

HYBRID BILL REVIEW: PROPOSED REVISIONS TO PRIVATE BUSINESS STANDING ORDERS

Paper by the Chairman of Ways and Means

Summary

1. This paper sets out a number of proposed revisions to the Private Business Standing Orders (PrBSOs) and to the Speaker's Rules in respect of Private Business. The PrBSOs apply to private bills and, by analogy, to hybrid bills. Most of the proposed amendments apply both to private and hybrid bills. A small number apply to hybrid bills only.¹

2. These revisions have been drafted in conjunction with the House of Lords on the understanding that the same revisions will be made to the House of Lords PrBSOs and to the Chairman's Rules.

Review of hybrid bill petitioning procedure

3. Most of the revisions are proposed as a result of the review of hybrid bill petitioning procedure, which was commissioned in 2016. They are intended to remedy a number of issues which became apparent during the passage of the High Speed Rail (London-West Midlands) Bill (HS2 Phase 1) ("the Phase 1 Bill"). They are part of a wider package of proposals and include changes to:

- abolish the requirement for petitions against a bill to include a signature;
- remove references to "praying";
- allow the electronic submission of petitions;
- enable a minimum petitioning period to be set for hybrid bills;
- clarify the procedure for dealing with late petitions;
- enable a select committee appointed to consider petitions against a private or hybrid bill to group petitions and also, in appropriate cases, to consider petitions by way of written submission only;
- modernise the language of the PrBSOs by replacing references to "locus standi" with the concept of the right to have a petition considered;
- give certain Members of Parliament the express right to have their petitions considered; and
- abolish the concept of Roll B agent.

4. Further information about the review is set out in **Annex A** to this paper. Proposed amendments to the PrBSOs relating to the review are described in **Annex B** and the proposed changes to the Speaker's Rules is described in **Annex C**.

¹ Private bills originate outside Parliament and are promoted by bodies seeking special powers not available under the general law. They should not be confused with private members' bills, which are public bills. Hybrid bills are public bills which are considered to affect specific private or local interests, in a manner different from the private or local interests of other persons or bodies of the same class, thus attracting the provisions of the standing orders applicable to private business.

Other proposed amendments

5. In addition, it is proposed that the PrBSOs should be amended to:
- allow bill documentation to be deposited in electronic form;
 - require an environmental statement, where required, to include a report on the reasonable alternatives to the works authorised by the bill; and
 - update the reference to regulations in PrBSO 27A.

These amendments were requested by the Government and are described in **Annex D**.

6. The High Speed Rail (West Midlands-Crewe) Bill (HS2 Phase 2A) (“the Phase 2A Bill”) was introduced into the House of Commons and had its first reading on 17 July 2017. Implementation of the changes is being sought now in anticipation of petitioning against HS2 Phase 2A beginning in the House of Commons towards the end of the year or early next year.

7. **My intention is to table the proposed amendments to the Private Business Standing Orders soon after the House returns after the Conference Recess, and to invite the House to agree to the changes during the time for Unopposed Private Business. My expectation is that the House of Lords will consider corresponding amendments to its Private Business Standing Orders soon after.**

Chairman of Ways and Means
September 2017

ANNEX A

Review of hybrid bill petitioning procedure

Commissioning and terms of reference

1. The review was commissioned in the light of issues raised by the House of Commons High Speed Rail (London-West Midlands) Bill Select Committee in its Second Special Report of Session 2015-16 (HC129) (“the Second Special Report”).²

2. The terms of reference of the review were to “consider and make recommendations about possible changes to the procedure and practice of both Houses in relation to hybrid bills so as to make the hybrid bill process simpler and less time-consuming, without unfairly curtailing the right of those who are directly and specially affected by such bills to make their case effectively, or the right of the Government to ensure the passage of their legislation through Parliament”.

3. The issues raised in the Second Special Report concerned the following:

- The petitioning process, including guidance for those seeking to petition against a bill, arrangements for depositing petitions and the required petitioning language.
- Right of audience (“locus standi”), including the provision of guidance on what constitutes locus standi, who should be responsible for such guidance and how decisions on locus standi should be made.
- Duration of committee hearings, including the programming of petitioner appearances, the volume of submissions and the possibility of petitioners making points in writing without the need to make a personal appearance.
- Giving select committees on hybrid bills an express power to issue preliminary decisions.
- Clarification of the way in which the private business standing orders apply to proceedings on hybrid bills.
- Reviewing the language and layout of the standing orders of both Houses relating to private business so they are up to date and more easily intelligible.
- The appointment and role of petitioners’ representatives (“Roll B parliamentary agents”).

Consultation

4. A consultation document was published in May 2016, shortly after the HS2 Phase I Bill completed its passage through the House of Commons. The focus of this first consultation was on the House of Commons procedure. 43 responses were submitted. A supplementary consultation on Lords procedure took place towards the end of 2016. 82 responses were submitted. The majority of respondents were members of the public with direct experience of the procedure as a result of petitioning.

² Session 2015-16, HC 129.

Overview of intended outcome

5. Under current arrangements, PrBSOs are applied to hybrid bills by analogy. The fit is imperfect. This was noted in the Second Special Report which described the situation as “unsatisfactory” and called for the application of PrBSOs and Court of Referees’ rules to hybrid bills to be clarified.³ The Lords Select Committee made a more radical suggestion and said that the review should produce a “complete code” specifically applicable to hybrid bills, rather than propose piecemeal amendments to PrBSOs.

6. The *final* aim is to produce an entirely re-drafted set of standing orders, specific to hybrid bill procedure — a concomitant of which would be an entirely re-drafted set of standing orders specific to private bills. This will take time because of the size of the task and also the need to go out to consultation on those drafts and subsequent amendments as a result of the consultation.

7. As a result, a two-stage process to reform has been adopted:

- First, revision of the hybrid bill petitioning procedure, by way of amendment of the current PrBSOs so as to remove some of the clearest problems at the earliest opportunity.
- Second, a more fundamental re-drafting of the standing orders relating to hybrid and private bills.

Stage one reforms

8. The stage one reforms are intended to modernise the petitioning procedure by removing some of the most glaring anachronisms such as references to “praying” and the concept of Roll B agent.

