

House of Lords and House of Commons

EXAMINATION OF AN ADDITIONAL PROVISION TO A HYBRID BILL

High Speed Rail (London - West Midlands) Bill

second Additional Provision
(deposited on 13 July 2015)

Tuesday 15 September 2015

Before:

The Examiners of Petitions for Private Bills:

MR PETER DAVIS, Counsel for Domestic Legislation, House of Commons
MR MATTHEW HAMLYN, Clerk of Bills, House of Commons
MR PETER MILLEDGE, Counsel to the Chairman of Committees, House of
Lords
MS CHRISTINE SALMON PERCIVAL, Clerk of Private Bills, House of Lords

MR PAUL IRVING of Winckworth Sherwood

appeared as the Parliamentary Agent for the Bill.

There also appeared:

MR MARK AANENSEN, Parliamentary Clerk, Winckworth Sherwood

MS MONICA PETO, Parliamentary Agent, Eversheds

MR DARREN WHITE, Parliamentary Clerk, Eversheds

MS SHEERY SASSOON, AP Preparation Manager, Hybrid Bill Preparation Team, HS2 Ltd

MR BRUCE MARTIN, Bill Deposit Manager, Hybrid Bill Preparation Team, HS2 Ltd

MR TIM MUSGRAVE, LWM Lead, Land & Property Manager, HS2 Ltd

MR PETER MILLER, Head of Environment, HS2 Ltd

MR ADAM ROBERTS, TerraQuest (Land Referencing)

MR OWEN KELLY, Mouchel (Land Referencing)

MR TREVOR WILDING, Mott MacDonald (Land Referencing)

MR GURMIT BAJWA, TerraQuest (Land Referencing)

(11.30 am)

1. **MR HAMLYN:** I am Matthew Hamlyn and we are here today to consider the Additional Provision 2 to the HS2 Bill deposited in July. Perhaps, before we get into the meat of this, it would be helpful if we introduce ourselves. I am Matthew Hamlyn. I am Clerk of Bills in the House of Commons.

2. **MS SALMON PERCIVAL:** I am Christine Salmon Percival, and I am Clerk of Private Bills.

3. **MR MILLEDGE:** I am Peter Milledge, Counsel to the Chairman of Committees, House of Lords.

4. **MR DAVIS:** I am Peter Davis, Counsel for Domestic Legislation, House of Commons.

5. **MR HAMLYN:** Would the lead witnesses, as it were, like to introduce themselves?

6. **MR IRVING:** I am Paul Irving of Winckworth Sherwood, one of the Parliamentary Agents for the Bill.

7. **MS PETO:** I am Monica Peto, one of the Parliamentary Agents for the Bill.

8. **MR HAMLYN:** Thank you, Paul and Monica. I am told this room is booked for two hours. I hope we will not use the whole two hours, but we will see how we get on. I think the easiest thing to do is this. The Agents have done a lot of work preparing the proof for us to go through. We are looking at Standing Orders 4 to 59, many of which, I am glad, happily are not applicable today, so we should go through each Standing Order in turn, if you want to do your bit, and then, if any of my colleagues have questions, I will bring them in. Without further ado, shall we start on Standing Order 4?

9. **MR IRVING:** Thank you, sir. Mr Aanensen, could you please hand in the newspapers? Ms Peto, do you prove that each notice contains a concise summary of the purpose of the amendments to the Bill?

10. **MS PETO:** Yes.

11. **MR IRVING:** Do you also prove that it gives details regarding inspection and obtaining copies as stated in the proof?

12. **MS PETO:** Yes.

13. **MR IRVING:** And that it states the information about petitioning as stated in the proof?

14. **MS PETO:** Yes.

15. **MR IRVING:** And that it is headed as stated in the proof?

16. **MS PETO:** Yes.

17. **MR IRVING:** On that basis, sir, I prove that the Standing Order has been complied with.

18. **MR HAMLYN:** Are there any questions from anyone about compliance with Standing Order 4? No, okay. I should have said that we will announce at the end our decision on compliances. If there are very obvious ones, we will decide them as we go along, but, at this stage, we will just hear what you have to say, and then at the end we will have a brief private session and then come back and give them out for the whole package. In that case, let us move on to 4A.

19. **MR IRVING:** Mr Martin, do you prove that copies were made available as stated in the proof?

20. **MR MARTIN:** Yes.

21. **MR IRVING:** If perhaps I could refer you to Appendix A here, although the promoter complied with these requirements in terms of depositing these documents, you will see from the mystery shopping note that the relevant local authorities did not all make those documents available initially. We have set that out in a note. I am afraid it has happened on the previous occasions as well. We have subsequently written to them just to remind them of their obligations, but I am not sure there is very much more we can do about that.

