

Parliamentary debates in the House of Commons (23 January 1975)

Caption: On 23 January 1975, MPs in the House of Commons debate the practical details involved in holding a national referendum on whether the United Kingdom should remain a member of the European Communities.

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[...]

The Prime Minister (Mr. Harold Wilson): Mr. Speaker, I will, with permission, make a statement about the means by which the British people will decide the issue of our membership of the European Community.

It is the declared policy of the Government that, once the outcome of our renegotiation of the terms of membership is known, the British people should have the right to decide, through the ballot box, by means either of a General Election or of a referendum, whether Britain should continue in membership of the European Community or should withdraw.

The Government have decided that this should be done by means of a referendum.

Prolonged uncertainty and delay on the decision of the British people are in the interests neither of Britain nor of other members of the Community. After 15 years of discussion and negotiation, it is an issue which all of us in this House and in the country want to see settled; and uncertainty about the future of British membership is inhibiting the work of the Community. The Government are committed to putting the issue to the people before 10th October this year. Provided that the outcome of renegotiation is known in time, we intend to hold the referendum before the summer holidays, which means in practice not later than the end of June. We shall, therefore, propose to the House arrangements which would make it possible to hold the referendum on that timetable, tight though it will be.

When the outcome of renegotiation is known, the Government will decide upon their own recommendation to the country, whether for continued membership of the Community on the basis of the renegotiated terms, or for withdrawal, and will announce their decision to the House in due course. That announcement will provide an opportunity for the House to debate the question of substance. That does not, of course, preclude debates at any earlier time, subject to the convenience of the House.

The circumstances of this referendum are unique, and the issue to be decided is one on which strong views have long been held which cross party lines. The Cabinet has, therefore, decided that, if when the time comes there are members of the Government, including members of the Cabinet, who do not feel able to accept and support the Government's recommendation; whatever it may be, they will, once the recommendation has been announced, be free to support and speak in favour of a different conclusion in the referendum campaign. [HON. MEMBERS: "Oh!"]

As to the arrangements for the referendum, I told the House on Tuesday that the rules for the test of public opinion must be made by this House. The Government propose within a very few weeks to publish a White Paper on the rules and arrangements for conducting the referendum. The White Paper will set out the various possible courses on each issue and the Government's proposals on such matter as, for example, the information policy of the Government during the referendum campaign, broadcasting arrangements during the campaign, the question of expenditure by campaigning groups, the form in which the question is to be put to the British people, and arrangements for conducting the poll, the counting of the votes and the announcement of the result.

The Government will provide time for a debate on the White Paper on referendum procedure in this House before the Easter recess. That debate will, of course, be separate from, and will precede, the parliamentary debate which will be necessary on the outcome of the negotiations. The debate on the referendum White Paper will enable the Government to take full account of the views expressed by right hon. and hon. Members of this House, and by public opinion generally, in drafting the necessary legislation for the referendum.

The Government propose to introduce the legislation around Easter-time. We shall, of course, propose that all stages should be taken on the Floor of the House. If we are to be able to hold the referendum before the summer holiday, the Bill will need to complete its passage through both Houses and to receive Royal Assent

by the end of May.

Mr. Heath: I thank the Prime Minister for making his long-foreseen and much-heralded statement. He will recognise that he has announced a major constitutional innovation but has told us little about the details of how the matter is to be dealt with. He told the House that in what he described – and many of us would agree – as a unique operation and a major question of our time the Government are not going to maintain collective responsibility.

May I ask the right hon. Gentleman certain questions? If his Government are not to maintain collective responsibility, how will the Government make their recommendation to the House over what the attitude should be towards the situation of the so-called renegotiation? Will the Government set out the number of members of the Cabinet who support the recommendation and those who are opposed to it? Will the Government publish the names of the members of the Cabinet who are on each side, or does he undertake to make a recommendation which will include freedom for them to decide to make no recommendation? Perhaps the Prime Minister will elaborate on the course he proposes to follow.

Secondly, the Prime Minister said nothing about the relationship of the referendum to Members of this House. Will he, therefore, confirm that the referendum, if it takes place, will be advisory and consultative and cannot be binding on Members of the House of Commons?

Thirdly, should not the details of the referendum be set out in a Green Paper rather than in a White Paper so that it is a consultative document on which Members of the House will be free to express their views and to influence the Government in debate – a matter which we welcome because it is essential?

Fourthly, will the right hon. Gentleman assure the House that if the referendum takes place the House will go into recess for a proper period to allow Members to express their views to constituents and to campaign up and down the country? It will not be enough to carry on that activity while the House is sitting.

May I remind the right hon. Gentleman that what he has announced is that the Government will be seeking power from Parliament to have a referendum? This is a major constitutional issue which we on this side of the House have always maintained is undesirable. Therefore, it rests with Parliament to decide whether this constitutional innovation should take place or not.

The Prime Minister: The right hon. Gentleman the Leader of the Opposition is right to say that this is a major constitutional innovation, and it is right that we should both use the word "unique". It is a very special situation which I do not think anybody will take as a precedent.

The right hon. Gentleman referred to collective responsibility, which I shall come to in a moment.

The right hon. Gentleman asked how the decision of the Government would be recommended to the House and, through the House, to the country. The answer is that we shall state what our recommendation is in the light of the renegotiations – [*Interruption.*] We shall state – I shall state – the recommendations I hope that hon. Gentlemen will take these matters very seriously. I am prepared to make every allowance for the nervousness of those hon. Gentlemen. Other right hon. and hon. Members have more serious matters to attend to both in Government and in relation to this very important question. I am trying to answer a serious question from the right hon. Gentleman the Leader of the Opposition. Perhaps his back benchers and supporters will allow it to be answered.

