

## HIGH SPEED TWO PHASE 2a INFORMATION PAPER

### B10: HYBRID BILL PROCESS

This paper outlines the process followed by hybrid Bills in Parliament.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the High Speed Rail (West Midlands-Crewe) Bill which is now enacted. It was finalised at Royal Assent and no further changes will be made.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

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# B10: HYBRID BILL PROCESS

## 1. Introduction

- 1.1. High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in phases: Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route to Crewe. Phase 2b will extend the route to Manchester, Leeds and beyond. The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017.
- 1.2. HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.3. In July 2017, the Government introduced a hybrid Bill<sup>1</sup> to Parliament to seek powers for the construction and operation of Phase 2a of HS2 (the Proposed Scheme). The Proposed Scheme is a railway starting at Fradley at its southern end. At the northern end it connects with the West Coast Main Line (WCML) south of Crewe to allow HS2 services to join the WCML and call at Crewe Station. North of this junction with the WCML, the Proposed Scheme continues to a planned tunnel portal south of Crewe (the planned tunnel is not part of Phase 2a).
- 1.4. The work to produce the Bill includes an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs)<sup>2</sup>, which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme.
- 1.5. The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. The nominated undertaker will be bound by the obligations contained in the Bill and the policies established in the EMRs. There may be more than one nominated undertaker.
- 1.6. These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.

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<sup>1</sup> The High Speed Rail (West Midlands – Crewe) Bill, hereafter 'the Bill'.

<sup>2</sup> For more information on the EMRs, please see Information Paper E1: Control of Environmental Impacts.

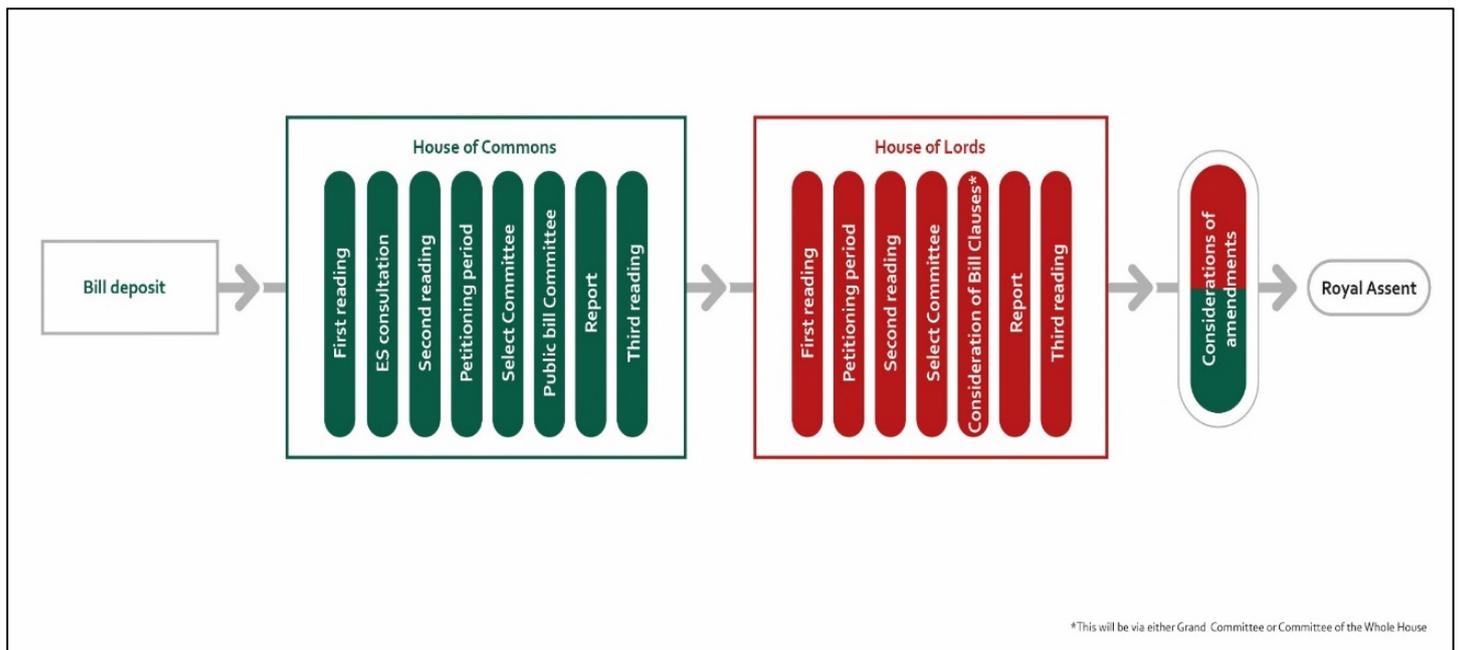
## 2. Overview

- 2.1. This information paper outlines the process followed by hybrid Bills in Parliament.

