

High Speed Rail (London - West Midlands) Bill



Preparing for House of Lords Select Committee Hearings

A Guide for Petitioners

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Introduction

The purpose of this document is to provide a general overview of the arrangements and procedures of the High Speed Rail (London – West Midlands) Bill Select Committee - otherwise known as the HS2 Bill Select Committee – in the House of Lords.

Hybrid Bills

Although of general public interest, the content of the HS2 Bill significantly affects the private interests of specific individuals and organisations, giving it characteristics of both a Public and a Private Bill, and, as such, the HS2 Bill is deemed to be a Hybrid Bill.

This means that after its Second Reading in the House of Lords the HS2 Bill was referred to a special House of Lords Select Committee.

Select Committees on Hybrid Bills do not operate under the same Parliamentary procedures as normal Departmental or Bill Committees.

The most recent Hybrid Bill used to authorise a new railway was the Crossrail Bill (deposited in 2005 and secured Royal Assent in 2008) and an explanation of the stages that the HS2 Bill will go through in the House of Lords can be found at: [Bill documents - High Speed Rail \(London - West Midlands\) Bill 2013-14 to 2016-17](#)

Select Committee appointment and powers

The House of Lords HS2 Bill Select Committee was appointed on 5 May 2016 to consider the issues raised by Petitioners against the Bill.

However, as the HS2 Bill was debated and approved at Second Reading in the House of Lords on 14 April 2016, the principle of the Bill is deemed to have been approved. Therefore, the Select Committee cannot reject the Bill outright or make any change that goes against the principle of the Bill.

At the very beginning of the Select Committee's proceedings, the Chairman, Lord Walker of Gestingthorpe, stated:

"We will be concerned only with petitions arguing for mitigation, compensation and adjustment to meet adverse effects on particular interests. We cannot entertain any objections to the principle or policy of the Bill, which was a matter for the Second Reading debate, which took place in the House of Lords on 14 April.¹

The principle of the HS2 Bill is taken to include the broad route alignment of the railway set out in the plans accompanying the Bill. The Committee will therefore be concerned with issues which might include, for example: the control of noise and dust; matters of compensation and property acquisition.

The Select Committee has a dedicated website that contains details of the Select Committee members, its remit, all the petitions submitted against the HS2 Bill, the upcoming

¹ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/high-speed-rail-london-west-midlands-bill-lords-committee/high-speed-rail-london-west-midlands-bill/oral/33501.html>

programme, transcripts of proceedings, statements and decisions by the Chair, video footage of evidence sessions and a range of FAQs. The website can be found at: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/high-speed-rail-london-west-midlands-bill-select-committee-lords/>

Petitioners are strongly advised to check this website regularly for the latest updates from the Select Committee.

Select Committee members

The Select Committee has a membership of 7 Members of the House of Lords, with a quorum of 4 Members. Details of the members can be found on the Select Committee website.

The Chair will set the direction and pace of the programme and evidence sessions. The Select Committee conducts itself in a non-partisan way.

Location

The Select Committee holds its evidence sessions in Committee Room 4 in the Palace of Westminster (unless otherwise indicated on the programme).

Information on how to get to the Houses of Parliament and the security arrangements in place can be found at Appendix A. When arriving and going through security, Petitioners simply need to say that they are appearing before the HS2 Bill Select Committee and ask for directions to Committee Corridor.

Petitioners should make sure to leave sufficient time to pass through security (this typically takes between 20 and 30 minutes) and should seek to arrive outside the Committee Room 30 minutes before the start of proceedings so that they can start promptly.

The Select Committee has asked that Petitioners arrive in time for the start of the day's session for the day that they are programmed to appear, unless they have made alternative arrangements with David Walker (see below). This is because the proceedings work more efficiently if Petitioners are present to hear what has already been said about their area.

The Select Committee normally sits four days a week:

- Monday 2:00pm-5:30pm
- Tuesday 10:00am-13:00pm and then 2:00pm-5:30pm
- Wednesday 10:00am-13:00am and then 2:00pm-5:30pm
- Thursday 10:00am-13:00pm

The upcoming programme of Select Committee evidence sessions, as well as any site visits that they plan to undertake, can be found on the Select Committee website.

