

European Union Referendum Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 26th October 2015, as follows –

Clause 2	Clause 4
Clause 5	Clauses 6 to 12
Clause 3	Title
Schedules 1 to 3	

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 2

BARONESS MILLER OF CHILTHORNE DOMER
LORD DYKES
LORD FOULKES OF CUMNOCK
LORD LIDDLE

- 14** Page 2, line 7, at end insert –
“() any United Kingdom citizen who does not fall within paragraph (a), but is resident in the European Union and has registered to vote in the referendum,”

LORD LIDDLE
LORD DAVIES OF STAMFORD

- 15** Page 2, line 7, at end insert –
“() any European Union citizen who does not fall within paragraph (a), but is resident in the United Kingdom and has registered to vote in the referendum,”

Amendment
No.

Clause 2 – *continued*

LORD GREEN OF DEDDINGTON
LORD FORSYTH OF DRUMLEAN
LORD BLENCATHRA

- 16 Page 2, line 21, leave out from “comprised” to end of line 25 and insert “by virtue of being, under the British Nationality Acts 1981 and 1983 or the British Overseas Territories Act 2002, a British citizen, a British overseas territories citizen, a British National (Overseas), a British Overseas citizen or a British subject.”

LORD HANNAY OF CHISWICK
BARONESS SMITH OF NEWNHAM
LORD GAREL-JONES
LORD BOWNESS

- 17 Page 2, line 22, at end insert –
“(d) the persons who fall within subsection (4).”

BARONESS MILLER OF CHILTHORNE DOMER
LORD DYKES
LORD FOULKES OF CUMNOCK

- 18 Page 2, line 25, at end insert –
“() The Secretary of State may by regulations make provision for European Union residents who are entitled to vote in the referendum to be registered as voters solely for the purposes of this referendum.”

LORD HANNAY OF CHISWICK
BARONESS SMITH OF NEWNHAM
LORD GAREL-JONES
LORD BOWNESS

- 19 Page 2, line 29, at end insert –
“(4) Notwithstanding the provisions of the Representation of the People Act 1983, as amended, or of any other statute, a United Kingdom citizen resident in a country within the European Union will be eligible –
(a) to register to vote; and
(b) to vote;
in the referendum, irrespective of the length of time that the citizen has been resident in such a country.”

After Clause 2

LORD WIGLEY

- 20 Insert the following new Clause –
“Register of young voters for the European Union referendum
(1) For the purposes of the European Union referendum to be held under this Act, each registration officer must prepare, for the officer’s area, a register to be known as the register of young voters.

Amendment
No.

After Clause 2 – continued

- (2) The register must contain –
 - (a) the names of the persons appearing to the registration officer to be entitled to be registered in the register, and
 - (b) in relation to each person registered in it, the person’s –
 - (i) date of birth,
 - (ii) (except where otherwise provided by an applied enactment) qualifying address, and
 - (iii) voter number.
- (3) Subsection (2) is subject to section 9B of the Representation of the People Act 1983 (anonymous registration).
- (4) A person’s qualifying address is the address in respect of which the person is entitled to be registered in the register.
- (5) A person’s voter number is such number (with or without any letters) as is for the time being allocated by the registration officer to the person for the purposes of the register.
- (6) A person is entitled to be registered in the register of young voters for any area if, on the relevant date, the person –
 - (a) is not registered in the register of local government electors for the area,
 - (b) meets the requirements (apart from any requirement as to age) for registration in the register of local government electors for the area, and
 - (c) has attained the age of 16, or will attain that age on or before the date on which the referendum is to be held.
- (7) In the case of a person who has not yet attained the age of 16 –
 - (a) the person’s entry in the register must state the date on which the person will attain the age of 16, and
 - (b) until that date, the person is not, by virtue of the entry, to be taken to be a voter for the purposes of the referendum other than on the date of the poll or after that date.
- (8) Where a person to whom subsection (7) applies has an anonymous entry in the register, the references in that subsection to the person’s entry in the register are to be read as references to the person’s entry in the record of anonymous entries.
- (9) In this section, “the relevant date” mean the date on which an application for registration in the register of young voters is made (or the date on which such an application is treated as made by virtue of section 10A(2) of the 1983 Act).”

Amendment
No.

