



**THE MIDLAND METRO (WEDNESBURY TO
BRIERLEY HILL LAND ACQUISITION)
ORDER 2020**

**GUIDANCE ON PETITIONING
IN THE HOUSE OF COMMONS
AND IN THE HOUSE OF LORDS**

House of Commons Private Bill Office

House of Lords Private Bill Office

July 2020

The principal purpose of this Guidance is to assist those who may wish to object to (“petition against”) the Midland Metro (Wednesday to Brierley Hill Land Acquisition) Order 2020. The petitioning period in the House of Lords ends on Tuesday 28 July 2020 and in the House of Commons on Tuesday 1 September 2020.

Further information can be obtained from either the House of Commons Private Bill Office, the House of Lords Private Bill Office or from the internet. Contact details and relevant web addresses can be found at the end of this Guidance.

A template petition can also be found at the end of this Guidance.

PLEASE NOTE: COVID-19

Because of the current COVID-19 pandemic, submission of documents must be by email or by post only, and not in person. If by post, then the relevant Private Bill office should be telephoned in advance (and a voicemail left if the office is unstaffed) to ensure that a member of staff is aware.

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I. WHAT IS A SPECIAL PROCEDURE ORDER?

A special procedure order (SPO) is a form of secondary legislation to which special parliamentary procedure applies. The procedure is governed by the Statutory Orders (Special Procedure) Act 1945 and by Standing Orders relating to Private Business (PrBSOs). It includes an opportunity for those directly and specially affected by the order to petition against it (either in its entirety or to propose amendments to it).

Applications for an SPO are made by a body outside Parliament (such as a local authority) – known as the applicant. Such orders are mainly used to authorise the compulsory purchase of certain protected categories of land. The applicant for the Midland Metro (Wednesday to Brierley Hill Land Acquisition) Order 2020 is the West Midlands Combined Authority. The application is for an order under sections 1 and 5 of the Transport and Works Act 1992 (“the 1992 Act”) for the compulsory purchase of land. Section 12 of that Act requires the order to be subject to special parliamentary procedure.

An order subject to special parliamentary procedure may not be laid before Parliament until the requirements of the enabling Act – in this case the 1992 Act – under which the order is made have been satisfied. These include, for example, notices, consideration of objections and the holding of an inquiry. A notice must appear in the London Gazette three days before the order is laid and, when laid, the order must be accompanied by a certificate or statement by the minister saying the requirements of the enabling Act have been complied with.

The link to the House of Commons and the House of Lords PrBSOs on the Parliamentary webpage is here:

<https://publications.parliament.uk/pa/cm201719/cmstords/Nov2017/pvtbs01.htm>

<https://www.parliament.uk/business/publications/house-of-lords-publications/rules-and-guides-for-business/the-standing-orders-of-the-house-of-lords-relating-to-private-business/>

2. PETITIONING AGAINST A SPECIAL PROCEDURE ORDER

Who may petition?

Any individual, group of individuals, organisation or business *directly and specially affected* by an SPO may petition against it. Local authorities may also petition.

Should I petition the House of Commons or the House of Lords?

Petitions may be made to either House of Parliament. There is no advantage in petitioning one

House or the other. All petitions carry equal weight and, if permitted, will be considered by a joint committee of both Houses (see section 7).

Which type of petition should I submit?

There are two types of petition:

- The first is called a **Petition for Amendment**, the purpose of which is for you to set out any amendment you would like to make to the SPO, with your reasons.
- The second is called a **Petition of General Objection**, the purpose for which is to object to the order generally. You should not include suggested amendments in this type of petition.

You may wish to propose amendments *and* object to the order generally. In this case, you should submit two separate petitions.

What should I put in my petition?

You should follow the instructions in attached template. Put simply, your petition should:

- Say who you 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 an organisation, the petition should also mention what the group or organisation does and the size of its membership.
- Describe how you are directly and specially affected by the order.
- Say whether you are submitting a Petition for Amendment or a Petition of General Objection. If a Petition for Amendment, set out what amendments you would like made to the order and why. If a Petition of General Objection, set out your objections to it.