The layout of the Committee Room, as well as a photograph of the room itself, can be found at Appendix B.

The public, including other Petitioners, may attend evidence sessions, but space is limited. If Petitioners wish to attend in large numbers they should contact the Clerk to the Committee so that alternative viewing accommodation can be provided if possible. The contact details for the Clerk to the Committee are as follows:

Mr Christopher Clarke
Clerk to the House of Lords High Speed Rail (London – West Midlands) Bill Select Committee
House of Lords Private Bill Office
House of Lords
London
SW1A 0PW
Tel: 020 7219 5332/2468; Email: clarkechr@parliament.uk

The Clerk will be happy to provide any procedural or very general advice to petitioners. He cannot, of course, advise on the substance of any of the arguments that petitioners may wish to advance.

Promoter's Response Document

The Promoter of the HS2 Bill, the Secretary of State for Transport, will issue Promoter's Response Documents (PRDs) to Petitioners 2-3 weeks in advance of their likely appearance before the Select Committee. **If Petitioners receive a PRD it is therefore an indication that their appearance before the Select Committee will be programmed shortly.**

Withdrawing a Petition

Petitions can only be formally withdrawn by means of a letter sent to the Private Bill Office of the House of Lords, signed by the Petitioner, informing the Clerk to the Committee (contact details above) that the Petitioner wishes to withdraw their petition. The letter can be emailed. Petitioners should send a copy of the letter to David Walker at Winckworth Sherwood (contact details below).

Programming of appearances before the Select Committee

The latest programme for the Select Committee evidence sessions can be found on the Select Committee website.

The programming of Petitioners is being handled by Winckworth Sherwood, on behalf of the Select Committee, and David Walker from Winckworth's (contact details shown below) will be in touch with Petitioners to schedule their appearance. David Walker's contact details are as follows:

David Walker
Senior Legal and Parliamentary Clerk
Winckworth Sherwood
Minerva House
5 Montague Close
London
SE1 9BB
Tel: 020 7593 5013

Mobile: 07765 408 936

Email: dwalker@wslaw.co.uk

Once a Petitioner's appearance before the Select Committee has been programmed they should consider it fixed; changes will only be agreed in exceptional cases. The Select Committee has asked that Petitioners be reasonably flexible on the timing of their petition hearings, subject to unavoidable commitments, as the Select Committee is keen to hear petitions from each locality together as far as possible.

If a Petitioner decides not to appear before the Select Committee to present their Petition they should notify the Clerk to the Committee (contact details above) and let David Walker know as soon as possible.

Exhibits and witnesses

Petitioners are strongly encouraged to watch video footage of a previous evidence session to get an understanding of how the Select Committee routinely functions. These can be found on the Select Committee website. Petitioners can find the corresponding evidence for that day on the Select Committee website under the 'Evidence' heading.

Both the Promoter and Petitioners are free to use written material, maps, pictures and drawings etc, and also models and videos, to illustrate their case before the Select Committee (these are collectively known as exhibits). Videos must be submitted on a permanent medium, not as attachments to emails. Please see the list of file formats the Promoter's evidence display system can support below.

Both sides can also call witnesses (e.g. engineering experts) to support their case.

The Select Committee has said that between 6 and 25 pages of evidence will almost always be sufficient. More than that risks diluting its impact. If a Petitioner wants to submit more than 50 pages of evidence they should contact the Clerk to the Committee (contact details above), to explain the special circumstances that they believe merit a more extensive submission.

If Petitioners have information relevant to their submissions which are sensitive or confidential, they should contact the Clerk to the Committee in advance of their hearing. If the information is significant to the Promoter, the Committee may need to take a different approach, but it will be the case that it will only share the information with the Promoter with the particular Petitioner's permission.

Please note that the Chairman of the Committee, Lord Walker of Gestingthorpe, has stated that if petitioners are considering writing letters direct to Members of the Committee, they should refrain from doing so as it is inappropriate. The Committee has a quasi-judicial function and can act only on evidence and submissions put forward transparently in public hearings.

Both the Petitioner and Promoter's evidence exchanged for each Select Committee session will be published at regular intervals on the Select Committee website.