22. **MR HAMLYN:** Thank you for the thorough list of all the mystery shopping and the various unhelpful and rude receptionists you have come across. It is not a dazzling advert for local government, I have to say, but thank you also for your note that they have all been sent a stern letter reminding them of their duties under the Local Government Act 1972, which is a conversation we regularly have in this room. I do not know what we can do about that. Anyway, thank you very much. Are there any other questions on 4A, or, indeed, the appendix? Great.

23. **MR IRVING:** In that case, on that basis, I prove that the Standing Order has been complied with.

24. **MR HAMLYN:** Thank you. In that case, let us move on to 5.

25. **MR IRVING:** Ms Peto, do you prove that each notice contains the particulars required by Standing Order 5?

26. **MS PETO:** Yes.

27. **MR IRVING:** On that basis, then, I prove that the Standing Order has been complied with.

28. **MR HAMLYN:** Thank you. Are there any questions on Standing Order 5? No. Thank you very much. On 6, 7, 8 and 9, I think we are all agreed they are not applicable to the amendments to the Bill.

29. **MR IRVING:** That is our view, yes.

30. **MR HAMLYN:** Great. In that case, we move on to Standing Order 10.

31. **MR IRVING:** Yes. I prove that the Bill, as proposed to be amended, is not promoted by a local or joint authority; and I also prove that the principal office of the Minister in charge of the Bill is situated in the City of Westminster. Mr White, do you prove that the newspaper notice was published as stated in the proof?

32. **MR WHITE:** I do.

33. **MR IRVING:** And that the newspaper notices are in the same terms?

34. **MR WHITE:** I do.

35. **MR IRVING:** Mr Musgrave, do you prove that the amendments to be made relate to works and land in the local authority stated in the proof?

36. **MR MUSGRAVE:** I do.

37. **MR IRVING:** And that the local authority areas mentioned are the only ones in which the works and land are situated, as stated in the proof?

38. **MR MUSGRAVE:** I do.

39. **MR IRVING:** Mr White, do you give the proofs relating to the publication notices as stated in the proof?

40. **MR WHITE:** I do.

41. **MR IRVING:** And that the notices are on the same terms?

42. **MR WHITE:** I do.

43. **MR IRVING:** Perhaps I could refer you at this point to Appendix B.

44. **MR HAMLYN:** This is the case of the *Staffordshire Newsletter*; is that right?

45. **MR IRVING:** Yes, that is right, which was less than six clear days, due to a change in the publication dates. We do not think anyone will have been prejudiced by that, but, in any case, we take the view that, because *The Times* is a newspaper circulating in the area, we have complied with the Standing Order in any case.

46. **MR HAMLYN:** This is your point about *The Times* being a relevant newspaper.

47. **MR IRVING:** That is right, yes.

48. **MR HAMLYN:** That was very clear. Thank you very much. Are there any questions on Standing Order 10? Do you follow the point in Appendix B? Great.

49. **MR IRVING:** In that case, I prove that the Standing Order has been complied with in all respects, except as regards time.

50. **MR HAMLYN:** Okay. Thank you for that. I am okay if we move on to 10A.

51. **MR IRVING:** Mr Aanensen, could you hand in the lists, please? Do you prove that the list marked "A" contains at least one place of public resort in each of the local authority areas in which the lands or works will be situated?

52. **MR AANENSEN:** I do.

53. **MR IRVING:** Mr Martin, do you prove that copies of the newspaper notice were displayed at each place of public resort mentioned in the list for two consecutive weeks?

54. **MR MARTIN:** I do.

55. **MR IRVING:** Then I prove that the Standing Order has been complied with in all respects, except as regards time.

56. **MR HAMLYN:** Are there any questions on 10A? Great, thank you very much. That is very straightforward. We will crack on to 11, the gazette notice.

57. **MR IRVING:** Mr White, could you produce the *London Gazette*? Ms Peto, do you prove that the notice contains the information required by Standing Order 11?

58. **MS PETO:** I do.

59. **MR IRVING:** In that case, I prove that the Standing Order has been complied with in all respect, except as regards time.

60. **MR HAMLYN:** We now look to the copy of the gazette. Are there any questions? Okay. That is 11 dealt with, so we move on to 12.

61. **MR IRVING:** Mr Roberts and Mr Kelly, do you prove that application was made to the highway authorities as required by Standing Order 12?

62. **MR ROBERTS:** I do.

63. **MR KELLY:** I do.

64. **MR IRVING:** Do you also prove that the Standing Order 12 notice was posted as stated in the proof, and that it contained the required information?

65. **MR ROBERTS:** I do.

66. **MR KELLY:** I do.

67. **MR IRVING:** I prove that the Standing Order has been complied with in all respects, except as regards time.

68. **MR HAMLYN:** Thank you very much. We come to 12A.

69. **MR IRVING:** Mr Roberts, Mr Kelly, Mr Wilding and Mr Bajwa, do you prove that the Standing Order 12A notices were displayed as stated in the proof?

