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Factsheet L5 Legislative Series

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House of Commons Information Office

Hybrid Bills

A bill with characteristics of both a public bill and a private bill is called a hybrid bill. Such bills are examined in Parliament by a combination of both procedures. See also **Factsheets L1 and L4**.

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Introduction

A hybrid bill has characteristics of both a public bill and a private bill. Although of general interest, the content of the bill would significantly affect the interests of certain individuals or organisations. The bill's progress through parliament therefore includes elements of both the public bill and private bill procedures.

Speaker Hylton-Foster described a hybrid bill as "*a public bill which affects a particular private interest in a manner different from the private interests of other persons or bodies of the same category or class*".

Hybrid bills may be introduced by the Government or by a backbencher. These bills are introduced only rarely, the last occasion being the *Crossrail Bill* introduced in 2004.

Examination

It is not always clear whether a bill should be introduced through the public, private or hybrid bill procedure. Every public bill is examined in the Department of the Clerk of the House before second reading for its compliance with the House's rules. In determining this they take into account the practice and precedents of many years. If the Clerks consider that private interests may be affected, the House will order the bill to be considered by the Examiners of Petitions for private bills. If they find that any standing orders for private business apply to the bill it is treated as a Hybrid, if the Standing Orders do not apply then the bill proceeds as a public bill. Once the bill has been referred to the Examiners it appears on the Order Paper with a note 'to be reported on by the Examiners'. Second reading cannot take place until the Examiners report. However, in 1976, the House approved a motion to set aside any application to the *Aircraft & Shipbuilding Industries Bill* (a Government bill) of the Private Business Standing Orders.

Bills brought in by the Government (or a backbencher) which propose to undertake works of national importance, but in a local area, have usually been hybrid. Examples include the *Croydon Aerodrome Extension Bill* of 1924-25, the *British Museum Bill* of 1962-63, the *Maplin Development Bill* of 1972-73 and the *Channel Tunnel Bills* in the 1970s and 1980s. A list of all hybrid bills introduced since the 1985-86 session of Parliament is given in the Appendix on page 5.

Other examples of bills which have been proceeded with as hybrids are the *Port of London Bills* 1903 and 1908, the *London Passenger Transport Bill* in 1931, the *Bank of England Bill* in 1945 and the *Transport (London) Bill* of 1968-69.

Bills relating to London have sometimes been hybrid, but in recent years most major bills relating to the capital have been considered as public bills, e.g. the *Greater London Authority (Referendum) Bill* in 1998 and *Greater London Authority Bill* in 1999. Bills relating to the City of London have usually been private but occasionally hybrid.

Private Members Bills

Private Members may introduce a public bill that the Examiners decide is hybrid, because it is to all intents and purposes a private bill. Such a bill has little chance of

becoming law, but a political point will have been made. Examples of such bills are the *Epsom & Walton Downs Regulation (Amendment) Bill* of 1952-53 and the *West Midlands County Council (Abolition) Bill* in 1981-82.

Proceedings on the bill

Preliminary proceedings

A Minister or other Member in charge of a Public bill should be aware at an early stage that it could contain elements of a Hybrid bill. In the case of a Government bill, the Parliamentary draftsmen or Department concerned will almost certainly have pointed this out: steps will have been taken to ensure compliance with Standing Orders (with regard, for example, to advertisements, the drawing up of any necessary plans, etc). Where the Examiners find that the bill has not complied with Standing Orders, it is referred to the Standing Orders Committee (as under Private bill procedure: see **Factsheet L4**). If this Committee decides that the bill should not proceed, the promoters of the bill usually abide by this decision.

Second reading

The procedure for second reading of a hybrid bill is the same as for a public bill. After second reading, in order to enable anyone specially and directly affected by the bill to make their case against it, the bill is committed to a select committee, normally made up partly of members chosen by the House and of others chosen by the Committee of Selection; the *Channel Tunnel Bill* in 1985-86 however, was sent to a Committee of nine Members, wholly chosen by the Committee of Selection. The motion to refer the bill to a select committee normally also sets down the requirements for the receipt of petitions against the bill.

Petitions

Any individuals or organisations that oppose the bill can submit petitions against it. The petitions have to be deposited within a stipulated time in the Private Bill Office and must conform to the rules for petitions against private bills.

