

HOLOCAUST MEMORIAL BILL

Note outlining memorialists' allegations of non-compliance with the Standing Orders of both Houses of Parliament

(1) THE LONDON HISTORIC PARKS AND GARDENS TRUST, (2) THE THORNEY ISLAND SOCIETY AND (3) RESIDENTS OF WESTMINSTER

1. Introductory

- 1.1. This note has been prepared in response to the request by the Clerk of Private and Hybrid Bills in the House of Commons for a standalone document outlining views on the applicability of, and compliance with, the Standing Orders.
- 1.2. The note is submitted on behalf of (1) the London Historic Parks and Gardens Trust ("the Trust"), (2) the Thorney Island Society ("the Society") and (3) those residents of Westminster who memorialised ("the Residents").
- 1.3. In this Memorial "the Standing Orders" means the Standing Orders (Private Business) of both Houses of Parliament. A reference to "HC SO" with a number is a reference to the Standing Order (Private Business) of the House of Commons with that number and a reference to "HL SO" with a number is a reference to the Standing Order of the House of Lords with that number.

2. HC SO 4 [HL SO 4] ((Contents of Notice)

- 2.1. These standing orders require that whenever an application is intended to be made to bring in a private bill a notice shall be published in newspapers as provided in Standing Order 10 (Publication of notice in newspapers), and that the notice so published shall contain a concise summary of the purposes of the bill, without detailed particulars and without any reference to provisions of an ancillary, subsidiary or consequential nature intended to give effect to any such purpose. Where a bill is not promoted by a local authority, as is the case with this Bill, the notice must be published, in a newspaper or newspapers circulating in the area of the (in this case) London borough in which the promoter's principal office is situated, once in each of two consecutive weeks with an interval of at least six clear days between publications, the second publication being not later than 11th December.

- 2.2. Your Memorialists respectfully submit that no such notice has been published in respect of the Bill even outside the time limits provided by Standing Order 10.
- 2.3. In their written submissions, the Secretary of State alleged that the purpose of these standing orders is *“to notify persons interested/affected by a Bill of its existence and of the ability to petition against it – as such, the applicability of this is inherently connected with whether the Bill is considered to specially affect any private interests – if it is, this PrBSO would apply in principle.”*
- 2.4. In response, your Memorialists broadly agree with this statement, though of course it is not for the Examiners to make a judgment on whether a particular person is specially and directly affected to the extent that any petition deposited by them would withstand a challenge to their right to be heard. If the Examiners find, for example, that the Society, the Trust, the residents, Westminster City Council or any other category of person are affected in such a way that the Bill should be treated as hybrid, then that is sufficient, in your Memorialist’s submission, to show that these Standing Orders apply. The purpose of the notice in such a case would be to bring the Bill to the attention of not just those persons who memorialised, but also others in the same class, in addition to others affected who may wish to consider whether to petition against the Bill.

3. HC SO 4A [HL SO 4A] (copies of bill to be made available)

- 3.1. These standing orders require that the promoters shall on and after 4th December make available for inspection, and for sale at a reasonable price, copies of the bill at an office in London and also where a bill is not promoted by a local authority, as is the case with the Bill, at an office in the (in this case) London borough in which the promoter’s principal office is situated.
- 3.2. Your Memorialists respectfully submit that copies of the Bill were not so made available for inspection and for sale on 4th December, and that the Standing Order has therefore not been complied with. Further, your Memorialists allege that copies of the Bill are not so available for inspection and for sale at an office in the requisite London borough, as required by the Standing Order.
- 3.3. The written submissions of the Secretary of State on these standing orders are (save for a point on SO 27 on which you Memorialists make no comment) identical to those on SO 4, and the comments of your Memorialists in paragraph 2.4 are also the same.

4. HC SO 11 [HL SO 11] (Publication of notice in the Gazette)

- 4.1. These standing orders require that not later than 11th December there shall be published once in the London Gazette a short notice stating:
 - (a) the short title of the bill;

- (b) the time within which objection may be made by deposit of a petition in the office of the Clerk of the Parliaments or the Private Bill Office of the House of Commons and that information regarding the deposit of such petitions may be obtained from either of those offices or from the agents for the promoters;
 - (c) The offices at which copies of the bill may be inspected and obtained mentioned in the full notice.
- 4.2. Your Memorialists respectfully submit that no such notice was published in the London Gazette even outside the time limits provided by Standing Order 11.
- 4.3. The written submissions of the Secretary of State on these standing orders are identical to those on SO 4, and the comments of your Memorialists in paragraph 2.4 are also the same.

