# THE CITY OF LONDON (MARKETS) BILL
# SESSION 2024-25

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## INDEX OF EVIDENCE RELIED ON BY THE PROMOTER

## COURT OF REFEREES

## 3RD MARCH 2025

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1. Extract from the Report of the Joint Committee on Private Bill Procedure (dated 20 July 1988) - paragraph 101 highlighted.

2. Appendix 2 to the Promoter's Note on Locus Standi Challenges in relation to the High Speed Rail (London – West Midlands) Bill - paragraph 3 highlighted (a concise summary of the issues and outcome on standing of the Rail Development Society as a petitioner on The Channel Tunnel Rail Link Bill [H.C. 21 and 22 February 1995]).

3. Hansard extract – Court of Referees - the Channel Tunnel Rail Link Bill – full submissions and decision on the Petition of the Rail Development Society [H.C. 21 and 22 February 1995].

4. Guidance issued by the Department for Levelling Up, Housing and Communities dated 4 July 2023 on Promoter's position on right to be heard as regards the Holocaust Memorial Bill – paragraph 19 highlighted (summary of the issues to be determined at a right to be heard hearing).

5. Extract from Locus Standi Reports on Private Bills in Parliament- cases decided during the Sessions 1990–91 to 2005–06: Mersey Tunnels Bill – petition of Mr William McCoy (inhabitant) – paragraphs relied on highlighted.

HOUSE OF LORDS
HOUSE OF COMMONS

SESSION 1987–88

# JOINT COMMITTEE ON PRIVATE BILL PROCEDURE

# REPORT

Together with the Proceedings of the Committee and Minutes of Evidence

*Ordered by* The House of Lords *to be printed*
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HC 625

98. The Committee accept this advice, and make no specific recommendation. They draw attention, however, to a remark of Mr Pritchard (Q 50): **"There have been noises from the authorities in both Houses, indicating that a request for a carry-over is not likely to be acceded to unless the promoters can show that they have not been dilatory". The Committee add their voice to those "noises", and recommend both Houses to do the same.** They also observe that, if their recommendations concerning the date for depositing petitions for private bills (see paragraph 90) and the scope for blocking bills in the Commons (see paragraphs 108–114) are accepted and put into practice, both the need and the case for carrying bills over will be much reduced.

99. Finally, the Committee have considered the practice of carrying all private bills over in the event of an early Dissolution. They agree with witnesses (QQ 51, 180) that most private bills have no party political content, and that it would be unfair to promoters for a bill to be lost through circumstances so completely beyond their control. However, they note that on some private bills the House of Commons, at least, divides broadly on party lines, and they consider it to be desirable that a new Parliament should be given a clear and early opportunity to decide whether each bill should be allowed to proceed further. **They recommend that in future, private bills should be carried over a Dissolution not by means of a *portmanteau* carry-over resolution in the dying Parliament, but by revival motions, moved separately for each bill, in the new Parliament.** Such motions would be debateable, and would take time; but in the first weeks of a new Parliament the pressure of public business is usually low.

*Locus standi of petitioners*

100. A party may only be heard on a petition against a private bill if he has *locus standi*—a right to be heard. Broadly speaking, a party has *locus standi* if his property or interests are directly and specially affected by the bill. A petitioner's *locus standi* is taken for granted unless challenged by the promoter. If a challenge is made, the matter is decided in the Lords by the committee on the bill, but in the Commons (since 1865) by the specially constituted Court of Referees, which consists of the Chairman of Ways and Means, his Deputies, Counsel to the Speaker, and not less than seven other Members.

101. Proceedings over *locus standi* are uncommon. In the House of Lords, 36 challenges to *locus standi* have been recorded since 1950; in the House of Commons, the Court of Referees has considered only 11 cases since 1977. However, witnesses have expressed dissatisfaction with current procedures in various respects. First, the Clerk of the House of Commons suggested (Q 353) that such proceedings are less common than they ought to be: "Promoters have been a little reluctant to raise objections to the *locus standi* of petitioners because the impression might be given that they are taking technical points against petitioners", as opposed to tackling their case on its merits. The Committee consider that it is a fundamental principle of private legislation procedure that only parties specially affected should be entitled to be heard, and that the rules of *locus standi* must be upheld. If they are allowed to lapse, more of members' time will be taken up in private bill committees. **They recommend that promoters should be encouraged to police the rules of *locus standi*, and that private bill committees should not treat a reasonable but unsuccessful challenge as a point of prejudice.**