We shall state to the House the view of the Cabinet on this matter. When the right hon. Gentleman asked whether this would mean freedom to state that there will be no recommendation made to the House, I can assure him right away that there will be a recommendation to the House in the light of the renegotiations to say whether the Government advise the House and the country that we should stay in the Common Market on the terms renegotiated or come out of the Common Market on the terms renegotiated. I am sure that when the House comes to look at the legislation for the referendum it will see that people in the country will be given a chance of giving a clear decision "Yes" or "No" and that there will be an equally clear

recommendation "Yes" or "No" in that respect.

The right hon. Gentleman was anxious to know whether the vote of the people should be binding. He no doubt has given his mind to this very carefully, and it is an important question. I cannot imagine that if the country votes clearly one way or the other "Yes" or "No" hon. Members would feel able to go against that decision and vote against – [*Interruption.*] That is my view. The right hon. Gentleman takes a different view, and he is entitled to do so. I am expressing my view and the view of most of us, I think, on this side of the House.

The right hon. Gentleman asked whether the document on the referendum could be in the form of a Green Paper rather than a White Paper. I do not believe that there should be much difficulty over what he has in mind. I made clear on the question of the White Paper that we should want to have a debate and to listen to the views of right hon. and hon. Members in all parts of the House before finalising the legislation. I hope also that it might be possible for informal talks to take place, through the usual channels or in any other way, between parties of the House and for all this to be set out before the legislation is finalised. In other words, the White Paper will have some green edges, and I am prepared to discuss with the Leader of the Opposition the basis on which we give advice to the House on the referendum. But in the last resort Parliament is sovereign in the matter of legislation which governs the holding of and all other arrangements connected with the referendum.

The right hon. Gentleman asked whether Parliament should go into recess during the campaign. That matter would have to be considered, although I would not feel it right that a very important and essential parliamentary timetable – which the whole country wants us to get through this year – should be held up on that account. But the right hon. Gentleman may have noticed, having done his calculations on the matter, that if there is an adequate degree of co-operation in getting the legislation through, combined, of course, with the thorough investigation of all the different parts of the legislative process which we usually have in this House, there might well be time during the Whitsun Recess for hon. Members who might otherwise go on holiday to campaign on the issue.

The right hon. Gentleman said that a major constitutional question had been raised by what I have announced. This matter has divided the country. People on both sides of the question hold their views very deeply, very sincerely and very strongly. That applies both in this House and in the country. Indeed, the Liberal Party has such a division as well. There is undoubtedly a very deep and serious division in this House. Contrary to the pledges which were given during the 1970 General Election campaign, the British people were not given the right to decide. We are repairing that omission; and in the circumstances, while there may be differences about the Common Market, there is no division on this side of the House, or in the Cabinet, on the major issue of the referendum. That is why I believe it right to take this step in this unique situation.

Mr. Heath: Will the Prime Minister clarify two points? Whatever he may judge the attitude of right hon. and hon. Members to be, will he confirm that a referendum cannot be constitutionally binding on any Member of this House, and that it remains for Parliament to decide, if it so wishes, after the referendum? Secondly, will the right hon. Gentleman confirm that, when he is announcing the Government's policy, he will tell us how many members of the Cabinet support the recommendation, how many oppose it, and who they are?

The Prime Minister: The right hon. Gentleman is, of course, right in the constitutional sense that no one can tell a Member of this House how to vote, although people may try sometimes to tell hon. Members on either side of the House how to vote. In that sense, the referendum could not be binding. But I perhaps pay more attention to the views of the people in the country than the right hon. Gentleman did, despite his promise, and I express the view that I could not imagine many hon. Members deciding to pit their own judgment in this matter against what has been the decision of the people of the country. That is just my view.

The second question related to what I should say when the recommendation is made to the House. I will consider the point raised by the right hon. Gentleman. I do not see much difficulty in it. The situation will

become obvious very quickly anyway.

Mr. Thorpe: We welcome the fact that the Government are to make a recommendation in this matter, from which we assume that the Cabinet will make a collective decision from which individuals may subsequently deviate.

Is the Prime Minister aware that if it is the case that the Government are divided on the matter it is better that individual Cabinet Ministers should have freedom of expression rather than that they should be compelled to vote and speak against their convictions? Since Cabinet Ministers are no more than ordinary Members of Parliament, will the same facilities be given to Labour back benchers? It would be very odd to have a free vote of the British people and a whipped vote of their elected representatives.

Does the Prime Minister recall that last Tuesday he said that this was a matter to be decided by the Chief Whip? Is he aware that, such is the respect we have for the Chief Whip, we think he must be allowed to have his own views on these matters, and we should like to know what they are?

Is the Prime Minister suggesting that the Government would regard the referendum decision as mandatory and that if the recommendation were rejected by the British people, they would feel compelled to have a Dissolution and go to the country? That is important.

Finally, if the Prime Minister is to allow a free vote – which would be a new democratic position for him to enter upon – would not he agree that for the sovereignty of Parliament, which I hope we all value, the best thing would be to have a free vote of this House and then ask the British people whether they agreed with that free vote, democratically arrived at by their sovereign Parliament, and if they did agree that would be the end of the matter, and, if not, there would be a Dissolution.

The Prime Minister: I hope that it will be the view of the House, and it will be our recommendation, that it should be a straight question – "in" or "out", "Yes" or "No" – and not a convoluted question. It will be a straight question.

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