70. **MR ROBERTS:** I do.

71. **MR KELLY:** I do.

72. **MR WILDING:** I do.

73. **MR BAJWA:** I do.

74. **MR IRVING:** I prove that the Standing Order has been complied with in all respects, except as regards time.

75. **MR HAMLYN:** Right, thank you very much. That completes 12A, in which case can we come on to Standing Order 13?

76. **MR IRVING:** Mr Aanensen, will you hand in the postal lists and the lists of notices served personally? Mr Roberts, Mr Kelly, Mr Wilding and Mr Bajwa, do you prove notice was given as stated in the proof?

77. **MR ROBERTS:** I do.

78. **MR KELLY:** I do.

79. **MR WILDING:** I do.

80. **MR BAJWA:** I do.

81. **MR IRVING:** Do you prove that the notices were posted and the returns are as stated in Appendix C?

82. **MR ROBERTS:** I do.

83. **MR KELLY:** I do.

84. **MR WILDING:** I do.

85. **MR BAJWA:** I do.

86. **MR IRVING:** Do you prove that the contents of the postal lists are as stated in the proof?

87. **MR ROBERTS:** I do.

88. **MR KELLY:** I do.

89. **MR WILDING:** I do.

90. **MR BAJWA:** I do.

91. **MR IRVING:** You will see that there is a note on the return notices at Appendix C. You will see that the notices either we served, or, in some cases, were found to be unnecessary.

92. **MR HAMLYN:** Yes. Thank you. Chris Salmon Percival had a query on that one.

93. **MS SALMON PERCIVAL:** I do not think it is a very significant query, but I noticed that Standing Order 13 requires notices to be delivered unless the identity of the owner or lessee cannot, after reasonable inquiry, be ascertained. The proof, as it stands, without being supplemented by Appendix C, simply asserts that notices were sent out and 28 were returned. Really, just for the record, I thought it might be helpful to clarify that, of those 28 returned, 27 were re-served and the 28th did not have to be. That is right, is it not? In fact, the Standing Order requires you to serve anyone whose identity you know, and the only exemption is if you cannot discover the identity, but I can see from Appendix C that every one was duly served, except the 28th. Is that not right?

94. **MR IRVING:** That is right. If there had been an unknown, we would have put the notice onsite, but I think that was not the case in these cases.

95. **MS SALMON PERCIVAL:** So the individual names are not identified, but I think we have established, have we not, that they were all served except the person who said they no longer had an interest? I think that is sufficient.

96. **MR HAMLYN:** I think what we are essentially saying is that, in the proof, you could have put in more about all the efforts you had made. I do not think we are finding an issue with the compliance. Is that fair?

97. **MS SALMON PERCIVAL:** That is fair.

98. **MR HAMLYN:** We have now got on the record all those other points, as raised in Appendix C, so it is a complete set. Anyway, we want to finish proving this Standing Order after that explanation.

99. **MR IRVING:** Yes. I prove that the Standing Order has been complied with in all respects, except as regards time.

100. **MR HAMLYN:** Thank you very much. Now, 14, 15, 16, 17, 18, 19, 19A, 19B and 20 are all non-applicable, so we jump ahead to 21.

101. **MR IRVING:** Mr Aanensen, could you please hand in the list of letters sent? Do you prove that you gave notice in relation to compulsory running powers as stated in the proof?

102. **MR AANENSEN:** I do.

103. **MR IRVING:** And that the notices were posted as stated in the proof, and that none of the letters were returned?

104. **MR AANENSEN:** I do.

105. **MR IRVING:** And that the list contains all of the relevant bodies to which the Standing Order applies?

106. **MR AANENSEN:** I do.

107. **MR IRVING:** I prove that the Standing Order has been complied with in all respects, except as regards time.

108. **MR HAMLYN:** Are there any queries on that? In that case, we then go to the next one that needs to be proved, which is 25, but it is not applicable here, and neither is 25A, so we now go on to 27.

109. **MR IRVING:** Mr Martin, do you prove deposit of the plans and other documents mentioned in the proof with the officers of the councils mentioned in the proof?

110. **MR MARTIN:** I do.

111. **MR IRVING:** Do you prove that the officers mentioned in the proof are the proper officers to receive those documents?

112. **MR MARTIN:** I do.

113. **MR IRVING:** Mr White, Mr Aanensen and Mr Martin, do you prove deposit of the documents with the House, with government departments and with the public bodies specified in the Standing Order IA list?

114. **MR WHITE:** I do.

115. **MR MARTIN:** I do.

116. **MR AANENSEN:** I do.

117. **MR IRVING:** Ms Sassoon, do you prove that the ordnance maps deposited under the Standing Order are on a scale of 1:50,000, with the line of the railway or tramway delineated on them so as to show its general course or direction?

118. **MS SASSOON:** I do.