After Clause 5

LORD HANNAY OF CHISWICK
BARONESS MORGAN OF ELY
BARONESS SMITH OF NEWNHAM
LORD BOWNESS

21 Insert the following new Clause –

“Report on the consequences of United Kingdom withdrawal from the European Union

- (1) No later than 12 weeks prior to the appointed date of the referendum, the Secretary of State shall publish, and lay before each House of Parliament, a comprehensive report on the possible consequences of withdrawal from the European Union, taking into account the reports published under the Review of the Balance of Competences.
- (2) The report provided for by subsection (1) shall include information on –
 - (a) the effect of withdrawal on the rights of individuals within the United Kingdom, including the effect on employment rights;
 - (b) the rights of European citizens living in the United Kingdom following withdrawal;
 - (c) the rights, following withdrawal, of United Kingdom citizens living in another country that is a member of the European Union;
 - (d) the legislative and statutory consequences of withdrawal for each government department and for the devolved governments of the United Kingdom, including for social and environmental legislation; and
 - (e) consequences of withdrawal for law enforcement, security and justice in the United Kingdom and in the devolved jurisdictions.”

LORD HANNAY OF CHISWICK
BARONESS MORGAN OF ELY
LORD TURNBULL

22 Insert the following new Clause –

“Office for Budget Responsibility

- (1) The Secretary of State shall request the Office for Budget Responsibility to consider and report on the effect on the United Kingdom economy of withdrawal from the European Union.
- (2) The report provided for by subsection (1) must be published, and laid before each House of Parliament, no later than 12 weeks prior to the appointed date of the referendum.”

LORD BLENCATHRA
LORD HAMILTON OF EPSOM
LORD FLIGHT

[As an amendment to Amendment 22]

23 Line 5, after “from” insert “and staying in”

Amendment
No.

After Clause 5 – continued

LORD KERR OF KINLOCHARD
BARONESS MORGAN OF ELY
LORD TUGENDHAT
BARONESS SMITH OF NEWNHAM

24 Insert the following new Clause –

“Report on the United Kingdom’s future relationship with the European Union in the event of withdrawal from the European Union

- (1) The Secretary of State shall report on the relationship with the European Union which the Government envisage in the event of a referendum vote to leave the European Union, and on the acceptability of this arrangement to every European Union member state.
- (2) The report provided for by subsection (1) must be published and laid before each House of Parliament, no later than 12 weeks prior to the appointed date of the referendum.”

LORD FORSYTH OF DRUMLEAN
LORD HAMILTON OF EPSOM
LORD FLIGHT
LORD BLENCATHRA

25 Insert the following new Clause –

“Report on the outcomes of negotiations between Her Majesty’s Government and the European Union

Not less than four months before the date of the referendum, the Secretary of State shall publish, and lay before each House of Parliament, a report setting out the outcomes of Her Majesty’s Government’s negotiations with the European Union, and any resulting changes in the relationship between the United Kingdom and the European Union.”

LORD LIDDLE

26 Insert the following new Clause –

“Assessment of alternatives to United Kingdom membership of the European Union

The Secretary of State shall commission an objective assessment of the alternatives to the United Kingdom’s membership of the European Union, to be made publicly available in advance of the holding of the referendum in order to inform debate.”

Amendment
No.

After Clause 5 – continued

LORD BLENCATHRA
LORD HAMILTON OF EPSOM
LORD FLIGHT

27 Insert the following new Clause –

“Report on the consequences of the United Kingdom staying in the European Union

- (1) No later than 12 weeks prior to the appointed date of the referendum, the Secretary of State shall publish, and lay before each House of Parliament, a comprehensive report on the possible consequences of the United Kingdom staying in the European Union, taking into account the reports published under the Review of the Balance of Competences and other relevant reports.
- (2) The report provided for by subsection (1) shall include information on –
 - (a) the competitive position of the United Kingdom in the world economy;
 - (b) the position of British workers, including with regard to wages and labour markets;
 - (c) the effects on the United Kingdom’s social security systems;
 - (d) the consequences for insolvency law, company law and property rights;
 - (e) the United Kingdom’s place on the International Monetary Fund, the United Nations and other international bodies; and
 - (f) the implementation of any renegotiation of the terms of membership between the United Kingdom Government and the European Union.”

LORD WIGLEY

28 Insert the following new Clause –

“Report on the consequences of United Kingdom withdrawal from the European Union: structural funds

No later than 12 weeks prior to the appointed date of the referendum, the Secretary of State shall publish, and lay before each House of Parliament, a report on the consequences of withdrawal from the European Union on those regions of the United Kingdom that qualify for structural funds.”

29 Insert the following new Clause –

“Report on the consequences of United Kingdom withdrawal from the European Union: agriculture

No later than 12 weeks prior to the appointed date of the referendum, the Secretary of State shall publish, and lay before each House of Parliament, a report on the consequences of withdrawal from the European Union on the provision of financial support for agriculture in each region of the United Kingdom.”