If the promoter of a bill challenges the status (*locus standi*) of a petitioner, the select committee itself determines who may and who may not be heard and on which sections of the bill. Decisions of the Court of Referees, who decide similar cases relating to private bills, are binding on the Committee.

Proceedings if no Petitions are Deposited

If no petitions are deposited against the bill within the stipulated time, the bill will be recommitted to a standing committee or committee of the whole House, who will then consider it in the same way as a public bill.

Select Committee

If petitions are received, the select committee will meet and consider the bill in very much the same way as a private bill committee would (see **Factsheet L4**). However, there are certain differences; in particular, that the promoters do not need to establish the need for the bill since the House has already put on record its approval of the principle of the bill at second reading.

First the petitioners make their case, calling witnesses if necessary. Witnesses are

normally examined on oath. When the opponents of the bill have completed their case, and the promoters have been heard in reply, the committee considers the clauses of the bill, reporting it to the House with or without amendment. If the committee wishes to communicate its view on the subject matter of the bill, or if the promoters no longer wish the bill to proceed, the committee may make a special report to the House.

Later Stages

The bill, once reported, is normally re-committed to a committee of the whole House or to a standing committee. Report stage and third reading take the same form as all other public bills. The bill is then sent to the House of Lords where there is a further opportunity for objectors to petition and to appear before a select committee.

Carry-Over between Sessions

As with private bills, the House has, when necessary, considered motions to suspend hybrid bills from one session to another: the *Channel Tunnel Rail Link Bill* was suspended twice. When a General Election has been called, motions have also been considered to allow hybrid bills to recommence at the point they had reached before the election. Motions of these kinds may, of course, be opposed and negatived; in which case the bill would fall, or have to start all over again.

Tracking the progress of hybrid bills

Hybrid bills appear in the "Public bills before Parliament" section of the *Weekly Information Bulletin*, with HYBRID in brackets after the title. These words do not form part of the official title of the bill.

Royal Assent

When both Houses have approved a Hybrid bill, it receives Royal Assent in exactly the same way as a public bill. These Acts are numbered in the Public and General Acts series.

Transport and Works Act 1992

In 1993, the private bill procedure for projects authorising works to railways, tramways, canals etc, was replaced by orders under the *Transport and Works Act 1992* (see **Factsheet L4**). However, such projects may still be introduced by means of a hybrid bill. So, for example, the Channel Tunnel Rail Link was authorised by a hybrid bill, though the proposal for a station at Stratford, which came later, was dealt with under the *Transport and Works Act* procedures.

Appendix A

List of hybrid bills introduced since 1985-86

Title	Date of first reading	Date of Royal Assent
Museum of London	7 Nov 1985	26 Mar 1986
Channel Tunnel	17 Apr 1986	23 Jul 1987
Norfolk and Suffolk Broads	18 Nov 1986	15 Mar 1988
Chevening Estate (Lords)	20 Nov 1986	15 May 1987
Dartford-Thurrock Crossing	1 Apr 1987	28 Jun 1988
Caldey Island	29 Nov 1989	1 Nov 1990
Agriculture and Forestry (Financial Provisions)	8 Nov 1990	25 Jul 1991
Severn Bridges	27 Nov 1990	13 Feb 1992
Cardiff Bay Barrage	4 Nov 1991	5 Nov 1993
Channel Tunnel Rail Link	23 Nov 1994	18 Dec 1996
Crossrail	22 Feb 2005	22 Jul 2008

Further reading

Erskine May *Parliamentary Practice 22nd ed* (Butterworths, 1997)

Eric Taylor *The House of Commons at Work* 9th ed. The Macmillan Press Ltd 1979

Standing Orders of the House of Commons Public Business 2010, HC 539

Standing Orders of the House of Commons Private Business 2005, HC 441

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Factsheet L5 Hybrid Bills

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| 2. Too long | <input type="checkbox"/> | The right length | <input type="checkbox"/> | Too short | <input type="checkbox"/> |
| 3. Clear | <input type="checkbox"/> | Not always clear | <input type="checkbox"/> | Rather unclear | <input type="checkbox"/> |

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