119. **MR IRVING:** I therefore prove that the Standing Order has been complied with in all respects, except as regards time.

120. **MR HAMLYN:** Thank you. Are there any questions on 27? No. In that case, we are on 27A. We have another note, I see.

121. **MR IRVING:** You have our note on that at Appendix D. Mr White, Mr Aanensen and Mr Martin, do you prove that the supplementary environmental information was deposited as stated in the proof?

122. **MR WHITE:** I do.

123. **MR MARTIN:** I do.

124. **MR AANENSEN:** I do.

125. **MR IRVING:** Mr Miller, do you prove that the content of the supplementary environmental information is as required by Standing Order 27A?

126. **MR MILLER:** Yes.

127. **MR IRVING:** Now, sir, as you will have seen from the note, and I think you will be aware anyway, there were a number of missing sheets from one of the technical appendices, which contained the background survey data. We do not believe they are a material part of the environmental statement, and the information they contained was reported on in the main body of the environmental statement in any case. Nevertheless, they were not included in the environmental statement as originally deposited. As soon as we were aware of the missing document, the missing sheets were replaced and the USB stick was also replaced, which had the information in electronic form. The details of that are set out in the note.

128. **MR HAMLYN:** It is quite a complicated story here. I know one of my colleagues wanted to ask, just so we have the chronology right in our heads. Does anyone want to come in on that point, as to what happened when?

129. **MR MILLEDGE:** If you could just run us through the chronology, Mr Irving, that would be helpful, please.

130. **MR IRVING:** Yes, right. We were alerted to the missing documents on 28 July. On 31 July, the website was updated with the missing reports. The replacement USB stick was reissued to all the 181 Standing Order deposit locations, together with hard copies, by first class post on 6 August 2015. Then you will see that the note explains how we were following up what had happened to these additional documents.

131. **MR HAMLYN:** I see you then followed up on 10 August and then again, in effect, on 26 August, from your note.

132. **MR IRVING:** Yes, that is right.

133. **MR HAMLYN:** So, by 3 September, all the libraries said they had got it. I imagine this is people being on leave and things; it took a while to percolate through to the recesses of the organisations.

134. **MR IRVING:** That is right. Now, we also extended the period for consultation on the environmental statement for another three weeks, to 18 September. We give details of the newspapers and publication dates below.

135. **MR HAMLYN:** Thank you, so the *South Bucks Star* led the charge on 19 August; then various other publications took place on the 20th and the 21st, and then, finally, on 27 August. Peter Davis, do you have a question?

136. **MR DAVIS:** Yes. Could you go a bit further back in the chronology? Originally, the copies of the supplementary environmental information, which you had presumably thought was complete at the time, were deposited on 13 and 14 July. What was the deadline for responding in those? It is probably three weeks back from the 18th.

137. **MR IRVING:** Do you mean the deadline for making comments on the environmental statement?

138. **MR DAVIS:** Yes. When you initially thought you had got everything complete, you must presumably have set out a deadline for comments. What was the date of that deadline?

139. **MR IRVING:** The deadline for comments was 28 August.

140. **MR DAVIS:** When did you notify everyone that the deadline had been extended—that is to say, notify all those concerned?

141. **MR IRVING:** The newspaper notice publishing the extension was published on the dates set out in the note, so in the week of 20 August.

142. **MR HAMLYN:** I see from your note that you obviously told the National Trust as soon as they raised the issue.

143. **MR IRVING:** Yes.

144. **MR HAMLYN:** You told them, “Here is the corrected website with the information”, and that was on 31 July.

145. **MR IRVING:** That is right, yes.

146. **MR HAMLYN:** Could I just check one final point? When you updated the website, did you put anything on the website, saying “Here is a revised version”, or did you just silently update the paperwork? I am sorry; I should have checked the website myself.

147. **MR IRVING:** Yes. When the missing pages were published on the website, a note was added, explaining what missing pages were being added.

148. **MR HAMLYN:** That is very helpful. That gives us the complete story, which is helpful. Are there any other questions on 27A?

149. **MS SALMON PERCIVAL:** Yes, I have a question. On what day are you asserting that the environmental information was deposited? I think you are asserting it was on 13 and 14 July, although I suppose technically it was deficient, in the same way that the environmental statement on the Bill had been deficient, although not quite to that extent. Sorry, I do not know if I am getting overtechnical with this, but is it right to say that you can have deposited an incomplete environmental statement?

150. **MR IRVING:** I think we would say that it was a non-material omission in the environmental statement, and therefore it is correct that we deposited the environmental statement. We did remedy that, as we see it, non-material omission by depositing the missing information to complete the environmental statement. Our view would be that that was a non-material omission and that we supplied an environmental statement containing the information required by the Standing Order on 13 and 14 July.

