# **Guidance on petitioning against the High Speed Rail (West Midlands – Crewe) Bill**

# **House of Commons**

# December 2017

# 1. High Speed Rail (West Midlands – Crewe) Bill overview

What is the High Speed Rail (West Midlands – Crewe) Bill?

The Bill sets out the work for Phase 2a of HS2, which is proposed to run from Fradley in the West Midlands to Crewe. It includes where that work will take place and the land that will be required, and will provide statutory authority for it.

Details on the impact of the Bill is set out in an [environmental statement](https://www.gov.uk/government/collections/hs2-phase-2a-environmental-statement) published by the Government. More information and documents relating to the Bill are on the UK Parliament’s [website](https://services.parliament.uk/bills/2017-19/highspeedrailwestmidlandscrewe.html).

What is a hybrid bill?

You may hear the High Speed Rail (West Midlands – Crewe) Bill referred to as a “hybrid bill”. This type of bill is subject to a special parliamentary procedure which is longer than that for an ordinary public bill.

As well as being debated in both Houses of Parliament in the usual way, individuals, groups, businesses and organisations specially and directly affected by the bill are given the opportunity to “petition” either or both Houses to seek to mitigate the effects of the bill on their property or business. They do this by submitting a petition and then, if they wish, putting their case to a special select committee.

This process may result in amendments to the bill, but petitions may not seek to defeat or stop the Bill. You can learn more about hybrid bills on our [website](http://www.parliament.uk/about/how/laws/bills/hybrid/).

Who is involved in the process?

The Promoter of the High Speed Rail (West Midlands – Crewe) Bill is the Secretary of State for Transport. He is represented by Winckworth Sherwood and Eversheds Sutherland who are specialist solicitors known as Parliamentary Agents (also known as “Roll A” Agents) and will be represented by Counsel (a barrister) in select committee.

HS2 Ltd is an executive non-departmental body set up and sponsored by the Department for Transport to deliver HS2. It will respond to petitioners on behalf of the Secretary of State.

The Private Bill Office in the House of Commons is responsible for overseeing the petitioning process and the select committee’s work.

# 2. Petitioning against the Bill

What is a petition?

A petition against the High Speed Rail (West Midlands – Crewe) Bill is different to an [e-petition](https://petition.parliament.uk/) or a public petition (a paper headed “we the undersigned …” followed by many signatures). It is a document outlining how the Bill affects a person, group or organisation and how they believe it should be altered to meet their objections.

Who may petition?

Any individual, group of individuals, organisation or business specially and directly affected by the provisions of the Bill can petition against it. Local authorities and MPs may also petition against bills. However, if the Secretary of State for Transport believes that a petitioner is not specially and directly affected, they may object to the petitioner being heard by the select committee.

What should I put in my petition?

Your petition should:

* Say who you, the petitioner(s), are and where you live (or what your business is and where its premises are if it is your business which is affected). If you are petitioning as a group or organisation, the petition should also mention what the group or organisation does and the size of its membership;
* Describe how you are specially and directly affected by the Bill, and explain how the Bill will particularly harm you; and
* State what should be done to reduce the adverse effects the Bill has on you or your property or business and, if possible, how the Bill should be amended to achieve this.

Remember, your petition forms the basis of your case to the select committee, so it must include all the objections which you wish to raise. Matters can only be raised in committee if they are referred to in the original petition. You do not need to go into your objections in great detail; it is fine to outline them briefly.

The petition template is available at the back of this document.

Can I include pictures and photos in my petition?

No. Your petition is just a summary so do not include anything other than text. The appropriate place for photos etc. is in your evidence to the committee.

Can I object to the Bill as a whole?

No. The committee will only be able to consider aspects of the project proposed in the Bill, which affect people in their private capacity, not fundamental principles involving broader issues such as whether the railway should be constructed at all. There is no point, therefore, making political comments, raising general objections to the Bill or in raising broad issues of policy in your petition. You should concentrate instead on the specific ways in which the Bill specially and directly affects you or those you represent.

When can I submit my petition?

You must submit your petition during the petitioning period, which opens after Second Reading of the Bill. We currently expect this to be in early 2018. The petitioning period will run for at least 25 days. As soon as there is more information on the time of the petitioning period it will be posted on our website, or you can contact the House of Commons Private Bill Office on prbohoc@parliament.uk and 020 7219 3250.

