

European Union Referendum Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 11th November 2015, as follows –

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

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD HAMILTON OF EPSOM

- 1** Page 1, line 6, at end insert –
- “() Regulations under subsection (2) must appoint a day at least 10 weeks from the day on which the regulations are made.
 - () A draft of regulations under subsection (2) must be laid before each House of Parliament at least 16 weeks before the day to be appointed thereby.”

Clause 2

LORD GREEN OF DEDDINGTON

- 2** Page 2, line 9, leave out paragraph (a) and insert –
- “(a) if the day appointed under section 1(2) is before 1 January 2017, the persons who, on the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency, or

Amendment
No.

Clause 2 – *continued*

- (aa) if the day appointed under section 1(2) is 1 January 2017 or later, the persons who, on the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency by virtue of being a citizen of the Republic of Ireland or, 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,”

BARONESS MORGAN OF ELY
LORD TYLER
LORD HANNAY OF CHISWICK
LORD TUGENDHAT

- 3 Page 2, line 10, at end insert “and persons who would be so entitled except for the fact that they will be aged 16 or 17 on the date on which the referendum is to be held,”

LORD HANNAY OF CHISWICK
LORD WIGLEY
BARONESS SMITH OF NEWNHAM
LORD FOULKES OF CUMNOCK

- 4 Page 2, line 10, at end insert “or
(ii) a local government election in any constituency provided the person is an EU citizen resident in the United Kingdom for no less than five calendar years prior to the date of the referendum,”

LORD GREEN OF DEDDINGTON

- 5 Page 2, leave out lines 22 to 28 and insert –
“(i) if the day appointed under section 1(2) is before 1 January 2017 –
(a) would be entitled to vote in Gibraltar as electors at a European Parliamentary election in the combined electoral region in which Gibraltar is comprised, and
(b) are either Commonwealth citizens or citizens of the Republic of Ireland, or
(ii) if the day appointed under section 1(2) is 1 January 2017 or later, would be entitled to vote in Gibraltar as electors at a European Parliamentary election in the combined electoral region in which Gibraltar is comprised by virtue of being a citizen of the Republic of Ireland or, 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.”

**Amendment
No.**

Clause 2 – continued

BARONESS MILLER OF CHILTHORNE DOMER
LORD HANNAY OF CHISWICK
LORD GAREL-JONES
BARONESS ROYALL OF BLAISDON

- 6 Page 2, line 25, at end insert –
“(d) the persons who fall within subsection (4).”
- 7 Page 2, line 32, 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.”

Schedule 1

LORD WILLOUGHBY DE BROKE

- 8 Page 8, line 7, at end insert “and the period prescribed by regulations made pursuant to this subsection shall be no less than 10 weeks”

BARONESS ANELAY OF ST JOHNS

- 9★ Page 8, line 7, at end insert –
“() The period prescribed under this paragraph must be a period which –
(a) is at least 10 weeks, and
(b) ends with the date of the referendum.”

LORD WILLOUGHBY DE BROKE

- 10 Page 11, line 43, at end insert “and the day prescribed by the Minister pursuant to this paragraph shall be no later than 6 weeks before the first date of the referendum period.”

LORD HANNAY OF CHISWICK

- 11 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.””

Amendment
No.

Schedule 1 – continued

LORD FORSYTH OF DRUMLEAN

12 Page 17, line 1, leave out sub-paragraph (2) and insert –

“(2) Paragraph 1 of that Schedule (limits in relation to referendums held throughout United Kingdom) has effect for the purposes of the referendum as if for sub-paragraphs (2) to (5) there were substituted –

“(2) The Electoral Commission shall by order set a limit on the total permitted referendum expenses for those campaigning to remain a member of the European Union, and for those campaigning to leave the European Union.

(3) The limit set under sub-paragraph (2) shall be the same for both campaigns.

(4) For each campaign, the limit set under sub-paragraph (2) shall apply to the sum of –

(a) expenditure by the designated organisation for that campaign, and

(b) expenditure by any registered party in support of that campaign.

(5) An order under sub-paragraph (2) may specify, within the overall limit, a sub-limit for the designated organisation for a campaign, and sub-limits for specified registered parties supporting that campaign.

