

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 the Western Leg of 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. The Western Leg of Phase 2b comprises an extension of the network to Manchester and a connection to the West Coast Main Line at Golborne, and is referred to as the Western Leg hybrid Bill. The Eastern Leg of Phase 2b currently comprises an extension of the network from the West Midlands through the East Midlands to Leeds.
- 1.1.2 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.
- 1.1.3 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.
- 1.1.4 In February 2020, the Government announced its intention to draw up an Integrated Rail Plan. This will recommend a way forward on scoping, phasing and sequencing the delivery of HS2 Phase 2b, Northern Powerhouse Rail, Midlands Rail Hub and other proposed rail investments across the north. At the same time, the Government asked HS2 Ltd to prepare the Western Leg hybrid Bill, provided it does not prejudge any recommendations or decisions that will be taken in this plan, which will be published by the end of the year.
- 1.1.5 It is intended to deposit a Western Leg hybrid Bill seeking powers to construct and operate this phase in Parliament in early 2022 or sooner if possible (the Proposed Scheme). The work to produce the 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 Bill when it is introduced to Parliament. As was the case with Phase One and Phase 2a, when the 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 the Proposed Scheme.
- 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 Western Leg Bill.

These information papers will be used to provide information about the Proposed Scheme itself, the powers contained in the Bill and how decisions on the Proposed Scheme have been reached. It is currently proposed that these information papers for the Western Leg of Phase 2b will be published at the time the Bill is introduced in Parliament.

- 1.1.7 The Secretary of State for Transport will be ‘the Promoter’ of the Western Leg Bill. The Promoter will also eventually appoint a body responsible for delivering the Proposed Scheme under the powers to be granted by the 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 Bill, the policies established in the Western Leg EMRs and any commitments provided in the Western Leg information papers.
- 1.1.8 These Western Leg factsheets have been produced to provide information on the emerging proposals for measures to manage the design process for the Proposed Scheme and to control impacts which may arise from the construction and operation of the Proposed Scheme. These measures may then be applied to the Western Leg as commitments made through the eventual 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 the Western Leg of 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 and Phase 2a of HS2, as well as other railway

schemes, such as the Channel Tunnel Rail Link Act 1996 (known as HS1) and the Crossrail Act 2008¹.

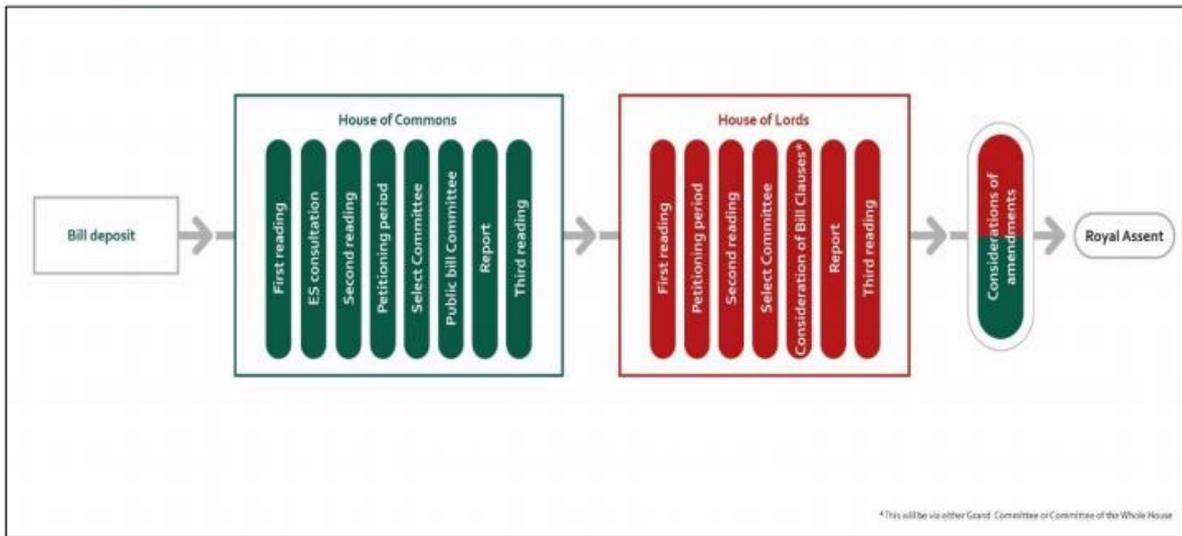
- 3.1.2 A hybrid Bill is draft legislation that affects public and private interests, and the procedures followed in Parliament in considering such a Bill incorporate aspects of both public and private Bill procedures before it can be enacted.
- 3.1.3 The Government intends to develop and promote a hybrid Bill for the Western Leg of HS2. The Bill would seek powers to authorise the construction and operation of the HS2 route from Crewe to Manchester with a connection to the West Coast Main Line near Golborne.
- 3.1.4 The Government may choose to introduce a further Bill or Bills for the Eastern Leg of Phase 2b. This is being considered as part of the IRP, and once that work has concluded the Government will set out next steps on further legislation for this section of route.
- 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:

¹ 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.
- 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 petition².
- 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 submitted within a stipulated time to the Private Bill Office and must conform to the rules for petitions against private Bills. Guidance on petitioning against hybrid Bills is published by the Private Bill Office of the House of Commons. Petitions which

² The petitioning period will be determined at Second Reading.

conform with the rules for petitions against private Bills are then considered by the Select Committee, which may recommend changes to the scheme and/or make amendments to the hybrid Bill. Any amendment to the hybrid Bill which affects a private interest must take the form of an Additional Provision. An Additional Provision is subject to the same right to petition as the hybrid Bill to which it relates.

- 4.1.6 As with other bills, 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 MPs have the opportunity to table further amendments.
- 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 those whose property and interests are specially and directly affected. 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 can be found at: www.hs2.org.uk/phase2b

