Hilary Benn
 Ms Rosie Winterton
 Mr Pat McFadden
 Heidi Alexander
 Mike Gapes

Not called 5

Clause 1, page 1, line 8, at end insert—

“(3A) No later than ten weeks before the date on which the referendum is to be held the Secretary of State must lay before both Houses of Parliament a report on the consequences of the United Kingdom leaving the European Union for each ministerial departments’ responsibilities.”.

Ms Harriet Harman
 Hilary Benn
 Ms Rosie Winterton
 Mr Pat McFadden
 Heidi Alexander
 Mike Gapes

Not called 6

Clause 1, page 1, line 8, at end insert—

“(3A) No later than ten weeks before the date on which the referendum is to be held the Secretary of State must ask for and lay before both Houses of Parliament any assessment made by the Bank of England on the consequences of the United Kingdom leaving the European Union.”.

Alex Salmond
 Angus Robertson
 Stephen Gethins
 Hywel Williams
 Mike Weir
 Ms Tasmina Ahmed-Sheikh

Tommy Sheppard
 Lady Hermon

Joanna Cherry
 Nigel Dodds

Caroline Lucas

Not called 17

Clause 1, page 1, line 8, at end insert—

“(3A) The day appointed under subsection (2) must not be the date of an election to the Scottish Parliament, Welsh Assembly or Northern Ireland Assembly.”

European Union Referendum Bill, *continued*

John McDonnell

Not called 46

Clause 1, page 1, line 8, at end insert—

- “(3A) No later than ten weeks before the date on which the referendum is to be held the Secretary of State must lay before both Houses of Parliament a report by the Office for Budget Responsibility on the consequences for the Transatlantic Trade and Investment Partnership of the United Kingdom leaving or remaining a member of the European Union.”

John McDonnell

Not called 47

Clause 1, page 1, line 8, at end insert—

- “(3A) No later than ten weeks before the date on which the referendum is to be held the Secretary of State must lay before both Houses of Parliament a report on the consequences for negotiations on the Transatlantic Trade and Investment Partnership of the United Kingdom leaving or remaining a member of the European Union.”

Ms Harriet Harman
Hilary Benn
Mr Pat McFadden
Ms Rosie Winterton

Not called 54

☆ Clause 1, page 1, line 8, at end insert—

- “(3A) Before appointing a day under subsection (2) the Secretary of State shall lay before both Houses a report on materials which any Minister of the Crown, government department or local authority or any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority intend or expect to publish in the period of 28 days ending with the date of the referendum that—
- (a) deals with any of the issues raised by any question on which the referendum is being held;
 - (b) puts any argument for or against any particular answer to any such question; or
 - (c) is designed to encourage voting at the referendum.”

Clause, as amended, agreed to.

*CLAUSE 3; SCHEDULES 1 TO 3; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE
SUBJECT MATTER OF CLAUSE 3 AND SCHEDULES 1 TO 3*

Clause 3 agreed to.

European Union Referendum Bill, *continued*

Sir William Cash
 Mr Owen Paterson
 Mr Steve Baker
 Mr Nigel Dodds
 Mr Jacob Rees-Mogg
 Kelvin Hopkins

Kate Hoey
 John Redwood
 Mr Richard Bacon
 Mr Peter Bone
 Richard Drax

Graham Stringer
 Mr Nigel Evans
 Jim Shannon
 Mr Christopher Chope
 Sir Gerald Howarth

Mr Bernard Jenkin
 Dr Liam Fox
 Mr David Nuttall
 Mr David Burrowes
 Mr Andrew Turner

Not called 9

Schedule 1, page 6, line 6, after second “period”, insert “of not less than 16 weeks”

Mr Bernard Jenkin

Not called 20

Schedule 1, page 6, leave out lines 23 and 24

Mr Bernard Jenkin

Not called 28

Schedule 1, page 6, leave out lines 23 to 31

Mr Bernard Jenkin

Not called 24

Schedule 1, page 6, leave out lines 25 to 31

Sir Edward Leigh

Not called 53

Schedule 1, page 6, line 33, at end add—

“(ix) the total number of permitted participants shall be limited to a number specified by the Electoral Commission to ensure broad equality of resources between those campaigning for each of the outcomes of the referendum and those taken into account for the purposes of this provision will be the first persons to give notice under section 106(1) of the 2000 Act.”