Your petition forms the basis of your case before the joint committee appointed to consider petitions against the SPO (see section 7). Matters can only be raised in joint committee if they are referred to in your petition, so it is important that you set them all out in the petition.

The template for petitions is set out at the end of this guidance and can also be accessed on the Parliamentary webpage here:

<https://www.parliament.uk/about/how/laws/bills/private/special-procedure-orders/midland-metro/> (see the links at the bottom of the page)

Can I include photos and pictures in my petition?

No. Your petition should not include anything other than text. The appropriate place for photos etc. is in your evidence to the joint committee.

When can I submit my petition?

Within the petitioning period, beginning on the day the order is laid before Parliament (in this case, 8 July 2020). **Because the House of Commons is rising before the House of Lords for the summer recess, the closing dates for the two Houses differ. They are:**

- **In the House of Lords, Tuesday 28 July at 5:00pm.**
- **In the House of Commons, Tuesday 1 September at 5:00pm.**

Petitions will not be accepted after this deadline in either House.

How do I submit my petition?

Your petition should be submitted by email or by post (see contact details set out in section 8). If you post your petition, you should allow reasonable time for it to arrive before the end of the petitioning period. Please mark the top left-hand corner of the envelope “URGENT – PETITION” and post it to the Private Bill Office of the House to which you are submitting the petition. Please telephone the relevant Private Bill Office if you intend to submit a petition by post, leaving a voicemail if the office is unstaffed. Later you may also wish to contact the relevant Private Bill Office to check that it has arrived. Be aware that confirmation made not be possible immediately since many parliamentary staff are required to work from home.

Where else must I submit copies of my petition?

A copy of any petition which is submitted in one House must be submitted to the other House. So, for example, if you submit your petition to the House of Commons Private Bill office you must also send it to the House of Lords Private Bill Office. **This must be done not more than a day after submission of the petition.**

A copy must also be submitted **not more than a day after submission of the petition** to:

- the office of the Chairman of Committees (now known as the Senior Deputy Speaker) (in the Lords) and the office of the Chairman of Ways and Means (in the Commons – see section 8 for contact details;
- the Department for Transport, being the relevant Government department in this case (see

section 8 for contact details); and

- the office of the applicant for the order (in this case, this is achieved by sending it to Alastair Lewis at Sharpe Pritchard LLP, Parliamentary Agent – see section 8 for contact details).

Copies should be submitted either by email or by post. If by post, the copy sent to the applicant must be **by registered post**.

Is there a charge for petitioning?

Yes. You will have to pay a total fee of £20 to submit your petition, £10 to each House. This is a flat fee for each petition (not each petitioner). If you submit both a Petition for Amendment and a Petition of General Objection, you will have to pay £20 in total for each.

- For the Lords, you can pay by bank transfer (quoting sort code of 30-99-50 and account number 00345391, quoting your surname as a reference) or cheque payable to "The House of Lords".
- For the Commons, you can pay by bank transfer (sort code 60-70-80 and account number 10022317, quoting your surname as a reference) or cheque payable to "HOC Administration 2".

A petition will not be considered by the joint committee if the fee has not been received.

Can you check my petition for me?

Yes. If you send, either by email or by post, a draft of your petition to us in advance, we can check it to ensure that the form of your petition is correct. We cannot comment on your arguments though as those are a matter of your own judgment. Please telephone the relevant Private Bill Office if you intend to send the draft of your petition by post (leaving a voicemail if the office is unstaffed) and be sure to include your telephone number with your draft petition. If submitting by post, beware that responding by may take longer than usual because many parliamentary staff are currently required to work from home and the response may be provided by telephone.

Can I withdraw my petition after submitting it?

Yes. Please inform the Private Bill Office to which you submitted your petition. You do this either by email or by post. Please call the relevant Private Bill Office (leaving a voicemail if necessary) to let us know that you are going to do this, particularly if by post, because currently many parliamentary staff are required to work from home.

