



European Union (Referendum) Bill 2013-14- **progress of the bill**

Standard Note: SN/PC/06711

Last updated: 5 March 2014

Author: Oonagh Gay

Section Parliament and Constitution Centre

This Standard Note sets out progress on the *European Union (Referendum) Bill 2013-14* introduced by the Conservative MP James Wharton, who was first in the ballot for Private Members' Bills. The Bill is designed to require the holding of a referendum on the UK's continued membership of the European Union (EU) before the end of 2017.

The Bill was given a second reading on Friday 5 July 2013 by 304 votes to nil. [Research Paper 13/41 *European Union \(Referendum\) Bill*](#) gives full background to the Bill. The question to be asked, as set out in the Bill is: "Do you think that the United Kingdom should be a member of the European Union?"

A Money Resolution was debated in the Commons on 16 July 2013. The committee stage began on 17 July 2013, when the [Public Bill Committee](#) sat for over 10 hours. There were six sittings, ending on 11 September and no amendments were made. Once the Bill had been given a second reading, the Electoral Commission began its consultation on the intelligibility of the question, using its powers under section 104 of the *Political Parties, Elections and Referendums Act 2000*. It issued its report on 29 October 2013. It recommended that Parliament might want to consider a different formulation to the question, noting that some potential electors were unaware that the UK was currently a member of the EU.

Report stage took place on 8, 22 and 29 November 2013. A new clause was added allowing Commonwealth citizens in Gibraltar to vote in the EU referendum, but no other major amendments were made. The question was unamended. The Bill was given a third reading on 29 November 2013 and sent to the Lords where it was reprinted as [HL Bill 63](#). It was sponsored in the Lords by Lord Dobbs. [Lords Library Note LLN 2014/001](#) gives further background. The Bill had a second reading on 10 January 2014 and two days in committee on 24 and 31 January 2014 but did not finish its committee stage and has made no further progress. There are no more days set aside in the Commons for balloted private members bill, so the Bill is likely to fall at the end of the session. The Prime Minister, David Cameron, has indicated that the Conservative Party would again support the Bill in the next session.

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

This information is provided subject to [our general terms and conditions](#) which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

Contents

1	Introduction	3
1.1	Second reading 5 July 2013	3
2	Money Resolution Debate 16 July 2013	4
3	Committee stage	4
4	Electoral Commission report on the referendum question	6
5	Report and Third Reading 8, 22 and 29 November 2013	7
6	Lords stages	9
6.1	Second reading 10 January 2014	10
6.2	Committee stage 24 January and 31 January 2014	11
7	A bill in the next session of Parliament?	12

1 Introduction

[Research Paper 13/41 *European Union \(Referendum\) Bill*](#) gives a full briefing on the Bill. [Research Paper 13/42 *Leaving the EU*](#) discusses the processes of leaving and the benefits or otherwise. The Bill is short with only six clauses. It requires the UK to hold a referendum before the end of 2017. The text of the question to be asked is set out in the Bill. The franchise to be used is for parliamentary elections, which would include overseas voters, but not EU citizens resident in the UK.

1.1 Second reading 5 July 2013

The [second reading](#) took place on Friday 5 July. Mr Wharton introduced his Bill. He noted that there were two main reasons for the bill; firstly that the last time that the people had had a chance to voice their opinion on membership was in the 1975 referendum and secondly that the EU had changed markedly since then.

The Shadow Foreign Secretary, Douglas Alexander, said that the Labour Party did not believe that “an in-out referendum in 2017, as anticipated in the hon. Gentleman’s bill, is in the national interest”.¹ William Hague, the Foreign Secretary, drew attention to the decision of the Labour Party to abstain in the vote on the Bill² and noted that no institution could survive without the people’s support. He also commented on the position of the Liberal Democrats, citing their commitment to an in-out referendum in their 2010 manifesto.³ Keith Vaz queried whether David Cameron would be able to negotiate fundamental reforms, to be agreed by EU members between 2015 and 2017 when the referendum would be held under the terms of the Bill. John Denham pointed out that the Bill as drafted would allow for a referendum straight away, although this was not the preferred position of the Prime Minister.⁴ Zac Goldsmith pointed out that a number of trade unions were actively campaigning for a referendum, under the banner of the [People’s Pledge](#).⁵ Nigel Dodds stated the support of the DUP for the Bill.⁶

