

## HIGH SPEED RAIL (CREWE - MANCHESTER) BILL

### The Promoter's Guidance Note on the 'right to be heard' procedure

#### Introduction

1. Individuals, groups of individuals and organisations whose property or interests are affected by the proposals of the High Speed Rail (Crewe - Manchester) Bill ("the Crewe - Manchester Bill") are able to petition against the Bill. Petitioning is a process whereby an individual, group of individuals or organisation outlines how they are to be affected by the Bill's proposals, and whether the provisions of the Bill should be amended.
2. A Select Committee of the House of Commons on the High Speed Rail (Crewe - Manchester) Bill will be established to oversee the petitioning process. The Select Committee will hear the cases from Petitioners and the Promoter before reporting the Bill to the House of Commons. The Select Committee will have the opportunity to make amendments to the Bill, the power to produce reports on discrete issues or specific petitions and to make recommendations to the Promoter.
3. In order to be eligible to petition against the Bill, Petitioners must be "directly and specially affected" by the Bill (see [Erskine May](#), the guide to Parliamentary procedure). Petitioners must show that the Crewe - Manchester Bill will have a "direct and special effect" on their property or interests to be able to have their petitions heard, and taken into account by, the Select Committee. The Select Committee can also, at its discretion, hear petitions from certain types of representative body (for example, the local authority of an area affected by the Crewe - Manchester Bill) and from inhabitants of any affected area who are sufficiently representative. This right to be heard was previously called *locus standi* and it can be challenged by the Promoter.
4. The purpose of this guidance note is to explain the procedural rules that apply once the Promoter challenges a Petitioner's right to be heard. The Private Bill Office has also produced guidance for Petitioners on the right to be heard, which can be found here: <https://bills.parliament.uk/publications/45479/documents/1735>.
5. This guidance is intended for any Petitioner to whom the Secretary of State for Transport ("the Promoter") sends a formal Notice of Objection to the Petitioner's right to be heard. The objection means that the Promoter believes that:
  - o the Petitioner does not have the right to have their petition against the Crewe - Manchester Bill heard by the House of Commons Select Committee; and
  - o either the Select Committee does not have a discretion to allow the petition to be heard or, if it has a discretion, that the discretion should not be exercised.

The Select Committee will hear both sides of the argument and will then decide whether the petition will be heard.

6. The relevant details regarding the right to be heard are in Standing Orders 90 to 102 of the [Standing Orders of the House of Commons for Private Business](#).

Standing Orders 91B, 95 and 96, which are most relevant, are set out in the HS2 Note of promoter's position on the right to be heard<sup>1</sup>.

### **The Notice of Objection is important**

7. The Select Committee will hear arguments on each Petitioner's right to be heard at a hearing. This hearing will be held in a committee room in the Houses of Parliament in London. The Petitioner has the right to attend the hearing and make representations to the Select Committee. The Petitioner can either do this themselves or through a representative. A Petitioner's representative could be a friend, relative or colleague, or a paid advocate such as a solicitor or land agent. There are also professional Parliamentary Agents (solicitors accredited by Parliament who specialise in promoting and opposing hybrid and private bills), known as 'Roll A' Agents. You can find out more about Roll A agents here: <https://www.parliament.uk/about/how/laws/bills/private/parliamentary-agents/>.
8. If a Petitioner believes that they do have a right to be heard and wishes their petition to be heard by the Select Committee, they will be invited to appear (either in person or through a representative) before the Committee to make their case. Petitioners do not have to respond to the Promoter's challenge to their right to be heard and can withdraw their petition. Petitioners who do not defend a challenged right to be heard will not have their petitions considered by the Select Committee. Unless there are exceptional circumstances "attending the hearing" means attending in person (or through a representative), rather than by attending remotely.
9. At the hearing it will be for the Petitioner to make the case that they should be allowed to be heard on the petition. Petitioners are able to call witnesses to attend the hearing to speak in favour of their right to be heard. The Promoter may also call witnesses to support its case.