If you are not the only petitioner on your petition, you or any of the co-petitioners may withdraw from the petition in the same way, leaving the remaining petitioners to continue with their case.

3. PETITION REPRESENTATIVES

Can someone else represent me in front of the 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 joint committee. You may pay someone to do this, for example, a solicitor, 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 legislation of this kind). These are also known as “Roll A” Agents and you will pay them a fee to act for you (see list in the Appendix below).
- 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 joint committee.

You may change your representative at any time. Please let the two Private Bill Offices 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 a SPO 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. The names of all the co-petitioners must be set out at the beginning of the petition.

Do other types of organisation need a representative?

Yes. If your organisation wishes to petition against a bill, it must have a named representative, who can be either a Roll A Agent or someone else, such as the chair of the organisation. 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 an order, it must be represented by either a Roll A Agent or someone else, for example, a councillor.

If you are a councillor, you may petition as an individual and give evidence if a SPO directly and specially 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. The joint committee expects to hear cases from people with no legal training and the committee members will not necessarily 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.

4. WHAT HAPPENS AFTER SUBMITTING MY PETITION?

Will my petition be published?

Yes. A copy will be posted on the parliamentary website. This will include your name and address.

What happens next?

Within 7 days, beginning on that day your petition is received: the applicant for the

order or the relevant minister may oppose your petition by presenting a memorial against it (see section 5 below).

After the end of the petitioning and memorialising periods: all petitions and memorials will be referred to the Chairman of Ways and Means in the House of Commons and the Chairman of Committees in the House of Lords (“the Chairmen”). The Chairmen then examine all petitions and memorials and report to both Houses. If a petition complies with Standing Orders, and the petitioner’s right to be heard has been verified, they certify it “proper to be received”. They also certify whether it is a Petition for Amendment or a Petition of General Objection. If a Petition for Amendment involves amendments which would alter the scope of the SPO or affect the interests of anyone other than the petitioner, the Chairmen may make a Special Report to that effect. The Chairmen also have the power to alter a petition containing amendments which would effectively render the SPO pointless. They may either delete those amendments or certify the petition as a Petition of General Objection.

Within 14 days of the Chairmen’s report being made to Parliament: counter-petitions may be submitted (see section 6 below).

Within 21 days of the Chairmen’s report being made to Parliament: Members of either House have the opportunity to propose in their respective Houses that the SPO should not come into operation. In Parliamentary terms, this is to table an “annulment resolution”, and if this motion is agreed to (in either House) the SPO will not proceed any further.

It is also open to either House to agree to a motion that a particular Petition of General Objection “shall not stand referred” to the joint committee – that is, the joint committee cannot consider that petition.

If no petitions stand referred to a joint committee and no annulment resolution has been passed, the order may come into operation. Otherwise, a joint committee will be appointed to consider the petitions (see section 7).

5. MEMORIALS

A memorial is an official written notice of an objection to a petition. It can only be presented by the applicant for an order or by the minister involved with the order and it must be presented within seven days of a petition being received.

There are two grounds for objection against a petition:

- that a petition which is presented as a Petition for Amendment is really a Petition of General Objection (see section 2), or
- that the petitioner does not have “a right to be heard”. This means, that the petitioner cannot be considered to be “specially, directly and injuriously affected by its provisions”.

If the applicant for the SPO or the minister presents a memorial, the matter is decided by the two Chairmen. If an objection (on either ground) is upheld, the petition will not be considered by the joint committee and the petitioner can take no further part in the proceedings, other than observing them as a member of the public.

6. COUNTER-PETITIONS

A counter-petition is an allegation or complaint that an amendment proposed in a petition will affect adversely the interest of the counter-petitioner (or the person on whose behalf a counter-petition is submitted). A counter-petition may be presented against Petitions for Amendment within 14 days of the Chairmen’s report being made to Parliament.

7. THE JOINT COMMITTEE

Where petitions have been referred to a joint committee, the applicant for the SPO should tell petitioners when the committee will meet. Information can also be obtained from the parliamentary website or from either of the Private Bill Offices.