Mr Bernard Jenkin

Not called 32

Schedule 1, page 6, line 33, at end add—

“() Nothing in this Schedule alters the law governing charitable organisations in any part of the United Kingdom to confer an entitlement to participate in a referendum which would not have been possible prior to the coming into force of this Schedule.”

Mr Bernard Jenkin

Not called 29

Schedule 1, page 7, line 5, leave out “any of sub-paragraphs (v) to (viii)” and insert “sub-paragraph (v)”

Mr Bernard Jenkin

Not selected 21

Schedule 1, page 7, line 5, leave out “(viii)” and insert “(vii)”

European Union Referendum Bill, *continued*

- Mr Bernard Jenkin *Not selected* 25
 Schedule 1, page 7, line 5, leave out “(viii)” and insert “(vi)”
- Mr Bernard Jenkin *Not called* 22
 Schedule 1, page 7, leave out lines 16 to 19
- Mr Bernard Jenkin *Not called* 30
 Schedule 1, page 7, leave out lines 16 to 23
- Mr Bernard Jenkin *Not called* 26
 Schedule 1, page 7, leave out lines 20 to 23
- Mr Bernard Jenkin *Not selected* 23
 Schedule 1, page 7, line 24, leave out “(viii)” and insert “(vii)”
- Mr Bernard Jenkin *Not selected* 27
 Schedule 1, page 7, line 24, leave out “(viii)” and insert “(vi)”
- Mr Bernard Jenkin *Not selected* 31
 Schedule 1, page 7, line 24, leave out “(viii)” and insert “(v)”
- Secretary Philip Hammond *Agreed to* 14
 Schedule 1, page 12, line 4, at end insert—
 “() Paragraph 1(2) of that Schedule (limit on expenses incurred by permitted participants during referendum period) has effect for the purposes of the referendum as if—
 (a) in paragraph (a) (designated organisations) for “£5 million” there were substituted “£7 million”,
 (b) in paragraph (b) (registered parties that are not designated organisations)—
 (i) in sub-paragraph (i) for “£5 million” there were substituted “£7 million”,
 (ii) in sub-paragraph (ii) for “£4 million” there were substituted “£5.5 million”,
 (iii) in sub-paragraph (iii) for “£3 million” there were substituted “£4 million”,
 (iv) in sub-paragraph (iv) for “£2 million” there were substituted “£3 million”, and
 (v) in sub-paragraph (v) for “£500,000” there were substituted “£700,000”, and
 (c) in paragraph (c) (certain other persons and bodies) for “£500,000” there were substituted “£700,000”.”

European Union Referendum Bill, *continued*

Mr Bernard Jenkin *Not called* 33
 Schedule 1, page 12, leave out lines 18 and 19

Mr Bernard Jenkin *Not called* 41
 Schedule 1, page 12, leave out lines 18 to 25

Mr Bernard Jenkin *Not called* 37
 Schedule 1, page 12, leave out lines 20 to 25

Sir William Cash
 Mr Owen Paterson
 Mr Steve Baker
 Mr Nigel Dodds
 Mr Jacob Rees-Mogg
 Kelvin Hopkins

Kate Hoey
 John Redwood
 Mr Richard Bacon
 Mr Peter Bone
 Richard Drax
 Mr Andrew Turner

Graham Stringer
 Mr Nigel Evans
 Jim Shannon
 Mr Christopher Chope
 Mr Douglas Carswell

Mr Bernard Jenkin
 Dr Liam Fox
 Mr David Nuttall
 Mr David Burrowes
 Sir Gerald Howarth

Not called 10

Schedule 1, page 12, line 38, at end insert—
 “(6) For the purposes of paragraph 6 of Schedule 15 of the 2000 Act a permitted participant must not accept a relevant donation, irrespective of whether or not it meets the requirements of the 2000 Act and this Act, if the donation is funded directly or indirectly in whole or part from moneys, resources or support disbursed or allocated by or at the direction of the European Commission, its agencies or any related European institution to the donor or via other parties to the donor.”