Amendment
No.

After Clause 5 – continued

BARONESS MORGAN OF ELY

30 Insert the following new Clause –

“Report on the consequences for Gibraltar of United Kingdom withdrawal from the European Union

No later than 12 weeks prior to the appointed date of the referendum, the Secretary of State shall publish, and lay before each House of Parliament, a comprehensive report on the possible consequences for Gibraltar of the withdrawal of the United Kingdom from the European Union.”

LORD GREEN OF DEDDINGTON

31 Insert the following new Clause –

“Report on the consequences of the United Kingdom staying in the European Union: net migration

No later than 12 weeks prior to the appointed date of the referendum, the Secretary of State shall publish, and lay before each House of Parliament, a report on the impact of continued membership of the European Union on the scale of net migration to the United Kingdom and its consequential effect on the future population of the United Kingdom.”

32 Insert the following new Clause –

“Report on the consequences of the United Kingdom staying in the European Union: free movement

No later than 12 weeks prior to the appointed date of the referendum, the Secretary of State shall publish, and lay before each House of Parliament, a report on the current length of time taken for people who are not European Union citizens to acquire citizenship in each member state, and the extent of free movement within the European Union that accompanies such citizenships and accrues to family members of those citizens.”

BARONESS SMITH OF NEWNHAM
LORD WALLACE OF SALTAIRE

32A Insert the following new Clause –

“Report on the United Kingdom’s future relationship with Ireland in the event of withdrawal from the European Union

- (1) The Secretary of State shall report on the relationship with Ireland which the Government envisage in the event of a referendum vote to leave the European Union, and in particular shall report on the effect of such a vote on the operation of the 1998 Belfast Agreement.
- (2) The report provided for by subsection (1) must be published and laid before each House of Parliament, no later than 12 weeks prior to the appointed date of the referendum.”

Amendment
No.

Schedule 1

BARONESS ANELAY OF ST JOHNS

33 Page 8, line 5, leave out “Schedule” and insert “Act”

LORD HANNAY OF CHISWICK

34 Page 12, line 8, at end insert—

“Designation of organisation for only one of the possible outcomes

Section 108 of the 2000 Act (assistance for designated organisations) has effect for the purposes of the referendum as if—

(a) at the end of subsection (2)(a), for “but” there were substituted “or”; and

(b) for subsection (2)(b) there were substituted—

“(b) may designate a permitted participant in relation to only one of the possible outcomes.”

BARONESS ANELAY OF ST JOHNS

35 Page 12, line 19, leave out sub-paragraph (3)

36 Page 13, line 25, at end insert—

“14A Schedule 13 to the 2000 Act (expenses that are referendum expenses where incurred for referendum purposes) has effect for the purposes of the referendum as if in paragraph 2(a) after “public funds” there were inserted “or Gibraltar public funds”.”

LORD FORSYTH OF DRUMLEAN
LORD BLENCATHRA

37 Page 17, line 12, leave out sub-paragraphs (i) to (v) and insert “in sub-paragraphs (i) to (v), for the figures “£5 million”, “£4 million”, “£3 million”, “£2 million” and “£500,000” in each case there were substituted “zero”, and”

LORD HAMILTON OF EPSOM
LORD FLIGHT

38 Page 17, line 23, at end insert—

“Restrictions on campaigning by public authorities

For the purposes of the referendum, the following is to be treated as inserted after section 118 of the 2000 Act—

“118A Restriction on campaigning by public authorities

(1) This section applies during the period of 28 days ending with the day on which the referendum is held.

(2) For the avoidance of doubt, and without prejudice to the other provisions of this Act, Ministers of the Crown, government departments, and local authorities may not engage in any activities for referendum purposes.

Amendment
No.

Schedule 1 – continued

- (3) This section does not apply to the activities of any person in a personal capacity.
- (4) In this section, “referendum purposes” has the same meaning as in section 111 of this Act.

118B Restrictions on special advisers

- (1) This section applies during the period of 28 days ending with the day on which the referendum is held.
- (2) A permitted participant must not solicit or procure the advice, assistance or support of a special adviser for referendum purposes.
- (3) A special adviser must not knowingly provide advice, assistance or support to a permitted participant for referendum purposes.
- (4) A special adviser must not knowingly provide advice, assistance or support to a Minister of the Crown, government department, or local authority for referendum purposes.
- (5) In this section, “special adviser” has the same meaning as in section 15 of the Constitutional Reform and Governance Act 2010.
- (6) In this section, “referendum purposes” has the same meaning as in section 111 of this Act.””