A petitioner may appear in person before the joint committee and can also represent other petitioners whose names are featured in the petition. Alternatively, a petitioner can appoint an agent to act on their behalf; witnesses can be examined and cross-examined. (See section 3 above.)

A joint committee consists of three MPs and three members of the House of Lords, one of whom acts as Chair. The committee hears argument and evidence submitted by those involved.

In summary, the main proceedings consist of:

- a factual statement of the purpose of the SPO;
- the petitioner’s case;
- the case for the SPO;

- the petitioner’s reply; and finally
- the joint committee deliberates and makes its decisions.

The joint committee has wide powers. It may reject the SPO altogether, amend it, or approve it in unamended form. However, it may not amend the SPO in a way which affects people who have not previously been affected by the SPO. Furthermore, unless where permission is expressly given by the two Houses, the joint committee cannot call for evidence except that offered by the parties formally represented before it.

The length of the joint committee proceedings depends on the complexity of the order and the extent of opposition to it.

If a joint committee is set up, and you wish to attend, you should inform the Private Bill Office in the House you submitted your petition.

Given the current pandemic, it is likely that the joint committee will sit virtually. If this is the case, those participating will be given instructions on how to participate.


8. CONTACT DETAILS AND OTHER INFORMATION

Contact details

Parliament:

House of Commons Private Bill Office

Mr Rob Page

 020 7219 3250

Email: prbohoc@parliament.uk


Mr Rob Page

Private Bill Office

House of Commons SW1A 0AA

House of Lords Private Bill Office

Mr Mark Cooper

 020 7219 3231

Email: hlprivatebills@parliament.uk


Mr Mark Cooper

Private Bill Office

House of Lords SW1A 0PW

Agents for the Department for Transport:

Alastair Lewis, Sharpe Pritchard LLP, Parliamentary Agents

 020 7405 4600

Email: alewis@sharpepritchard.co.uk

Department for Transport:

For sending petitions to the Department in hard copy, or for making requests by letter for the documents:

Department for Transport, c/o Sharpe Pritchard LLP, Elm Yard, 10-16 Elm Street, London WC1X 0BJ.

For electronic sending of petitions:

wednesburytobrierleyhillextension@dft.gov.uk

Chairman of Ways and Means – House of Commons

cctwaysandmeans@parliament.uk

Chairman of Committees (or Senior Deputy Speaker) – House of Lords

hlseniordeputyspeaker@parliament.uk

Information on the internet

There is a variety of information on the parliamentary website, including the text of the SPO. You can find information on the Special Procedural Order page here:

<https://www.parliament.uk/about/how/laws/bills/private/special-procedure-orders/>

The Midland Metro (Wednesday to Brierley Hill Land Acquisition) Order 2020 parliamentary webpage can be found here:

<https://www.parliament.uk/about/how/laws/bills/private/special-procedure-orders/midland-metro/>

<https://www.parliament.uk/about/how/laws/bills/private/special-procedure-orders/>

Any petitions against the order will also be posted on its own page shortly after the end of the petitioning period.

Additionally, and as a response to the current pandemic, a new Practice Direction has been issued

to the effect that the PrBSOs relating to the SPO are to be construed as meaning that electronic delivery of the various documents referred to is sufficient for compliance with the PrBSOs.

The Practice Direction can be found via a link on the web page for the Order and here: [practice direction](#)

Petition

The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order 2020

Which House do you wish to petition? (Please tick one box only.)

- House of Commons**
- House of Lords**

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 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.

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...”.

2. Objections to the Order

Special Procedure Orders are governed by the Statutory Orders (Special Procedure) Act 1945. Section 3 of that Act allows for two types of petition objecting to the Order. **Is your petition a petition of general objection or a petition for amendment?** (Please tick one box only.)