151. **MS SALMON PERCIVAL:** Appendix D says that, by 17 August, Parliament confirmed receipt. Presumably, that was the Private Bill Offices confirmed receipt of the replacement USB sticks. One argument could be, I suppose, that the date of deposit of the environmental statement was 17 August, rather than 13 and 14 July, on the grounds that it was only at that point the complete environmental statement had been deposited.

152. **MR IRVING:** I can see how one might take that view. Our view, as I say, was that, in every material sense, the environmental statement had been deposited at the original date, but I take the point that one could argue the deposit was only complete on that date.

153. **MR HAMLYN:** Is there anything else on 27A? We obviously strayed a little into 83A or 224A. Is there anything else? No. Thank you for that. You will probably want to finish formally proving 27A, I think.

154. **MR IRVING:** Yes. Where did we get to?

155. **MR HAMLYN:** I think you were saying that you believe it has been complied with, except as regards time.

156. **MR IRVING:** Yes, that is right. I am just trying to recall whether I asked Mr Martin to prove that the documents were made available for inspection and sale as stated in the proof.

157. **MR MARTIN:** I do.

158. **MR IRVING:** Thank you.

159. **MR HAMLYN:** I am sorry I missed that bit out.

160. **MR IRVING:** Yes. I then prove that the Standing Order has been complied with in all respects, except as regards time. I appreciate there has obviously been a non-compliance as regards time anyway, whether that is in respect also of serving it at different times.

161. **MR HAMLYN:** We will reserve judgment on that one until we have finished going through the proofs.

162. **MR IRVING:** That is right, yes.

163. **MR HAMLYN:** Thank you very much. I think 28 has been repealed, and 29 to 32 are non-applicable, so that takes us to 33. I know Chris will want to come in on this one, but do you want to kick off? Thank you.

164. **MR IRVING:** Thank you, sir. Mr Martin, do you prove that copies of the relevant plans, sections and maps were deposited at the offices of the Environment Agency, as mentioned in the proof?

165. **MR MARTIN:** I do.

166. **MR IRVING:** You will have seen, sir, that we have a note on that, because the Standing Order refers to the principal regional office of the area. It seems the Environment Agency do not have regional offices anymore, and so it would have been impossible to serve those documents on regional offices. We served them on the offices that the Environment Agency asked us to.

167. **MR HAMLYN:** Just before we move on to the remaining bits of proof, Chris, would you like to come in on 33, and particularly Appendix E?

168. **MS SALMON PERCIVAL:** Yes. I was a little surprised at the reference to prior conversations with the Examiners about this and I thought it might be helpful to put into context, given that it has been mentioned, what the advice that we gave before the hearing was. I sent an email to Alison Gorlov and others saying the following: that impossibility of compliance still amounts to non-compliance, and I think that has been pretty well accepted as the premise on which we have had to analyse a number of the Standing Orders; that we would therefore have to make a finding of non-compliance, on the face of it being impossible to comply; and that it really is a matter for the Standing Orders Committee

to decide whether or not what does look like an entirely reasonable approach to an impossibility is grounds for dispensation.

169. Given that it was mentioned in the appendix, I would not normally have mentioned the following conversation, but, to put it into context, I think it is helpful to get that on the record: that impossibility causes non-compliance, frustrating though it may be.

170. **MR HAMLYN:** That is now on the record. I do not know if Mr Irving wants to come back on that at all. You do not have to if you do not want to.

171. **MR IRVING:** Yes. I think we simply accept that.

172. **MR HAMLYN:** Our experience on the original Bill was that, having found some of these impossibilities, we then used the impossibility argument to get the two Houses to update some of the Standing Orders. I am afraid this one did not get caught in that first batch of improvements, but there are always opportunities to further improve the Standing Orders, which we have our eye on, and every time we do this we find another one, essentially. Would you like to finish on 33?

173. **MR IRVING:** Mr Martin, do you prove that the list marked “H” contains the names of the offices of the Environment Agency for the areas containing any rivers affected?

174. **MR MARTIN:** I do.

175. **MR IRVING:** Ms Sassoon, do you prove that the details specified in the Standing Order are marked on the plans?

176. **MS SASSOON:** I do.

177. **MR IRVING:** Do you also prove that the ordnance maps have the position, extent or route of the proposed works shown on them?

178. **MS SASSOON:** I do.

179. **MR IRVING:** In the light of what you have said, I obviously cannot prove that we have complied in all respects except as regards time. I would leave it on that basis.

180. **MR HAMLYN:** Thank you. In that case, after that rather detailed one, we move on to 34, which is hopefully more straightforward.

181. **MR IRVING:** Mr Martin, do you prove deposit of the plan and other documents as specified in the proof?

182. **MR MARTIN:** I do.

183. **MR IRVING:** I prove that the Standing Order has been complied with in all respects, except as regards time.

184. **MR HAMLYN:** Does anyone have anything to say on 34? Okay. In that case, let us move on to 35.