### **Before the hearing**

10. The Petitioner or their representative should receive two copies of the Notice of Objection and the Notice should include the Petitioner's name or the name of their representative.
11. The Select Committee decides the order in which to hold these hearings.
12. The Petitioner will be informed by the Committee's programme officer (if one is appointed by the Committee) of the time and date of the specific hearing that will deal with the Promoter's objection to the Petitioner's right to be heard. The Petitioner should contact the Committee's programme officer if it is not possible to attend on that day or at that time so that an alternative time may be arranged.
13. **Not less than 2 working days before the hearing**, the Petitioner must:
  - confirm in writing or by email ([prbohoc@parliament.uk](mailto:prbohoc@parliament.uk)) to the Private Bill Office of the House of Commons that they intend to appear at the hearing, giving their name and the name of any representative intended to appear on their behalf;
  - if facts are disputed, and when the Petitioner appears before the Select Committee the Petitioner intends to rely on any documents or written evidence about these facts, the Petitioner should submit the documents or written evidence to the Private Bill Office and send copies to the Parliamentary Agents for the Promoter<sup>2</sup> (the Promoter is also required to

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1065949/HS2\\_Note\\_of\\_promoters\\_position\\_on\\_right\\_to\\_be\\_heard.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1065949/HS2_Note_of_promoters_position_on_right_to_be_heard.pdf)

<sup>2</sup> Details of the Parliamentary Agents to whom the copies and other documents are to be sent will be given with the Notice of Objection.

submit any evidence it proposes to use to the Private Bill Office and the Petitioner); and

- give notice to the Private Bill Office and the Parliamentary Agents for the Promoter giving details of any witnesses the Petitioner proposes to call at the hearing to give oral evidence (the Promoter is also required to give such notice to the Private Bill Office and the Petitioner).
14. Notices or documents **must** be received by the Private Bill Office by the deadlines referred to in paragraph 13:
- by email to the Private Bill Office ([prbohoc@parliament.uk](mailto:prbohoc@parliament.uk)) by 5:00pm;
  - sent to the Private Bill Office<sup>3</sup> by post (by recorded delivery service), the material being **posted not less than 2 working days** before the day on which it has to have arrived with them as required by paragraph 13 above; or
  - by delivery to the Private Bill Office at a time agreed by appointment (020 7219 3250) between 11:00am and 5:00pm.
15. Notices or documents **must** be received by the Parliamentary Agents for the Promoter by the deadlines referred to in paragraph 13:
- by email to the Parliamentary Agents by 6:00pm;
  - sent to the Parliamentary Agents by post (by recorded delivery service), the material being posted not less than 2 working days before the day on which it has to have arrived with them as required by paragraph 13 above; or
  - by delivery to the Parliamentary Agents by 6:00pm.

### **The hearing**

16. The order of proceedings at the right to be heard hearings is to be determined by the Select Committee but is expected to be:
- statement from the Petitioner explaining why they believe their property or interests are directly and specially affected or why they should be allowed a discretionary right to be heard, using evidence if wanted;
  - statement from the Promoter explaining why it believes the Petitioner does not have a right to be heard;
- Either party may use evidence of disputed facts that has been notified under paragraph 13.***
- questions from the Select Committee (these can be asked at any time);
  - questions from either party to the other (if the Select Committee allows, and to be asked through the Select Committee Chair);
  - if called on by the Select Committee, short closing remarks by the Petitioner; and
  - Select Committee decision (which may be postponed until the end of a sitting or until a later day if there are several Petitioners to be heard).

***The Select Committee may alter this procedure.***

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<sup>3</sup> House of Commons Private Bill Office, House of Commons, London, SW1A 0AA

### **The Select Committee's decision**

17. The Select Committee will decide whether the Petitioner should be granted a right to be heard in full (in which case the full petition will be heard), granted on a limited basis (which means the Select Committee will hear only parts of the petition) or refused altogether (in which case the petition will cease to form part of the proceedings on the Crewe - Manchester Bill).
18. The Select Committee may give its decision orally or in writing, on the same day or on a later day. The Select Committee's decision on the Petitioner's right to be heard is final – there is no right of appeal.
19. If the Petitioner is granted a full or limited right to be heard by the Select Committee, the Petitioner will be able to make their case on the petition (or, if appropriate, part of it) at a later stage in the Select Committee proceedings.
20. It should be noted that under Rule 19 of the Rules for the practice and procedure of the Court of Referees on Private Bills made pursuant to Standing Order 91 of the Standing Orders of the House of Commons for Private Business, a Petitioner's right to be heard will automatically be disallowed by the Select Committee if the Petitioner or their representatives do not come to the hearing at the appointed day and time, unless the Committee has been informed and agreed to a deferral in advance.

### **Further information**

21. More information can be found on the UK Parliament website, in particular in the section on the Select Committee on the Crewe - Manchester Bill and its activities: <https://committees.parliament.uk/committee/597/high-speed-rail-crewe-manchester-bill-select-committee-commons/>.

**June 2022**