102. A residents' association from Stockport recently petitioned the Lords against a British Rail bill, and British Rail challenged their *locus standi*. The question was argued before the committee, who found against the petitioners. British Rail considered that they might lose the argument, and had prepared their case, with evidence and witnesses, against the petition itself; since the petitioners were refused *locus standi*, all this work was wasted. According to Erskine May's *Parliamentary Practice* (20th edition, p 949), it was partly to avoid such inconvenience that the House of Commons established a Court of Referees; British Rail (QQ 168–9) suggested to this Committee that it was time for the House of Lords to do the same.

103. The Chairman of Committees put the case against such a change (Q 509; p 188). Challenges to *locus standi* are rare, and even rarer are cases where the likely outcome is not evident from the start. In such a case, parties could apply for the committee to hear the question of *locus standi* as a preliminary issue, allowing time afterwards for witnesses to be collected and counsel to be briefed if the challenge were unsuccessful. The Committee are satisfied that such an arrangement would afford the parties all reasonable protection against needless expense, and recommend no change.

104. British Rail went on to suggest that residents' associations should be allowed *locus standi* on the same footing as the individual residents whom they represent (Q 185). HL SO 117 and HC SO 95 give a private bill committee, or the Court of Referees, power "if they think fit" to admit "any society or association sufficiently representing any . . . interest in a district to which any Bill relates" if they allege that that interest will be "injuriously affected" by the provisions of the bill. The Committee consider that the terms of these Standing Orders are wide enough to include a residents' association in some circumstances, just as they may include amenity societies, but that this matter should continue to be left to the committee or the Court of Referees to determine in each case.

*House of Commons procedure*

105. As far as procedure after the deposit of a bill is concerned, witnesses expressed greater dissatisfaction with procedure in the House of Commons than in the House of Lords. The Committee have therefore undertaken an analysis of House of Commons procedure, which is discussed in the following paragraphs.

106. At present, Agents for the promoters of a private bill give notice that the bill is to be set down for consideration at the time for Unopposed Private Business after Prayers on a certain day. Unless a Member signifies his objection to the bill, it goes through "on the nod". If any Member shouts "Object!" when the title of the bill is read out, the Chairman of Ways and Means names another day to which proceedings on the bill will be postponed. In order to maintain his opposition, the Member may either shout "Object!" again when the title of the bill is read out on the named day, or at any time put down a motion to prevent the bill from making further progress. This "blocking motion" is usually in the form "That the—Bill be read a second time [*or* considered *or* read the third time] upon this day six months." It does not give reasons for the Member's opposition to the bill and is effective if signed by only one Member. The sole limitation on blocking motions at present is that they lapse after seven days, but they may be renewed as many times as the Member wishes. Once a bill has been blocked, the Agents for the promoters usually try to negotiate with the Members opposing the bill in the hope that the block will be withdrawn if certain undertakings are given. If the negotiations are fruitless and the promoters wish to proceed with the bill, the Agents have to ask for time to be found for a debate. Although bills may be blocked thus at any stage on the Floor of the House, more bills are blocked at Second Reading than at any later stage.

107. Those involved in the promotion of private bills told the Committee that they felt the current system for blocking bills operated unfairly. They observed that Members did not have to give reasons for their opposition and sometimes objected to a bill for reasons unconnected with the bill itself (Q 3; pp 51–52). Some witnesses suggested that it was inappropriate that potentially beneficial measures which were supported by a majority of Members could be at the least delayed and at worst lost through the opposition of a single Member (Q 4; p 41). Also, it was stated that the number of bills being blocked, especially at Second Reading, had risen substantially in the last few years and it was suggested that this increase might be caused by some Members not understanding properly the purpose of the Second Reading of a private bill (p 51). It was admitted even by critics of the blocking system, however, that if the system were not abused, it provided a valuable procedure whereby Members could use their power to delay a bill in order to extract amendments from promoters on behalf of those whose interests would be damaged by the bill, or whereby Members could force a debate on a bill containing provisions which they thought should be discussed by the House as a whole (QQ 6, 626).