39 Page 17, line 23, at end insert –

“Restrictions on campaigning by EU institutions

For the purposes of the referendum, the following is to be treated as inserted after section 119 of the 2000 Act –

“119A Restrictions on the EU institutions

- (1) Notwithstanding the European Communities Act 1972, during the referendum period, an EU institution must not incur referendum expenses or engage in any other activity for referendum purposes.
- (2) Notwithstanding the European Communities Act 1972, a permitted participant must not accept a donation from an EU institution.
- (3) In this section, “EU institution” has the same meaning as in Article 13(1) of the Treaty on European Union.
- (4) In this section, “referendum purposes” and “referendum expenses” have the same meaning as in section 111 of this Act.””

Amendment
No.

Schedule 1 – *continued*

LORD HAMILTON OF EPSOM

40 Page 17, line 23, at end insert –

“Limits on expenditure incurred in respect of referendum campaigns

- (1) There shall be a limit of £20 million on the level of expenditure incurred by permitted participants in respect of activities carried out for referendum purposes.
- (2) The limit shall be in force from the day on which this Act is passed until the date on which a referendum is appointed.
- (3) In this Schedule “referendum purposes” has the same meaning as in section 111 of the 2000 Act.”

BARONESS ANELAY OF ST JOHNS

41 Page 18, line 2, at end insert –

“() In relation to a donation in the form of a bequest sub-paragraph (3)(a) is to be read as referring to an individual who was, at any time within the period of 5 years ending with the date of the individual’s death, a Gibraltar elector.”

42 Page 18, line 29, at end insert –

“Financial limit on certain donations etc to registered parties other than minor parties

- 23A (1) This paragraph applies where the permitted maximum is exceeded by the aggregate value of –
- (a) relevant donations which are received and accepted, and
 - (b) relevant regulated transactions which are entered into,
- during the referendum period by a permitted participant that is a registered party other than a minor party.
- (2) Each of the relevant donations and relevant regulated transactions falling within sub-paragraph (3) is to be treated for the purposes of Parts 4 and 4A of the 2000 Act (as modified by paragraphs 22 and 23 of this Schedule and paragraphs 10 to 13 of Schedule 2) as if –
- (a) it had been received or entered into, as the case may be, at the end of the period of 3 months after the end of the referendum period,
 - (b) in the case of a relevant donation, it had been received from a person who was not a permissible donor at the time, and
 - (c) in the case of a relevant regulated transaction, it had been entered into with a person who was not an authorised participant at the time.
- (3) A relevant donation or relevant regulated transaction falls within this sub-paragraph –
- (a) if –
 - (i) it is the first of the relevant donations received or is the only one,
 - (ii) no relevant regulated transaction has previously been entered into, and

Amendment
No.

Schedule 1 – *continued*

- (iii) the value of the donation alone exceeds the permitted maximum,
 - (b) if it is the first of the relevant regulated transactions entered into or is the only one, and the value of the transaction alone exceeds the permitted maximum, or
 - (c) in a case not falling within paragraph (a) or (b), if the aggregate value of the relevant donation or relevant regulated transaction and the relevant donations and relevant regulated transactions previously received or entered into exceeds the permitted maximum.
- (4) But –
 - (a) in the case of a relevant donation within sub-paragraph (3)(a), only so much of the donation as exceeds the permitted maximum is a donation falling within sub-paragraph (3), and
 - (b) in the case of a relevant donation within sub-paragraph (3)(c) where the aggregate value of the relevant donations and relevant regulated transactions previously received or entered into does not exceed the permitted maximum, only so much of the donation as exceeds the difference between that aggregate value and the permitted maximum is a donation falling within sub-paragraph (3).
- (5) In this paragraph –
 - “authorised participant” means an authorised participant for the purposes of Part 4A of the 2000 Act;
 - “permissible donor” means a permissible donor for the purposes of Part 4 of the 2000 Act;
 - “permitted maximum”, in relation to a permitted participant, means an amount equal to the limit imposed on that permitted participant by paragraph 1(2) of Schedule 14 to the 2000 Act (as modified by paragraph 21 of this Schedule);
 - “relevant donation” means a donation which is received from a person who is a permissible donor in relation to that donation by virtue of paragraph 22 of this Schedule;
 - “relevant regulated transaction” means a transaction which –
 - (a) is a regulated transaction for the purposes of Part 4A of the 2000 Act (see section 71F of that Act), and
 - (b) is entered into with a person who is an authorised participant in relation to that transaction by virtue of paragraph 10 of Schedule 2.
- (6) In this paragraph –
 - (a) references to a donation and to the value of a donation have the same meaning as in Part 4 of the 2000 Act (see sections 50 and 53 of that Act), and
 - (b) references to the value of a regulated transaction have the same meaning as in Part 4A of that Act (see section 71G of that Act).”

