

## European Union Referendum Bill House of Lord Report Stage (Day 2) Briefing

**20 November 2015**

### Introduction

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This briefing sets out the Electoral Commission's views on amendments tabled ahead of the second day of Report Stage of the European Union Referendum Bill in the House of Lords on 23 November.

We have not commented on all amendments tabled in relation to this Bill, and the absence of comment does not imply that we support them. In particular, decisions on the franchise for the referendum and on the level for spending limits for campaigners are important issues for Parliament to decide on, although the Commission will comment on the practical implications and workability of any amendments to the Bill in these areas where needed.

This briefing covers amendments relating to:

- Provision of information on the consequences of the UK remaining a member of or leaving the European Union
- Guidance for charities

Our comments at this stage relate solely to the provisions currently set out on the face of the Bill. However, if the Bill is significantly amended during its progress through Parliament, the detail of such changes will need to be carefully considered. We will continue to brief on the Bill and any relevant amendments that are tabled as the Bill progresses through Parliament. All briefings will be available on our website [here](#).

### The Electoral Commission's role in referendums

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The Electoral Commission has specific responsibilities and functions in relation to the delivery and regulation of referendums held under the Political Parties, Elections and Referendums Act 2000 (PPERA), which applies to any referendum Bill brought before the UK Parliament unless specifically stated otherwise.

Our responsibilities under PERA include:

- Commenting on the intelligibility of the referendum question.
- Registering organisations or individuals who want to campaign in the

referendum.

- Considering and approving applications for designation as the lead campaign group for each referendum outcome.
- Making grant payments to the approved designated organisations.
- Monitoring spending on referendum campaigning, in line with the referendum spending limits imposed by PPERA.
- Providing advice and guidance on the rules to campaigners.
- Monitoring and securing compliance with campaign donation, loan and spending controls.
- Reporting on the administration of the referendum and referendum campaign spending.

The Chair of the Commission, or a person the Chair appoints, is the Chief Counting Officer for the referendum and responsible for certifying the outcome of the referendum.

## Clause 5: Provision of information on the consequences of the UK remaining a member of or leaving the European Union

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**Amendments 24A and 24B tabled in the name of Baroness Anelay of St Johns** would require the UK Government to publish (and lay before each House of Parliament) reports on the outcome of negotiations between member States and about the UK's membership of the European Union. These reports must be published not later than 10 weeks before polling day for the referendum. **Amendments 24C, 25, 26, 27 and 29** would also introduce similar requirements to publish reports on specific issues, no later than 12 weeks or four months before polling day.

Our briefing issued ahead of Day 2 of Committee Stage consideration of the Bill in the House of Lords set out findings from research carried out to inform [the Electoral Commission's statutory assessment of the referendum question included in the Bill](#) which considered what information people needed to know to enable them to make an informed decision on how to vote in the referendum.

It is important for voters to have access to information about the consequences of voting to remain a member of the European Union or leave the European Union, to help ensure they are able to make an informed decision on how to vote. **However, any provision in legislation for this should ensure that voters can have confidence in the accuracy and impartiality of the information. There should also be sufficient balance given to the consequences of both a majority vote to remain a member of the European Union and a majority vote to leave the European Union.**

## Guidance for charities on engagement with the referendum

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**Amendment 30 tabled in the names of Baroness Morgan of Ely and Lord Collins of Highbury** would require the Electoral Commission to publish joint guidance with Charity Commissions across the UK on the principles that apply to charities engaging in

the referendum debate.

**The Electoral Commission does not support this amendment. It is unnecessary to include a legislative duty on the Commission as we already intend to use our statutory powers to provide details in our guidance about where charities can obtain information to comply with the referendum rules.**

As for previous referendums, we will publish wide ranging and comprehensive guidance to help all those that wish to take part in the referendum comply with the rules.

We have a close working relationship with charity regulators across the UK. We have already planned discussions with the Charity Commission of England and Wales about how we can contribute to their guidance for charities about engagement with referendum campaigns.

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