

Northern Powerhouse Rail: Manchester Connection Information Paper

B10: Hybrid Bill process

This paper outlines the process followed by hybrid Bills in Parliament.

Content will be maintained and updated as considered appropriate during the passage of the Bill.

HS2 Ltd's Rail Development Directorate are acting on behalf of the Secretary of State for Transport to develop and promote the Bill. If you have any queries about this paper or about how it might apply to you, please contact the Helpdesk in the first instance.

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1 Introduction

- 1.1 Northern Powerhouse Rail (NPR) is the government’s plan to provide more reliable and frequent services between key economic centres in the North of England. NPR forms the transport backbone of the Northern Growth Strategy and will deliver a “turn-up-and-go” railway linking Liverpool, Manchester, Leeds/Bradford, Sheffield and York, with regular onward services to Newcastle, Hull and Chester for North Wales connections.
- 1.2 NPR will be delivered in three phases:
- (1) early upgrades and electrification east of the Pennines (Leeds–Bradford, Sheffield-Leeds, Leeds–York);
 - (2) a new Liverpool–Manchester route via new stations at Warrington Bank Quay (Low Level) and Manchester Airport; and
 - (3) further cross-Pennine enhancements beyond the Transpennine Route Upgrade, including Manchester-Leeds, Manchester-Bradford and Manchester-Sheffield.
- 1.3 The first phase of NPR prioritises the upgrades to existing lines east of the Pennines. The adapted High Speed Rail (Crewe- Manchester) Bill, (hereafter ‘the Bill’) has been taken forward as part of the second phase of NPR to obtain the necessary powers to deliver the NPR route into Manchester via Manchester Airport (the Proposed Scheme). The Bill, formerly designed to deliver the route between Crewe to Manchester, has been adapted to retain only the section of route from the Parish of Millington and Rostherne to Manchester Piccadilly, via a new station at Manchester Airport (also known as NPR’s ‘Manchester Connection’). For further information about the development of the Bill, please see information paper A1.
- 1.4 The government has also confirmed its intention to ultimately complete a new line between Birmingham and Manchester. This is not included in this Bill and this would be progressed following the delivery of the three stages of NPR.
- 1.5 The work to produce the Bill includes an Equalities Impact Assessment and an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State for Transport has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed Scheme. For more information on the EMRs please see Information Paper E1: Control of environmental impacts.

- 1.6 The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. Following Royal Assent this body will be the 'nominated undertaker'. There may be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, and the policies and commitments established in the EMRs, including any commitments provided in the information papers.
- 1.7 HS2 Ltd is a non-departmental public body and their Rail Development Directorate is responsible for developing and promoting these proposals for the purposes of the Bill. The company works under the terms of a Development Agreement entered into with the Secretary of State for Transport.
- 1.8 These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.
- 1.9 When they were originally published, the information papers for the Bill were consistent with the policies, schemes and standards that had been applied for HS2 Phase 1 and 2a, as the Proposed Scheme was intended to be part of that project. They have now been updated and republished to reflect the changes to the Bill. In light of the origin and continuation of the Bill, the information papers continue to generally reflect the policies and commitments originally set out for the Bill before it was adapted relating to the control of impacts on the environment and on property owners, communities and businesses. This includes adopting a version of the HS2 Environmental Policy for the purposes of this Bill. This reflects the Bill's advanced progress through Parliament; the Bill has been taken forward on the basis that these policies and commitments will apply and the government intends to honour them for reasons of fairness towards those affected or concerned.
- 1.10 This approach reflects the particular circumstances of this Bill, and the commitments set out in these Information Papers do not set, and should not be considered as setting, any precedent for future proposals connected to the NPR programme, or any other future rail scheme. The policies and commitments offered in relation to future schemes will need to be considered in the context of any applications for consent on their own merits.