Amendment
No.

Schedule 1 – continued

- 43** Page 19, line 4, at end insert –
- “24A Paragraph 4(1) of Schedule 15 to the 2000 Act (payments etc not to be regarded as donations) has effect for the purposes of the referendum as if after paragraph (a) there were inserted –
- “(aa) any grant provided out of Gibraltar public funds;”.
- 44** Page 20, line 4, at end insert –
- “(b) before paragraph (b) there were inserted –
- “(ab) section 56(2) shall have effect as if for the words from “by virtue” to the end of paragraph (b) there were substituted “by virtue of paragraph 6(1) of Schedule 15, or which it is decided that the party should for any other reason refuse, then –
- (a) unless the donation falls within paragraph 6(1)(b) of Schedule 15, the donation, or a payment of an equivalent amount, must be sent back to the person who made the donation or any person appearing to be acting on his behalf, and
- (b) if the donation falls within that provision, the required steps (as defined by section 57(1)) must be taken in relation to the donation;” and”, and
- (c) at the end of paragraph (b) there were inserted “; and
- (c) section 58(1) shall have effect as if in paragraph (a) for the words from “by virtue” to “party” there were substituted “by virtue of paragraph 6(1)(a) or (b) of Schedule 15, the party.”.”
- 45** Page 23, line 33, at end insert –
- “Application to Gibraltar public bodies of restriction on publication of promotional material*
- 31A (1) Section 125 of the 2000 Act (restriction on publication etc of promotional material by central and local government etc) has effect for the purposes of the referendum with the following modifications.
- (2) Subsection (2) has effect for those purposes as if after paragraph (a) there were inserted –
- “(aa) the Government of Gibraltar or any Gibraltar government department; or”.
- (3) Subsection (2)(b) has effect for those purposes as if for the words from “wholly or mainly” to the end there were substituted “wholly or mainly –
- (i) out of public funds or by any local authority; or
- (ii) out of Gibraltar public funds.”

Amendment
No.

Schedule 1 – *continued*

- (4) Subsection (3) has effect for those purposes as if after “Sianel Pedwar Cymru” there were inserted “or the Gibraltar Broadcasting Corporation”.

46 Page 27, line 26, at end insert –

“Interpretation

38 Section 160 of the 2000 Act (general interpretation) has effect for the purposes of the referendum as if the following subsection were inserted after subsection (4) –

- “(4A) References in this Act (in whatever terms) to expenses met, or things provided, out of “Gibraltar public funds” are references to expenses met, or things provided, by means of –
- (a) payments out of –
 - (i) the Gibraltar consolidated fund; or
 - (ii) monies voted by the Gibraltar Parliament; or
 - (b) payments by the Government of Gibraltar or any Gibraltar government department.”

Schedule 2

BARONESS ANELAY OF ST JOHNS

47 Page 45, line 23, leave out paragraph (b)

48 Page 47, line 21, at end insert –

“Persons with whom certain registered parties may enter into loan agreements etc

- 10 (1) Sub-paragraph (2) applies if –
- (a) a permitted participant –
 - (i) is a party to a transaction which is a regulated transaction for the purposes of Part 4A of the 2000 Act, or
 - (ii) derives a benefit from a transaction which is a connected transaction for the purposes of that Part,
 - (b) that transaction is entered into during the referendum period,
 - (c) the permitted participant is a registered party that is not a minor party,
 - (d) any of the other parties to the regulated transaction or any of the parties to the connected transaction (as the case may be) is a person (“the unauthorised person”) who, in relation to that transaction, is not an authorised participant for the purposes of Part 4A of the 2000 Act by virtue of section 71H of that Act, and
 - (e) the unauthorised person is a person within sub-paragraph (3).
- (2) In relation to the transaction mentioned in sub-paragraph (1)(a)(i) or (ii), the unauthorised person is to be regarded for the purposes of Part 4A of the 2000 Act as an authorised participant.
- (3) The persons within this sub-paragraph are –
- (a) a Gibraltar elector;

Amendment
No.