The Promoter has produced a computer visualisation of the HS2 route (a so-called 'fly-through'). Petitioners can view this here: <https://www.gov.uk/government/publications/hs2-phase-one-fly-through>

Exchange of exhibits and witness names

To ensure openness and fairness, both sides are required to exchange copies of their exhibits in advance of the relevant evidence session, as well as to disclose the names of any witnesses that they may be calling to support their case. This also ensures that there is time to forward the information to the Select Committee members and to prepare it for display during the evidence sessions.

The requirement for exchange of exhibits and names of witnesses is by 5pm two clear working days before Petitioners are due to appear before the Select Committee. So:

- by 5:00pm on Wednesday if the hearing is on a Monday
- by 5:00pm on Thursday if the hearing is on a Tuesday
- by 5:00pm on Friday if the hearing is on a Wednesday; and
- by 5:00pm on Monday if the hearing is on Thursday

Petitioners should send their exhibits and the names of their witnesses to the following email address: PetitionerExhibits@hs2.org.uk.

Please note that there is a restriction on the size of email plus attachments that most email systems will allow. HS2 Ltd can only accept an email and attachments up to a total size of 20 MB. Petitioners who exceed this size will receive an email from their email system advising them that it was unable to deliver their email successfully. If an email exceeds this size, Petitioners should consider breaking the email down into a number of smaller emails that are less than 20MB. If Petitioners are unable to break an email down below the size limit they will need to contact HS2 Ltd to discuss how they intend to provide HS2 Ltd with their exhibits.

The Promoter is required to provide its evidence and names of witnesses that could be called on, in accordance with the same deadlines, and these will be sent to Petitioners using the contact information held for Petitioners.

Petitioners should contact the Clerk to the Committee well in advance (at least a week) of their appearance if they intend to use models as part of their evidence to the Select Committee.

Evidence display system

The Promoter has developed an evidence display system for use in Parliament both for the Promoter's and the Petitioner's exhibits. This display system can be seen in the photograph in Appendix B.

A systems operator will be present at all times during the evidence sessions, ready to display exhibits when requested. The systems operator will also approach Petitioners before the start of their session, to hand to them printed copies of their exhibits with reference numbers (numbers for Petitioners to call out to the systems operator during their session to identify which exhibit they would like displayed) on them, and to answer any questions they might have about the evidence display system.

Petitioners, witnesses and Counsel should try to refer to specific items of evidence in the exhibits by the reference number given to them by the evidence display system. This will help the systems operator to quickly display the relevant piece of evidence for the Select Committee members and others in the room. Evidence used in the Select Committee evidence sessions is published on the Select Committee website, and Petitioners will see from these that each page has a 'P' reference number for an exhibit from the Promoter and an 'A' number for an exhibit from a Petitioner.

The evidence display system can display the following file formats:

Source Format	Media Type
PDF	Document
GIF / TIFF / PNG / BMP and JPEG	Single Images
RAW formats (e.g. ORF, CR2, RAW,RW2,KDC,CRW)	Single Images
FLAC,MP3,AAC,WMA,OGG,WAV,M4A,M4P,ALAC,AIF,AIFF,MP2	Audio
AVI,MP4,WMV,MOV,MPG	Video
DOC,RTF,DOCX	MS Word

Rights of parties

For a Petition to be considered at all by the Select Committee, a signatory to the Petition must appear before the Committee. The practice of the House of Lords allows Petitioners to be heard in person, by Counsel or by a duly appointed agent.

Petitioners are limited in the arguments that they can raise in Select Committee (for example, they may seek to argue for an amendment to the HS2 Bill, but may not argue that the Select Committee should reject it outright). Petitioners cannot raise matters which they did not raise in their Petition, unless explicitly authorised to do so by the Committee, and cannot raise the concerns of others who have not petitioned.

Order of proceedings in Select Committee itself

The Select Committee is effectively acting in a quasi-judicial capacity (i.e. like a Court) in considering Petitions against the HS2 Bill, and so a degree of formality is inevitable.

The Select Committee has adopted the same order of proceedings as used on the Crossrail Bill.