9. They are also intended to enable a select committee to streamline petition hearings by explicitly permitting grouping of petitions to avoid repetition, timetabling and consideration of petitions without an oral hearing.

10. To facilitate petitioning, some practical steps are also being undertaken. A simplified petitions template is being developed, along with a new online portal through which petitions can be submitted electronically and a system for accepting petition payments online.

11. It is intended that these stage one reforms will be in place in time for petitioning in relation to the HS2 Phase 2A Bill in the House of Commons.

³ Paras 396 – 7. The Court of Referees makes decisions on *locus standi* in the Commons; in the Lords these are made by the select committee on the bill.

ANNEX B

Amendments proposed as a result of the review of hybrid bill petitioning procedure

A. Amendments to Standing Orders 1, 126, 171, 171A, 173, 192A and 193

These amendments are intended to modernise and simplify the process for submitting petitions. They abolish the requirement to include a prayer in a petition and a signature. Instead, petitioners submitting their petition via the new online portal will be asked to tick a box which states that they are submitting the petition in good faith and in compliance with the rules. References to “deposit” and “deposited” have been changed to “submission” and “submitted” to make clear that petitions can be submitted electronically, by post or in person. These amendments apply to both private and hybrid bills.

The amendment to SO 1 reflects the fact that signatures will no longer be required for petitions. However, there are documents (primarily documents submitted by promoters of private or hybrid bills) that will still require a signature and the following changes take account of that.

Amendments which replace the word “agent” with “representative” reflect the changes to the Speaker’s Rules which abolish the concept of Roll B agent (see Annex C).

I. Definitions. (HL 1)

...

(8) References in any standing order to the submission of a petition against a bill is a petition submitted electronically, by post or in person, received within the prescribed time.

126. Reference to committee of petitions against bill. (HL 109)

There shall stand referred to the committee on an opposed private bill-

(a) every petition presented in accordance with Standing Order 171A (Petitions against private bills) against the bill, and

(b) every petition which has been ~~deposited in~~submitted to the Private Bill Office and in which the petitioners complain of any amendment as proposed in the filled-up bill, or of any proposed additional provision or of any matter which has arisen during the progress of the bill before the committee,

~~being a petition in which the petitioners have prayed to be heard by themselves, their counsel or agents:~~ and copies of all such petitions shall be laid before each member of the committee.

171. Presentation of petitions relating to private bills.

Every petition in favour of or against any private bill, or otherwise relating thereto, shall be presented to the House by being ~~deposited in~~ submitted to the Private Bill Office, and there shall be endorsed thereon the short title by which the bill is entered in the Votes, and a statement that the petition is in favour of or against the bill, or otherwise as the case may be, ~~together with the name of the member, party or agent depositing the same.~~

171A. Petitions against private bills.

(1) Every petition against a private bill originating in this House to which paragraph (1) of Standing Order 163 (Presentation of bills) applies, and which is not a bill the examination of the petition for which has been adjourned until after 20th January, shall be ~~presented~~ submitted on or before 30th January; and every petition against any other private bill shall be ~~presented-submitted~~ not later than the tenth day after the first reading of the bill or, if the House is not sitting on that day, on or before the next day on which the House sits.

(2) This order shall not apply-

(a) to any petition ~~presented-submitted~~ against a bill after it has been reported from a committee; or

(b) to any petition against a personal bill; or

(c) to any petition in which the petitioners complain of any amendment as proposed in a filled-up bill, or of any proposed additional provision or of any matter which has arisen during the progress of a bill before a committee.

173. Withdrawal of petitions. (HL 103)

Any petitioner may withdraw his petition, and any co-petitioner may withdraw his name from a petition, by informing the Private Bill Office in writing that he wishes to do so.

~~, on a requisition to that effect being deposited in the Private Bill Office, signed by him or his agent, and where any such petition is deposited by or on behalf of more than one person, any of those persons may withdraw from the petition by a similar requisition, signed and deposited as aforesaid.~~

192A. Rules for petitions.

(1) Any petition required to be ~~deposited in~~ submitted to the Private Bill Office shall be prepared ~~and signed~~ in strict conformity with the rules and orders of the House:

Provided that-

(a) a petition may be prepared otherwise than in writing by hand; and

(b) except in the case of a petition for a private bill or a petition for additional provision in a private bill, a petition may be ~~signed~~ submitted on behalf of the petitioner by his ~~agent~~ representative.

(2) A petition ~~signed-submitted~~ by the petitioner's ~~agent~~ representative shall, ~~when so deposited,~~ be accompanied by ~~a written authority of a~~ confirmation that the petitioner or

petitioners have authorisinged the agent-representative to sign-submit the petition on his or their behalf.

193. Acknowledgment of receipt of documents.

The receipt of every document required by the standing orders of the House to be deposited in, or submitted to, the Private Bill Office shall be acknowledged by one of the clerks of the said office either by endorsement upon the document when deposited, or by electronic acknowledgement.

B. Amendments to Standing Orders 4, 11, 111, 188A, 188B and Appendix A

These amendments change references to “deposit” and “deposited” to “submission” and “submitted” for the reasons stated above in relation to group A amendments. They also allow for a select committee on a bill first presented more than one session previously. They also amend the letter promoters are required to send to potential petitioners setting out their rights. The text of this is set out in Appendix A of the Private Business Standing Orders.

4. Contents of notice. (HL 4)

...

(2) The notice shall also state

(a) that on and after 4th December copies of the bill, or as the case may be copies of part of the bill, may be inspected, and at a reasonable price obtained, at the offices required by the next following order, which offices shall be named in the notice.

(b) the time within which objection may be made by ~~deposit the submission~~ of a petition ~~in to~~ the office of the Clerk of the Parliaments or the Private Bill Office of the House of Commons; and

(c) that information regarding the ~~deposit-submission~~ of such petitions may be obtained from either of those offices or from the agents for the promoters, and give the appropriate website and contact details.

11. Publication of notice in the Gazette. (HL 11)

Not later than 11th December there shall be published once in the London Gazette and, if any powers are sought by the bill which affect Scotland or Northern Ireland, also once in the Edinburgh Gazette or in the Belfast Gazette, as the case may be, a short notice stating-

(a) the short title of the bill;

(b) the time within which objection may be made by ~~deposit-submission~~ of a petition in the office of the Clerk of the Parliaments or the Private Bill Office of the House of Commons and that information regarding the ~~deposit-submission~~ of such petitions may be obtained from either of those offices or from the agents for the promoters.