You cannot submit your petition before the petitioning period begins and you will not be able to do so after it ends.

How do I submit my petition?

When the petitioning period begins you will be able to submit your petition online through our website. You will also be able to submit your petition by post, email and in person.

Is there a charge for petitioning?

Yes. You have to pay an administration fee of £20 for your petition to be considered by the committee. This is a flat fee for each petition (not for each petitioner). When you submit your petition online you will receive an email telling you how to make the payment by bank transfer. If you submit your petition in person or by post you can give or send us a cheque or cash, or make a bank transfer.

Note that a petition will not be considered by the committee if the fee has not been received.

If there are any further petitioning periods in the House of Commons relating to amendments to the Bill presented by the Government (otherwise known as Additional Provisions), then if you have petitioned already, you will not have to pay to petition again. However, you will have to pay a £20 fee if you wish to petition when the Bill reaches the House of Lords.

Can you check my petition for me?

Yes. If you send a draft of your petition to us in advance we will check it to ensure that the form of your petition is correct. We cannot comment on your arguments though as those are a matter for your own judgement.

Can I withdraw my petition after submitting it?

Yes. You may withdraw your petition if you wish to do so at any time by emailing or writing to us. If you are not the only petitioner on your petition, you or any of the other petitioners may withdraw from the petition in the same way, leaving the remaining petitioners to continue with their case.

# 3. Should I petition?

Will your petition be considered by the committee?

Any individual, group of individuals, organisation or business can object to the High Speed Rail (West Midlands – Crewe) Bill.

However, the Secretary of State may challenge your petition if he does not believe you are directly and specially affected by the Bill. If this happens, the Select Committee will decide whether it will consider your petition.

Your petition needs to show that the Bill directly and specially affects you.

How to know if you’re directly and specially affected

Your petition is likely to be considered by the committee if:

* You are the owner, tenant or occupier of land proposed to be compulsorily taken by the Bill. All land proposed to be compulsorily taken is listed in the book of reference, produced by HS2 Ltd, and you will have had a formal notification of this from their Parliamentary Agents, Winckworth Sherwood and Eversheds Sutherland in July 2017.
* You believe your property or land will be interfered with or blighted in a way that would in other situations amount to a common law nuisance. For example, because of damage caused by vibration.
* Your business or other organisation is adversely affected by Phase 2a. For example, because of interference with access to your business.
* You are an organisation representing trades, businesses and interests in the area affected by Phase 2a and believe it will adversely affect that trade, business or interest.
* You are a local authority of an area that is affected by the route or construction work for Phase 2a.
* You are an MP whose constituency is affected by the route or construction work for Phase 2a.
* You are an organisation representing amenity, educational, travel or recreational interests whose interests are adversely affected by the Bill.
* You are an authority responsible for waterways or land drainage of an area affected by Phase 2a.
* You are responsible for the control, regulation or management of any forest, common or open space affected by Phase 2a.

Your petition is not likely to be considered by the committee if:

* Your property or land interests are affected by Phase 1 or Phase 2b of HS2, but not Phase 2a.
* You have a general objection to Phase 2a, for example, because you consider it will damage the beauty or desirability of a location.
* You are concerned about possible rail service impacts that will affect regular users of public transport.
* Your concerns are general. For example, they are to do with traffic congestion or air pollution, which may be better represented by a parish council or local authority.

If your petition is disallowed you can still contribute to the committee’s work, as a witness on someone else’s petition, or as a collaborator on petitions presented by other groups, such as a parish council.

Who decides whether my petition will be considered?

The decision on whether you will be able to argue your case on all or some of the issues in your petition rests with the select committee. It will consider both the Promoter’s arguments and your reasons for claiming a hearing before reaching a decision.

The Promoter may challenge certain parts of your petition whilst accepting that you may speak on the remaining parts.

If the Promoter, having seen your petition, intends to challenge your right to have your petition considered, you will receive a letter advising you of this. If you wish to argue for your right to be heard, the Select Committee will organise a hearing. At the hearing, you will have to show why you believe you should be heard and the Promoter will be able to argue that you should not.

# 4. Petition representatives

Can someone else represent me in front of the select committee?

