

**How to Petition against an Additional Provision  
to a hybrid Bill  
in the House of Commons**



**Crossrail Bill**

Session 2005-06

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## HOW TO PETITION AGAINST A HYBRID BILL IN THE HOUSE OF COMMONS

### What is a hybrid bill?

A hybrid bill is a parliamentary bill which has some of the characteristics of a public bill and some of a private bill. Public bills relate to the public general law of the land which affects everybody. Private bills, by contrast, seek to confer benefits on particular individuals, institutions or localities, over and above the provisions of the general law (examples are bills to build railways or harbour works, or to regulate markets). Whereas public bills are introduced by an MP, private bills are promoted by an outside body such as a company or a local authority.

Strictly speaking, a hybrid bill is a public bill which affects specific private interests in the same way that a private bill would. It is usually introduced by the Government. The most well-known hybrid bill in recent years has been that to build the Channel Tunnel.

### What is an Additional Provision?

The Government has announced its intention to introduce amendments to the Crossrail Bill which will alter the proposed railway works so as to extend the impact ('scope') of the Bill and further such amendments may be announced in due course. These amendments are known as 'Additional Provisions'.

You can object to an Additional Provision by petitioning the House of Commons. This will give you an opportunity to explain to the Select Committee of MPs that has been established to consider the Bill how the amendment would affect you and why you object to it. If the MPs agree with your objections they have the power to change the Crossrail Bill before it becomes a law.

### What is a petition?

A petition is a summary of objections to particular aspects of a hybrid bill. Formally, it is a request to the House of Commons for the petitioner to be allowed to argue his case, in due course, before the select committee on the bill. This committee will hear the petitioners' cases. (The bill subsequently proceeds through a standing committee which considers the bill clause by clause, as if it were an ordinary public bill; because this stage is not concerned with the defence of private interests, petitioners are not represented.)

### Who may petition?

It is open to any individual, group of individuals or organisation "*directly and specially affected*" by the provisions of a hybrid bill to petition against that bill. If the promoters of a bill feel that someone who petitions against a bill is not "*directly and specially affected*" they may object to the petitioners' right to petition (see "*locus standi*" below).

### When should the petition be presented?

It is important that we receive all petitions by the deadline set by the House of Commons. **The deadline for each Additional Provision is four weeks after that Additional Provision is first officially advertised in the newspapers.** The date or dates will be announced once that has happened. Please check our website or call the Private Bill Office to make sure you know when the deadline is.

### What should be the content of petitions ?

The petition should begin by setting out what the additional provision does; who the petitioner is; the particular damage caused to the petitioner by the additional provision; and the form of relief sought by the petitioner. **Matters can only be raised in the committee if they are alluded to in the petition.** There is no need to elaborate objections in great detail: they should merely be stated in concise form. An example of a petition is attached as Appendix B

Petitioners may, if they wish, send a draft petition to the Private Bill Office for comment.

### What form should petitions take?

The formal wording required for petitions to the House of Commons should broadly follow that of the specimen petition attached as Appendix A.

Please note that

- (a) **the short title of the bill concerned should appear on the petition, and a statement should appear in the petition that it is against the bill, together with the names of the signatories to the petition, or their Agent;**
- (b) the petition should be addressed “To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled”;
- (c) **no crossings out or underlining should appear in the petition;** and no letter, affidavit, appendix or other document may be annexed to it;
- (d) **the petition must contain a prayer** (that is, a formal request that Parliament should take certain action, followed by the traditional words “And your Petitioner(s) will ever pray, &c.” – see the end of the specimen petition);
- (e) if the petitioners wish to be represented by Counsel, or otherwise, a clause to this effect should appear in the prayer, and in the former case **the endorsement of the petition should contain the words “Against - By Counsel”** (this does not commit the petitioners to employing barristers, but simply leaves the option open);
- (f) **the petition must be either signed and sealed by the parties who are petitioning against the bill, or signed on their behalf by their duly authorised agent** (see “Agents” below). If the petition is signed by the agent the authority in writing must accompany the petition. If a limited company or corporation or local authority is a petitioner against the bill, and if the petition is not signed on behalf of the petitioner by a duly authorised agent, the common seal of that company, corporation or local authority should be affixed to the petition, and attested in the usual way by the appropriate officers, e.g. The Company Secretary and a director. The first signature or seal must be on the same parchment or paper as the prayer or part of the prayer; and