The Liberal Democrat Martin Horwood referred to the passage of the *European Union Act 2011*, as relevant to the Liberal Democrat manifesto. He said that the consistent position of his party was in favour of an in/out referendum either at a time of major fundamental treaty change, or at a time of transfer of power.⁷ The Conservative backbencher, Sir Edward Leigh, warned that the Bill would likely be talked out in the Lords and that the Conservatives would have to come back to the Prime Minister and ask for a Government bill.⁸ A number of Labour backbenchers including Jim Dowd, said that they hoped to persuade their front bench to support a referendum at some point, given that the only referendum so far had been at the instigation of a Labour Government.⁹ Sir George Young, the Conservative Chief Whip, then moved the closure, which was won by 305 votes to 30, and the Bill received a second reading by 304 votes to nil.¹⁰

¹ HC Deb 5 July 2013 [c 1181](#)

² Ibid c1188

³ [HC Deb 5 July 2013 c1191](#)

⁴ Ibid c1197

⁵ Ibid c1205

⁶ Ibid c1212

⁷ Ibid 1225

⁸ Ibid c1240

⁹ Ibid c1244

¹⁰ Ibid c1247

The Electoral Commission produced a [second reading briefing](#) on the Bill. The briefing noted the importance of at least a six month gap between the holding of the poll and the final passage of the legislation underpinning the referendum, and the need to carry out a formal consultation on the question, which for a PMB should take place after second reading.¹¹

2 Money Resolution Debate 16 July 2013

The Minister for Europe, David Lidington, explained the need for a Money Resolution on a Private Member's Bill:

It is standard Government procedure to introduce a money resolution for any private Member's Bill to which the House has given a Second Reading to enable the Bill to be fully debated in Committee. It is inevitable that costs would be incurred in holding a referendum on the UK's membership of the European Union, and a money resolution is required to enable those costs to be paid.¹²

Mr Lidington said that there had not been a detailed estimate of the cost of the referendum but the precedent was the £75.3m cost of the Alternative Vote referendum in 2011. Exact costs would be dependent on whether the poll was combined with other elections.¹³

Emma Reynolds, for the Opposition, said that they would not oppose the Money Resolution, but there were still questions to answer about the expenditure implications of the Bill.¹⁴ The Labour backbencher Mike Gapes addressed the question of the timing of the referendum, suggesting that it could be combined with a general election. Other points raised were the possible inclusion of Gibraltarians and 16 to 17 year old voters.¹⁵ The Resolution was agreed without a division.

3 Committee stage

The Chairs were Mr Joe Benton and Mr Gary Streeter and the sittings motion eventually agreed after a division was to meet on Tuesdays at 2.00pm and Wednesdays at 8.55 pm and 2.00 pm on days when the House was sitting.

The 16 Public Bill Committee members were as follows:

Bain, Mr William (*Glasgow North East*)(Lab)
Burley, Mr Aidan (*Cannock Chase*)(Con)
Campbell, Mr Gregory (*East Londonderry*)(DUP)
Dowd, Jim (*Lewisham West and Penge*)(Lab)
Ellwood, Mr Tobias (*Bournemouth East*)(Con)
Hart, Simon (*Carmarthen West and South Pembrokeshire*)(Con)
Hopkins, Kelvin (*Luton North*)(Lab)
Horwood, Martin (*Cheltenham*)(LD)

¹¹ [Electoral Commission Second Reading Briefing European Union \(Referendum\) Bill 5 July 2013](#)

¹² HC Deb 16 July 2013 c1019

¹³ Ibid c1019

¹⁴ Ibid c1020

¹⁵ Ibid c1024

Latham, Pauline (*Mid Derbyshire*) (Con)
Lidington, Mr David (*Minister for Europe*)
Reynolds, Emma (*Wolverhampton North East*)(Lab)
Sheerman, Mr Barry (*Huddersfield*)(Lab/Co-op)
Smith, Miss Chloe (*Parliamentary Secretary, Cabinet Office*)
Vaz, Keith (*Leicester East*)(Lab)
Wharton, James (*Stockton South*)(Con)
Williamson, Gavin (*South Staffordshire*)(Con)

