

Hillingdon LBC

HS2 Bill Note on Petitioning by Individuals and Groups

1 Introduction

- 1.1 This note has been prepared by Sharpe Pritchard LLP at the request of Hillingdon LBC to assist in providing some guidance to residents and groups in the Borough who may wish to petition against the High Speed Rail (London – West Midlands) Bill.
- 1.2 Those who are considering petitioning against the Bill should read the guidance notes published by the House of Commons and use the template petition and other documents provided by them in the Petitioning Toolkit at the following (abbreviated) link:

<http://tinyurl.com/78q5dop>
- 1.3 The note only touches in brief on some of the more basic aspects of the petitioning process – and in particular who can take responsibility for doing what at the two separate stages of signing/depositing the petition and appearing on the petition at the Select Committee stage. More detail on the process, and in particular what documents must be provided when depositing a petition can be found in the House of Commons documents at the link above.
- 1.4 The Commons guidance says that the Commons Private Bill Office are prepared to look at draft petitions in advance and give guidance. Anyone who intends to do that should not leave it too late, as there are likely to be thousands of petitions.
- 1.5 Those who do petition, and are considering appearing before the Select Committee should consider attending one of the Select Committee sessions once it gets going. If that is difficult, then the proceedings are likely to be broadcast (at least in audio) on www.parliamentlive.tv

2 Individuals

Signing and Depositing

- 2.1 Petitions must be signed and must be deposited in Parliament in person. Email, fax or post are not acceptable.
- 2.2 An individual can both sign a petition and deposit it in Parliament. An individual can sign a petition, or appoint a roll A or B Parliamentary Agent (which in the latter case could be a neighbour) to sign it, and then ask an MP to deposit it.
- 2.3 An individual can sign a petition and appoint a roll A or B Parliamentary Agent to deposit it, or could appoint a Parliamentary Agent to both sign and deposit it.
- 2.4 An individual cannot ask another individual to deposit a petition in Parliament on his/her behalf unless the latter has been appointed as the petitioner's Parliamentary Agent (or is an MP).
- 2.5 A petition can be in the name of more than one individual. It is quite common, for example, for a petition to be in the name of cohabitants. Residents of a particular street could also come together and put in a joint petition. In those cases, a Parliamentary Agent (which could be one

of their number) would have to be appointed in order to sign it and deposit it in Parliament (or ask an MP to deposit it). See section 2 below for further information.

Appearing at Select Committee

- 2.6 An individual can appear and read out a statement to the Select Committee without taking the oath. The individual would be liable to questioning by the committee members but strictly speaking not liable to cross-examination by HS2's barrister. But HS2's barrister could put questions to the individual through the chairman. Strictly speaking the individual should not introduce documents as evidence unless sworn, but the committee may give some latitude on that rule.
- 2.7 An individual can appoint a roll A or B Parliamentary Agent to do the above, or could appoint a barrister to do it.
- 2.8 An individual can choose to be sworn in and then read out a statement. The difference between doing that and 2.6 is that the individual would then be liable to direct cross-examination, and would certainly be able to hand up documents to the committee.
- 2.9 An individual can call other people to be sworn in and give evidence in support of his/her case. Again they would be liable to cross-examination. Strictly speaking, such evidence should be in support of the individual's case alone and nobody else's but the committee could show some latitude here and allow neighbours with similar cases to club together in this way.
- 2.10 An individual (or indeed a group of individuals) could appoint an agent and/or a barrister to do 2.9 above. So, one of a number of residents on a particular street could be appointed as agent for all of them and present a joint case, calling some or all of the residents as witnesses.

3 Groups

Signing and Depositing

- 3.1 A group that petitions must appoint a roll A or B Parliamentary Agent to sign the petition, and only that Agent or an MP can deposit it.
- 3.2 It is strongly advisable that in advance of the petition being signed and deposited, a properly constituted meeting of the group should be held at which it is agreed that the group will object to the Bill in Parliament by way of a petition. The opportunity may also be taken at that meeting to appoint the group's Parliamentary Agent. The Commons guidance says that in the case of groups, it will require to see a letter which demonstrates that the Agent has been authorised by the group and which sets out the details of the resolution approving the deposit of the petition.

Appearing at Select Committee

- 3.3 A Parliamentary Agent can appear on behalf of a group and read out a statement to the Select Committee without taking the oath. The agent would be liable to questioning by the committee members but strictly speaking not liable to cross-examination by HS2's barrister. But HS2's barrister could put questions to the agent for the group through the chairman. Strictly speaking the agent for the group should not introduce documents as evidence unless sworn, but the committee may give some latitude on that rule.

- 3.4 A group can (through its agent) appoint a barrister to do the above.
- 3.5 The Parliamentary Agent for a group can choose to be sworn in and then read out a statement. The difference between doing that and 3.3 is that the agent would then be liable to direct cross-examination, and would certainly be able to hand up documents to the committee.
- 3.6 An agent for a group can call other people to be sworn in and give evidence in support of the group's case. Again they would be liable to cross-examination.
- 3.7 A group could appoint a barrister to do 3.6 above.

4 Locus Challenges

- 4.1 It will be for the Secretary of State, on advice, to decide as a matter of policy whether to challenge the right to be heard of any petitioner (locus) at all, and if so, what type of petitioner to challenge. On Crossrail, there were no challenges. On CTRL there were about 20, nearly all successful. The formal challenge would be received shortly before the Select Committee proceedings began, and the Select Committee would hear both parties' submissions on the question of locus at the beginning of proceedings. Petitioners can make submissions themselves, or appoint a Parliamentary Agent or a barrister to do it.
- 4.2 Individuals and local authorities who have land/jurisdiction within the Bill limits, as set out on the Parliamentary plans will not be challenged.
- 4.3 Long standing, properly constituted representative bodies whose members will be injuriously affected by the Bill should not be challenged. This includes national as well as local amenity bodies, and should include all residents' associations who have members in or very near to the Bill limits, or who can show that their members have been assessed as adversely affected in the Environmental Statement.
- 4.4 Action groups formed specifically to object to HS2 might be challenged, and if they were, the weight of the precedent cases would be against them.

5 Timing

- 5.1 The petitioning period is likely to be fixed at second reading and we understand that a petitioning period of around 3 weeks will be given. We consider that the earliest date on which the Bill's second reading could take place is **28 April**. This would bring us to **19 May** as the earliest possible deadline date for depositing petitions. These dates have not yet been fixed by the parliamentary authorities and so they may change.

**Sharpe Pritchard
March 2014**

Note: This note has been prepared by Sharpe Pritchard LLP at the request of Hillingdon LBC to assist in providing some guidance to residents and groups in the Borough who may wish to petition against the High Speed Rail (London – West Midlands) Bill. The note does not constitute legal advice to any such individual or group.