- (g) the petition should be typed, printed, lithographed or handwritten on parchment or paper of a reasonable quality, preferably A4. **It should be accompanied by twelve copies.**

## Agents

If petitioners are not intending to act themselves, they may wish to instruct an agent who will act on their behalf in all matters relating to the petition. There are two types of agents: professional Parliamentary Agents (who also act for promoters) are known as “Roll A” agents, all others as “Roll B” agents. For a list of firms entitled to practise as Roll A agents, see Appendix C.

The procedure for being represented by a Roll B agent is as follows. Any individual or group of individuals wishing to be so represented should sign a letter authorising a named individual to act on his or their behalf (see Appendix E for the usual format of such a letter); this should be presented at the Private Bill Office when the petition is deposited. Any organisation petitioning against a bill which wishes to be so represented should hold a properly constituted meeting and pass a resolution authorising the deposit of a petition against the bill and authorising a named person to act on behalf of the organisation. A letter containing such a resolution should then be presented at the Private Bill Office when the petition is deposited.

Persons applying to become agents should bring with them a certificate of respectability signed by an MP, Justice of the Peace, barrister or solicitor; this certificate is not, however, required for agents on Roll A, nor those on Roll B who are solicitors (who have a separate application form) or who have been enrolled on Roll B in previous parliamentary sessions. (See Appendices D, E and F.)

All Roll B agents must sign a register (Roll B itself), kept in the Private Bill Office, at some time prior to the first hearing of the committee, in the parliamentary Session in which the committee is sitting.

### **Depositing the petition**

The prime necessity is to get the signed petition drawn up in the proper form and deposited in the Private Bill Office by the closing date for petitioning.

Petitions must be deposited in person at the Private Bill Office within office hours:

The Office is located in the House of Commons. You will need to call the office to arrange an appointment to deposit the petition.

Maps are available at <http://www.parliament.uk/commons/lib/colmap.pdf>

### **Fees**

A £20.00 fee is incurred on presentation of a petition. Petitioners will be billed in due course directly by the House of Commons Fees Office.

### **In committee**

The petitions will be referred to a select committee.

A petitioner may appear in person on his own behalf before the committee. He may call his own witnesses in support of the allegations which appear in his petition, and is entitled to cross-examine witnesses called by the promoters of the bill insofar as their evidence is relevant to his case.

A petitioner may appear not only on his own behalf but also on behalf of other petitioners whose names appear at the beginning of the petition, the original copy of which must be signed by all of them. In this event a petitioner may call his co-petitioners as witnesses.

Alternatively, a petitioner or petitioners may appoint someone to act as agent on his or their behalf. The agent, who need not be a lawyer, will then appear on the petitioner's behalf before the committee. He will be entitled to examine and cross-examine witnesses and generally conduct the petitioner's case. (See the section on "Agents" above.)

The composition of the select committee will be provided for in the Order of the House. This usually provides for the members of the committee to be nominated partly by the House and partly by a permanent parliamentary committee called the Committee of Selection. The number of MPs on a hybrid bill committee has in recent years been either seven or nine.

Select committees on hybrid bills are sometimes referred to as "quasi-judicial". This means that the committee sits like a judge and jury to hear in an impartial way the arguments for and against some of the proposals in a particular bill. The usual order of proceedings (set out in Appendix B) also resembles that in a court of law.

**All petitioners (or their agents) must attend on or before the first day on which the committee meets, so as to establish their right to appear before the committee.** This is done by filling in a form called "an appearance", which is kept in the Private Bill Office, it is best to do this a day or two before the committee meets. Thereafter they may "suspend their appearance", in other words, withdraw from active participation in the committee's business.