An extensive series of amendments were tabled for debate, all from Labour Members.¹⁶ The Bill's sponsor, James Wharton, blogged that there had been filibustering by both Liberal Democrat and Labour MPs until nearly 1am on the first day of committee on 17 July.¹⁷ BBC Parliament's Mark D'Arcy also recorded the filibuster and the visit of the Prime Minister to listen to the debate.¹⁸

The committee first dealt with the sittings motion, to decide when and how often it would sit to examine the bill. Emma Reynolds, Shadow Minister for Europe, and Martin Horwood, a Liberal Democrat backbencher spoke extensively on the motion, among other Members. Eventually the committee divided on the motion around 5pm after sitting for 3 hours.¹⁹

The first group of amendments discussed was on whether the referendum should be mandatory. Emma Reynolds expressed concern that holding a referendum up to four years in the future was creating uncertainty about the UK's relationship with the EU. The Minister for Europe, David Lidington, confirmed that the Electoral Commission would carry out its usual practice on consulting on the question to be posed in the referendum.²⁰ He made clear that he was speaking as a Conservative Minister:

I should make it clear before I sit down that I have spoken this evening as a Conservative Minister and not on behalf of the coalition on as a whole. The two parties, which are committed to keeping the coalition going, have agreed to differ on the legislation.²¹

Mr Lidington set out the Conservative position when amendments were debated, undertaking a ministerial wind-up speech. The Committee was adjourned at 12.18am.

The second sitting on [3 September 2013](#) concentrated on clause 1. Issues discussed included the length of the campaign period before the referendum, the wording of the question, interaction with the *Political Parties Elections and Referendum Act 2000* and use of and the super-affirmative resolution procedure. On [4 September](#) debate on clause 1 concluded with discussion on amendments to require informed policy discussion before a

¹⁶ [European Union Referendum Bill Public Bill Amendments as at 17 July 2013](#)

¹⁷ [Conservative Home](#) "James Wharton MP How Labour and the LibDems filibustered my EU referendum bill last night" 18 July 2013

¹⁸ ["Swabians, Chairs and Clerks" Mark D'Arcy blog](#) 18 July 2013

¹⁹ [SC Deb 17 July 2013 c43](#)

²⁰ [SC Deb 17 July 2013 c97](#)

²¹ [SC Deb 17 July 2013 c99](#)

referendum.²² At the fourth sitting on the afternoon of [4 September](#) attention turned to the franchise, including eligibility at 16 years of age and the position of EU citizens, including Gibraltar. Contrasts were made with the position for the referendum on independence for Scotland. In response the minister David Lidington said:

I understand the case that my hon. Friend and others have made for using the local election franchise and extending the vote to citizens of other EU countries, but British citizens would find that hard to swallow. We have large numbers of people from other EU countries here, and London is something like the seventh-largest French city, which is why French presidential candidates come over here during their election campaigns. However, the decision should be primarily for British citizens.²³

Mr Lidington reaffirmed his support for the right to vote for Irish and Commonwealth citizens. He promised to reflect further on the question of Gibraltar, in his capacity as Conservative Minister²⁴

At the fifth sitting on [10 September 2013](#) the question of a threshold for the referendum the day of the poll and possible combination of polls with other elections, the super affirmative resolution procedure and the position of Gibraltar. In response, Chloe Smith pointed out that the Secretary of State was already given a power under clause 1(3) to make regulations allowing combination of polls.²⁵ The sixth sitting on [11 September](#) considered clauses 4 and 5 and new clauses, without any amendments. David Lidington responded to question on costs by reminding the committee that the Electoral Commission had indicated that the proposed cost would be in the order of £75.3m²⁶ He also indicated that there had not been discussion with the Scottish Government about the implications of a yes vote in the independence referendum.²⁷ A new clause on public information campaigns, drew the response from Mr Lidington that the existing PPERA provisions should be sufficient for the issues to be aired.²⁸

The Electoral Commission produced a [briefing for Committee stage](#) in September 2013.