The order of hearing Petitions is:

- Swearing in or solemn affirmation of witnesses (witnesses give evidence and are cross-examined under oath)
- A short oral introduction on relevant background facts, and facts at issue, given by Counsel for the Promoter (unless the Petitioner(s) object(s))
- Petitioner(s) main arguments (which may be provided in writing, as explained above)
- Evidence from any Petitioner(s) witnesses, such as experts on engineering etc:
 - Petitioner(s) examines own witnesses first. Leading questions should be avoided as much as possible
 - Promoter cross-examines witnesses
 - Petitioner(s) re-examines witnesses on points arising from cross-examination
- Evidence from Promoter's witnesses:
 - Promoter examines own witnesses first. Leading questions should be avoided as much as possible
 - Petitioners cross-examine witness
 - Promoter re-examines on points arising from cross-examination
- Closing statement by Promoter, if necessary
- Closing statement by Petitioner(s), if necessary

In broad terms, then, the Promoter starts with a brief introduction (provided the Petitioner agrees), the Petitioner makes their case, and then the Promoter responds. The purpose of witness testimony and cross-examination is to help explain the case to the Select Committee, rather than to be a debate between the Promoter and Petitioner, and commentary ought to be directed to the Select Committee, with Promoter and Petitioner each taking their turn to put their case.

Both the Promoter and Petitioners are entitled to make their case uninterrupted by the other side, other in exceptional circumstances. The Select Committee members may intervene with questions at any point.

The Select Committee will at some point make and announce its decision, but it is very unlikely to do so on the same day as a Petitioner's evidence session (indeed, the taking and announcing of decisions may be postponed until a later stage depending on the order of Petitions).

Where a series of Petitions address related issues, the Select Committee will invite the second and subsequent Petitioners to say whether they wish to make points not already addressed by the first Petitioner. These Petitioners will be asked to address only those further points, unless there are exceptional reasons. Petitioners choosing not to speak will be deemed for formal purposes to have appeared, provided they or their agent are present in the room and identify themselves.

The Select Committee has said that groups of Petitioners from the same area are encouraged to appoint a lead Petitioner to outline their case, with other Petitioners from the group adding local detail where appropriate, instead of repeating the case.

A video of an evidence session, to give a flavour of the proceedings, can be found on the Select Committee website.

Conduct of the Select Committee

The evidence sessions take place in public and are transcribed. A record of each day's session is published. The transcripts can be found on the Select Committee website (these are always uncorrected transcripts). Reading these will also give a flavour of the proceedings.

Witnesses are not on trial, but there to represent the issues raised in the Petition and to provide the Select Committee with specific details of these issues.

If the information to an answer is not immediately to hand, the witness may offer to come back to the Select Committee in writing on a particular point. This should not be used as an invitation to repeat or advance arguments, but simply to provide a point for clarification.

The evidence sessions are streamed live on the Parliamentary website: <http://www.parliamentlive.tv/Lords>

Rules observed in the Select Committee

Petitioners and their witnesses should address the Select Committee in a courteous manner throughout the proceedings. Members should be referred to as "Chair", "Lord or Lady" followed by their title (for example "Lord Freeman"), or more generally as "My Lord", or "My Lady". Undue formality is not necessary.

In presenting evidence to the Select Committee, all Petitioners, witnesses and Counsel are obliged to conduct themselves before the Committee in a way which does not constitute contempt of the House of Lords. Examples of contempt of the House include knowingly misleading, repetitious and irrelevant evidence, deliberate delay, and refusal to answer questions. All parties are required to be respectful.

Giving oral evidence

Petitioners, witnesses and Counsel should speak in layman's terms whenever possible.

The Select Committee room's acoustics are adequate, but speakers will wish to speak up and speak clearly. The Select Committee room does have microphones around the seats where Petitioners, witnesses and Counsel sit, but these will not always pick up everything that is said.

The Select Committee will take time to hear and understand Petitioners' arguments. However, unnecessarily lengthy argument on either side will be deprecated, as will reading out of speeches without good reason. Petitioners should feel free to include in their evidence a summary of their arguments of no more than 2 pages. If they do, they can assume the Select Committee will have read it and that there will be no need to expand on it in the evidence session.

The Select Committee has said that Petitioners are encouraged to keep any opening and closing statements short, and to stress the effects of HS2 on them, along with any preferred solutions.

Glossary

Agent

A person appointed by another to represent on their behalf.