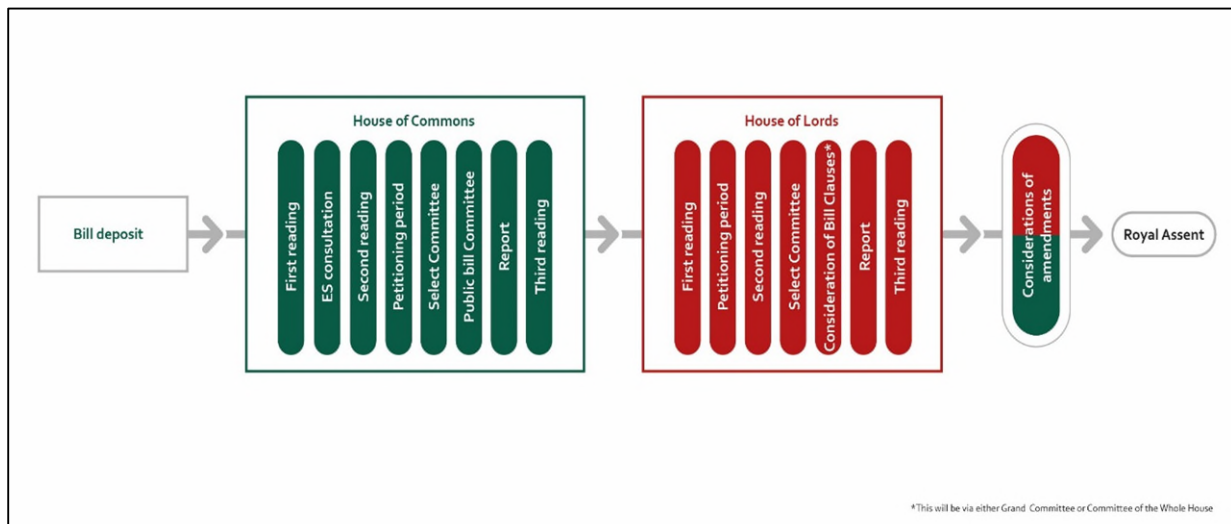
2 Overview

- 2.1 This information paper outlines the process followed by hybrid Bills in Parliament. Parliamentary procedure is determined by Parliament and so is liable to change.

3 Hybrid Bill process

- 3.1 The Government uses hybrid Bills to promote major infrastructure projects of national importance. They have been used most recently for Phase One and Phase 2a of HS2 as well as other rail schemes, such as the Channel Tunnel Rail Link Act 1996 (known as HS1) and the Crossrail Act 2008. More information on current and previous hybrid Bills considered by Parliament is available on Parliament’s website at <https://www.parliament.uk/business/bills-and-legislation/current-bills/hybrid-bills/>. 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.
- 3.2 The hybrid Bill process, for a Bill introduced in the House of Commons, is shown in Figure 1 below:

Figure 1: hybrid Bill process



- 3.3 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.
- 3.4 Private Business Standing Orders of the Houses of Parliament require that the hybrid Bill, when submitted to Parliament, must be accompanied by a set of supporting documents. These documents include Plans and Sections of the works, a Book of Reference detailing the land interests affected, an Estimate of Expense and an Environmental Statement (ES) describing the likely significant effects of the Proposed Scheme on the environment.

- 3.5 Following First Reading of the hybrid Bill and the deposit of supporting documents, the 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.
- 3.6 At Second Reading, the principle of the Bill is debated, including the need for the Proposed Scheme. Second Reading establishes the principle of the Bill and the need for the Proposed Scheme.
- 3.7 At Second Reading, a Select Committee is appointed to hear petitions against the Bill. In the House of Commons, Select Committee members are Members of Parliament who have no constituency interest in the Bill.
- 3.8 Second Reading is followed by a petitioning period, during which those whose property or interests that are specially and directly affected by the Bill can petition. The length of the petitioning period is determined at Second Reading and will be at least 25 calendar days. A petition is a summary of objections to particular aspects of the 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 Bill, as that principle will have been established at Second Reading. Petitions have to be deposited within the petitioning period with the Private Bill Office and must conform to the rules for petitions against private Bills. Guidance on petitioning against hybrid Bills in the House of Commons will be 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 be made to the Bill. Any amendment to the 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 Bill as introduced.
- 3.9 A Public Bill Committee of MPs then reviews the Bill and may make amendments to it. The Bill then progresses to Report and Third Reading stages in the House of Commons, during the first of which further amendments may be made.
- 3.10 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 or interests that are specially and directly affected to petition and to appear before a Select Committee. The petitioning period in the House of

Lords follows First Reading and guidance on petitioning against hybrid Bills in the House of Lords will be published by the Private Bill Office of the House of Lords.

- 3.11 The 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.

4 More information

- 4.1 More detail on the Bill and related documents can be found at <https://www.gov.uk/guidance/northern-powerhouse-rail-manchester-connection>.