As a petitioner you may decide to represent yourself. Many petitioners do and there is no disadvantage in doing that. Alternatively, you may ask someone to act as your representative, to act on your behalf in all matters relating to the petition and to argue your case in front of the committee. You may pay someone to do this, for example, a solicitor or land agent, or you may simply ask someone you know (such as a friend, relative or colleague) to act for you.

There are two types of representative:

* Professional Parliamentary Agents (solicitors accredited by Parliament who specialise in promoting and opposing hybrid and private bills). These are also known as “Roll A” Agents and you will pay them a fee to act for you.
* All other representatives, including solicitors or barristers that are not Roll A Agents.

If you wish to be represented by a Roll A Agent they will take care of all of the necessary paperwork for you.

If you wish for someone else to represent you, they may submit the petition on your behalf, or you can do so yourself, and provide contact details for your representative for when the petition is due to be considered by the committee.

You may change your representative at any time. Just let the Private Bill Office know when this happens, so we know who to contact about your petition.

Does a business need a representative?

Yes. If your business wishes to petition against the Bill it must have a representative who will speak on behalf of the petition. This can be either a Roll A Agent or someone else, for example the chief executive or company secretary.

Does a group of individuals need a representative?

Yes. One of the petitioners may act on behalf of their co-petitioners with their consent, as their representative. Or the group can employ a Roll A Agent or someone else to represent them.

Do other types of organisation need a representative?

Yes. If your organisation or group wishes to petition against the Bill, it must have a named representative, which can be either a Roll A Agent or someone else, such as the chair of the organisation who will represent the petition in front of the select committee. Your organisation should hold a properly constituted meeting and pass resolutions authorising the submission of the petition and for the named person to act as a representative.

How are local authorities represented?

If a local authority wishes to petition against the Bill it must be represented by either a Roll A Agent or someone else, for example, a councillor.

Please note that if you are a councillor you may petition as an individual and give evidence if the Bill specially and directly affects you individually, but you cannot use that petition to give evidence on behalf of your local authority. Such a petition must be presented in the name of the local authority.

Should I employ someone with legal expertise to represent my petition?

It is up to you. You may decide that you would prefer a Roll A Agent or other legal representative to put your case before the committee. The Promoters will have Counsel to represent them, but many petitioners either speak for themselves or let their representatives do so. The committee expects to hear cases from people with no legal training and the committee members will not be legally qualified themselves.

You only need to tell us whether you intend to instruct someone to put your case close to the time that your petition is due for consideration by the committee.

Which Parliamentary Agents (Roll A Agents) can I ask to represent me?

The firms listed below are professional Parliamentary (Roll A) Agents who you can employ to represent you in all matters relating to your petition.

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| --- | --- |
| **Berwin Leighton Paisner LLP**Ms Helen KempAdelaide HouseLondon EC4R 9HA020 7760 1000[www.blplaw.com](http://www.blplaw.com) Helen.kemp@blplaw.com   | **Bircham Dyson Bell LLP**Mr Ian McCulloch, Mr Paul Thompson, Mr Nick Brown, Mr Nicholas Evans, and Mr David Mundy50 BroadwayLondon SW1H 0BL020 7783 3437[www.bdb-law.co.uk](http://www.bdb-law.co.uk)pamthompson@bdb-law.co.uk  |
| **Pinsent Masons LLP**Mr Robbie Owen, Mr Richard Bull30 Crown PlaceEarl StreetLondon EC2A 4ES020 7418 7000[www.pinsentmasons.com](http://www.pinsentmasons.com)robbie.owen@pinsentmasons.com  | **Sharpe Pritchard LLP**Mr Alastair Lewis, Mr Emyr ThomasElm Yard13-16 Elm StreetLondon WC1X 0BJ020 7405 4600[www.sharpepritchard.co.uk](http://www.sharpepritchard.co.uk)alewis@sharpepritchard.co.uk  |
| **Veale Wasbrough Vizards** Mr Ron PerryBarnards Inn86 Fetter LaneLondon EC4A 1AD020 7405 1234rperry@vwv.co.uk[www.vwv.co.uk](http://www.vwv.co.uk)rperry@vwv.co.uk  |  |

# 5. What happens after submitting my petition?

Will my petition be published?

Yes. We will publish your petition on our website. This will include your name and address.

Will HS2 Ltd and the Department for Transport see my petition?

Yes. We will also send a copy of your petition to HS2 Ltd, who will send you an acknowledgement and may contact you to discuss your petition. The Secretary of State may also challenge your right to petition if he does not believe you are directly and specially affected by the Bill.