Roll A agents promote Bills and are professional specialists in Parliamentary Bill procedure. Petitioners do not have to employ a Roll A agent. The two legal firms acting as Roll A agents for the HS2 Bill are Winckworth Sherwood and Eversheds. Because they are promoting the Bill they cannot act for Petitioners. Other Roll A agents, who can act for Petitioners, are listed in the petitioning kit available from the Select Committee website. Alternatively, Petitioners might wish to consult a different lawyer or other source of advice to assist with their Petition. A Roll B agent is someone else who represents a Petitioner and presents their case before the Select Committee. Anyone a Petitioner thinks can put their case effectively can apply to be a Roll B agent and act on their behalf. If a Petitioner wants someone who is not named on the Petition or a member or officer of their organisation to represent them, and that person is not a Roll A agent, they will need to become a Roll B agent and (unless they are themselves a lawyer) obtain a certificate of respectability from a Member of Parliament, Justice of the Peace, solicitor or barrister. Both types of agent can represent a Petitioner before the Select Committee.

Counsel

A barrister.

Parliamentary Agent

A specialist lawyer.

Promoter

Government Minister sponsoring the Bill.

Quorum

The minimum number of members required to be present for the Select Committee to conduct its business and hear evidence etc.

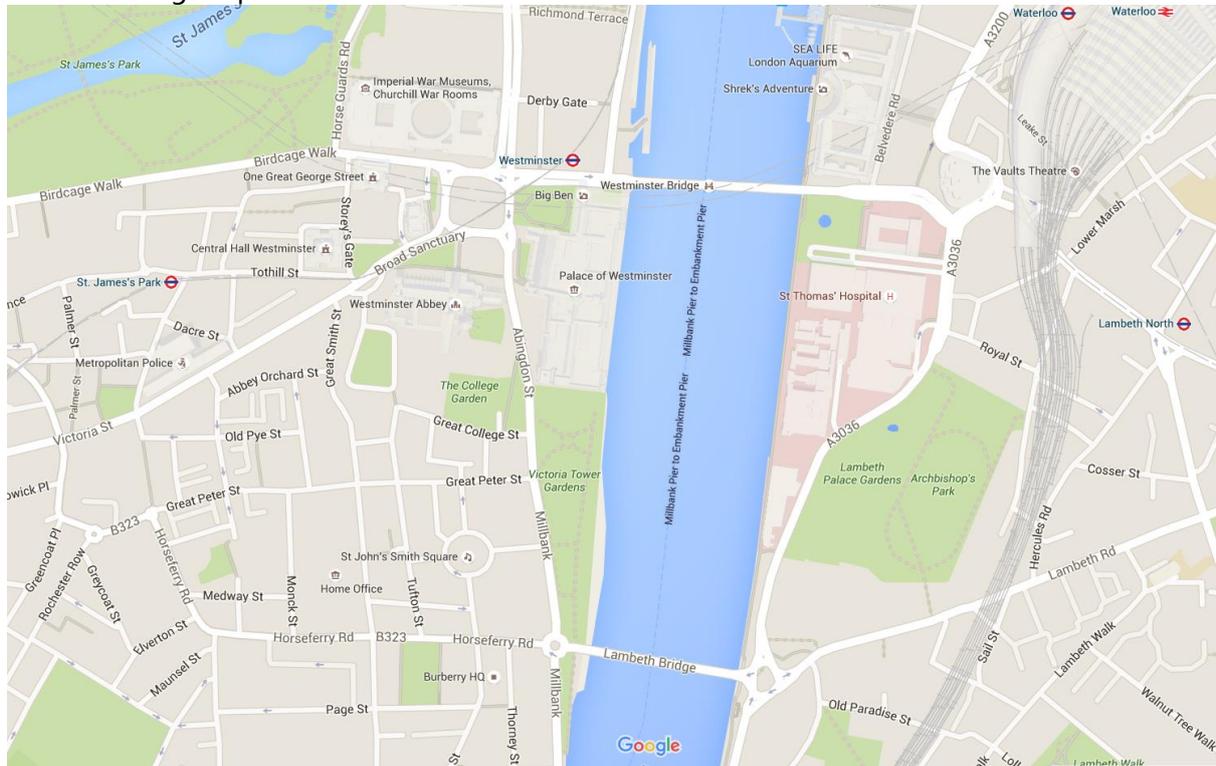
APPENDIX A

How to find the Houses of Parliament

The Houses of Parliament are located in Westminster in the centre of London and are well served by all forms of public transport, most of which is wheelchair accessible.