111. Reference to committees of opposed and unopposed bills. (HL 104, 121)

...

(3) The Committee of Selection shall not treat any bill as an opposed bill unless a petition ~~in which the petitioner prays to be heard~~ against the bill has been ~~presented-submitted~~ in accordance with Standing Order 171A (Petitions against private bills) or Standing Order 235 (Petitions in favour of or against draft provisional orders) and has not been withdrawn, or

the Chairman of Ways and Means has informed the House that in his opinion the bill ought to be treated as an opposed bill.

188A. Suspension of Bills. (HL 150A)

...

(8) If there is any petition outstanding—

(a) any such petition which has been ~~presented-submitted~~ (if not withdrawn) shall stand referred to any committee on the bill in the next session;

(b) any minutes of evidence taken before a committee on the bill in the current session shall stand referred to any committee on the bill in the next session;

(c) no petitioners shall be heard before any committee on the bill in the next session unless their petition has been ~~presented-submitted~~ within the time stipulated for the ~~deposit submission~~ of petitions in the current session, or as the case may be, a previous session or ~~deposited-submitted~~ pursuant to Standing Order 126(b);

(d) Standing Order 127 shall have effect as if the words "under Standing Order 126 (Reference to committee of petitions against bill)" were omitted.

188B. Revival of Bills. (HL 150A)

...

(8) If there is any petition outstanding-

(a) any such petition which has been presented (if not withdrawn) shall stand referred to any committee on the bill in the current session;

(b) any minutes of evidence taken before a committee on the bill in the last session or last Parliament shall stand referred to any committee on the bill in the current session;

(c) no petitioners shall be heard before any committee on the bill in the current session unless their petition has been ~~presented-submitted~~ within the time stipulated for the ~~deposit submission~~ of petitions in the last session or a previous session, or last Parliament or ~~deposited-submitted~~ pursuant to Standing Order 126(b);

(d) Standing Order 127 shall have effect as if the words "under Standing Order 126 (Reference to committee of petitions against bill)" were omitted.

Appendix A

...

You may object to the bill by ~~depositing-submitting~~ a petition against it. If you wish us to do so, we shall be glad to let you know the latest date on which you may ~~deposit-submit~~ a petition in either House.

For the moment we can let you know that the latest date for ~~depositing-submitting~~ a petition against a bill is-

...

We enclose for your use copies of the standing orders of both Houses of Parliament relating to the time and method of ~~presenting~~ submitting petitions in opposition to bills.

C. Repeal of Standing Order 172

This Standing Order is unnecessary because all petitions will be made available online.

~~[HC] 172. Supply of copies of petitions.~~

~~A copy of any petition deposited in the Private Bill Office praying to be heard against, or otherwise relating to, a private bill shall, on application and payment by any party interested, be supplied to him by the agent concerned for the petition not later than the day following that on which the application and payment is received.~~

D. New Standing Order 171B

The petitioning period prescribed in the PrBSOs applies only to private bills. In contrast, the petitioning period for hybrid bills is decided on a case by case basis. This is because the PrBSOs specify a timetable for private bills, beginning with bill deposit on 27 November (SO 38), which would not be appropriate for a hybrid bill. Petitioning periods for the most recent hybrid bills have varied: for the HS2 Phase 1 Bill, it was 26 days; the Crossrail Bill in 2008, 22 days; the Channel Tunnel Rail Link Bill in 1996, 18 days; and, the Channel Tunnel Bill in 1987, 14 days. Given the implications of the length of the petition period for the progress of a bill, the decision can be contentious. Feedback received from petitioners during the consultation in both Houses was that the petitioning period is often too short.

The purpose of the proposed new standing order is twofold: to set a minimum petitioning period of 25 days to enable adequate time for petitioning, and to state explicitly, that the Chairman of Ways and Means decides the length of a petitioning period, subject to the specified minimum.

171B. Limit of time for submitting petition relating to a hybrid bill.

(1) This order applies to any government bill in relation to which the Examiner decides that Standing Orders 4 to 68 are applicable.

(2) In the case of a bill originating in this House, the period during which petitions against the bill can be submitted begins the day after the bill was read a second time. The petitioning period shall last for a minimum period of 25 calendar days.

(3) In the case of a bill brought from the House of Lords, the period during which petitions can be submitted begins the day after the bill was read a first time. The petitioning period shall last for a minimum of 25 calendar days.

(4) The Chairman of Ways and Means shall decide the actual length of the petitioning period, subject to paragraph (2) or (3) above.

(5) In the case of a bill originating in this House, the Chairman of Ways and Means shall decide the length of the petitioning period in respect of any additional provision.

E. New Standing Order 171C

No explicit provision is made in the PrBSOs in relation to the submission of late petitions opposing a private bill. It is reasonable to assume however that the appropriate procedure would be for such a petition to be referred to the Standing Orders Committee which would be able, if minded, to dispense with the standing order governing the petitioning period for private bills. Because the length of the petitioning period for a hybrid bill is not set down in standing orders, but made by way of order of the House, this assumption cannot be made. The purpose of the proposed new standing order is to set out a procedure for late petitions against a hybrid bill by giving the Standing Orders Committee the express function of deciding whether to allow such a petition.

171C. Late submitted petitions relating to hybrid bill.

(1) This order applies to any government bill in relation to which the Examiner decides that Standing Orders 4 to 68 are applicable.

(2) Any petitioner whose petition is submitted after the close of the petitioning period, and which is in accordance with these Standing Orders, shall be invited to provide a written explanation as to why the petition has been submitted late.

(3) The decision on whether a late petition should be accepted is a matter for the Standing Orders Committee.

(4) The Standing Orders Committee shall report to the House if the petition is accepted for submission.

(5) There is no appeal from the decision of the Standing Orders Committee.

