

HS2

Hybrid Bill process

This purpose of this factsheet is to outline what a hybrid Bill is, why the Secretary of State intends to introduce a hybrid Bill for HS2 Phase 2b and the process a hybrid Bill must follow in Parliament before it receives Royal Assent

1 Introduction

- 1.1.1 High Speed Two (HS2) is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in phases: Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route to Crewe. Phase 2b will extend the route to Manchester, Leeds and beyond (the 'Proposed Scheme').
- 1.1.2 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act (2017). In July 2017, the Government introduced a hybrid Bill to Parliament to seek powers for the construction and operation of Phase 2a. A hybrid Bill to seek powers for the construction and operation of Phase 2b is expected to be introduced to Parliament in 2020.
- 1.1.3 HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works to a Development Agreement made with the Secretary of State for Transport.
- 1.1.4 The work to produce the Phase 2b Bill will include an Environmental Impact Assessment (EIA), the results of which will then be reported in an Environmental Statement (ES). The ES would be submitted alongside the Phase 2b Bill when it is introduced to Parliament. The emerging findings of the EIA are reported in a working draft Environmental Statement (WDES)¹ that is being consulted on in late 2018.
- 1.1.5 As was the case with Phase One and Phase 2a, when the Phase 2b Bill is introduced to Parliament the Secretary of State will also publish draft Environmental Minimum Requirements (EMRs). The EMRs will set out the environmental and sustainability commitments that will be observed in the construction of Phase 2b.
- 1.1.6 A series of information papers were produced for the Phase One and Phase 2a hybrid Bills, explaining the commitments made in those Bills and EMRs. It is the Secretary of State's intention to follow a similar process for the Phase 2b Bill. These information papers for Phase 2b will be used to provide information about Phase 2b itself, the powers contained in the Phase 2b Bill when it is

¹ The WDES presents draft environmental information based on a stage in the ongoing design and assessment process for the Proposed Scheme. It includes a description of the existing environment; an evaluation of the anticipated environmental impacts of the Proposed Scheme; and the measures currently being proposed to manage these anticipated impacts. The WDES will be updated for the preparation of the formal ES to reflect any changes made to the Proposed Scheme following consultation, and any changes made following further work on the design and EIA, between now and when the ES is submitted alongside the hybrid Bill. A guidance document explaining the contents of the WDES and how to navigate it has been produced alongside the WDES.

introduced to Parliament and how decisions on Phase 2b have been reached. It is currently proposed that these information papers for Phase 2b will be published at the time the Phase 2b Bill is introduced in Parliament.

- 1.1.7 The Secretary of State for Transport will be ‘the Promoter’ of the Phase 2b Bill. The Promoter will also eventually appoint a body responsible for delivering the Proposed Scheme under the powers to be granted by the Phase 2b Bill. This body will be known as the ‘nominated undertaker’. There may well be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Phase 2b Bill, the policies established in the Phase 2b EMRs and any commitments provided in the Phase 2b information papers.
- 1.1.8 These Phase 2b factsheets have been produced to provide information on the emerging proposals for measures to manage the design process for Phase 2b and to control impacts which may arise from the construction and operation of the Proposed Scheme. These measures may then be applied to Phase 2b as commitments made through the eventual Phase 2b Bill, EMRs or information papers.

2 Overview

- 2.1.1 This factsheet outlines what a hybrid Bill is, why the Secretary of State intends to introduce a hybrid Bill for HS2 Phase 2b and the process a hybrid Bill must follow in Parliament before it receives Royal Assent.

3 What is a hybrid Bill

- 3.1.1 A hybrid Bill is legislation promoted by Government in Parliament to secure powers to construct and operate major infrastructure projects of national importance. Use of primary legislation rather than promoting a development consent order under the Planning Act 2008 allows the Government to seek the full range of statutory powers and authorisations that a project of this size and complexity requires. This may include revisions to the rail regulatory regime and the planning regime, as well as provisions to enable the making of subsequent orders and regulations by way of statutory instrument. Hybrid Bills have been most recently used for Phase One of HS2 as well as other railway schemes, such

as the Channel Tunnel Rail Link Act 1996 (known as HS1) and the Crossrail Act 2008².