Mr Bernard Jenkin *Not called* 45
 Schedule 1, page 12, line 38, at end add—
 “() Nothing in this Schedule alters the law governing charitable organisations in any part of the United Kingdom to confer an entitlement to make a donation during a referendum which would not have been permissible prior to the coming into force of this Schedule.”

Mr Bernard Jenkin *Not called* 42
 Schedule 1, page 13, line 6, leave out “any of the paragraphs (c) to (f)” and insert “paragraph (c)”

Mr Bernard Jenkin *Not selected* 34
 Schedule 1, page 13, line 6, leave out “(f)” and insert “(e)”

European Union Referendum Bill, *continued*

Mr Bernard Jenkin	<i>Not selected</i>	38
Schedule 1, page 13, line 6, leave out “(f)” and insert “(d)”		
Mr Bernard Jenkin	<i>Not called</i>	43
Schedule 1, page 13, line 10, leave out “any of the paragraphs (c) to (f)” and insert “paragraph (c)”		
Mr Bernard Jenkin	<i>Not selected</i>	35
Schedule 1, page 13, line 11, leave out “(f)” and insert “(e)”		
Mr Bernard Jenkin	<i>Not selected</i>	39
Schedule 1, page 13, line 11, leave out “(f)” and insert “(d)”		
Mr Bernard Jenkin	<i>Not called</i>	36
Schedule 1, page 13, leave out lines 12 to 16		
Mr Bernard Jenkin	<i>Not called</i>	44
Schedule 1, page 13, leave out lines 12 to 22		
Mr Bernard Jenkin	<i>Not called</i>	40
Schedule 1, page 13, leave out lines 17 to 20		
Secretary Philip Hammond	<i>Agreed to</i>	15
Schedule 1, page 14, line 38, at end insert—		

“Declaration where no referendum expenses incurred in referendum period

21A For the purposes of the referendum, the following section is to be treated as inserted after section 124 of the 2000 Act—

“124A Declaration where no expenses in referendum period

- (1) Subsection (2) applies where, in relation to a referendum to which this Part applies—
 - (a) a permitted participant incurs no referendum expenses during the referendum period (and no such expenses are incurred on behalf of that participant during that period), and
 - (b) accordingly, the responsible person in relation to the permitted participant is not required to make a return under section 120 or a declaration under section 120A.
- (2) The responsible person must, within 3 months beginning with the end of the referendum period—
 - (a) make a declaration under this section, and
 - (b) deliver that declaration to the Commission.

European Union Referendum Bill, *continued*

- (3) A declaration under this section is a declaration that no referendum expenses were incurred by or on behalf of the permitted participant during the referendum period.
- (4) The responsible person commits an offence if, without reasonable excuse, that person fails to comply with the requirements of subsection (2).
- (5) If a person who is the responsible person in relation to a permitted participant knowingly or recklessly makes a false declaration in purported compliance with the requirement in subsection (2)(a), that person commits an offence.
- (6) A person guilty of an offence under subsection (4) is liable—
 - (a) on summary conviction in England and Wales, to a fine;
 - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale;
 - (c) on summary conviction in Gibraltar, to a fine not exceeding level 5 on the Gibraltar standard scale.
- (7) A person guilty of an offence under subsection (5) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding 12 months or to a fine, or to both;
 - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (d) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
 - (e) on summary conviction in Gibraltar, to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the Gibraltar standard scale, or to both.
- (8) The reference in subsection (7)(b) to 12 months is to be read as a reference to 6 months in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003.
- (9) In this section “the Gibraltar standard scale” means the standard scale set out in Part A of Schedule 9 to the Criminal Procedure and Evidence Act.
- (10) Schedule 19C (civil sanctions), and any order under Part 5 of that Schedule, have effect as if the offence under subsection (4) of this section were an offence prescribed in an order under that Part.””