108. In general, the Committee consider that the present procedure does allow uncontroversial bills to pass swiftly through their various stages occupying minimal time on the Floor of the House, while at the same time the system provides ample opportunities for Members to register their objections to private bills and to seek to modify or to defeat them. The Committee are anxious to preserve the main features of this system, but they feel that some of its detailed aspects unfairly disadvantage promoters. They asked both the Chairman of Ways and Means and the Leader of the House of Commons whether it would be feasible to try to limit the right to block to Members who had a clear local or other special interest in the bill. They replied that it would be very difficult to define a "clear local interest" in relation to, for example, harbour bills, which might affect port interests throughout the country; and that the limitation would unjustifiably prevent Members from objecting to bills which did not directly affect their own constituencies, but which were innovative and which could provide a precedent for other promoters (QQ 6, 642; pp 16, 168). The

**HOUSE OF COMMONS**

**SESSION 2015-16**

**HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL**

**PROMOTER'S NOTE ON LOCUS STANDI CHALLENGES**

**RELATING TO PETITIONS AGAINST ADDITIONAL PROVISIONS ("APs")**

## The "Locus Standi" Rule

1. Generally speaking, Petitioners against an Additional Provision ("AP") are not entitled to appear before the Committee on their petitions unless their petitions allege, and it is proved, that their property or interests are directly and specially affected by that AP. This entitlement is called "locus standi".

2. For this purpose "interests" means property interests. Some precedents relating to the meaning of "interests" are summarised in Appendix 2 to this note.

3. In addition, the Standing Orders of the House of Commons relating to Private Business ("Commons S.O.s") give the Committee a discretion in certain cases to allow locus standi to other persons.

4. There is no locus standi for a Petitioner to raise points which call into question the principle of the High Speed Rail (London-West Midlands) Bill ("the Bill") as approved by the House of Commons at Second Reading.

## Discretion of the Committee to allow Locus Standi to certain representative bodies

5. Commons S.O. 95(1) gives the Committee a discretion to allow locus standi to a society or association which sufficiently represents a trade, business or interest in a district which is alleged in the petition to be injuriously affected by the AP in question. Under Commons S.O. 95(2) the Committee is also given a discretion to allow locus standi to a society, association or other body which sufficiently represents amenity, educational, travel or recreational interests alleged in the petition to be adversely affected to a material extent by the AP in question. The text of Commons S.O. 95 is set out in Appendix 1 to this note.

6. Some precedents relating to locus standi under Commons S.O. 95(2) are summarised in Appendix 2 to this note.

**Discretion of the Committee to allow Locus Standi to Local Authorities or inhabitants of an area**

7. Commons S.O. 96 gives the Committee a discretion to allow locus standi to local authorities or any inhabitant of an area the whole or part of which is alleged in the petition in question to be affected by the AP in question. One reason for the Committee deciding not to exercise the discretion to allow a Petitioner locus standi is that the points made by the Petitioner are similar to those made by a local authority for the area of which the Petitioner is an inhabitant. The text of Commons S.O. 96 is set out in Appendix 1 to this note.

8. Some precedents relating to locus standi under Commons S.O. 96 are summarised in Appendix 2 to this note.

**The petition against the AP must allege points of concern which relate to the AP in question (as opposed to the Bill as originally introduced)**

9. A petition against an AP is not intended to provide a further opportunity to be heard against matters which are in the Bill as originally introduced. The Committee may therefore wish to consider the questions *"How does the AP in question disadvantage you more than the Bill does? How does the AP make things worse for you or disadvantage you in a way which is substantially different from the effects of the Bill?".*

10. It is not enough for a petition simply to allege that the AP in question does not improve or mitigate, or does not sufficiently improve or mitigate, the position under the Bill.

**Challenging locus standi**

11. The Committee only consider whether a Petitioner has locus standi if the Promoter has challenged the Petitioner's locus standi. In considering petitions against the Bill as originally introduced, the Promoter's general approach was not to challenge the locus standi of a person whose property and interests were not directly and specially affected by the Bill but who was raising points of concern as the inhabitant of an area affected by the Bill. In consequence many Petitioners have appeared before the Committee who are in effect repeating points already fully made before the Committee without the Committee having any opportunity to decide whether allowing such Petitioners locus standi would assist their consideration of the Bill.

