

## REASONS TO REJECT THE REFERENDUM ON EU MEMBERSHIP OF 23 JUNE 2016

### 1 The referendum was explicitly only advisory

The definitive advice from the House of Commons Library is contained in its Briefing Paper 07212, section 5, page 25, of 3 June 2015 – a full year before of the referendum:

#### European Union Referendum Bill 2015-16

“..... it does not contain any requirement for the UK Government to implement the results of the referendum, nor set a time limit by which a vote to leave the EU should be implemented. Instead, this is a type of referendum known as pre-legislative or consultative, which enables the electorate to voice an opinion which then influences the Government in its policy decisions. The referendums held in Scotland, Wales and Northern Ireland in 1997 and 1998 are examples of this type, where opinion was tested before legislation was introduced. The UK does not have constitutional provisions which would require the results of a referendum to be implemented, unlike, for example, the Republic of Ireland, where the circumstances in which a binding referendum should be held are set out in its constitution.”

### 2 Constitutional change requires more than a simple majority

The legitimacy of a constitutional change of the magnitude of leaving the EU encompassed by a simple majority of referendum voters, however small, requires careful examination. Without safeguards such as a threshold, as applied in 1978 with the referendum on Scottish self-government when a ‘Yes’ vote almost identical as the referendum vote did not reach the required 40% of the electorate, the need for the 23 June vote to be above reproach is palpable.

The exclusion of 16 and 17 year-olds from the register, despite their being included in the Scottish independence referendum less than two years earlier, was perverse and another weakness of the Act governing the vote. There are two million votes in these two years - more than the majority for Leave.

### 3 The ‘Leave’ case miss-sold

Mis-selling in the financial world arose out of the failure of banks and other lenders to explain fully what PPI covered. Giving recompense to those harmed by such miss-selling and penalising those who carried it out, was not suggesting that the individual victims were fools or that it was their own fault. It was rather held to be the failure of those responsible for the miss-selling to explain the complex arguments. Similarly, to state that a significant number of Leave voters voted as they did on the basis of lies and misrepresentations is not to suggest that they were gullible but that it was rather the failure of the Leave campaign to explain complex issues accurately and truthfully.

The Leave case was blatantly miss-sold, and the consequences should be the same as in the financial sphere. It follows that to state that the electors have made their decision and that it must be respected is to fly in face of the facts, with fundamentally damaging effects on the status of the UK within the EU.

#### **4 Bribery**

A key statement that continued to be shamelessly exploited by the Leave campaign despite independent and respected bodies denouncing them, was the lie that the UK was paying £350 million per week to the EU. This figure, shown to be incorrect, was seized on by the three newspapers which were one-sided cheerleaders for a Leave vote, the *Daily Mail*, *The Sun* and the *Daily Express* and repeated ad nauseam. It was even suggested that this sum would be spent on the NHS if the UK left the EU. There has been no sign of this transaction since the vote, indeed, it has been contradicted by the government.

#### **5 The immigration lie**

The second statement was even more cynical, given the widespread concern about immigration. This was that there were 76 million Turks waiting at the door to enter Britain. This too became lodged like shrapnel in the heads of a significant number of voters disaffected with the political process. The prospect of Turkey joining the EU is far distant, indeed, with the present Turkish President and government becoming more Islamic, plus its extreme response to the attempted coup, it is probably further away than when the process first started. In any case the entry of every proposed new country can be vetoed by the UK or any other existing EU member.

#### **6 Propaganda masquerading as an official communication**

The third deceit is even more outrageous. On the eve-of-poll large numbers of voters received an individually addressed leaflet through the Royal Mail which was deliberately designed to appear to come from the Electoral Commission or the official Returning Officer, whereas it came from the Leave campaign. It was headed "Official information about the Referendum on 23 June 2016, with the next line reading "Referendum Communication". It proceeds to describe the leaflet as "This document" and presents "The Facts" as if they were objective items of information, even though it leads with the £350 million per week lie and follows with the queue of countries purporting to be waiting to join.

#### **7 Referendum result unsafe**

With the evidence of such miss-selling of the Leave case, enough electors are likely to have voted for Leave on a false prospectus to render the result at the very least unsafe. The result was extremely narrow, requiring only a 2% change in the voting to reverse the result. It is worth noting that in the *Daily Mirror* of 16<sup>th</sup> May Nigel Farage that if the Remain vote won on a vote of 52 to 48 he would demand a second referendum.

Petitions are not usually a significant expression of opinion but within days the remarkable figure of four million voters had signed a petition asking for a second referendum, this time with a threshold to be required for it to be regarded as effective.

## **8 Examples of second referendums**

In Denmark's first referendum in 1992 on the Maastricht Treaty the government was defeated. A year later, after Denmark had negotiated four opt-outs, a second referendum was held in which the government was successful. In June 2001 a referendum in Ireland on the Treaty of Nice went against the government. A second referendum held eighteen months later, in which concessions to Ireland were emphasised, the government had a clear majority. A referendum in France in May 2005 on the European Constitution was lost by the government. A revised European treaty was approved by the French Assembly and Senate without a second referendum.

## **Conclusion**

The oft parroted mantra that "the people have spoken" and that the 2016 UK ballot was a binding referendum for all time is manifestly unsustainable.

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