European Union Referendum Bill, *continued*

Sir William Cash
Mr Owen Paterson
Mr Steve Baker
Mr Nigel Dodds
Mr Jacob Rees-Mogg
Kelvin Hopkins

Kate Hoey
John Redwood
Mr Richard Bacon
Mr Peter Bone
Richard Drax
Mr Andrew Turner

Graham Stringer
Mr Nigel Evans
Jim Shannon
Mr Christopher Chope
Mr Douglas Carswell

Mr Bernard Jenkin
Dr Liam Fox
Mr David Nuttall
Mr David Burrowes
Sir Gerald Howarth

Negated on division **11**

Schedule **1**, page **17**, line **37**, leave out paragraph 25 and insert—

- 5 “25 (1) Section 125 of the 2000 Act (restriction of publication etc of promotional material by central and local government etc) applies in relation to the referendum during the referendum period with the following modification.
- (2) Section 125(2)(a) of the 2000 Act has effect for the purposes of the referendum as if, after “Crown”, there were inserted “including ministers in the Scottish Government, the Welsh Government, the Northern Ireland Executive and Her Majesty’s Government of Gibraltar”.”

As Amendments to Sir William Cash’s proposed Amendment (No. 11):—

Mr Bernard Jenkin

Not called **(a)**

Line **4**, leave out “modification” and insert “modifications”

Mr Bernard Jenkin

Not called **(b)**

Line **8**, at end add—

- “(3) Section 125(2) of the 2000 Act has effect for the purposes of the referendum with the addition of subsection—
- “(e) advocacy on any issue having a bearing on the outcome of the referendum””

Alex Salmond
Angus Robertson
Stephen Gethins
Hywel Williams
Mike Weir
Ms Tasmina Ahmed-Sheikh

Tommy Sheppard

Joanna Cherry

Negated on division **NC3**

To move the following Clause—

“Restriction on publications etc

- (1) This section applies to any material, which—

European Union Referendum Bill, *continued*

- (a) provides general information about the referendum,
 - (b) deals with any of the issues raised by the referendum question,
 - (c) puts any arguments for or against any outcome, or
 - (d) is designed to encourage voting at the referendum.
- (2) Subject to subsection (3), no material to which this section applies is to be published during the relevant period by or on behalf of—
- (a) the UK government,
 - (b) the House of Commons or House of Lords,
 - (c) the devolved administrations,
 - (d) any local authority,
 - (e) public bodies, or
 - (f) the European Commission and European Parliament.
- (3) Sub-paragraph (2) does not apply to—
- (a) existing material made available to persons in response to specific requests for information or to persons specifically seeking access to it, or
 - (b) anything done by or on behalf of—
 - (i) a designated organisation,
 - (ii) the Electoral Commission, or
 - (c) the Chief Counting Officer or any other counting officer, or
 - (d) the publication of information relating to the holding of the poll.
- (4) In this paragraph—
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” is to be construed accordingly),
- “the relevant period” means the period of 28 days ending with the date of the referendum.
- (5)
- (a) A breach of the rules set out in this section, will be an offence.
 - (b) A person guilty of an offence under this section, is liable—
 - (i) on conviction on indictment, to a fine;
 - (ii) on summary conviction in England and Wales, to a fine;
 - (iii) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum;
 - (iv) on summary conviction in Gibraltar, to a fine not exceeding level 5 on the Gibraltar standard scale.”
-

European Union Referendum Bill, *continued*

Alex Salmond
Angus Robertson
Stephen Gethins
Hywel Williams
Mike Weir
Ms Tasmina Ahmed-Sheikh

Tommy Sheppard

Joanna Cherry

Not called NC4

To move the following Clause—

“Referendum Fairness Board

- (1) There shall be a committee of privy counsellors, to be called the Referendum Fairness Board, whose duty is to consider any alleged breach of section (*Restriction on publications etc*) which comes attention of any of its members.
- (2) Each of the following presiding officers for the time being may appoint any privy counsellor as a member of the board—
 - (a) the Speaker of the House of Commons,
 - (b) the Lord Speaker,
 - (c) the Presiding Officer of the Scottish Parliament,
 - (d) the Speaker of the Northern Ireland Assembly, or
 - (e) the Presiding Officer of the National Assembly for Wales.
- (3) The Board shall prescribe its own rules of procedure, which must include procedures for—
 - (a) instituting legal action to interdict or injunct any further breach or repetition of an alleged breach, and
 - (b) drawing to the attention of the relevant prosecuting authority any serious or continuing breach of section (*Restriction on publications etc*).”

Progress reported.