

## **Holocaust Memorial Bill**

### **Notice from the Examiners of Petitions for Private Bills**

On 23 February 2023 the Clerk of Legislation in the House of Commons found the Holocaust Memorial Bill to be *prima facie* hybrid and it was accordingly referred to the Examiners. This notice sets out further arrangements for the Examination.

#### Purpose of the examination

1. In accordance with House of Commons Private Business Standing Order 224, the Bill will be examined to ascertain:
  - a. whether Private Business Standing Orders (PrBSOs) are applicable (that is, whether the Bill is hybrid); and
  - b. if so, whether they have been complied with.
2. The Examiners will report to the House of Commons and the House of Lords so will examine the applicability of the PrBSOs of both Houses. This refers to House of Commons and House of Lords PrBSOs 4 to 68.

#### Written submission and memorials

3. The Government may submit a written submission for consideration by the Examiners, outlining whether they believe the Bill to be hybrid and, if so, whether the relevant PrBSOs have been complied with.
4. Any party may deposit a memorial arguing that the PrBSOs are applicable and complaining of non-compliance. Any and all issues to be complained of must be specifically stated in the memorial. Memorialists are not entitled to be heard by the Examiners on issues not included in the initial memorial.
5. Memorials must be signed. If the memorial makes an allegation of non-compliance with a standing order relating to requirements on or affecting specific individuals (e.g. requiring certain affected parties to be provided with notice), the memorial must be signed by the relevant party (or their agent).
6. A memorial may not be deposited arguing that the PrBSOs are *not* applicable.
7. The written submission and memorials should focus on the two points listed in paragraph 1 of this note and must address the applicability of and compliance with the relevant PrBSOs of both Houses.

8. The Government's written submission and any memorials will be made available to all participating parties after they have been deposited and may be made publicly available on the bill page: <https://bills.parliament.uk/bills/3421/publications>.

### The Examination

9. The Examination will be held in public with a livestream available on [www.parliamentlive.tv](http://www.parliamentlive.tv) and a transcript will be taken. The Examiners will deliberate in private.
10. The Government and any memorialists may appear before the Examiners. Either side may be represented by their Parliamentary Agent or (in the case of public bodies) their own lawyers, but may not be represented by external Counsel.
11. The hearing will be in two parts. First, it will begin by considering the issue of hybridity. Second, in the event of a finding of hybridity, the Examiners will consider allegations in relation to breach of Standing Orders. The Examiners may adjourn proceedings after the first part. Anyone may lodge a memorial alleging that the Bill is hybrid.
12. Objections to a memorial can be raised by the promoter on grounds including that it alleges no breach of the standing orders, that it is not sufficiently specific, or that the party specially affected (or their agent) has not signed the memorial or has withdrawn their signature. The Examiners will make a determination on any objections raised.
13. Either side may call witnesses to answer questions on matters of fact. If all parties have indicated that they are agreed on any matter of fact, the Examiners will be prepared to accept it without hearing any witnesses. Notice of the names of witnesses must be given to the Private Bill Office in the House of Commons by 12 noon on Friday 14<sup>th</sup> April. Witnesses do not need to take the oath.
14. For each part, the Government will be invited to present their case first and answer questions from the Examiners. Any parties which have deposited a memorial will then be asked to present their arguments and answer questions from the Examiners. Following this, the Government will then be entitled to a right of reply and answer any further questions from the Examiners.
15. The memorialists may be allowed the opportunity to cross-examine any Government witnesses and *vice versa*.
16. There is no set time limit for the Examination and, if necessary, the meeting can be adjourned to another day.

### After the Examination

17. After the first part of the Examination the Examiners will state whether they have found the Bill to be hybrid. If they have, then further argument will be heard on the second part and the Examiners will subsequently publish the Examiners' Certificate

which will certify whether the PrBSOs are applicable and the reasons for their decisions. This will be a report to both Houses.

18.If the Examiners find that the Bill is not hybrid, the Bill may then be tabled for Second Reading and proceed as a public bill.

19.If the Examiners find that the Bill is hybrid, and that the PrBSOs have not been complied with, the Bill will then be referred to the Standing Orders Committees of both Houses, for consideration of whether such Standing Orders ought to be dispensed with.

### Timetable

20.The Examination will begin on Monday 17<sup>th</sup> April 2023 at 11.00am in Committee Room 2.

21.The Examiners request that the Government's written submission and memorials be deposited in the House of Commons Private Bill Office as soon as possible, along with two copies and an electronic version. A payment of £20 is required on the deposit of a memorial. The final deadline for depositing a submission and memorials is 12 noon on 14 April 2023.

**Tom Healey  
Chris Salmon Percival  
Justin Leslie  
Che Diamond  
24 March 2023**