185. **MR IRVING:** Mr Martin, do you prove that the plans and sections were deposited as stated in the proof?

186. **MR MARTIN:** I do.

187. **MR IRVING:** Then I prove that the Standing Order has been complied with in all respects, except as regards time.

188. **MR HAMLYN:** Thank you. I do not know if there any comments on that. Standing Order 36.

189. **MR IRVING:** Mr Aanensen, could you please hand in the list? Mr Martin, do you prove deposit with the officers mentioned in the list?

190. **MR MARTIN:** I do.

191. **MR IRVING:** Do you prove that the list contains the information required by the Standing Orders and that it is the only such information which is needed?

192. **MR MARTIN:** I do.

193. **MR IRVING:** I prove that the Standing Order has been complied with in all respects, except as regards time.

194. **MR HAMLYN:** I do not think there are any comments here, so we move on to 37, please.

195. **MR IRVING:** Mr Martin, do you prove that the plans, sections and book of reference were deposited with the bodies mentioned in the proof?

196. **MR MARTIN:** I do.

197. **MR IRVING:** Sir, I prove the Standing Order has been complied with in all respects, except as regards time.

198. **MR HAMLYN:** I do not see anyone wishing to intervene there. Thank you very much. Let us go to 38, which is not applicable in this case, so we go to 39.

199. **MR IRVING:** Mr Martin, do you prove deposit of the amendments as stated in the proof?

200. **MR MARTIN:** I do.

201. **MR IRVING:** Do you prove that the amendments affect street traffic or regulation of street traffic in the Metropolitan Police districts, that they are amendments to which Standing Order 7A applies and that copies of the amendments were deposited as specified in the appropriate lists kept under Standing Order 1A?

202. **MR MARTIN:** I do.

203. **MR IRVING:** I prove that these deposits are the only deposits required to be made under Standing Order 39. I hope, sir, you have the revised version of this.

204. **MR HAMLYN:** It came through this morning, I think. We had two revised versions this morning, so I am hoping the second revised version is even better than the first revised version. That is the one we are working off, yes.

205. **MR IRVING:** I am sorry about that.

206. **MR HAMLYN:** It is a complicated process.

207. **MR IRVING:** In that case, I prove that the Standing Order has been complied with in all respects, except as regards time.

208. **MR HAMLYN:** Are there any comments on 39? No. Thank you very much for that. Standing Order 40 has been repealed, so we go to 41.

209. **MR IRVING:** Mr Martin, do you prove delivery to the highway authorities, as stated in the proof?

210. **MR MARTIN:** I do.

211. **MR IRVING:** Do you prove that these are the only highway authorities liable for maintenance of the streets?

212. **MR MARTIN:** I do.

213. **MR IRVING:** I prove that the Standing Order has been complied with in all respects, except as regards time.

214. **MR HAMLYN:** Thank you very much. I do not think anyone is wishing to intervene, so we will go on to 42. The same issue on 42 arises as arose on 33, but let us go through the formalities.

215. **MR IRVING:** Mr Martin, do you prove that, on 14 July, there was delivered in accordance with Standing Order 26 a printed copy of the amendments to the Bill to each of the offices of the Environment Agency mentioned in the list marked "H"?

216. **MR MARTIN:** I do.

217. **MR IRVING:** Do you prove that the list marked "H" contains the names of the offices of the Environment Agency for the areas containing watercourses affected by the Bill?

218. **MR MARTIN:** I do.

219. **MR IRVING:** Well, as you have pointed out, we have taken the view that this would amount to a technical non-compliance in terms of the offices, and there is also a

non-compliance as regards time, but, in other respects, we have complied with the requirements of the Standing Order.

220. **MR HAMLYN:** Does anyone want to add anything to that conversation? No, I think the points we made earlier apply, so let us not repeat ourselves. Thank you very much. As 43 and 44 are non-applicable, we move to 45.

221. **MR IRVING:** Mr White, Mr Aanensen and Mr Martin, do you prove that the estimates of expense were deposited as stated in the proof?

222. **MR WHITE:** I do.

223. **MR AANENSEN:** I do.

224. **MR MARTIN:** I do.

225. **MR IRVING:** Mr Aanensen, do you prove that it is in the required form?

226. **MR AANENSEN:** I do.

227. **MR IRVING:** Ms Sassoon, do you prove the estimate was made by Simon Kirby, Chief Executive of HS2 Ltd, and is signed by him?

228. **MS SASSOON:** I do.

229. **MR IRVING:** I prove that the Standing Order has been complied with in all respects, except as regards time.

230. **MR HAMLYN:** Thank you. Are there any comments from Examiners? No. Standing Order 46 has been repealed and 47 is not applicable, so we go to 48.

231. **MR IRVING:** Ms Sassoon, do you prove that the deposited plan is as stated in the proof?