Map of Westminster

The following map shows the Westminster area and the Houses of Parliament:



Most visitors to the Houses of Parliament will come to the Palace of Westminster (postcode SW1A 0AA, entrance marked 8 on the map) or Portcullis House (postcode SW1A 2LW, entrance marked 4 on the map).

The Select Committee holds its evidence sessions in Committee Room 4 in the Palace of Westminster.

Visitors wishing to purchase tickets for tours should go to the Ticket Office located at the front of Portcullis House (post code SW1A 2LW, marked 5 on the map).

Rail and Underground

Visitors travelling on the London Underground can use the District, Circle or Jubilee lines to get to Westminster station, which is fully wheelchair accessible. Victoria, Charing Cross and Waterloo mainline stations are about 20 minutes away by foot and have connecting buses.

Bus

Buses stop near Parliament Square in Victoria Street (opposite the Houses of Parliament) and further up towards Trafalgar Square, in Whitehall. All buses in London are now wheelchair accessible.

Walking

If travelling by foot, Petitioners can access Parliament by Westminster and Waterloo bridges. Both are wheelchair accessible, as are the Golden Jubilee pedestrian bridges (the old Hungerford Bridge), which connect the South Bank with Victoria Embankment.

Cycling

Members of the public cannot bring bicycles into the Parliamentary estate. Public bicycle racks are a short distance away outside 7 Millbank. There are Cycle hire docking stations situated in Smith Square, which is a 5 minute walk away from Parliament, and on Abingdon Green, opposite Victoria Tower Gardens.

Coach and car

There is no designated area to drop off or pick up from the Houses of Parliament. Drivers can stop briefly just before the entrance to Victoria Tower Gardens, towards Millbank. Petitioners should be aware that, for security reasons, the police will quickly move vehicles on.

Travelling by car will often be subject to the congestion charge and meter parking is limited. Disabled parking spaces are located nearby in Great Peter Street, Smith Square, and by Methodist Central Hall on Matthew Parker Street.

There is an underground car park opposite the Houses of Parliament operated by Q-Parks which has 183 spaces. It benefits from a secure vehicle and pedestrian entrance with CCTV, customer toilets and is manned during the week. A space can be reserved in advance using the Q-Park online pre-booking facility.

Security information

To ensure that Parliament remains a safe and accessible place for those who work within and visit Parliament, a number of security measures have implemented. Petitioners should take note of them before and during their visit.

Search and screening

Airport style searches are in place at the Houses of Parliament. Petitioners should leave plenty of time to pass through security. Petitioners should expect this to take at least 15 minutes. At busy times, which are unpredictable, the delay will be longer. On Tuesday and Wednesday afternoons the queue can exceed 45 minutes. Petitioners should dress appropriately for the weather.

Personal defence equipment is not permitted and UK law prohibits the carrying of certain self-defence items which are lawful in other countries. Any visitor found in possession of such items – e.g. flick knives, butterfly knives and personal defence sprays – is liable to be arrested. In addition, the following items are not permitted on the parliamentary estate and will be confiscated:

- Sharp items e.g. knives (including Swiss army knives) scissors, cutlery and screwdrivers
- Spray Paint
- Padlocks, chains and climbing gear

- Items that make a noise (e.g. whistles)

If a Petitioner requires sharp items for medical reasons, they should speak to a member of the security team as soon as they arrive to seek their advice.

Banners, placards, flags and similar items are not permitted in public meetings and may be confiscated.

Petitioners may be subject to secondary searches once inside the parliamentary estate.

Bags

Petitioners should restrict the size of bags brought to Parliament as large bags or luggage are likely to be refused entry. Parliament has no facilities for storing or leaving bags or other personal items. Commercial left luggage facilities are available nearby at Charing Cross, Victoria and Waterloo stations.

Inside the building

Petitioners should wear the security lanyard and visitor pass issued to them and not leave bags and personal items unattended.

CCTV cameras, alarms and other security technologies are in operation across the parliamentary estate.

APPENDIX B Diagram of Layout in Select Committee Room 4