**The principle of a hybrid bill is endorsed by the House when it gives the bill a second reading. It follows that the promoters do not (as is the case with a private bill) have to prove that there is a need for the bill.** For the same reason, the select committee has no power to reject the bill altogether. Equally, throughout the committee stage the burden of proof is always on the petitioners to show that the bill should be amended or other concessions made by the promoters to protect their interests.

Proceedings in committee begin with the petitioners setting out their evidence and arguments. If the committee determines that there is a case to answer, the promoters will then respond to the petitioners' case. If they call evidence, this entitles the petitioners to a right of reply. These rules can be varied by the committee if it so wishes.

The committee has powers to amend the bill, or it may approve it in unamended form. Except in certain limited circumstances, however, it may not amend the bill in a way which affects people who have not previously been affected by the bill. Furthermore, except where permission is expressly given by the House, the committee cannot call for evidence except that offered by the parties formally represented before it.

The length of committee proceedings will depend on the complexity of the bill and the extent of opposition to it. A committee stage may be over within a day, or may last many months; the average is one or two weeks. Committees usually sit on Tuesday, Wednesday and Thursday, from 10.30 am (11.00 am on the first day of sitting) till 1.00 pm and from 2.15 pm till 4.15 pm.

The committee may sit locally to hear all or part of the evidence if the House passes a resolution empowering it to do so. Unless such a resolution is passed, all proceedings before the committee take place in a committee room at the House of Commons.

A petitioner may change his agent at any time, but may not do so more than once on any one day. Any new agent must be authorised in exactly the same way as the previous one: a letter of authority should be presented/forwarded to the Private Bill Office together with a certificate of respectability. The new agent must also sign the Roll B register in the Private Bill Office.

### ***Locus standi***

Locus standi can be defined as the right of a petitioner to be heard against the bill on the grounds that he is specially, directly and injuriously affected by its provisions. If the promoters challenge a petitioner's locus standi, the matter will be argued before the select committee, who will decide for or against the petitioner's right to appear.

### **Withdrawal of petitions**

Petitions may be withdrawn by deposit of a letter (or 'requisition') to that effect, signed by

the petitioner or agent, in the Private Bill Office; and where a petition has been deposited by or on behalf of more than one person, any of these persons may withdraw the petition by a similar requisition, signed and deposited as aforesaid.

**Further Enquiries**

Further enquiries should be directed to Miss Sian Jones in the Private Bill Office (☐ 020 7219 3250/ [jonessm@parliament.uk](mailto:jonessm@parliament.uk)), who can provide impartial advice on all aspects of private bill procedure.

Private Bill Office  
House of Commons  
LONDON SW1A 0AA

27 February 2006

APPENDIX A

SPECIMEN PETITION AGAINST AN ADDITIONAL PROVISION TO A HYBRID BILL

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2005-06

CROSSRAIL BILL - ADDITIONAL PROVISION

Against - on Merits - Praying to be heard by Counsel, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of [Name of individual, company or association].

SHEWETH as follows:-

- 1 An Additional Provision to the Crossrail Bill has been introduced and is now pending in your honourable House intituled "INSERT DESCRIPTION OF ADDITIONAL PROVISION".
- 2 Your Petitioners are [Description of Petitioners: e.g. "Your Petitioner is an owner of property in ...", "Your Petitioners are the ... Society, an association of the residents of ... Road, established in ... to ..."; together with an indication of the Petitioners' property, etc. which the Additional Provisions to the Bill may directly and specially affect].
- 5 Your Petitioners and their rights, interests and property [delete as necessary] are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 6 [Clear statement of the reasons why the Petitioners object to the Bill.]
- 7 [If the Petitioners simply wish that various clauses of the Bill should be amended and do not object to the basic principle of the Bill:] For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, clauses ....., so far affecting your Petitioners, should not be allowed to pass into law.
- 8 The Additional Provision if passed into law as will prejudicially affect your Petitioners and their rights, interests and property [delete as necessary] and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Additional Provision may not be allowed to pass into law as it now stands and that they

may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Additional Provision as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

[Signature of Petitioner in person, or Agent for the Petitioner]

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[The Petition should be endorsed on the back as follows:]

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2005-06

[Title of Bill]  
PETITION OF [Name of Petitioner]

AGAINST, By Counsel, &c.