F. Amendments to Standing Orders 127 and 128

As currently drafted, SO 127(2) entitles a petitioner to appear before a select committee and be heard. These amendments make the following changes:

- the amendment to SO 127(2) removes the entitlement to be heard and replaces it with an entitlement to have a petition considered, either orally or in writing;
- new SO 127(3) gives a select committee explicit powers to decide which petitioners should be heard and which should be considered by way of written submission only. It also gives the committee explicit power to group petitioners together on the basis of the issues raised in their petitions;
- new SO 127(4) gives a select committee explicit power to determine how it will conduct proceedings, including the imposition of an order of consideration of petitions and time limits.

These amendments are intended to enable the committee to manage hearings more efficiently and to address the issue raised by the House of Commons HS2 Phase I Bill Select Committee that “there is simply far too much repetition of the same issues before the Committee”. That Committee went on to say: “If some believe that there is a democratic right for everyone who wants to show up to have their say to repeat issues for as long as it takes, they are wrong. Such a conception does not serve the democratic process”.⁴ In responding to the consultation on the hybrid bill petitioning procedure review, the House of Lords Select Committee made a similar point and concluded that the difficulties created by the number of petitions, the variety of topics and their often technical nature, and the preponderance of petitioners who appear in person or by a representative who is not professionally qualified could “be overcome only by robust powers of case management, expressly conferred by standing orders”.

The proposed amendments also address the issue that arose during the select committee stage of the Phase I Bill where some petitioners questioned the need to appear in person; either because they did not wish to go through the stress and inconvenience of appearing before the committee, or because they believed their concerns had already been sufficiently outlined in their petition.

127. Right of audience before committees on opposed bills. (HL 110)

(1) The promoters of an opposed private bill shall be entitled to be heard before the committee on the bill, by themselves, their counsel or agents, in favour of the bill and against any petitions against the bill which stand referred to the committee under Standing Order 126 (Reference to committee of petitions against bill).

⁴ House of Commons, Select Committee on the High Speed Rail (London-West Midlands) Bill, Second Special report of Session 2015-16, HC 129, pp 89-90.

(2) Any petitioners whose petitions stand referred as aforesaid shall, subject to the rules and orders of the House, ~~and to the prayer of their petition,~~ be entitled to ~~be heard upon their petition by themselves, their counsel or agents~~ have their petition considered by the committee.

(3) The committee on the bill shall have power to decide how petitions are considered and which petitions should be—

(a) heard by way of appearance before the committee;

(b) considered by way of written submission only;

(c) grouped with other petitions that raise similar objections to the bill.

(4) The committee shall also have power to decide how its proceedings are to be conducted including the order of consideration of petitions and timetabling.

128. Petition against bill must distinctly specify grounds of objection. (HL 111)

No petition against a private bill shall be taken into consideration by the committee on the bill, which does not distinctly specify the ground on which the petitioner objects to any of the provisions thereof; and the petitioner shall be ~~heard~~ considered only on the grounds so stated; and, if it appears to the committee that such grounds are not specified with sufficient accuracy, it may direct that it shall be provided with a more specific statement, in writing, but limited to such grounds of objection so inaccurately specified.

G. Amendments to Standing Orders 90, 91A, 91B, 92 to 102, 131 and 215

These amendments modernise the language of the PrBSOs by abolishing the expression “locus standi” and replacing it with the concept of the right of petitioners to have their petitions considered. They also establish explicitly that Members of Parliament with constituencies directly affected by a bill should have a right to have their petitions considered. During the passage of the HS2 Phase I Bill, a number of Members of Parliament submitted petitions in both the House of Commons and the House of Lords. Their “locus standi” was challenged by the promoter in the Lords only, and the challenge was successful. This inevitably caused a great deal of contention. The Standing Order changes below also contain consequential amendments in relation to the changes proposed to SO 127 set out in the previous section.

90. Jurisdiction of Court of Referees. (HL 114)

The Court of Referees shall decide upon all petitions against private bills, as to the rights of the petitioners to ~~be heard upon~~have such petitions considered, without prejudice, however, to the power of the committee to which the bill is referred to decide upon any question as to such rights arising incidentally in the course of its proceedings.

91A. Right of audience before Court of Referees.

A petitioner against a private bill shall be entitled to be heard before the Court of Referees by himself, his counsel, or ~~agents representatives~~ in support of his right to ~~be heard upon~~have his petition considered by the committee and the promoters of the bill shall be entitled to be heard by themselves, their counsel or agents in opposition thereto; but not more than one counsel shall appear before the Court in support of a right to ~~be heard upon~~hishave a petition considered, or in opposition thereto.

91B. Right of Members of Parliament to have petition considered. (New HL 117A)

Any Members of Parliament whose constituencies are directly affected by the works proposed by a Bill shall be permitted to have their petition against the Bill considered by the committee.

92. Competition to be a ground ~~of locus standi~~to have petition considered.

It shall be competent to the Court of Referees, if it thinks fit, to ~~admit permit~~ petitioners to ~~be heard upon~~have their petitions against a private bill considered by the committee, on the ground of competition.

93. Locus standiRight of members of companies, etc. to have petition considered. (HL 115)

Where a bill is promoted by an incorporated company, society, association or partnership, the committee shall not consider petitions by its members ~~thereof shall not be entitled to~~

~~be heard before the committee against the bill,~~ unless their interests as affected thereby are distinct from the general interests of the company, society, association or partnership:

Provided that any proprietor or member of any company, society, association, or partnership who has, by himself or by any person authorised to act for him in that behalf, dissented at any meeting called in pursuance of any of Standing Orders 62 to 67, or at any meeting called in pursuance of any similar standing order of the House of Lords, shall be permitted to ~~be heard~~have their petition considered by the committee on the bill on a petition presented to this House.

95. Power of Court of Referees to allow ~~locus standi to~~ associations, etc the right to have petition considered. (HL 117)

(1) Where any society or association, sufficiently representing any trade, business, or interest in a district to which any bill relates, petition against the bill, alleging that such trade, business, or interest will be injuriously affected by the provisions contained therein, it shall be competent to the Court of Referees, if it thinks fit, to ~~admit the~~permit petitioners to ~~be heard~~have their petition considered by the committee on such allegations against the bill or any part thereof.