Schedule 2 – *continued*

- (b) a body falling within any of paragraphs (b) to (g) of section 54(2A) of the 2000 Act;
 - (c) a body incorporated by Royal Charter which does not fall within section 54(2) of that Act;
 - (d) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or Part 11 of the Charities Act (Northern Ireland) 2008;
 - (e) a Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);
 - (f) a partnership constituted under the law of Scotland which carries on business in the United Kingdom.
- (4) In this paragraph “Gibraltar elector” has the same meaning as in the 2000 Act (see section 160(1) of that Act).
- 11 Where paragraph 10 applies in relation to a transaction to which a permitted participant is a party, or from which a permitted participant derives a benefit, paragraph 2 of Schedule 6A to the 2000 Act (details to be given in quarterly reports) has effect as if –
- (a) in sub-paragraph (1) for “(10)” there were substituted “(10C)”, and
 - (b) the following sub-paragraphs were inserted after sub-paragraph (10) –
 - “(10A) In the case of a body within paragraph 10(3)(c) of Schedule 2 to the European Union Referendum Act 2015 (body incorporated by Royal Charter) the report must give –
 - (a) the name of the body, and
 - (b) the address of its main office in the United Kingdom.
 - (10B) In the case of a body within paragraph 10(3)(d) or (e) of that Schedule (charitable incorporated organisation) the report must give –
 - (a) the name of the body, and
 - (b) the address of its principal office.
 - (10C) In the case of a body within paragraph 10(3)(f) of that Schedule (Scottish partnership) the report must give –
 - (a) the name of the body, and
 - (b) the address of its main office in the United Kingdom.”
- 12 (1) This paragraph applies to a variation of a regulated transaction if –
- (a) the regulated transaction was entered into by a permitted participant during the referendum period,
 - (b) the permitted participant is a registered party that is not a minor party,
 - (c) one of the other parties to the regulated transaction is an authorised participant in relation to the transaction by virtue of paragraph 10 of this Schedule, and

Amendment
No.

Schedule 2 – *continued*

- (d) the variation has the effect of increasing the value of the regulated transaction or enabling it to be increased.
 - (2) It does not matter for the purposes of sub-paragraph (1)(d) when the variation is entered into or when the increase takes effect or could take effect.
 - (3) The variation is to be treated for the purposes of sections 71I(2) to (4) of the 2000 Act as a regulated transaction in which another participant is not an authorised participant.
 - (4) An order made under section 71I(4) of the 2000 Act in relation to a variation to which this paragraph applies may in particular –
 - (a) require that any amount owed as a result of the variation be repaid (and that no further sums be advanced under the terms of the variation);
 - (b) where any additional security is provided under the terms of the variation, require that security to be discharged.
 - (5) In this paragraph –
 - (a) “authorised participant” means an authorised participant for the purposes of Part 4A of the 2000 Act;
 - (b) “regulated transaction” and references to the value of a regulated transaction have the same meaning as in Part 4A of the 2000 Act (see sections 71F and 71G of that Act).
- 13 (1) Section 71L of the 2000 Act (offences relating to regulated transactions) has effect with the following modifications.
- (2) In each of subsections (1)(a), (2)(b), (3)(a) and (4)(a), the reference to entering into a regulated transaction of a description mentioned in section 71F(2) or (3) in which another participant is not an authorised participant includes a reference to entering into a variation to which paragraph 12 of this Schedule applies.
 - (3) In relation to such a variation –
 - (a) subsection (3)(b) has effect as if for the words “that the other participant is not an authorised participant” there were substituted “of the matters mentioned in paragraph (a)”, and
 - (b) subsections (3)(c), (4)(c) and (10) each have effect as if the reference to the transaction were to the variation.
 - (4) In subsection (9), the reference to a regulated transaction with a person other than an authorised participant includes a reference to a variation to which paragraph 12 of this Schedule applies.”

Amendment
No.

Schedule 3

BARONESS ANELAY OF ST JOHNS

49 Page 53, line 36, at end insert –

“Supply and use of register of electors

- 12A (1) The Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) have effect for the purposes of the referendum with the following modifications.
- (2) Regulation 106 (supply of full register etc to registered political parties etc and restrictions on use) has effect for those purposes as if –
- (a) in paragraph (1)(c), for “, other than a registered political party” there were substituted “which either is not a registered political party or is a minor party within the meaning of section 160(1) of that Act”, and
 - (b) at the end of paragraph (4)(b)(ii) there were inserted “, and
 - (iii) the purposes of complying with the requirements of Schedule 15A to that Act (control of loans etc to certain permitted participants), and
 - (iv) the purposes of complying with the requirements of paragraphs 32 and 33 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015.”
- 12B (1) The Representation of the People (Scotland) Regulations 2001 (S.I. 2001/497) have effect for the purposes of the referendum with the following modifications.
- (2) Regulation 105 (supply of full register etc to registered political parties etc and restrictions on use) has effect for those purposes as if –
- (a) in paragraph (1)(c), for “, other than a registered political party” there were substituted “which either is not a registered political party or is a minor party within the meaning of section 160(1) of that Act”, and
 - (b) at the end of paragraph (4)(b)(ii) there were inserted “, and
 - (iii) the purposes of complying with the requirements of Schedule 15A to that Act (control of loans etc to certain permitted participants), and
 - (iv) the purposes of complying with the requirements of paragraphs 32 and 33 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015.”
- 12C (1) The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) have effect for the purposes of the referendum with the following modifications.