12. The Committee considering the Bill commented on locus standi in their First Special Report in March 2015 (paragraphs 145-149), making the recommendation:

> *"148.* ***Our successor committee might have observations on how to improve the procedures of hybrid bill committees. In the meantime, so far as potential future petitions against additional provision are concerned, we strongly encourage petitioners to review the contents of their petition to ensure that they can demonstrate a direct and special effect and, if they cannot, to pursue other avenues of argument.****"*

13. In the light of this, the Promoter's approach on APs is generally to challenge the locus standi of persons petitioning as the inhabitants of an area who make general points relating to adverse impacts allegedly caused to that area without showing that they are affected in a way which is sufficiently different from that of the general public; and to leave it to the Committee to decide in their discretion whether the locus standi of such Petitioners should be allowed.

14. This approach follows the recommendation of the 1988 Joint Committee on Private Bill Procedure who in their Report stated:

> *"The Committee consider that it is a fundamental principle of private legislation procedure that only parties specifically affected should be entitled to be heard, and that the rules of locus standi must be upheld. If they are allowed to lapse, more of members' time will be taken up in private bill committees.* ***They recommend that promoters should be encouraged to police the rules of locus standi, and that private bill committees should not treat a reasonable but unsuccessful challenge as a point of prejudice***." [paragraph 101 of the Report HL Paper 97, HC 625 – emphasis in original]

**Comments relating to the supplementary environmental statement ("SES") deposited with an AP**

15. Comments in a petition against an AP which relate to the SES are not relevant to the issue of locus standi unless the petition alleges that the Petitioner is directly and specially affected by the changes reported in the SES. Otherwise the comments fall to be dealt with under the separate procedure provided by Commons S.O. 224A rather than in proceedings before the Committee.

**Summary**

16. To summarise, the issues to be determined by the Committee at a locus standi hearing are:

(1) Whether the petition in question alleges any way in which the Petitioner's property or interests are directly and specially affected by the AP in question (as opposed to the Bill as introduced).

(2) Whether the petition alleges that the Petitioner is an inhabitant of an area which is adversely affected by the AP in question (as opposed to the Bill as introduced) and, if so, whether the discretion of the Committee should be exercised so as to allow the Petitioner locus standi because, for example, the Petitioner is affected in a way which is sufficiently different from that of the general public. In exercising its discretion the Committee may wish to consider whether the points made in the Petition are covered by matters raised in a petition of a local authority for the area.

(3) Where the Petitioner is a society, association or body which is alleged to represent local trade or business interests or community, educational, travel or recreational

interests, whether (i) the society, association or body sufficiently represents that interest and (ii) if so, whether that interest will be adversely affected to a material extent by the AP in question (as opposed to the Bill as introduced); and (iii) if so, whether the discretion of the Committee should be exercised to allow the Petitioner locus standi because, for example, the points made in the petition would otherwise not be heard.

(4) Whether the Petition calls into question the principle of the Bill as approved by the House of Commons at Second Reading.

5 November 2015

## APPENDIX 1

### EXTRACT FROM

### STANDING ORDERS OF THE HOUSE OF COMMONS RELATING TO PRIVATE BUSINESS

**Power of Court of Referees to allow locus standi to associations**

**95.**—(1) Where any society or association, sufficiently representing any trade, business, or interest in a district to which any bill* relates, petition against the bill*, alleging that such trade, business, or interest will be injuriously affected by the provisions contained therein, it shall be competent to the Court of Referees, if it thinks fit, to admit the petitioners to be heard on such allegations against the bill* or any part thereof.

(2) Without prejudice to the generality of the foregoing paragraph, where any society, association or other body, sufficiently representing amenity, educational, travel or recreational interests, petition against a bill*, alleging that the interest they represent will be adversely affected to a material extent by the provisions contained in the bill*, it shall be competent to the Court of Referees, if it thinks fit, to admit the petitioners to be heard on such allegations against the bill* or any part thereof.

**Power of Court of Referees to allow locus standi to local authorities or inhabitants**

**96.** It shall be competent to the Court of Referees, if it thinks fit, to admit the petitioners, being the local authority of any area the whole or any part of which is alleged in the petition to be injuriously affected by a bill* or any provisions thereof, or being any of the inhabitants of any such area, to be heard against the bill* or any provisions thereof.