(2) Without prejudice to the generality of the foregoing paragraph, where any society, association or other body, sufficiently representing amenity, educational, travel or recreational interests, petition against a bill, alleging that the interest they represent will be adversely affected to a material extent by the provisions contained in the bill, it shall be competent to the Court of Referees, if it thinks fit, to ~~admit the~~permit petitioners to ~~be heard~~have their petition considered by the committee on such allegations against the bill or any part thereof.

96. Power of Court of Referees to allow ~~locus standi to~~ local authorities or inhabitants the right to have petition considered. (HL 118)

It shall be competent to the Court of Referees, if it thinks fit, to ~~admit the~~permit petitioners, being the local authority of any area the whole or any part of which is alleged in the petition to be injuriously affected by a bill or any provisions thereof, or being any of the inhabitants of any such area, to ~~be heard~~have their petition against the bill or any provisions thereof considered by the committee.

97. ~~Locus standi~~Right of certain local authorities to have petition considered against lighting and water bills. (HL 119)

The council of any district in England or London borough or county or county borough in Wales alleging in its petition that the district, borough or county (as the case may be) may be injuriously affected by the provisions of any bill relating to the lighting or water supply thereof, or the raising of capital or the borrowing of money for any such purpose, shall be entitled to ~~be heard~~have their petition against the bill considered by the committee.

98. ~~Locus standi~~Right of county councils to have petition considered against water and tramway bills. (HL 120)

(1) The council of any county or (in Wales) any county or county borough alleging in its petition that its administrative area, or any part thereof, may be injuriously affected by the provisions of any bill relating to the water supply of any area, whether situate within or without that area, shall be entitled to ~~be heard~~have their petition against the bill considered by the committee.

(2) The council of any county, metropolitan district, unitary district, or London borough or (in Wales) any county or county borough alleging that its administrative area or any part thereof may be injuriously affected by the provisions of any bill proposing to authorise the construction or reconstruction of any tramway along any road to the maintenance and repair of which that council contributes, within its administrative area, shall be entitled to ~~be heard~~have their petition against the bill considered by the committee.

99. Power of Court of Referees to allow ~~locus standi to~~ river authorities and owners, etc., of land the right to have petition considered.

Where any authority charged with the control of waters, or where the owners, lessees, or occupiers of any land, petition against a bill alleging that under its provisions the river or any water or water supply of which they may legally avail themselves will be diminished or injuriously affected, it shall be competent to the Court of Referees, if it thinks fit, to ~~admit~~ permit the petitioners to ~~be heard~~have their petition against the bill or any part thereof considered by the committee.

100. Power of Court of Referees to allow ~~locus standi to~~ land drainage authorities the right to have petition considered.

Where any drainage body within the meaning of the Land Drainage Act 1991 petitions against a bill, alleging that the area or district of the authority will be injuriously affected by the provisions of the bill authorising the abstraction or impounding of water, or the discharge of water into watercourses, within that area or district, it shall be competent to the Court of Referees, if it thinks fit, to ~~admit~~ permit the petitioners to ~~be heard~~have their petition against the bill or any part thereof considered by the committee.

101. Power of Court of Referees to allow ~~locus standi to~~ conservators of forests, commons, or open spaces the right to have petition considered.

It shall be competent to the Court of Referees, if it thinks fit, to ~~admit~~ permit the petitioners, being the conservators constituted under Act of Parliament or under a scheme or an order of the Secretary of State for Environment, Food and Rural Affairs, having the control, regulation, or management of any forest, common, or open space alleged to be injuriously affected by a bill, to ~~be heard~~have their petition against the bill considered by the committee.

102. ~~Locus standi~~Right of owners, etc., against tramway bills to have petition considered.

The owner, lessee, or occupier of any house, shop, or warehouse in any street or road along which it is proposed to construct any tramway, who alleges in any petition against a private bill that the construction or use of the tramway proposed to be authorised thereby will injuriously affect him in the use or enjoyment of his premises, or in the conduct of his trade or business, shall be entitled to ~~be heard on such allegations before~~ have their petition considered by any committee to which the bill is referred, and it shall be competent to the Court of Referees, if it thinks fit, to ~~admit~~ permit the petitioners, being the owners, lessees, or occupiers of any house, shop, or warehouse having its access materially dependent on such street or road, and making the aforesaid allegations, to ~~be heard~~ have their petition against the bill considered by the committee.

131. ~~Non-appearance of petitioners~~ Treatment of opposed bills as unopposed in certain cases. (HL 113)

In the case of any opposed private bill, in which—

(a) no party has appeared on a petition against the bill or on a petition complaining of amendments as proposed in the filled-up bill, or

(b) all parties who have ~~so appeared~~ had their petition considered have withdrawn their opposition before the evidence of the promoters has been commenced, or

(c) the committee to which the bill has been committed has disallowed the right of all remaining petitioners to have their petitions considered,

the committee to which the bill has been referred shall forthwith refer back the bill, with a statement of the facts, to the Committee of Selection which shall treat it as an unopposed bill.

215. ~~Locus standi~~Right of petitioners against confirming bills to have petition considered.

ANNEX C

Changes to Speaker's Rules relating to parliamentary agents and petitioners

Roll A agents are solicitors authorised to act for promoters of, or petitioners against, private or hybrid bills. They play a similar role for hybrid bills. In order to practise, parliamentary agents have to satisfy the Speaker in the House of Commons and the Chairman of Committees (Senior Deputy Speaker) in the House of Lords that they have a practical knowledge of the PrBSOs and of the procedures of the Houses in relation to private business. They are then entered on to a register (Roll A).

Roll B agents are persons authorised to act on behalf of petitioners against a private or hybrid bill who are not Roll A agents. Roll B agents cannot promote bills. Unless they are a solicitor or have previously been registered as a parliamentary agent, their application to be a Roll B agent has to be accompanied by a certificate of respectability from a Member of Parliament, a Justice of the Peace, barrister or solicitor. Roll B agents then have to sign a sessional register (Roll B).

The rules governing Roll B (and Roll A) agents are set out in the Speaker's Rules for the House of Commons and the Chairman's Rules for the House of Lords. In order to modernise and simplify the rules, it is proposed that they should be amended, and re-issued, so that petitioners should be able to be represented by anyone they choose without that person having to sign Roll B or provide a certificate of respectability.

A petitioner can petition "in person", without representation, and this will not change.