## 3. Hybrid Bill process

- 3.1. The Government uses hybrid Bills to promote major infrastructure projects of national importance. They have been used most recently for Phase One of HS2 as well as other rail schemes, such as the Channel Tunnel Rail Link Act 1996 (known as HS1) and the Crossrail Act 2008<sup>3</sup>. Use of primary legislation rather than promoting a development consent order under the Planning Act 2008 allows the Government to seek the full range of statutory powers and authorisations that a project of this size and complexity requires. This may include revisions to the rail regulatory regime and the planning regime, as well as provisions to enable the making of subsequent orders and regulations by way of statutory instrument.
- 3.2. The hybrid Bill process is shown in Figure 1 below:

Figure 1: hybrid Bill process



- 3.3. A hybrid Bill is draft legislation that affects public and private interests, and the procedures followed in Parliament in considering such a Bill incorporate aspects of both public and private Bill procedures before it can be enacted.

<sup>3</sup> More information on current and previous hybrid Bills considered by Parliament is available on Parliament's website (<http://www.parliament.uk/business/bills-and-legislation/current-bills/hybrid-bills/>)

- 3.4. Private Business Standing Orders of the Houses of Parliament require that the hybrid Bill, when submitted to Parliament, must be accompanied by a set of supporting documents. These documents include Plans and Sections of the works, a Book of Reference detailing the land interests affected, an estimate of expense and an Environmental Statement (ES) describing the likely significant effects of the Proposed Scheme on the environment.
- 3.5. Following First Reading of the hybrid Bill and the deposit of supporting documents, the Standing Orders require a public consultation on the ES. This formal consultation will be undertaken by the Secretary of State for Transport and held over a period of at least 56 days (eight weeks). The Secretary of State will publish responses received within the consultation period. A summary of issues raised in responses to this consultation will be provided by Parliament's independent assessor to inform Members of Parliament (MPs) ahead of the Second Reading debate on the Bill.
- 3.6. At Second Reading, the principle of the Bill is debated, including the need for the Proposed Scheme. Second Reading establishes the principle of the Bill and the need for the Proposed Scheme.
- 3.7. At Second Reading, a Select Committee is appointed to hear petitions against the Bill. In the House of Commons, Select Committee members are Members of Parliament who have no constituency interest in the Bill. Second Reading is followed by a petitioning period during which those whose property or interests that are specially and directly affected by the Bill can petition<sup>4</sup>. A petition is a summary of objections to particular aspects of the Bill. It is a request to the House of Commons for the petitioner to be allowed to argue their case before the Select Committee. The Select Committee may not hear petitions which seek to challenge the principle of the Bill, as that principle will have been established at Second Reading. Petitions have to be deposited within a stipulated time in the Private Bill Office and must conform to the rules for petitions against private Bills. Guidance on petitioning against hybrid Bills is published by the Private Bill Office of the House of Commons<sup>5</sup>. Petitions which conform with the rules for petitions against private Bills are then considered by the Select Committee, which may recommend amendments to the Bill. Any amendment to the Bill which affects a private interest must take the form of an Additional Provision<sup>6</sup>. In the House of Commons, an Additional Provision is subject to the same right to petition as the Bill as introduced.
- 3.8. A Public Bill Committee of MPs then reviews the Bill, and may make amendments to it. The Bill then progresses to Report and Third Reading

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<sup>4</sup> The petitioning period will be determined at Second Reading.

<sup>5</sup> More information on who may petition against the Bill, and how to do so, is available on Parliament's website (<http://www.parliament.uk>).

<sup>6</sup> See HS2 Phase 2a Information Paper B11, Additional Provisions

stages in the House of Commons, during the first of which further amendments may be made.

- 3.9. The Bill is then sent to the House of Lords where it follows a broadly similar process as in the House of Commons. There is a further opportunity for objectors to petition and to appear before a Select Committee. The petitioning period in the House of Lords follows First Reading and petitions must conform to the rules for petitions against private Bills.
- 3.10. The Bill returns to the House of Commons for consideration of any amendments made in the House of Lords, after which it can then receive Royal Assent, becoming an Act of Parliament<sup>7</sup>.

#### **4. More information**

- 4.1. More detail on the Bill and related documents can be found at:  
[www.gov.uk/HS2](http://www.gov.uk/HS2)

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<sup>7</sup>Parliamentary procedure is determined by Parliament and so is liable to change.