232. **MS SASSOON:** I do.

233. **MR IRVING:** And that there is no alternative line or work laid down in the plan?

234. **MS SASSOON:** I do.

235. **MR IRVING:** And that the limits of lateral deviation from the line of the proposed work are defined upon the plan and all lands included within those limits are marked on it.

236. **MS SASSOON:** I do.

237. **MR IRVING:** And that the tunnelling and viaducts are marked as stated in the proof.

238. **MS SASSOON:** I do.

239. **MR IRVING:** And that, where, under any Standing Order, a length is required to be stated on the deposited plan, it is stated in kilometres and metres.

240. **MS SASSOON:** I do.

241. **MR IRVING:** I prove that the Standing Order has been complied with.

242. **MR HAMLYN:** Are there any questions on 48? No. Thank you very much. Standing Order 49 does not apply, so we go on to 50.

243. **MR IRVING:** Ms Sassoon, do you prove that the plan has marked on it the distances in kilometres from the termini as stated in the proof?

244. **MS SASSOON:** I do.

245. **MR IRVING:** Do you prove that, where it is intended to form a junction, the plan gives the information as stated on page 42 of the proof.

246. **MS SASSOON:** I do.

247. **MR IRVING:** I prove that the Standing Order has been complied with.

248. **MR HAMLYN:** There are no comments from us. Thank you very much. So 51—we are nearly there.

249. **MR IRVING:** Ms Sassoon, do you prove that the plan shows the particulars required under Standing Order 51?

250. **MS SASSOON:** I do.

251. **MR IRVING:** I prove that the Standing Order has been complied with.

252. **MR HAMLYN:** We have no comments. Thank you very much. That takes us to 52, which does not apply, and 53, which also does not apply, and so we go on to 54.

253. **MR IRVING:** Mr Musgrave, do you prove the contents of the book of reference, as stated in the proof?

254. **MR MUSGRAVE:** I do.

255. **MR IRVING:** Sir, you will see we have Appendix F, which reports the one unknown entry.

256. **MR HAMLYN:** Yes. I have an image of an SO13 notice affixed to a solitary lamppost somewhere, blowing in the wind—all rather sad—but obviously 54 requires you to make reasonable inquiry. Appendix F sets out the details of that reasonable inquiry.

257. **MR IRVING:** That is right, yes.

258. **MR HAMLYN:** Do carry on, sorry.

259. **MR IRVING:** I prove that the Standing Order has been complied with.

260. **MR HAMLYN:** Are there any questions on 54? No. Thank you very much. That takes us to 55.

261. **MR IRVING:** Ms Sassoon, do you prove that the sections are drawn as stated in the proof?

262. **MS SASSOON:** I do.

263. **MR IRVING:** I prove, sir, that the Standing Order has been complied with.

264. **MR HAMLYN:** Thank you. Are there any questions on 55? No. Standing Order 56 is not applicable, so 57, please.

265. **MR IRVING:** Ms Sassoon, do you prove that the line of the railway marked on the section corresponds with the upper surface of the rails?

266. **MS SASSOON:** I do.

267. **MR IRVING:** Do you prove that the distances, vertical measures and proportions are as stated on page 45 of the proof?

268. **MS SASSOON:** I do.

269. **MR IRVING:** Thank you—and that, wherever the line of the railway is intended to cross a waterway or public carriage road, it shows the heights mentioned in the proof?

270. **MS SASSOON:** I do.

271. **MR IRVING:** And, where it is proposed to construct or alter a railway so as to form a junction, the particulars are given as stated in the proof?

272. **MS SASSOON:** I do.

273. **MR IRVING:** I prove that this Standing Order has been complied with.

274. **MR HAMLYN:** Are there any questions? No. Thank you very much. Standing Orders 58 and 59 do not apply, so we now look at House of Lords 83A and House of Commons 224A. Obviously we have canvassed some of these issues when we were looking at 27A, but let us go through the proof again. Once again, we refer to Appendix D.

275. **MR IRVING:** That is right, yes. Ms Peto, do you prove that each notice published under Standing Order 10 states that any person who wishes to make comments on the supplementary environmental information should send them to the Secretary of State for Transport; that they should be received on or before 28 August 2015 and should be made in the following manner: by sending them to the Secretary of State for Transport, as set out in the proof?

276. **MS PETO:** I do.

277. **MR IRVING:** Do you prove that 28 August 2015 falls no earlier than the 42nd day after the first publication of the notice?

278. **MS PETO:** I do.

279. **MR IRVING:** Now, pausing there, as you will already have seen from the notes, we did subsequently extend the period for commenting on the environmental statement to 18 September.

280. **MR HAMLYN:** We will suspend for the time being, please.

The Examination was suspended from 12.20 pm until 12.30 pm

281. **MR HAMLYN:** We are formally resumed after that suspension. We were just discussing Standing Order 83A/224A.