ANNEX D

Other proposed amendments

A. Amendments to Standing Orders 1A, 4A, 27, 27A, 35, 36, 39, and 41 to 44

This amendment was proposed by Rt Hon. Chris Grayling MP, Secretary of State for Transport, in a letter to the Chairman of Ways and Means and Senior Deputy Speaker dated 27 March 2017. It stated:

“Ahead of the introduction of the High Speed Rail (London-West Midlands) Bill in 2013, Standing Orders were amended to allow the deposit of the environmental statement and related documents *for that Bill*, at around 200 locations specified by Standing Orders, to be made in electronic form, with the agreement of the deposit location. The electronic format was preferred by the overwhelming majority of locations. We now propose that this option be made permanently available for all future hybrid bills.”

The PrBSOs currently require hard copies of all bill documentation to be deposited in every local authority area. For the HS2 Phase 1 Bill, due to the anticipated scale of the bill documentation, both Houses agreed motions to enable this material to be deposited in electronic form. A similar motion for the HS2 Phase 2A Bill was passed in the House of Lords on 17 July 2017, having previously been agreed by the House of Commons on 11 July 2017.

These amendments would enable the electronic deposit of bill documentation for all private and hybrid bills without the need for motions in both Houses, whilst retaining the option for local authority officers to require a hard copy should they need it.

1A. Deposit and delivery of documents etc. at offices of government departments and public bodies. (HL 1A)

(1) Any reference in a provision of these orders to a document, or to a copy or copies of a document, being deposited or delivered in accordance with, or by reference to, this order is a reference to the document, or to a copy or copies of the document, being deposited or delivered—

- (a) at the offices of such government departments and public bodies as may be specified in the list, and
- (b) if the context so admits, in such quantities as may be so specified.

(2) The deposit or delivery of any such document may be made in readily accessible electronic form, with the agreement of the recipient.

(3) Where an electronic version has been deposited or delivered, the promoters shall inform the recipient that a hard copy is available on request, and, if desired such copies shall be provided within a reasonable time.

(24) In paragraph (1) above-

"document" includes any bill, plan, section, book of reference, ordnance map, environmental or other statement or estimate;

"the list" means the list which, for the purposes of this order, is compiled and maintained by the Private Bill Office under the direction of the Chairman of Ways and Means.

(35) The provisions of these orders which contain such references as are mentioned in paragraph (1) above are-

- (a) Standing Order 27(~~56~~),
- (b) Standing Order 27A(1),
- (c) Standing Order 29,
- (d) Standing Order 30,
- (e) Standing Order 30A(1),
- (f) Standing Order 31,
- (g) Standing Order 32,
- (h) Standing Order 33,
- (i) Standing Order 34,
- (j) Standing Order 35,
- (k) Standing Order 36,
- (~~l~~) Standing Order 37,
- (~~m~~) Standing Order 39,
- (n) Standing Order 41,
- (~~o~~) Standing Order 42,
- (~~p~~) Standing Order 43,
- (q) Standing Order 44,
- (~~r~~) Standing Order 45(3), and
- (~~s~~) Standing Order 47(1).

4A. Copies of bill to be made available. (HL 4A)

4A.-(1) The promoters shall on and after 4th December make available for inspection, and for sale at a reasonable price, copies of the bill at an office in London and, if it affects Wales, at an office in Cardiff and, if it affects Scotland, at an office in Edinburgh and, if it affects Northern Ireland, at an office in Belfast ~~and~~. It shall be sufficient compliance with this paragraph if the promoters supply copies without additional charge by post or electronically, as requested. Copies shall also be made available for inspection and sale on the same basis-

- (a) if the bill is promoted by, or alters functions of, a local authority, other than a parish council or parish meeting or community council or community meeting, at an office in the area of the authority;

- (b) if the bill alters functions of a parish council or parish meeting or community council or community meeting, at an office in the district in which the parish or (in Wales) in the county or county borough in which the community is situated;

...

27. Deposit of plan, book of reference, and section, etc. (HL 27)

(1) In the case of a bill whereby it is proposed-

- (a) to authorise the construction of works to which this order applies, or the alteration of any such works authorised by a former Act; or
- (b) to authorise the compulsory acquisition of any lands or buildings or of rights to use any lands or buildings; or
- (c) to render liable to the imposition of an improvement charge any lands or buildings;

there shall, on or before 20th November, be deposited with the proper officer of the council of each county, metropolitan district, unitary district, or London borough or (in Wales) of each county or county borough or (in Scotland) of each local government area in which any such works, lands or buildings are situate a plan of the works or alteration of works, and of the lands or buildings, and a book of reference thereto, and also, where the construction or alteration of works is proposed to be authorised, a section of the works to be constructed or the alteration to be made:

Provided that it shall be sufficient (at the option of the promoters) to deposit with the proper officer of the council of each county, metropolitan district, unitary district, and London borough and (in Wales) of each county or county borough or (in Scotland) of each local government area so much only of the said plan and section and book of reference as relates to the works, lands or buildings in the county, metropolitan district, unitary district, or London borough or (in Wales) the county or county borough or (in Scotland) the local government area:

Provided also that, in the case of a bill whereby it is proposed to revive the powers granted by a former Act for the construction or alteration of works, the deposit of a plan and section of the works shall not be required if—

- (a) the former Act was passed not more than ten years previously to the deposit of the petition for the bill; or
- (b) the lands in or upon which the works are proposed to be constructed or altered have been acquired by, or are vested in the promoters; or
- (c) the construction or alteration of the works has been commenced.

Such documents may be deposited, if the officer agrees, in electronic form.

(2) In the case of a bill whereby it is proposed to authorise the construction of a railway or tramroad, there shall be deposited with such plans an ordnance map on the scale of

1/50,000 with the line of the railway or tramroad delineated thereon so as to show its general course of direction.

(3) Any such plan, section, book of reference and ordnance map may, instead of being deposited as aforesaid, be sent by registered post to the office of the proper officer of the council of the county, metropolitan district, unitary district, or London borough or (in Wales) of the county or county borough or (in Scotland) of the local government area, and if so sent shall be posted on or before 17th November.

(4) Any deposit made under this Standing Order shall be accompanied by a schedule of documents detailing the documents so deposited.