* *In the case of a petition against an Additional Provision, the references to "bill" in the above Standing Orders are to be read as references to the Additional Provision petitioned against.*

## APPENDIX 2

### SUMMARY OF PRECEDENTS

**WHAT CONSTITUTES "PROPERTY OR INTERESTS"**

1. **Kings Cross Railways Bill – Petitions of Patrick Roper and 13 others – 10 petitions disallowed [session 1988-89]**

   The Bill authorised railway works including the temporary closing and dewatering of the Regent's Canal near Kings Cross Station and the construction of a new bridge over the canal.

   Petitioners (1), (2), (3), (6), (8), (11), (12), (13) and (14) were individual boat owners who moored their boats along the canal, most of them under licence from the British Waterways Board. They claimed locus standi as canal users whose interests would be adversely affected by the canal works.

   The promoters objected to the petitioners' locus standi on the grounds that no land or property of the petitioners would be acquired under the powers of the Bill, nor would they suffer any pecuniary loss or injury themselves. The holding of a mooring licence granted by the British Waterways Board was not a sufficient "interest" to give the licence holder locus standi.

   Locus standi of the above petitioners was disallowed.

   Petitioners (7), Edmundson and Martin Cottis, used their narrowboat to run a business as coal carriers and dealers in coal from the canal basin where they moored their boat.

   The petitioners claimed that they would suffer a pecuniary loss as a result of the canal works.

   The locus standi was allowed.

2. **Harwich Parkeston Quay Bill – petitions of (2) Harwich Mayflower Trust and (3) Harwich Mayflower Developments Limited – Disallowed [1983-91 LSR 6]**

   Petitioner (2) was a charitable trust intending to construct a replica of the Mayflower in a tidal creek that was to be drained and reclaimed under the Bill. The works to be authorised would therefore deprive the Petitioner of access to the creek and a safe berth for the replica. The proposed works would also interfere adversely with the surrounding conservation area.

   Petitioner (3) was petitioner (2)'s trading partner.

   The Petitioners did not have any private rights over the creek or any proprietary interest in it. The replica vessel did not exist. Fundraising had not taken place (allegedly because of the lack of certainty about berthing in the creek). There had not been any negotiations with the owners of the land for rights over the creek.

   Locus standi disallowed.

**STANDING ORDER 95(2) (GROUPS REPRESENTING AMENITY, EDUCATIONAL, TRAVEL OR RECREATIONAL INTERESTS)**

3. **The Channel Tunnel Rail Link Bill – Petition of the Rail Development Society – Disallowed [H.C. 21 and 22 February 1995]**

This was a hybrid bill authorising a railway from London to Kent.

The petitioners were a national rail lobby group which was an umbrella body for many user groups campaigning for better rail services. It claimed to have over 4,000 members of which over 100 lived along the line of the channel tunnel link.

The promoters sought amendments to the bill such as the relocation of Ebbsfleet Station and the reduction in car parking.

The promoters responded that S.O.95(2) did not apply since the "travel interests" in the context of S.O.95(2) relates to an interest that is a legal concern, right or title and is not concerned with those who are simply interested in the wider sense like any other members of the public. Further, while the petition sought certain amendments of the bill it did not assert any injury to a special or particular interest of the organisation.

Locus standi disallowed.

4. **The Channel Tunnel Rail Link Bill – Petition of the National Council on England Transport and Transport 2000 [H.C. 21 and 22 February 1995]**

This was a hybrid bill authorising a railway from London to Kent.

The NCET and Transport 2000 represented public and general views about the importance of certain transport issues. Transport 2000 was an umbrella group and had members in civic societies and union branches attached to it. The petition made a number of wide criticisms of the project including the location of Stratford Station, Ebbsfleet Station, the Waterloo Link and car parking at St Pancreas.

The Petitioners did not purport to represent transport users but relied on the fact that many people in both organisations were users of railways.

The Promoter responded that the Petitioners did not represent interests within S.O.95(2).

Locus standi disallowed.

5. **The Channel Tunnel Rail Link Bill – Petition of the Green Party of England, Wales and Northern Ireland – Disallowed [H.C. 21 and 22 February 1995]**

This was a hybrid bill authorising a railway from London to Kent.