What happens next?

You or your representative will be invited to a hearing by the select committee on your petition during spring/summer 2018. Before the hearing, HS2 Ltd will send you a formal written response to your petition (called a promoter’s response document).

You will be informed as soon as possible of the date you are scheduled to appear before the committee. We will make every effort to accommodate reasonable needs but the timetable is subject to progress and therefore petitioners will need to be flexible.

Nearer the time we will publish further information about preparing for the committee hearings on our website.

There will be a further opportunity to petition against the Bill when it reaches the House of Lords. Further information on this and guidance will be made available nearer the time.

# 6. Useful contacts

For further guidance on the petitioning process, please contact the Private Bill Office at the House of Commons:

Address: Private Bill Office, House of Commons, London SW1A 0AA

Tel: 020 7219 3250

Email: prbohoc@parliament.uk

For information about the HS2 route, the proposed works and other information about the project itself, please contact HS2 Ltd:

Address: HS2 Ltd, 2 Snow Hill, Snow Hill, Queensway, Birmingham B4 6GA

Freephone: 08081 434434

Minicom: 08081 456472

Email: HS2enquiries@hs2.org.uk

**Hybrid Bill Petition**

**House of Commons**

**Session 2017-19**

**High Speed Rail (West Midlands – Crewe) Bill**

Do not include any images or graphics in your petition. There will be an opportunity to present these later if you give evidence to the committee.

Your bill petition does not need to be signed.

Expand the size of the text boxes as you need.

**1. Petitioner information**

In the box below, give the name and address of each individual, business or organisation(s) submitting the petition.

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In the box below, give a description of the petitioners. For example, “we are the owners/tenants of the addresses above”; “my company has offices at the address above”; “our organisation represents the interests of…”; “we are the parish council of…”.

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**2. Objections to the Bill**

In the box below, write your objections to the Bill and why your property or other interests are specially and directly affected. Please number each paragraph.

Only objections outlined in this petition can be presented when giving evidence to the committee. You will not be entitled to be heard on new matters.

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**3. What do you want to be done in response?**

In the box below, tell us what you think should be done in response to your objections. You do not have to complete this box if you do not want to.

The committee cannot reject the Bill outright or propose amendments which conflict with the principle of the Bill. But it can require changes to the Government’s plans in response to petitioners’ concerns, which can take the form of amendments to the Bill or commitments by HS2 Ltd.

You can include this information in your response to section two ‘Objections to the Bill’ if you prefer. Please number each paragraph.

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**Next steps**

Once you have completed your petition template please save it and go to our website to submit it during the petitioning period.

**If you plan to submit your petition by post, email, or in person, please also complete the contact sheet and terms and conditions below.**

**Individual’s details**

**First name(s)**

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**Last name**

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**Address line 1**

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**Address line 2**

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**Post code**

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**Country**

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**Email**

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**☐ Check this box to receive updates from the High Speed Rail (West Midlands to Crewe) Bill Committee?**

**Phone**

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**Who should be contacted about this petition?**

**Individual above ☐**

**Another contact ☐**

**If another contact, complete the ‘main contact’s details’ section.**

Main contact’s details

**First name(s)**

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|  |

**Last name**

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**Address line 1**

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| --- |
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**Address line 2**

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**Post Code**

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**Country**

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**Email**

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**☐ Check this box to receive updates from the High Speed Rail (West Midlands to Crewe) Bill Committee?**

**Phone**

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Terms and conditions

**Personal information**

A copy of this petition and information provided in the online form will be:

* kept in the Private Bill Office and as a record in the Parliamentary Archives.
* sent to the Department for Transport and High Speed Two (HS2) Limited after the petition has been received by the Private Bill Office.

We will publish your petition on UK Parliament’s website. This will include your name and address.

The personal information you have provided may be kept in a database by both Private Bill Offices.

**Communications**

Private Bill Office staff may call or email any of the people named in the petition to verify the information provided.

Communications may be stored in databases to keep track of information you have given or received. This information may be shared between the Private Bill Offices.

**Consent and confirmation**

The information you have provided in the petition and online form is accurate.

If you have completed the form on behalf of an individual, a group of individuals, an organisation, or a group of organisations, you have been authorised to do so.

**☐ Check this box if you agree to the terms and conditions**