(45) The proper officer or chief executive of the council of each county, metropolitan district, or London borough or (in Wales) each county or county borough or (in Scotland) each local government area, shall make on every plan, section and book of reference deposited with him a memorial in writing denoting shall record on a copy of the schedule of documents deposited the date and hour when it was lodged at his office, and shall at all reasonable hours of the day permit any person to inspect ~~it~~ such documents and to make obtain copies thereof or extracts therefrom. It shall be sufficient compliance with this paragraph if there is provided to that person, on request and within reasonable time, copies of so much of the document as the person may reasonably require, and such copies may, if the person so agrees, be provided in electronic form.

(56) On or before 20th November, one copy of every such plan, section, book of reference and ordnance map shall be deposited in the Private Bill Office, and copies of the same shall be deposited in accordance with Standing Order IA.

(67) The works to which this order applies are works of any of the following descriptions:—

Aqueduct.

Archway.

Bridge.

Canal.

Cut.

Dock.

Drainage—where it is not provided in the bill that the cut shall not be more than 3.4 metres wide at the bottom.

Embankment for re-claiming land from the sea or any tidal river.

Ferry.

Harbour.

Motor road.

Navigation.

Pier.

Port.

Public carriage road.

Railway.

Reservoir.

Sewer or waterpipe the internal diameter of which exceeds 1 metre.

Street.

Subway.

Tramroad.

Tramway.

Tunnel.

Waterwork (not including any underground pipe the internal diameter of which does not exceed 1 metre).

(78) This order shall apply to Greater London as if it were a county and the Greater London Authority were the council of the county.

27A. Environmental assessment. (HL 27A)

...

(6) Copies of every environmental statement deposited under this order shall be made available for inspection, and for sale at a reasonable price, on and after 4th December, at the offices at which copies of the bill are required to be made available under Standing Order 4A (Copies of bill to be made available); and there shall also be made available separately on and after that date at those offices, for inspection and for sale at a reasonable price, copies of the non-technical summary. Such copies may, if the person so agrees, be provided in electronic form.

...

35. Deposit of copy of plan, etc., in certain cases with Commissioner of Police. (HL 35)

Where by any bill the construction of a work of any kind is proposed to be authorised by which street traffic or the regulation of street traffic in the Metropolitan Police District may be affected, a copy of so much of the deposited plan and section as relates to such work shall, on or before 20th November, be deposited at the office of the Commissioner of Police of the Metropolis in accordance with Standing Order 1A.

36. Deposit of copy of plan, etc., in certain cases with certain local authorities. (HL36)

(1) In the case of a bill in respect of which a plan, or a plan and section, and a book of reference are required by Standing Order 27 (Deposit of plan, book of reference, and section, etc) to be deposited, a copy of so much of the said plan, or plan and section, as relates to any of the areas hereinafter mentioned specified in Standing Order 1A, and a copy of so much of the book of reference as relates to such area, shall, —

~~(a) on or before 20th November, be deposited for public inspection with the officers of each local authority, and in the manner specified in Standing Order IA, or respectively hereinafter mentioned, that is to say, in the case of—~~

~~(a) any district in England other than a metropolitan district, or unitary district, with the proper officer of the district;~~

~~(b) any county or county borough in Wales with the proper officer of the county or borough;~~

~~(c) any parish having a parish council or community having a community council, with the proper officer of the parish or community council, or, if there is no such officer, with the chairman of that council;~~

~~(d) any parish or community, not having a parish or community council, with the chairman of the parish or community meeting.~~

~~(2b) Any such plan, section and book of reference may, instead of being deposited as aforesaid, be sent by registered post to any such officer, and if so sent shall be posted on or before 17th November.~~

~~(32) The officer of each local authority with whom a copy of so much of the said plan, or plan and section, and book of reference is any such document is so deposited shall—~~

~~(a) permit any person at all reasonable hours of the day to inspect them it and~~

~~(b) to make copies thereof or extracts therefrom provide copies of so much of the document as the person may reasonably require. Such copies may, if the person so agrees, be provided in electronic form.~~

39. Deposit of copies of bills (HL 39)

On or before 4th December ~~printed~~ copies shall be deposited in accordance with Standing Order IA.

41. Delivery of copies of certain bills to highway authorities. (HL 41)

A ~~printed~~ copy of every bill whereby it is proposed to authorise any persons other than the highway authority to break up or otherwise interfere with any streets or roads, other than streets or roads shown on the deposited plan, shall ~~be delivered on or before 4th December at, or sent by registered post to, the office of the highway authority liable for the maintenance of such streets or roads, and if so sent shall be posted on or before 1st December.~~

~~(a) be delivered on or before 4th December, or~~

~~(b) be sent by registered post, having been posted on or before 1st December,~~

~~to the recipient or recipients specified in Standing Order IA.~~

42. Delivery of copies of bills affecting watercourses to Environment Agency. (HL 42)

A ~~printed~~ copy of every bill whereby it is proposed to authorise any persons to impound or abstract water from, or to discharge water into, any watercourse, or to construct works over, or under, or affecting any such watercourse or the banks thereof, shall—

- (a) be delivered on or before 4th December, or
- (b) be sent by registered post, having been posted on or before 1st December,

to the recipient or recipients specified in Standing Order 1A.

43. Delivery of copies of bills affecting rivers or estuaries to Environment Agency. (HL 43)

A ~~printed~~ copy of every bill whereby it is proposed to authorise the making, extending or enlarging of any dam, weir or obstruction to the passage of fish in any river or estuary, or of any sewer discharging into any river or estuary, or the abstraction of water from any river, shall—

- (a) be delivered on or before 4th December, or
- (b) be sent by registered post, having been posted on or before 1st December,

to the recipient or recipients specified in Standing Order 1A.

