

European Union Bill

House of Lords Report Stage

Wednesday 8 June 2011

This briefing sets out the Commission's view on key amendments to the European Union Bill ahead of Report Stage in the House of Lords.

Please note that this briefing paper comments only on certain amendments which the Commission believes raise significant issues of workability or policy. We also welcome amendments that give effect to recommendations we have previously made. The note does not comment on every amendment tabled, and the absence of comment on an amendment does not imply that we support it.

Clause 2 - Treaties amending or replacing TEU or TFEU Clause 3 - Amendment of TFEU under simplified revision procedure

Amendments 5 and 8 would introduce a minimum turnout of 40% in a referendum on accepting or rejecting an EU Treaty. If turnout is below 40% then Parliament must vote on whether to accept the result of the referendum.

The question of whether any future referendum should be subject to a minimum turnout threshold is for Parliament to decide; and the Commission has no view on the merits of the amendment.

However, if Parliament did wish to set a minimum turnout threshold it would be necessary to define both the total electorate and the measure of turnout to be used. In order to achieve this, the Bill would need to specify the time at which the total electorate would be measured – for example whether corrections due to administrative errors, which can be made up until 9pm on polling day, should be included – and whether the number of people voting should be based on all ballot papers included in the count (including spoiled ballots) or solely on the number of valid votes cast.

Further information

For further information, please contact Kate Brightwell, Senior Public Affairs Officer on 020 7271 0671 or kbrightwell@electoralcommission.org.uk