[Name, address and telephone number(s) of Agent for the Petitioner, or of the Petitioner in Person]

**NOTE**

**The wording given above may be varied, except for the opening section until clause 2 and the prayer at the end starting “YOUR PETITIONERS therefore humbly pray”, which are standard forms for addressing the House of Commons.**

APPENDIX B

EXAMPLE PETITION AGAINST A PRIVATE BILL

[ PLEASE NOTE THAT REFERENCES TO THE PREAMBLE OF THE BILL DO NOT APPLY IN THE CASE OF A HYBRID BILL]

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 1988-89

**British Film Institute Southbank Bill**

Against - on Merits - Praying to be heard by Counsel, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION OF THE RAMBLERS' ASSOCIATION

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as "the bill") has been introduced and is now pending in your honourable House entitled "A bill to free certain land on the south bank of the river Thames from any trust which allows the use thereof by the public as an open space."
- 2 The Preamble to the Bill claims, *inter alia*, that in order to improve the quality of the facilities provided on the south bank of the river Thames by the provision of a greatly Improved restaurant and improved visual amenity, it is necessary for the institute to use an area of approximately 1250 square metres which it is further claimed is currently used by the public as an open space mainly for the consumption of food which has been bought at the existing restaurant.
- 3 The Preamble to the Bill also claims, *inter alia*, that it is expedient that the land should be freed from any trust which allows the use thereof by the public as an open space.
- 4 The Bill will, if enacted, remove from the land any trust which allows the use thereof by the public as an open space.
- 5 Your Petitioner the Ramblers' Association is a voluntary organisation with charitable status founded in 1935. Its aims include the promotion of walking as a recreation, working for the protection of public paths, the provision of access to open country and the preservation of natural beauty. Nationally it has over 65000 member, of whom just under 3000 reside in the six inner London boroughs which compromise the association's London Area.
- 6 The London Area of the Association has taken a keen interest in and is

committed to promoting walking as a recreation in both the countryside near to London and within London on suitable routes and open spaces. It has also taken a keen interest in and is committed to the protection of such routes and open spaces which are important for informal open-air recreation. Your Petitioner alleges that the proposal contained in the Bill to free from any trust land which is available to the public as open space will adversely affect the interest of your Petitioner to a material extent for the reasons hereinafter appearing.

- 7 Your Petitioner objects to the freeing of the land in clause 2 from any trust which allows the use thereof by the public as an open space for a proposed development which has not obtained all other necessary consents. Your Petitioner objects to the use of the Private Bill procedure, in this case, in advance of the local planning procedures. To enact the Bill before all other consents are obtained could unfairly influence those who will have to decide whether to grant such consents.
- 8 Your Petitioner also objects because if the Bill were to be enacted and subsequently all other necessary consents could not be obtained for the proposed development, the freeing of the land from any trust which allows the land's use by the public as open space would have served no purpose as well as the public no longer having the right to enjoy the land as open space.
- 9 Your Petitioner objects to the size and location of the proposed restaurant and visual amenity because they will cause a substantial deterioration of the existing and potential use and pleasure enjoyed and derived by virtue of the land being available as public open space.
- 10 Your Petitioner also objects because the size and location of the proposed restaurant and visual amenity will cause a substantial deterioration of the existing and potential use and pleasure derived from the area surrounding and adjacent to the land coloured pink on the plan.
- 11 Your Petitioner also objects because no land is offered in exchange for the public open space.
- 12 Your Petitioner also objects because the objects of the Institute can adequately be pursued without the proposed greatly improved restaurant and visual amenity.
- 13 Your Petitioner also objects because it is not necessary to use the 1250 square metres of public open space in order to improve the existing restaurant.
- 14 Your Petitioner further objects on the grounds that were the Bill to be enacted, it would serve to encourage other developments on land protected and made available to the public statutory provisions.
- 15 Your Petitioner accordingly submits that the Bill should await the outcome of the necessary detailed considerations of the local planning authority and only be considered when all other necessary consents are obtained.
- 16 Your Petitioner further submits that any trust allowing use of land by the

public as open space should remain in force until and unless compelling and overriding reasons can be demonstrated for its removal, which your Petitioner alleges is not the case in this instance.