4 [Electoral Commission report on the referendum question](#)

The Commission launched its formal consultation on the question on 10 July 2013 and made its report on 29 October 2013. There was a written statement to Parliament, made on the Commission's behalf by the Speaker's Committee on the Electoral Commission.

The Commission concluded that the question could be improved, in particular to reduce the risk of misunderstanding or ambiguity about the current membership status of the UK within the EU. The written statement suggested that Parliament could consider a move away from simple Yes or No answers:

The Commission's consultation, analysis and research with the public has not, however, identified a single preferred wording for the question. Because of the complexity of the issues covered by this referendum question, their research suggests that currently, in the context of a referendum on the UK's membership of the EU, a question using 'Yes' and 'No' as response options would not be able to fully resolve those issues. The Commission's recommendations therefore highlight an important

²² [PBC 4 September 2013 c150-165](#)

²³ [PBC 4 September 2013 c201](#)

²⁴ [PBC Deb 4 September 2013 c204](#)

²⁵ [PBC Deb 10 September 2013 c223](#)

²⁶ [PBC Deb 11 September 2013 c231](#)

²⁷ [PBC Deb 11 September 2013 c235](#)

²⁸ [PBC Deb 11 September 2013 c2246](#)

decision for Parliament, as to whether to retain or move away from the UK's recent experience of referendum questions using 'Yes' and 'No' responses.

If Parliament wishes to retain the use of 'Yes' and 'No' as response options, then the Commission recommends that the referendum question should be amended to: 'Should the United Kingdom remain a member of the European Union?'

However, the Commission's research suggests that some people will perceive either positive or negative associations with the phrase 'remain a member of the European Union', although there was no evidence that this wording resulted in research participants changing their voting preference in any way. If Parliament decides not to retain a referendum question which uses 'Yes' and 'No' as response options, having taken into account the risk of a perception of bias which might be associated with that approach, then the Commission recommends amending the question to: 'Should the United Kingdom remain a member of the European Union or leave the European Union?' with 'Remain a member of the European Union' and 'Leave the European Union' as response options.²⁹

The Electoral Commission noted that if Parliament amended the Bill in this way, the Commission would need to undertake a further assessment of the intelligibility of the proposed wording, which it would do as quickly as possible. It also tested the proposed question in Welsh. The full report is available from the Electoral Commission website.³⁰

Debate continued among commentators about whether the question was formulated correctly.³¹

5 Report and Third Reading 8, 22 and 29 November 2013

A new clause was added on the Bill's first day on report on 8 November 2013 to allow those Commonwealth citizens in Gibraltar eligible to vote in European Parliamentary elections there to vote in the referendum.³² The amendment was moved by Andrew Rosindell and supported by James Wharton and was unopposed. The Foreign Office minister, David Lidington explained that discussions had taken place with Gibraltar since committee stage:

I have consulted the Chief Minister of Gibraltar about his Government's wishes, and he has advised me that they wish the franchise for this proposed referendum to be extended to the citizens of Gibraltar. Having taken advice, I am confident that the wording of my hon. Friend's new clause would give proper effect to that wish by enfranchising Gibraltarians.

Hon. Members have asked about subsections (2) and (3) of new clause 1. To some extent, my hon. Friend the Member for Cheltenham answered this point by saying that they were designed to make it clear that the underlying constitutional order, expressed in the 2006 Gibraltar constitution, remained untouched. Under current arrangements, the franchise for European parliamentary elections in Gibraltar is determined by an Act of the Gibraltar Parliament and Government, rather than by this House. In this case, however, the new clause proposes that the UK Parliament set the terms of a franchise that, for the purposes of this referendum, would include Gibraltar. For that reason, subsections (2) and (3) make it clear that despite this particular instance, that

²⁹ [HC Deb 29 October 2013 c35WS](#)

³⁰ [Electoral Commission Advice of the Electoral Commission on the referendum question in the European Union \(Referendum\) Bill October 2013](#)

³¹ ["The EU question formulated in the Conservative private members' bill is both highly biased and vague; it would actively misinform UK voters"](#) 11 July 2013 Patrick Dunleavy LSE blog

³² [HC Deb 8 November 2013 c539](#)

underlying constitutional relationship—the 2006 constitution gives far-reaching internal powers of self-government to the elected Administration in Gibraltar—remains undisturbed.³³