282. **MR IRVING:** Yes, sir. I was just wondering, sir, if I could possibly suggest that Mr Aanensen could hand you the newspaper notices giving details of the extension of the consultation period.

283. **MR HAMLYN:** Yes. These are the newspaper notices, yes. Good. Thank you very much.

284. **MR IRVING:** You will see, sir, that they refer to the missing information and extend the period.

285. **MR HAMLYN:** Thank you.

286. **MR IRVING:** I think that then brings me on to the further issue, which is paragraph 8A of the Standing Order and the requirement that the supplementary environmental information is prefaced with a statement that the information is being deposited as supplementary information under this order. Now, the supplementary environmental information does not contain a statement in those terms. Perhaps I can ask Mr Aanensen to pass round a copy of the introduction to the environmental statement, which is volume I.

287. **MR HAMLYN:** Thank you.

288. **MR IRVING:** At section 9 of that, on page 20, in paragraph 9.1.1, it sets out that the public consultation is required by Parliament in relation to this environmental statement, and so it sets out the substance of the requirements of the Standing Order in terms of the environmental statement consultation, and therefore makes it clear that this is information to which the Standing Order applies. I would suggest, sir, that although we have

not made an explicit statement that this is referring to Standing Order 224A or 83A, in substance we have made clear in the introductory chapter to the environmental statement that this is supplementary information to which the Standing Orders do apply and that it will be, therefore, subject to those procedures. On that qualified basis, sir, I would prove that the Standing Order has been complied with.

289. **MR HAMLYN:** Thank you. Peter Davis.

290. **MR DAVIS:** When you say “on a qualified basis complied with”, are you also qualifying for not complied with as to time?

291. **MR IRVING:** I do not think there is any non-compliance as regards time.

292. **MR DAVIS:** Thank you. I just wanted to check.

293. **MR HAMLYN:** Chris, do you want to come in?

294. **MS SALMON PERCIVAL:** Yes, please. Really, this is linked back to the SO27A point that we raised earlier. Under 83A 8(d), which is about notice that “shall be published in accordance with Standing Order 10”, you have proved that there has been a Standing Order 10 notice, but that Standing Order 10 notice was with respect to the incomplete environmental statement, was it not?

295. **MR IRVING:** That is right. The information it refers to as being available was the incomplete information.

296. **MS SALMON PERCIVAL:** Because the information was incomplete, that Standing Order 10 notice gave what turned out to be a different deadline from the eventual deadline, so, had there been no glitch in the environmental statement, that first bit of the proof would have been absolutely fine, but I am just wondering what the implications of the glitch were. One could argue, if one were being very technical about this, that the Standing Order 10 notice actually referred to something slightly different, with slightly different information than was the eventual case, because, eventually, it was a complete ES and it was a different deadline.

297. **MR IRVING:** Yes. I think what we would say is that the Standing Order 10 notice was correct; it was referring to the environmental statement. The fact that there was a very non-material omission in the environmental statement we do not think alters that. It gave a date for commenting on the environmental statement. That date was subsequently extended by a further notice.

298. **MS SALMON PERCIVAL:** But it was not an equivalent notice to a Standing Order 10 notice; it was something smaller scale.

299. **MR IRVING:** That is right, yes.

300. **MR HAMLYN:** Thank you. Are there any other questions about 83A? In that case, I think we have reached the end of the list. We have, so can I ask you, once again, on this occasion, to leave the room while we have a brief discussion about our decision on non-compliance or compliance? Thank you.

The Examination was suspended from 12.37 pm until 1.09 pm

301. **MR HAMLYN:** Welcome back. I am sorry to have kept you waiting in the corridor. We have now completed our examination and gone through our consideration, and we have made the following decision. Of the Standing Orders that are applicable in this case, we have found that the following Standing Orders have not been complied with: on grounds of impossibility of compliance, 33 and 42; substantively, 83A, or 224A in House of Commons language; and then there are a number that, as you said on the proof, are non-compliant simply as regards time, which are 10, 10A, 11, 12, 12A, 13, 21, 27, 27A, 33, 34, 35, 36, 37, 39, 41, 42 and 45.

302. We will obviously send you a written note to that effect as soon as possible after this meeting, and that will be published in the Lords Minutes and the House of Commons Votes and Proceedings. The non-compliant Standing Orders will have to be referred to the Standing Orders Committees for consideration as to dispensation, and that will happen sometime after the conference recess, I think.

303. For now, I would just like to thank all our witnesses and colleagues for all the work they have done in preparing for today, and, more generally, for how much work everyone working on HS2, including promoters, the Agents and HS2 Ltd, are doing. I am very well aware of that. I also send our very best wishes to Monica, if I may. With that, proceedings are concluded. Thank you very much.

The Examination was adjourned at 1.11 pm