**Amendment
No.**

Schedule 3 – continued

- (2) Regulation 105 (supply of full register etc to registered political parties etc and restrictions on use) has effect for those purposes as if –
- (a) in paragraph (1)(c), for “, other than a registered political party” there were substituted “which either is not a registered political party or is a minor party within the meaning of section 160(1) of that Act”, and
 - (b) at the end of paragraph (4)(b)(ii) there were inserted “; and
 - (iii) the purposes of complying with the requirements of Schedule 15A to that Act (control of loans etc to certain permitted participants); and
 - (iv) the purposes of complying with the requirements of paragraphs 32 and 33 of Schedule 1 and paragraphs 5 and 6 of Schedule 2 to the European Union Referendum Act 2015.”

Clause 4

LORD FORSYTH OF DRUMLEAN
LORD HAMILTON OF EPSOM
LORD FLIGHT
LORD BLENCATHRA

- 50 Page 3, line 24, leave out “consult” and insert “obtain the agreement of”

Clause 6

BARONESS ANELAY OF ST JOHNS

- 51 Page 4, line 3, leave out “()” and insert “31A”

LORD HAMILTON OF EPSOM
LORD FLIGHT
LORD BLENCATHRA

- 52 Page 4, line 17, at end insert “and obtain the consent of”

LORD FORSYTH OF DRUMLEAN
LORD BLENCATHRA
LORD HAMILTON OF EPSOM
LORD FLIGHT

- 53 Page 4, line 22, after “be” insert “ –
- (a) published in draft not less than six months before the date of the referendum; and
 - (b) ”

Amendment
No.

Clause 6 – *continued*

LORD HAMILTON OF EPSOM
LORD FLIGHT
LORD BLENCATHRA

54 Page 4, line 27, leave out subsection (8)

LORD KERR OF KINLOCHARD

55 Page 4, line 27, at end insert –

“(9) Section 125 has effect in relation to the referendum as if –

(a) at the start there were inserted –

“(A1) This section has effect subject to subsection (5).”; and

(b) at the end there were inserted –

“(5) Nothing in this section shall have the effect of interfering with normal business within government, between the government and the institutions of the European Union, and within the institutions of the European Union.””

LORD FORSYTH OF DRUMLEAN
LORD HAMILTON OF EPSOM
LORD FLIGHT
LORD BLENCATHRA

The above-named Lords give notice of their intention to oppose the Question that Clause 6 stand part of the Bill.

After Clause 6

LORD FORSYTH OF DRUMLEAN
LORD HAMILTON OF EPSOM
LORD FLIGHT
LORD BLENCATHRA

56 Insert the following new Clause –

“Restriction on publication etc of promotional material: Scottish Government, Welsh Government, Northern Ireland Executive and European Commission

Section 125 of the 2000 Act (restriction on publication etc of promotional material by central and local government etc) has effect for the purposes of the referendum as if, in subsection (2)(a), after “authority” there were inserted “including the Scottish Government, the Welsh Government and the Northern Ireland Executive;

(aa) the European Commission;”.”

Amendment
No.

After Clause 6 – continued

LORD HAMILTON OF EPSOM
LORD FLIGHT
LORD BLENCATHRA

57 Insert the following new Clause –

“Application of section 125 of the 2000 Act

Section 125 of the 2000 Act has effect for the purposes of the referendum as if, after subsection (2), there were inserted –

“(2A) For the avoidance of doubt, for the purposes of this Act Ministers of the Crown include Scottish Ministers, Welsh Ministers, Northern Ireland Ministers and members of Her Majesty’s Government of Gibraltar.””

LORD LIDDLE
LORD DAVIES OF STAMFORD

58 Insert the following new Clause –

“Provision of information

The Secretary of State shall ensure that every elector is sent, through the post, a full statement from the official campaigns on the cases for remaining in and leaving the European Union, as well as a statement of the Government’s position.”

LORD LIDDLE

59 Insert the following new Clause –

“National newspaper advertisements

The Secretary of State shall require all national United Kingdom newspapers to carry free full-page advertisements from both the “remain” and “leave” sides of the campaign on each of the final ten days of the referendum campaign.”

