

European Union Referendum Bill

THIRD
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 3 Schedules 1 to 3 Clause 4	Clauses 6 to 12 Title
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[Amendments marked ★ are new or have been altered]

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)

Amendment
No.

Schedule 1 – continued

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.
- (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.

Amendment
No.

Schedule 1 – *continued*

- (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.””

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.”

Amendment
No.

Schedule 1 – *continued*

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
 - (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).

**Amendment
No.**

Schedule 1 – continued

- (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).”

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

Amendment
No.

Schedule 1 – continued

- (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.”
- (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.””

Amendment
No.

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;
 - (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

Amendment
No.

Schedule 2 – *continued*

- (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
 - (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;

Amendment
No.

Schedule 2 – *continued*

- (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.”

Schedule 3

LORD GREAVES

48A★ Page 53, line 3, at end insert –

- “(1A) The steps mentioned in subsection (1) must include taking action, as soon as the date of the referendum has been announced, to bring to the attention of eligible electors who are not registered what they must do in order to register in time to vote in the referendum.
- (1B) In carrying out the action provided for by subsection (1A), the Electoral Commission must in particular take steps to promote the registration of –
- (a) young voters, and
- (b) eligible United Kingdom electors who are resident in other member states of the European Union.”

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.

Amendment
No.

Schedule 3 – *continued*

- (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.
- (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

**Amendment
No.**

Schedule 3 – *continued*

- (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) ”

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

Amendment
No.

Clause 6 – continued

(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;”.”

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.””

Amendment
No.

After Clause 6 – continued

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
LORD PEARSON OF RANNOCH

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.
- (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.

Amendment
No.

After Clause 6 – continued

- (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.””

61B [*Withdrawn*]

LORD PEARSON OF RANNOCH
[*In substitution for Amendment 61B*]

61BA★ 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.

Amendment
No.

After Clause 6 – continued

- (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;
 - (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; and
 - (c) to publish a statement six weeks before the referendum, setting out whether in the broadcasting adjudicator’s opinion, the BBC has covered a sufficiently broad scope of issues relating to the referendum, and outlining the grounds for the opinion expressed in the statement.
- (4) If the broadcasting adjudicator makes a statement under subsection (3)(c) to the effect that the BBC has not covered a sufficiently broad scope of issues relating to the referendum, the broadcasting adjudicator shall require the BBC to take action to address this within two weeks of the publication of the statement.
- (5) 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.
- (6) 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.
- (7) 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
 - (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.”

Amendment
No.

After Clause 6 – continued

LORD FORSYTH OF DRUMLEAN

61D★

Insert the following new Clause –

“Agreement on purdah between the Government and the European Union institutions

The 2000 Act has effect for the purposes of the referendum as if there were inserted after section 125 –

“125A Agreement between the Government and the European Union institutions

- (1) The Secretary of State shall seek to conclude an agreement between the Government and the institutions of the European Union, to the effect that the institutions will voluntarily abide by the provisions of section 125 in relation to the referendum to be held under section 1 of the European Union Referendum Act 2015.
- (2) The Secretary of State shall lay before each House of Parliament a copy of any agreement concluded under subsection (1).”

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

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