Other amendments on the franchise gave rise to a debate on the sense or otherwise of using the parliamentary franchise, which excluded EU citizens living in the UK and British citizens resident in Europe for over 15 years, as well as other British Overseas Territories residents. The question of giving 16 and 17 year olds the vote was also raised. None of these amendments were accepted. The Electoral Commission produced a [briefing](#) on report stage but did not consider the individual amendments.³⁴

The Conservative backbencher Adam Afriyie spoke to an amendment to ensure that the referendum was held in October 2014.³⁵ The amendment was grouped with others on the need to consult before the referendum is held. The debate was adjourned at 2.30pm on 8 November and resumed on 22 November. Then, David Lidington argued against 2014 as difficult in the context both of the Scottish referendum on independence that year, and the European Parliament elections also in 2014, which would inhibit negotiations.³⁶ The debate was ended by a closure motion³⁷ and the Afriyie amendment was lost by 15 votes to 249.³⁸

Debate then moved on to the wording of the question, in the context of the opinion of the Electoral Commission. David Lidington provoked some disagreement when summarising the Commission position:

Mr Lidington: Finally, there is the important category of amendments on the wording of the question, which draw upon the Electoral Commission's recent report. It is important to bear in mind how the commission went about its work and the tone with which it presented its report. It carried out 103 interviews with individuals and received representations from 19 individuals and organisations. On the basis of those consultations and its own analysis, it concluded that the Bill met most of the tests that it would normally expect any referendum question to meet. It did not put forward an alternative wording but, rather usually, suggested—I use the term deliberately—two possible alternative wordings. There was no suggestion anywhere in its findings that the question drafted by my hon. Friend the Member for Stockton South was misleading or in any way designed to be unfair, but it suggested that Parliament might like to consider some alternative forms of words.

Mr Thomas: With all due respect to the Minister, the Electoral Commission's view is crystal clear. It stated:

“We recommend that the wording of the proposed referendum question included in the European Union (Referendum) Bill should be amended to make it more direct and to the point, and to improve clarity and understanding.”

Surely he read that sentence.

Mr Lidington: If the hon. Gentleman goes back to the report, he will see that the commission stated very clearly that it believed that the question drafted by my hon. Friend met pretty much all the tests it would expect. There was a debate on the degree of clarity, and the commission drew attention to the fact that there were different views

³³ [HC Deb 8 November 2013 c558](#)

³⁴ Electoral Commission European Union Referendum Bill Report Stage 8 November 2013

³⁵ [HC Deb 8 November 2013 c591](#)

³⁶ [HC Deb 22 November 2013 c1483](#)

³⁷ [HC Deb 22 November 2013 c1508](#)

³⁸ [HC Deb 22 November 2013 c1513](#)

among the people they consulted and from whom they received representations about both my hon. Friend's wording and the various options that the commission invited Parliament to consider.³⁹

No amendments to the wording of the question were made.

On the third day (29 November) a series of amendments were debated, but none were passed. These included a threshold provision for the referendum⁴⁰, compulsory voting⁴¹, advertisements in newspapers⁴² and other measures on the conduct of the referendum. The Bill then passed its third reading without a division.⁴³ The Electoral Commission provided a [briefing for report stage](#).

6 Lords stages

The Lords Constitution Committee published a [report](#) on the Bill on February 2014. The Committee was concerned about the approach of the Bill towards the wording of the question and about the use of secondary legislation for detailed rules on the conduct of the referendum:

14. In our most recent report on the Scottish independence referendum we expressed our view that the "any departure from the Electoral Commission's recommendations on the wording of the referendum question [should] be robustly scrutinised" and that, ideally, there should be "no such departure".^[9] Taking account of the circumstances described in paragraphs 6-8, the House will wish to consider the case for following or rejecting the advice offered by the Electoral Commission on the referendum question proposed in the bill.

Regulation of the referendum

15. Clause 3(1) provides that the Electoral Commission shall publish a report setting out its recommendations for the rules under which the referendum is to be conducted. Under clause 3(2) the rules themselves are to be made by the Secretary of State, who must have regard to the Electoral Commission's recommendations. The making of the rules will be subject to the affirmative resolution procedure (clause 3(4)).