LORD BLENCATHRA
LORD HAMILTON OF EPSOM
LORD FLIGHT

60 Insert the following new Clause –

“Creation of EU Referendum Broadcasting Impartiality Authority

- (1) The Electoral Commission shall establish, for the purposes of the referendum on whether the United Kingdom should remain a member of the European Union only, an authority to rule on the impartiality shown by the sound and vision broadcasting media based in the United Kingdom regarding all news and media stories relating to the referendum.
- (2) The authority shall be created by the Electoral Commission and be operational within 3 months after the passing of this Act, and shall cease to operate when the polls close on the day of the referendum.

Amendment
No.

After Clause 6 – continued

- (3) The authority, for the duration of its existence, shall assume and exercise all the impartiality functions currently vested in OFCOM and the BBC to the extent necessary for the fulfilment of its functions.
- (4) The decisions of the authority shall take precedence over any decision by OFCOM or the BBC.
- (5) The authority shall adopt all the rules on neutrality and impartiality currently applied by the BBC and OFCOM during General Elections but shall be authorised to amend them as it sees fit in relation to the referendum.
- (6) The authority shall publish its neutrality and impartiality guidelines as soon as practical after its creation.
- (7) It shall be a criminal offence for any relevant broadcaster to breach the guidelines or fail to follow instructions from the authority.
- (8) The cost of the authority shall be kept to under £50 million and the costs shall be met from public funds.”

LORD LIDDLE
LORD WIGLEY

61 Insert the following new Clause –

“Count for votes cast

The count for votes cast in the referendum shall be carried out and declared separately for –

- (a) Scotland,
- (b) Wales,
- (c) Northern Ireland, and
- (d) England.”

LORD FORSYTH OF DRUMLEAN

61A Insert the following new Clause –

“Surcharge in case of breach in section 125 of the 2000 Act

Section 125 of the 2000 Act (restriction on publication etc of promotional material by central and local government etc) has effect for the purposes of the referendum as if there were inserted at the end –

- “() If any person is found by the Electoral Commission to have breached the restrictions imposed by this section, and by so doing to have caused public money to be spent, that person shall be liable to be surcharged by the Electoral Commission in order to recover the money that has been spent.””

Amendment
No.

After Clause 6 – continued

LORD PEARSON OF RANNOCH

61B Insert the following new Clause –

“Impartiality of broadcasters

- (1) Notwithstanding any enactment or legal instrument, before the start of the referendum period the Secretary of State shall by regulations make provision to ensure the impartiality of broadcasters during the referendum period.
- (2) Regulations made under this section must include provision for the appointment by the Secretary of State of a referendum broadcasting adjudicator.
- (3) Regulations made under this section must require the referendum broadcasting adjudicator –
 - (a) to draw up and publish guidance applicable to the referendum to ensure the impartiality of broadcasters during the referendum period, notwithstanding any relevant guidance currently in force or in draft; and
 - (b) to make arrangements by which any allegations of breach of the guidance on impartiality can be referred to and determined by the adjudicator and where an allegation, in the adjudicator’s view, is vexatious or frivolous to dismiss the allegation.
- (4) Guidance published under subsection (3)(a) shall apply to –
 - (a) the holder of a licence under the Broadcasting Act 1990 or 1996, and
 - (b) the British Broadcasting Corporation.
- (5) Regulations made under this section shall require the referendum broadcasting adjudicator within one day of receipt of an allegation that a broadcaster has breached the guidance on impartiality to determine whether the guidance has been breached and publish its determination and, where a breach has taken place, to require the broadcaster to remedy the breach within one day.
- (6) Regulations made under this are to be made by statutory instrument which is subject to annulment in pursuance of a resolution of either House of Parliament.”

LORD WIGLEY

61C Insert the following new Clause –

“Declaration of result

- (1) Following the count, 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.
- (2) The Chief Counting Officer may only declare that a majority wish the United Kingdom to leave the European Union if –
 - (a) a majority of total votes cast in the referendum in the United Kingdom are in favour of the United Kingdom leaving the European Union, and

Amendment
No.

After Clause 6 – continued

- (b) a majority of the votes cast in each of England, Wales, Scotland and Northern Ireland are in favour of the United Kingdom leaving the European Union.”

Clause 9

BARONESS ANELAY OF ST JOHNS

62

Page 6, line 9, at end insert –

““the referendum period” has the meaning given by paragraph 1 of Schedule 1;”

European Union Referendum Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

29th October 2015

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