

Guidance on the right to be heard

You may also wish to read other guidance relating to the bill and petitioning process for the Holocaust Memorial Bill:

- Guidance on submitting a petition
- [Guide to hybrid bills](#)

All guidance documents not linked to above can be found on the [Select Committee's webpage](#), as can the petition template to be used when drafting your petition.

Once the petitioning period begins, petitions against the Holocaust Memorial Bill can be submitted using the portal available by following this [link](#).

The right to be heard

Only individuals, groups of individuals, companies or organisations who are directly and specially affected by a bill have the "right to be heard" on a petition by the Select Committee.

This means that the objections a petitioner has to a bill must adversely affect them or their interests in a specific way that is different from the effect on people and bodies generally.

There is no standard or set definition of "directly and specially affected" (a concept which is enshrined in Erskine May, the guide to Parliamentary procedure), since it would vary depending on the bill in question. In a broad sense it is generally understood as meaning a direct and demonstrable impact on property or personal interests, and an adverse effect different to and beyond that experienced by people or bodies generally. Understandings of this concept have developed over the years, and determinations in the cases of individual petitioners will be guided by past precedents, the cases presented by the promoter and petitioner, and the views of the Select Committee.

Staff of the Private and Hybrid Bill Office are not able to provide petitioners with specific guidance as to whether they would or would not be found to have a right to be heard. This is a matter for decision by the Select Committee.

The challenge process

When a petition is submitted, the promoter (the relevant Government department in the case of a hybrid bill) may decide to challenge a petitioner's right to be heard if it believes that they are not directly and specially affected by the bill.

It is for a petitioner to show how they are directly and specially affected by the bill in question in their petition, and be prepared to prove and evidence this before the Select Committee if challenged. A petitioner who has an indisputable right to be heard may still be challenged if they fail to demonstrate this adequately in their petition.

If a petitioner's right to be heard is challenged the petitioner will be invited to appear (either

in person or by their representative) before the Select Committee on the bill. At a public hearing, the petitioner will have the opportunity to explain why they think they have the right to be heard, and the promoter will set out its case to the contrary. At this point a petitioner should not make the arguments set out in their petition, but only the arguments for why their petition should be considered (that is, in what way they are directly and specially affected by the provisions of the bill).

Having heard the arguments from both sides, the Select Committee will decide whether the petitioner has the right to be heard on their petition. The Select Committee can decide to set limits on the right of a petitioner to have their petition considered; for example, if it decides that one aspect of the petition is appropriate to be heard but another aspect is out of scope, or if some signatories have a right to be heard but some do not.

If petitioners do not wish to appear before the Select Committee to respond to a right to be heard challenge by the promoter, they should inform the Select Committee of this fact and their petition against the bill will be treated as withdrawn.

Private Business Standing Orders

The [Private Business Standing Orders of the House of Lords](#) contain several provisions relating to the right to have a petition considered, including:

- Standing Order 117(1), which permits petitions from “any society or association, sufficiently representing any trade, business or interest in a district to which any bill relates” if “such trade, business or interest will be injuriously affected by the provisions contained therein”;
- Standing Order 117(2), which similarly allows petitions to be considered from “any society, association or other body, sufficiently representing amenity, educational, travel or recreational interests” if the interests they represent “will be adversely affected to a material extent by the provisions contained within the bill”;
- Standing Order 117A, which states that any Members of Parliament “whose constituencies are directly affected by the works proposed by a Bill shall be permitted to have their petition against the bill considered by the committee”; and
- Standing Order 118, which allows petitioners “being the local authority of any area the whole or any part of which is alleged in the petition to be injuriously affected [...] or being any of the inhabitants of any such area” to have petitions heard.

While Standing Order 117A is an absolute provision the other Standing Orders listed above give a discretionary power to the Committee to consider petitions from such petitioners “if it thinks fit”.

Holocaust Memorial Bill

The promoter of this Bill (the Department for Levelling Up, Housing and Communities) will also be publishing its own guidance (a copy of which will be available on the Select Committee’s webpage) on its approach to the right to be heard in relation to this Bill, which prospective petitioners are encouraged to read before submitting a petition.

As stated above, it is not possible to say in advance on what grounds a petitioner would or would not be given a right to be heard on a petition, or whether they would be found to be directly and specially affected. Prospective petitioners against the Holocaust Memorial Bill, as with any other hybrid bill, must however keep in mind the need to demonstrate that they are directly and specially affected by the Bill.

Prospective petitioners should also be aware that petitions may not seek to defeat or stop the Bill. This is because, by granting the Bill a second reading (which takes place before select committee stage), the House has agreed to the principle of the Bill.

Further information and resources

- See the Guidance for Petitioners on the Select Committee's webpage
- The promoter has produced its own guidance stating its approach to right to be heard challenges, which will be available on the Select Committee's webpage.
- Erskine May: [paragraph 30.69 on committee proceedings in the House of Lords](#) and [paragraph 46.23 on the right to be heard](#).
- [Standing Orders of the House of Lords relating to Private Business](#).