

Bernard Jenkin MP
Chairman
Public Administration and Constitutional Affairs Select
Committee
House of Commons
London
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27 May 2016

Dear Mr Jenkin

Thank you for your further letter of 26 May regarding section 125 of the Political Parties, Elections and Referendums Act 2000 (PPERA), and the correspondence enclosed with it. We have carefully considered all this correspondence, including the recent legal opinion given by Speaker's Counsel.

You consider that continued access to the Government's website, www.eureferendum.gov.uk, will only be permissible under the exception provided in s.125(3)(a) if that exception is read in a restrictive way, and that the exception would not apply if the website continues to be found on search engines such as Google or Yahoo, or to be signposted in any form on the gov.uk website. You would like the Commission to make this clear to the Government.

As you have noted, and as mentioned in my last letter, we consider that provided that members of the public need to take active steps to seek access to the content of any such website, the exception under s.125(3)(a) will apply. We do not consider that it is necessary to prevent a website containing the material from being found on search engines in all circumstances, provided that the material itself can only be found by those specifically seeking access to it. We note that in order to access the material found at the site www.eureferendum.gov.uk it is necessary to click on particular, clearly labelled, sections of the page to access the material concerned. It is also clear from a banner at the top of this page that no new material will be added from 27 May. We also note that the Government has confirmed that it would remove links to the website from gov.uk.

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and regard this happening as a necessary component of being within the requirements of s.125(3).

In these circumstances, we consider that the material published in www.eureferendum.gov.uk will be covered by the exception in s.125(3)(a).

We do appreciate that discussions around s.125 have raised some complex legal issues and matters of principle, concerning whether the legislation is drafted in the best way to achieve the underlying purpose behind the provision. As I mentioned in my last letter, this is a matter we would expect to return to in our post-referendum report, and we look forward to discussing with you and the Committee in due course.

Yours sincerely,



Jenny Watson
Chair