44. Delivery of copies of certain bills to local authorities. (HL 44)

(1) Where a bill is one to which, in the event of its originating in this House, Standing Order 64 (Consents of members of companies, etc., not being promoters, in case of certain bills originating in this House) will apply, and any company, society, association or partnership upon which powers are proposed to be conferred or whose constitution is proposed to be altered by the bill as provided in that order carries on (whether under statutory authority or otherwise) an undertaking for the supply of water, either a ~~printed~~ copy of the bill or notice in writing of the provisions thereof to which that order applies, shall ~~— be delivered on or before 11th December or sent by registered post (and if so sent shall be posted on or before 8th December) to the proper officer of each local authority whose area comprises the whole or any part of the area within which such company, society, association, or partnership supply or are authorised to supply water.~~

~~(2) In this order "local authority" does not include a parish council or a parish meeting, or a community council or a community meeting.~~

- ~~(a) be delivered on or before 11th December, or~~
- ~~(b) be sent by registered post, having been posted on or before 8th December,~~

~~to the recipient or recipients specified in Standing Order 1A.~~

B. Further amendments to Standing Orders 27A and 224A

Two further amendments are proposed in relation to SO 27A.

The first introduces the requirement to produce a report evaluating viable alternatives to the works authorised by the bill. This amendment was also proposed by Mr Grayling in his letter of 27 March 2017. It stated that this amendment related to:

“... what was a recurring theme during Second Reading debates in both Houses on the High Speed Rail (London-West Midlands) Bill, particularly from those opposed to HS2: the merits of alternative schemes. While the Environmental Statement for HS2 Phase One included a comprehensive Alternatives Report addressing such issues, it is not a requirement of either the EIA Directive or Standing Orders. As such, it was undertaken voluntarily by the Government. The issue of the consideration of alternatives was also a matter taken up by opponents to HS2 through the Courts, in a number of Judicial Reviews that reached all the way to the Supreme Court.

“Given that the consideration of alternatives is something that the Government is already undertaking voluntarily, it is of significant interest to members of the House and information on it would aid the deliberation of the House, we feel that it would be sensible to make provision of information on alternatives to the project promoted in a hybrid Bill a Standing Order requirement.”

The second amendment updates the reference to the relevant Town and Country Planning regulations.

27A. Environmental assessment. (HL 27A)

(1) Subject to paragraph (810) below, in the case of a bill authorising the carrying out of works the nature and extent of which are specified in the bill on land so specified, there shall be deposited on or before 4th December ~~in-with~~ the Private Bill Office and ~~at~~ the public departments at which copies of the bill are required to be deposited under Standing Order 39 (Deposit of copies of bills at Treasury and other public departments, etc.), either-

(a) a copy or copies (as specified by paragraph (23) below) of an environmental statement containing, in relation to the works authorised by the bill

- ~~(i) — the information referred to in Part II of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I. 1999, No. 293) (referred to below as "Schedule 4"), and so much of the information referred to in Part I of that Schedule as is reasonably required to assess the environmental effect of the works and as the promoters can reasonably be expected to compile; or~~
- ~~(ii) — such of that information as the Secretary of State may in any particular case direct, or~~

- ~~(i) — the information specified in paragraph (2), and~~

(ii) a report which identifies, describes and evaluates reasonable alternatives to the works authorised by the bill, taking into account the objectives and geographical scope of the bill; or

(b) a copy or copies (as so specified) of a direction by the Secretary of State that no such statement is necessary in relation to the works authorised by the bill.

(2) The information referred to in paragraph (1)(a)(i) is

(a) the information referred to in regulation 18(3)(a) to (e) and (4)(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571) (referred to below as "the EIA Regulations"), together with any additional information specified in Schedule 4 to the EIA Regulations which is relevant to the specific characteristics of the works authorised by the bill and to the environmental features likely to be significantly affected, or

(b) such of the information mentioned in paragraph (a) as the Secretary of State may in any particular case direct.

~~(23)~~ Copies shall be deposited in accordance with Standing Order IA.

(4) An environmental statement deposited under this order shall be prepared by persons who have sufficient expertise to ensure the completeness and quality of the statement and shall take into account the matters referred to in regulation 18(4)(c) of the EIA Regulations.

~~(35)~~ Where any such works authorised by a bill relate to two or more distinct projects each project may be treated separately for the purposes of paragraphs (1) and (2) above: and the references in ~~sub-paragraphs (a) and (b) of that paragraph~~ those paragraphs to the works authorised by the bill shall accordingly be construed, where the paragraph applies separately to each project, as references to the works comprised in that project.

~~(46)~~ Notwithstanding any direction given as mentioned in paragraph ~~(+2)(ab)~~ above, any environmental statement of which copies are deposited under this order shall contain the summary (referred to below as "the non-technical summary") required by ~~paragraph 6 of Part I and paragraph 5 of Part II of Schedule 4~~ regulation 18(3)(e) of, and paragraph 9 of Schedule 4 to, the EIA Regulations.

~~(57)~~ Where the Secretary of State has given a direction as mentioned in paragraph ~~(+2)(ab)~~ above, a copy of the direction shall be deposited with every copy of the environmental statement deposited under this order; and every copy of a direction so deposited or deposited under paragraph (1)(b) above shall be accompanied by a statement by the Secretary of State of his reasons for giving the direction.

~~(68)~~ Copies of every environmental statement deposited under this order shall be made available for inspection, and for sale at a reasonable price, on and after 4th December, at the offices at which copies of the bill are required to be made available under Standing Order 4A (Copies of bill to be made available); and there shall also be made available separately on

and after that date at those offices, for inspection and for sale at a reasonable price, copies of the non-technical summary. Such copies may, if the person so agrees, be provided in electronic form.

~~(79) The reference to Schedule 4 in this order is a reference to that schedule as amended from time to time and includes a reference to the corresponding provision of any regulations which re-enact the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 1999, with or without amendment; and references to particular paragraphs of Schedule 4 shall be construed accordingly. References in this order to any provision of the EIA Regulations are references to that provision as amended from time to time and include references to the corresponding provision of any regulations which re-enact the EIA Regulations, with or without amendment.~~

~~(810) This order does not require the deposit of copies of an environmental statement in relation to any works for which planning permission has been granted.~~

224A. Comments on environmental statement. (HL 83A)

...

(8) If any supplementary environmental information is deposited in relation to the bill:

- (a) it shall be prefaced with a statement that the information is being deposited as supplementary information under this order;
- (b) the requirements of Standing Order 27A in relation to the deposit of copies of the environmental statement shall apply to the supplementary environmental information;
- (c) copies of the supplementary environmental information shall be made available for inspection and sale at the offices and in the manner prescribed by Standing Order 27A~~(68)~~;