- Petition of general objection (i.e. you object to the whole Order (in the Act called “a prayer against the Order generally”))
- Petition for amendment (i.e. you wish to see the Order amended in some way (in the Act called “a petition praying for particular amendments to be made”))

In the box below: if you are submitting a petition of general objection, write your objections to the Order, and why your property or other interests are directly and specially affected; or, if you are submitting a petition for amendment, please set out what amendments you would like made to the Order and why, and why your property or other interests are directly and specially affected. Please number each paragraph.

Only grounds for objection to the Order or parts of the Order outlined in this petition can be presented when giving evidence to the Committee. You will not be entitled to be heard on new matters.

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.

You can include this information in your response to section 2 'Objections to the Order' if you prefer. Please number each paragraph.

Next steps

Once you have completed your petition template, save it and email it to prbohoc@parliament.uk (if petitioning the Commons) or hprivatebills@parliament.uk (if petitioning the Lords). If you do not have email access, please post your petition to: Private Bill Office, House of Commons/Lords (as appropriate), London, SW1A 0AA/SW1A 0PW (as appropriate).

Petitioner's details

Organisation/group name (if relevant)

First name(s)

Last name

Address line 1

Address line 2

Post code

County

Email

Phone (landline or mobile)

Who should be contacted about this petition?

- Individual above
- Another contact (for example, Roll A Agent or other representative)

If another contact, complete the 'main contact's details' section below.

Main contact's details

First name(s)

Last name

Address line 1

Address line 2

Post Code

County

Email

Phone (landline or mobile)

Terms and conditions

Personal information

A copy of this petition will be:

- kept in the relevant Private Bill Office and as a record in the Parliamentary Archives.
- sent to the Order's Promoter after the petition has been received.

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

APPENDIX: LIST OF "ROLL A" PARLIAMENTARY AGENTS

Firm	Roll A Agent	Parliamentary Clerk
<p>Bryan Cave Leighton Paisner LLP Adelaide House, London Bridge, London EC4R 9HA ☎: 020-7760 1000 Fax: 020-7760 1111 Email: Helen.kemp@blplaw.com Website: www.blplaw.com</p>	Ms H Kemp	A Rosamond
<p>BDB Pitmans LLP 50 Broadway, Westminster, London SW1H 0BL ☎: 020-7227 7080 Fax: 020-7233 1351 Email: pamthompson@bdb-law.co.uk Website: www.bdb-law.co.uk</p>	I H McCulloch P H Thompson E N W Brown D N Mundy N J Evans	Mrs P J Thompson 020-7783 3437
<p>Eversheds Sutherland (International) LLP 1 Wood Street, London EC2V 7WS ☎: 020-7497 9797 Fax: 0845-497 4919 Email: stephencollings@eversheds-sutherland.com Website: www.eversheds-sutherland.com</p> <p>(Rees & Freres joined Eversheds in 2008)</p>	J A Durkin Miss M A R Peto S Collings J O'Connor	D C White D Slevin 020-7919 4878
<p>Pinsent Masons LLP 30 Crown Place, Earl Street, London EC2A 4ES ☎: 020-7418 7000 Fax: 020-7418 7050 email: robbie.owen@pinsentmasons.com Website: www.pinsentmasons.com</p>	R J V Owen R P P Bull	-
<p>Sharpe Pritchard LLP Elm Yard, 13-16 Elm Street, London WC1X 0BJ ☎: 020-7405 4600 Fax: 020-7405 4646 Email: alewis@sharpepritchard.co.uk Website: www.sharpepritchard.co.uk</p>	W A Lewis E Rh Thomas	-
<p>Veale Wasbrough Vizards Barnards Inn, 86 Fetter Lane, London EC4A 1AD ☎: 020-7405 1234 Fax: 020-7405 4171 Email: rperry@vww.co.uk Website: www.vww.co.uk</p>	R E Perry	-
<p>Winckworth Sherwood LLP Minerva House, 5 Montague Close, London SE1 9BB ☎: 020-7593 5005 Fax: 020-7593 5199 Email: agorlov@wslaw.co.uk Website: www.wslaw.co.uk</p>	P M C F Irving Mrs A M H Gorlov H S Wiggs	D N Walker