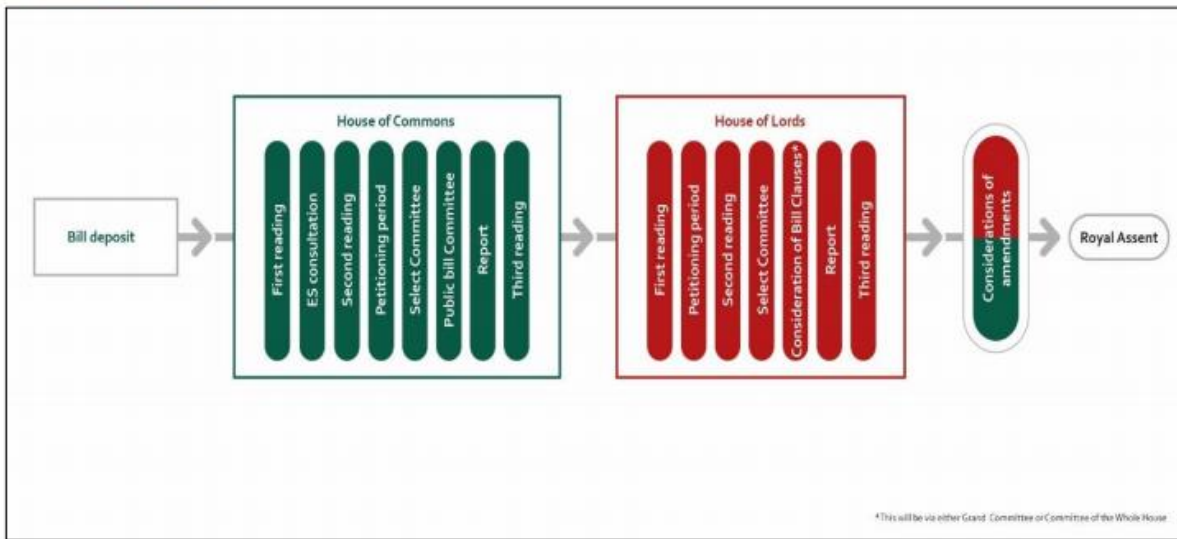
- 3.1.2 A hybrid Bill is draft legislation that affects public and private interests, and the procedures followed in Parliament in considering such a Bill incorporate aspects of both public and private Bill procedures before it can be enacted.
- 3.1.3 In order to secure the powers to construct and operate the full HS2 network, the Government is developing and promoting separate hybrid Bills for each phase of HS2.
- 3.1.4 The Government is proposing three hybrid Bills to secure the necessary powers to deliver HS2, for:
- Phase One - The High Speed Rail (London – West Midlands) Act 2017. This Act received Royal Assent on 23 February 2017 and authorises the construction and operation of the HS2 route from London to the West Midlands;
 - Phase 2a - The High Speed (West Midlands – Crewe) Bill – This Bill, which was introduced to Parliament in July 2017, seeks powers to authorise the construction and operation of the HS2 route from the West Midlands to Crewe; and
 - Phase 2b - A hybrid Bill to seek powers to authorise the construction and operation of the HS2 route from Crewe to Manchester and the West Coast Main Line, and from the West Midlands to Leeds and the East Coast Main is expected to be introduced to Parliament in 2020.
- 3.1.5 Following the introduction of a hybrid Bill to Parliament the actual timetable for the hybrid Bill to secure Royal Assent is controlled by Parliament.

4 The hybrid Bill Parliamentary process

- 4.1.1 The hybrid Bill process is shown in Figure 1 below:

² More information on current and previous hybrid Bills considered by Parliament is available on Parliament's website (<http://www.parliament.uk/business/bills-and-legislation/current-bills/hybrid-bills/>)

Figure 1: hybrid Bill process



- 4.1.2 Following First Reading of the hybrid Bill and the deposit of supporting documents, Standing Orders require a public consultation on the ES. This formal consultation will be undertaken by the Secretary of State for Transport and held over a period of at least 56 days (eight weeks). The Secretary of State will publish responses received within the consultation period. A summary of issues raised in responses to this consultation will be provided by Parliament’s independent assessor to inform Members of Parliament (MPs) ahead of the Second Reading debate on the Bill.
- 4.1.3 At Second Reading, the principle of the Bill is debated, including the need for the Proposed Scheme. Second Reading establishes the principles of the hybrid Bill and the need for the Proposed Scheme.
- 4.1.4 At Second Reading, a Select Committee is appointed to hear petitions against the hybrid Bill. In the House of Commons, Select Committee members are MPs who have no constituency interest in the hybrid Bill. Second Reading is followed by a petitioning period during which those whose property or interests that are specially and directly affected by the hybrid Bill can petition³.
- 4.1.5 A petition is a summary of objections to particular aspects of the hybrid Bill. It is a request to the House of Commons for the petitioner to be allowed to argue their case before the Select Committee. The Select Committee may not hear petitions which seek to challenge the principle of the hybrid Bill, as that principle will have been established at Second Reading. Petitions have to be deposited within a stipulated time in the Private Bill Office and must conform to the rules for petitions against private Bills. Guidance on petitioning against hybrid Bills is

³ The petitioning period will be determined at Second Reading.

published by the Private Bill Office of the House of Commons. Petitions which conform with the rules for petitions against private Bills are then considered by the Select Committee, which may recommend amendments to the hybrid Bill. Any amendment to the hybrid Bill which affects a private interest must take the form of an Additional Provision. In the House of Commons, an Additional Provision is subject to the same right to petition as the hybrid Bill as introduced.

- 4.1.6 A Public Bill Committee of MPs then reviews the hybrid Bill, and may make amendments to it. The hybrid Bill then progresses to Report and Third Reading stages in the House of Commons, during the first of which further amendments may be made.
- 4.1.7 The Bill is then sent to the House of Lords where it follows a broadly similar process as in the House of Commons. There is a further opportunity for objectors to petition and to appear before a Select Committee. The petitioning period in the House of Lords follows First Reading and petitions must conform to the rules for petitions against private Bills.
- 4.1.8 The hybrid Bill returns to the House of Commons for consideration of any amendments made in the House of Lords, after which it can then receive Royal Assent, becoming an Act of Parliament.

5 More information

- 5.1.1 Further factsheets and details on the Proposed Scheme, including the working draft Environmental Statement documents, can be found at:
www.hs2.org.uk/phase2b