16. The legislation which authorised the Alternative Vote referendum in 2011 and that which authorises the Scottish independence referendum in 2014, by contrast, does not delegate the power to set rules on the conduct of those referendums. The Parliamentary Voting System and Constituencies Act 2011 set out in detail (in a 50-page Schedule to the Act) the rules for the conduct of the AV referendum. Likewise, the Scottish Independence Referendum Bill (which, at the time of writing, has been passed by the Scottish Parliament but has yet to receive Royal Assent) sets out in a series of Schedules the detailed rules that will govern the referendum campaign and the conduct of the referendum itself (including rules as to voting, counting, etc.). That legislation runs to 165 printed pages. By contrast the European Union (Referendum) Bill is three pages long, though it is common for private members' bills to be short and not to contain detailed Schedules.

17. If power is delegated to the Secretary of State to make the rules on the conduct of the referendum, those rules could be subject to challenge in the courts in the way that

³⁹ [HC Deb 22 November 2013 c1528](#)

⁴⁰ [HC Deb 29 November 2013 c542](#)

⁴¹ [HC Deb 29 November 2013 c549](#)

⁴² [HC Deb 29 November 2013 c 545](#)

⁴³ [HC Deb 29 November 2013 c584](#)

primary legislation could not be. Taking account of the circumstances described in paragraphs 6-8, the House may wish to consider whether the conduct of the referendum is a matter which should be decided by a process that is set out in full in the Act of Parliament which authorises the referendum. Alternatively, the House may wish to seek clear undertakings whilst the bill is before it as to how the Secretary of State would intend to fulfil the duty imposed by clause 3(2) to have regard to the Electoral Commission's recommendations for the rules under which the referendum is to be conducted.⁴⁴

The report also noted the limited time available for the Bill as a Private Member's Bill:

Three further private members' Fridays are scheduled in the House of Commons this session: on Fridays 17 January, 24 January and 28 February 2014. So if the Lords were to pass any amendments to the bill, in order for it to become law in this session it would have to return to the Commons in time for the Lords amendments to be considered on Friday 28 February 2014. The requirement in the House of Lords for minimum intervals between stages of a bill may make it unlikely that the bill would finish the Lords in time for any amendments passed by the Lords to be considered by the Commons on Friday 28 February 2014.

The Delegated Powers and Regulatory Reform Committee expressed concern about the use of secondary legislation for the conduct of the referendum:

21. We were concerned that the rules governing the conduct of the referendum are delegated to subordinate legislation, rather than being set out in the Bill itself, and we have considered whether a delegation of this kind is appropriate in principle. Because this is a Private Member's Bill, we have not had the benefit of a memorandum explaining the reasons why such an approach has been adopted.⁴⁵

The Committee rehearsed previous practice in other referendum legislation, concluding:

26. We have therefore concluded that the powers conferred by clause 3(2) and (3), whereby provision governing the conduct of the election and associated provision is delegated to orders to be made by the Secretary of State, are inappropriate.

6.1 Second reading 10 January 2014

Lord Dobbs introduced the Bill, stressing its passage through the Commons with large majorities in favour. Other peers argued that it was the role of the House of Lords to undertake appropriate legislative scrutiny.⁴⁶ There were also a range of views as to the nature of the Bill, given that it was being supported by the Conservative Party, but was not a Coalition Government Bill. The Minister of State, Department for Communities and Local Government & Foreign and Commonwealth Office, Baroness Warsi, spoke on behalf of the Conservative Party:

In deference to my noble friends in the Liberal Democrats, I must say that I am not speaking for the whole coalition. As will be obvious to the House, I am speaking on behalf of the Conservative Party.⁴⁷

The Bill was given a second reading without a division.

⁴⁴ Lords Constitution Committee *European Union (Referendum) Bill* HL 109 2013-14

⁴⁵ [Delegated Powers and Regulatory Reform Committee](#) 17th report of 2013-14

⁴⁶ See comments by Lord Mackay of Clashfern on 10 January 2014 c869 on the dilemma

⁴⁷ [HL Deb 10 January 2014 c1832](#)

6.2 Committee stage 24 January and 31 January 2014

The crossbencher and former Cabinet Secretary Lord Armstrong of Ilminster moved an amendment to change the question on the first day of committee, in accordance with the recommendations of the Electoral Commission. This amendment was passed by 245 votes to 158.⁴⁸ The amended question is as follows:

A referendum is to be held with the question—

“Should the United Kingdom remain a member of the European Union or leave the European Union?”