YOUR PETITIONER therefore prays that the Bill may not be allowed to pass into law as it now stands and that it may be heard by its officers, Counsel, Agent and witnesses in support of the allegations of the Petition against so much of the Bill as affects the rights and interests of your Petitioner and in support of such other clauses, amendments or provisions as may be necessary or expedient for its protection, or that such other relief may be given to your Petitioner as your Honourable House shall deem meet.

AND your Petitioner will ever pray, &c.

[signature]

DAVID BESKINE  
Agent for the above-named Petitioner

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 1988-89

**British Film Institute Southbank**

PETITION OF THE RAMBLERS' ASSOCIATION

AGAINST, By Counsel, &c.

DAVID BESKINE  
RAMBLERS' ASSOCIATION  
1/5 WANDSWORTH ROAD  
LONDON SW8 2XX  
(01) 582 6878/582 6826

## APPENDIX C

## THE USUAL ORDER OF PROCEEDINGS IN AN OPPOSED BILL COMMITTEE

- 1 Committee discusses, in private, its course of proceeding, then instructs the Clerk to call in the parties.
- 2 Chairman calls meeting to order.
- 3 Clerk reads title of Bill, etc.
- 4 Chairman announces times of sitting.
- 5 Counsel for the Promoters opens case.
- 6 Promoters' witnesses called, examined, cross-examined, re-examined, questioned by Members.
- 7 Counsel (or Agent) for the Petitioners opens case [unless he or she chooses to speak *after* calling witnesses; Counsel may speak either before or after calling witnesses, but not twice].
- 8 Petitioners' witnesses called, examined, cross-examined, re-examined, questioned by Members.
- 9 Counsel (or Agent) for the Petitioners may wind up, provided he or she did not speak before calling their witnesses.
- 10 Counsel for Promoters replies to Petitioners [assuming that the Petitioners have placed documents before the Committee or called witnesses; otherwise there is no right to reply].
- 11 Counsel for the Promoters comments on Departmental Reports. Committee may allow Departmental representatives to speak on their Reports.
- 12 Parties withdraw; the Committee deliberates and makes its decision as to whether the need for the Bill (as set out in the Preamble) has been proved.  
  
Parties called in again and informed of the decision.
- 13 If the Committee has found in favour of the Bill it proceeds to consider, firstly, specific clauses against which petitions have been lodged; and secondly, clauses which have not been petitioned against but which are the subject of Departmental Reports.
- 14 Agent for the Promoters takes Committee through remainder of the Bill, including Amendments proposed by Promoters (as shown in the 'Filled-up Bill').
- 15 The Preamble is 'proved' formally by Counsel for the Promoters

## NOTES

- 1 Members may ask questions at any point.
- 2 If several contested points are being argued separately, stages 5 to 12 above may be repeated for each point.

## APPENDIX D

## LIST OF ROLL A PARLIAMENTARY AGENTS

<b>Name of Firm</b>	<b>Telephone Numbers</b>	<b>Partners / Roll A Agents</b>	<b>Clerks</b>
<b><i>Berwin, Leighton Paisner</i></b> Adelaide House London Bridge London EC4R 9HA	020- 7760 1000	Helen Kemp	Alan Rosamond
<b><i>Bircham Dyson Bell</i></b> 50 Broadway Westminster London SW1H 0BL	020-7227 7080	I H McCulloch P H Thompson  E N W Brown  R J V Owen	Mrs Pam Thompson
<b><i>Lewin, Gregory &amp; Co, Rees &amp; Freres</i></b> 1 The Sanctuary Westminster London SW1P 3JT	020-7222 5381	J A Durkin  P J Cronin  P R Lane  Ms M Peto	Mr Kevin Sanderson  Mr Darren White
<b><i>Sharpe Pritchard</i></b> Fulwood Place London WC1V 6HG	020-7405 4600	W A Lewis	Mr Bob Baker
<b><i>Winckworth Sherwood</i></b> 35 Great Peter Street Westminster London SW1P 3LR	020-7593 5000	Mrs A Gorlov  H S Wiggs  P M C F Irving  C M Vine	Mr Eddie Humby  Mr David Walker
<b><i>Vizard Oldham</i></b> 42 Bedford Row London WC1R 4JL	020-7663 2222	R E Perry	