(6) An order under sub-paragraph (2) must be made by statutory instrument, which must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.””

LORD HAMILTON OF EPSOM

13 Page 17, line 19, at end insert –

“Restrictions on campaigning by the 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 do anything else 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, “for referendum purposes” and “referendum expenses” have the same meaning as in section 111 of this Act.””

Amendment
No.

Schedule 1 – continued

LORD JAY OF EWELME

14★ Page 22, line 34, at end insert –

“Prohibition on use of impermissible funds to meet referendum expenses

For the purposes of the referendum, the following section is to be treated as inserted after section 119 of the 2000 Act (control of donations to permitted participants) –

“119A Prohibition on use of impermissible funds to meet referendum expenses

- (1) Any money or other property received by any individual or other body, at any time, from a person who is not at the time of its receipt a permissible donor falling within section 52(2) or a person falling within paragraph 6(1A) of Schedule 15, must not be used to meet any referendum expenses.
- (2) Any person who allows the use of such money or property as set out in subsection (1) to meet referendum expenses shall be guilty of an offence.
- (3) Where a person is charged with an offence under subsection (2), it shall be a defence to prove that the person was unaware that the money or property was not received from a permissible donor.”

Clause 4

BARONESS ANELAY OF ST JOHNS

15★ Page 3, line 9, after “enactment” insert “(other than this Act)”

16★ Page 3, line 16, leave out “this Act or any other” and insert “any”

17★ Page 3, line 18, at end insert –

- “() The reference in subsection (2) to any enactment includes –
- (a) the definition of “counting officer” in section 9(1),
 - (b) section 9(2), and
 - (c) Schedule 3,
- but does not include any other provision of this Act.”

Clause 6

LORD HAMILTON OF EPSOM

18 Page 4, line 25, at end insert –

- “() Regulations under subsection (2) may not be made unless the Minister on reasonable grounds considers that the regulations are necessary to secure –
- (a) the continued functioning of Her Majesty’s Government; or
 - (b) the safety of the public (or any section thereof).”

Amendment
No.

Clause 6 – continued

- 19 Page 4, line 29, leave out subsection (8)
- 20 Page 8, line 7, at end insert “provided that the Minister may not prescribe a period of fewer than 10 weeks”

After Clause 6

LORD FORSYTH OF DRUMLEAN

- 21 Insert the following new Clause –
- “Fine in case of breach of section 125**
- 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 –
- “(5) If the Electoral Commission is satisfied beyond reasonable doubt that a person has breached the restrictions imposed by this section, and by so doing has caused public money to be spent, that person shall be guilty of an offence.
- (6) The Commission may impose a monetary penalty on a person guilty of an offence under subsection (5), which must be not less than the amount of public money which has been so caused to be spent.””
- 22 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 7

BARONESS ANELAY OF ST JOHNS

- 23★ Page 4, line 42, leave out paragraph (b)
- 24★ Page 5, line 2, leave out subsection (5)

Amendment
No.

After Clause 5

LORD KERR OF KINLOCHARD
BARONESS MORGAN OF ELY
LORD TUGENDHAT

25 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 its view of 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 appointment date of the referendum.”

LORD GREEN OF DEDDINGTON

26 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.”

27 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.”

Amendment
No.

After Clause 5 – continued

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

28

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 on the United Kingdom’s economy;
 - (b) the effect of withdrawal from the European Union on the rights of individuals within the United Kingdom, including the effect on employment rights;
 - (c) the rights of European Union citizens living in the United Kingdom following withdrawal;
 - (d) the rights, following withdrawal, of United Kingdom citizens living in another country that is a member of the European Union;
 - (e) 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;
 - (f) consequences of withdrawal for law enforcement, security and justice in the United Kingdom and in the devolved jurisdictions;
 - (g) consequences of withdrawal on those regions of the United Kingdom that qualify for structural funds;
 - (h) consequences of withdrawal on the provision of financial support for agriculture in each region of the United Kingdom;
 - (i) consequences of withdrawal from the European Union for research and universities in the United Kingdom; and
 - (j) consequences for Gibraltar of the withdrawal of the United Kingdom from the European Union.”

LORD FORSYTH OF DRUMLEAN

29

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.”

European Union Referendum Bill

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