A further amendment which made the referendum contingent on the production of impact assessments was also passed by 183 votes to 157.⁴⁹ Amendments on removing the 2017 date and on commissioning an independent report on EU membership were withdrawn, as was an amendment requiring a 25 per cent threshold for voting on the referendum.⁵⁰ Baroness Warsi argued against a threshold (c959). The Labour peer Lord Foulkes of Cumnock introduced a series of amendments which were debated and then withdrawn. The debate concluded at 5.55pm.

On the second day, 31 January, Lord Foulkes and others continued to debate the question of using secondary legislation to set the conduct of the referendum. This amendment was withdrawn, but Lord Turnbull successfully moved an amendment which would require the Secretary of State to publish an assessment of the UK’s intended relationship with the EU in the event of withdrawal. The amendment was passed by 198 votes to 134.⁵¹ Further probing amendments were then debated on issues such as the administration of the count and the role of devolved administrations, but were not moved. At 3pm the Labour backbencher Lord Lipsey moved that the House resume (in effect adjourn debate). In response, the Government Chief Whip Baroness Anelay of St Johns noted:

The noble Lord has moved that the House be now resumed. That would mean that we would now abandon the Committee stage, if that is what the House wishes to do. The noble Lord has done the House a service because he has enabled every single Member present today to put on record whether or not they wish the Bill to pass.

Noble Lords: No!

Baroness Anelay of St Johns: My Lords, if the Motion is agreed, I will not be able to offer my noble friend Lord Dobbs more time for the Bill because the House itself will have collectively indicated that it no longer wishes to consider the Committee stage. If the House disagrees the Motion, I will take that as a desirable, clear indication that we should complete the remainder of the Committee stage today.⁵²

The House voted to resume by 180 votes to 130 and no further progress on the Bill is expected this session.

There has been considerable commentary on the failure of the Bill to make progress.⁵³

⁴⁸ [HL Deb 10 January 2014 c 889](#)

⁴⁹ [HL Deb 24 January 2014 c910](#)

⁵⁰ [HL Deb 24 January 2014 c](#)

⁵¹ [HL Deb 31 January 2014 c1512](#)

⁵² [HL Deb 31 January 2014 c1545](#)

⁵³ [“Who killed the referendum bill?”](#) 4 February 2014 Mark D’Arcy BBC blog

7 A bill in the next session of Parliament?

There has been considerable speculation that the Parliament Acts might be used in respect of the *European Union (Referendum) Bill*, if reintroduced next session. Standard Note 675 *The Parliament Acts* provides general background. Media reports quoted David Cameron as saying that:

We are going to try to re-introduce the same Bill in the next session of parliament and, if necessary, rely on the provisions in the Parliament Act to stop Labour and Liberal Democrat peers killing the Bill once again.⁵⁴

And at Prime Minister's Questions on 5 February 2014, he said that he hoped the Bill could "be resuscitated if one of my colleagues is fortunate enough to win the private Member's Bill ballot".⁵⁵

According to media reports the Chancellor, George Osborne has argued for the Bill to be contained in the next Queen's Speech:

The Chancellor used the weekly Cabinet meeting to call for the bill to be included in the speech, which is set to take place shortly after May's European elections.

However, his plans were immediately rejected by senior Liberal Democrats Nick Clegg, the Deputy Prime Minister, and David Laws, the education minister.

Lib Dem sources accused the Conservatives of "changing their tune again" and bringing up the possibility of including the bill in the Queen's Speech because they are "running scared of Ukip".⁵⁶

⁵⁴ "Tories to force through referendum bill", *Independent*, 1 February 2014

⁵⁵ [HC Deb 5 February 2014 c272](#)

⁵⁶ "Coalition row as George Osborne calls for EU referendum bill in Queen's Speech" 4 March 2014 *Daily Telegraph*