27 February 2006

APPENDIX E

FORM OF APPLICATION UNDER SPEAKER'S RULES  
FOR PARLIAMENTARY AGENTS

ROLL "B"

[For Solicitors and those previously registered applying in respect of Roll B.]

FORM OF APPLICATION for A PERSON desirous of being registered as a PARLIAMENTARY AGENT for the purpose of opposing Bills<sup>2</sup> in the House of Commons.

To the Clerk of Bills

House of Commons

I,

having previously been registered as a Parliamentary Agent, *or* being a solicitor, and being actually employed in opposing a Bill<sup>2</sup> do hereby apply to have my name registered on Roll B, for the Session 2005 to 2006, as a Parliamentary Agent entitled to practice as such in opposing Bills<sup>2</sup>.

(Signature)

(Date)

(Address)

2 Speaker's Rule 24: These Rules shall apply with necessary modifications to agents for special procedure petitions, agents for ministers of the crown responsible for laying special procedure orders before parliament, agents for applicants for such orders and agents for counter-petitions

**FORM OF APPLICATION UNDER SPEAKER'S RULES  
FOR PARLIAMENTARY AGENTS**

**ROLL "B"**

**[For Persons not solicitors nor previously registered applying in respect of Roll B.]**

FORM OF APPLICATION for A PERSON desirous of being registered as a PARLIAMENTARY AGENT for the purpose of opposing Bills<sup>2</sup> in the House of Commons.

To the Clerk of Bills

House of Commons

I,

not being a Solicitor nor having previously been registered as a Parliamentary Agent, and being actually employed in opposing a Bill<sup>2</sup>, herewith submit in accordance with paragraph 11 of Speaker's Rules for Parliamentary Agents, a certificate of respectability signed by

being a

and do hereby apply to have my name registered on Roll B, for the Session 2001 to 2002, as a Parliamentary Agent entitled to practice as such in opposing Bills.<sup>2</sup>

(Signature)

(Date)

(Address)

2 Speaker's Rule 24: These Rules shall apply with necessary modifications to agents for special procedure petitions, agents for ministers of the crown responsible for laying special procedure orders before parliament, agents for applicants for such orders and agents for counter-petitions

**APPENDIX F**

**SPECIMEN LETTER OF AUTHORITY**

I hereby authorise [Name of Agent] to act as Agent on behalf of (the) [Name of Petitioner(s) OR Petitioning Organisation] in all matters relating to the [Title of Bill].

[Signature]

**NOTE**

The authority should be given in the form of a letter on the headed paper (if any) of the petitioner(s) or petitioning organisation and should be signed by the petitioner(s), or , in the case of an organisation, by an officer of the organisation normally authorised to execute documents on its behalf.

APPENDIX G

CERTIFICATE OF RESPECTABILITY<sup>3</sup>

To the Clerk of Bills,

House of Commons

I,

being a Member of Parliament/ Justice of the Peace/ Barrister/ Solicitor\*

do hereby certify that to the best of my knowledge, information and belief,

is in every way a respectable person.

(Signature)

(Date)

(Address)

3 Speaker's Rule 11: Any person possessing the required qualifications shall be entitled to be registered unless the Speaker otherwise directs:

Provided that unless he is a solicitor or has been previously registered as a parliamentary agent he must on his first application for registration produce to the Clerk in the Private Bill Office a Certificate of Respectability from a Member of Parliament, a Justice of the Peace, a barrister, or a solicitor.

\* Delete as appropriate