5. HC SO 13 [HL SO 13] (Notice to owners, etc.)

- 5.1. These standing orders require that on or before 5th December in the case of a Bill whereby it is proposed to authorise the compulsory acquisition of land or of rights to use land, notice in writing of the proposal shall be given to the owner, lessee, and occupier of each parcel of land or house affected, in the form, as nearly as maybe, set forth in Appendix A to the Standing Orders unless, in the case of an owner or lessee, his identity cannot after reasonable inquiry be ascertained.
- 5.2. If the Examiners find that the Bill should be treated as a hybrid Bill on the basis of the way in which the private interests of local inhabitants and/or local workers are affected, then your Memorialists respectfully allege that, the Bill amounts to the compulsory acquisition of the rights of those persons to use the land within the scope of clause 2 of the Bill. That land forms part of the Victoria Tower Gardens, which is used as a public park and owned by the Department of Culture Media & Sport in trust for the nation. Clause 2 of the Bill would terminate the use of part of the land as that of a garden open to the public and restrict the use of most of the land. The effect of the Bill would be to enable the use of the land for the purposes of the HMLC, substantively an acquisition of rights.
- 5.3. Your Memorialists submit that notice has not been given, as required by Standing Order 13, in the manner required by HC SO 22 [HL SO 22] (mode of giving notice).
- 5.4. The Secretary of State did not make any comment on SO 13 in their written submissions.

During the Examiners' hearing on 17 April there were discussions about the geographical scope of the location of those residents and businesses who might be affected by the Bill in a different way from other residents and businesses. If the Examiners find that the question of hybridity turns on the position of such residents and businesses, your

Memorialists would be happy to assist in determining the geographical extent of the service of notices to be undertaken.

6. HC SO 38 [HL SO 38] (deposit of copies of bill in Vote Office and Private Bill Office)

6.1. These standing orders require that printed copies of every bill for which a petition has been presented shall, on or before 27th November, be delivered at the Vote Office for the use of any Member of the House and in the Private Bill Office for the use of any agent who may apply for the same. It further requires that there shall be attached to every copy of a bill delivered under this Standing Order, deposited, delivered or sent under any of the Standing Orders following this Order, or made available for inspection and sale under Standing Order 4A (copies of bill to be made available), a printed memorandum describing the bill generally and subject to paragraph (3) of the Standing Order, every clause in the bill.

6.2. Your Memorialists respectfully submit that printed copies of the Bill were not delivered at the Vote Office and in the Private Bill Office on or before 27th November and that a printed memorandum describing the Bill generally, as required by the Standing Order, is not attached to every copy of the Bill.

The written submissions of the Secretary of State on these standing orders are identical to those on SO 4A, and the comments of your Memorialists in paragraph 2.4 are also the same.

7. HC SO 39 [HL SO 39] (deposit of copies of Bills at Treasury and other public departments, etc.)

7.1. These standing orders require that on or before 4th December, printed copies of the bill, in the numbers required by Standing Order, shall be deposited at various Government Departments.

7.2. Your Memorialists respectfully submit that, as the bill was not printed until the day that it was introduced, Standing Order 39 cannot have been complied with.

7.3. The written submissions of the Secretary of State on these standing orders are identical to those on SO 4A, and the comments of your Memorialists in paragraph 2.4 are also the same.

8. General

8.1. Your Memorialists submit that the most serious consequence of the failure to comply with the Standing Orders mentioned above is that those having an interest in the Bill, including (but not limited to) your Memorialists, have not been alerted to the important provisions

contained in the Bill, nor to the fact that they will have an opportunity of petitioning against the Bill in Parliament.

Sharpe Pritchard LLP

Agents for the London Historic Parks and Gardens Trust, the Thorney Island Society and Residents of Westminster

17 May 2023

IN PARLIAMENT
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NOTE OUTLINING MEMORIALISTS'
ALLEGATIONS OF NON-
COMPLIANCE WITH THE
STANDING ORDERS OF BOTH
HOUSES OF PARLIAMENT

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