The Petitioner was a political party which claimed locus standi under S.O.95(2) since the party represented its members and (a) at least one of whom was a householder who was injuriously affected by the bill and (b) in general, its supporters and members might not otherwise have an effective means of bringing their concern before the committee.

The petition supported the principle of the Bill but opposed the widening of the M2 on the grounds that there would be increased noise and pollution from the consequential increase of traffic. The petition also included proposals for additional railway works such as junctions with existing railway lines so as to facilitate an orbital rail service to be provided in the future.

The Promoter responded that the Green Party, as a political party, did not sufficiently represent amenity or travel interests for the purposes of S.O.95(2). Further, there were

no allegations in the petition of specific injury to interests sufficiently represented by the Petitioner. The Green Party's interests were general public concerns.

Locus standi disallowed.

6. **Kings Cross Railways Bill – Petition of the Goodway Boat Users Association Disallowed [Session 1988-89]**

The Bill authorised railway works including the temporary closing and dewatering of the Regent's Canal near Kings Cross Station and the construction of a new bridge over the Canal.

Petitioner (5) was the Goodsway Boat Users Association. The Petitioner claimed to represent boat owners who would be adversely affected by the canal works. The Association was described by the Petitioner's Agent as "a loose association" of 8 or 9 owners of boats moored at the Regent's Canal at Goods Way having no constitution.

The Promoter responded that the Association did not sufficiently represent anyone to come within Commons S.O. 95(2), (a) because the persons they sought to represent had no sufficient interest and (b) the group was not sufficiently constituted for the purposes of S.O. 95(2).

Locus standi disallowed.

7. **British Railways (Penalty Fares) Bill – Petition of Railway Development Society – Disallowed [H.L. 26 April 1988]**

Bill enabling penalty fares to be charged.

Petitioners claimed to represent affected rail users. Also claimed an interest by virtue of (a) promoting rail services by chartering trains to use for leisure; (b) giving money for railway improvements.

Petitioner claimed to have 2,000 individual members and some 80 affiliated user associations, the latter with some 18,000 members.

Promoter objected (a) not apparent that Petitioner was a society etc., within the SO; (b) Petitioner interested in rail travel but did not represent any financial interest in the railway, which was the Bill's concern; (c) Petitioner not representative of injuriously affected people within the SO; (d) Petitioner not itself adversely affected; (e) if the Bill would have any effect on the petitioners it would be same as for general public.

Locus standi disallowed.

***AD HOC ORGANISATIONS FORMED TO OPPOSE THE BILL PETITIONED AGAINST***

8. **Dundalk Urban District Council Bill – Petition of the Property Owners' Association – Disallowed [1S&B 126]**

Bill to authorise construction of electric generating station and increase the local authority's borrowing powers.

Petitioner was formed for the purpose of opposing the Bill. It allegedly consisted of owners and lessees of property within the district. It claimed locus as representing ratepayers who would be burdened, because the electricity undertaking would be unprofitable and a burden on the rates, and whose properties would be depreciated in value.

The Petitioner claimed to represent nearly half the assessable value of the district.

On Petitioner's Counsel confirming that the Petitioner was "formed avowedly ad hoc". Sir David Brynnon-Jones MP said "We must see that any association that we deal with as coming within [SO95(1)] is a real bona fide existing association".

Evidence showed there was no resolution forming the Association. The first meeting was "a meeting of property owners of Dundalk associated in opposition" to the Bill. Mr Caldwell MP asked what would hinder any owner in any town from forming themselves ad hoc into an association and presenting a petition which otherwise they could not present themselves as owners or ratepayers. Counsel for the Petitioners claimed nothing stopped this. The Promoters were not called upon to respond.

Locus standi disallowed.

9. **County Borough of Bournemouth (Turbary Common) Appropriation Order 1971 – Petition of (2) Bournemouth and Poole Amenity Society – Disallowed [1960-83 LSR 56]**

The Petitioner claimed locus as an amenity society.

The Petitioner's Agent stated –

> *"I lodged my own petition and I did not expect that there would be a memorial ... when the memorial came I consulted other people who were generally interested in matters of this kind. As a result a meeting was held and there came into being the Bournemouth and Poole Amenity Society ... ten people form this society ... this was a definitely ad hoc arrangement, forced by circumstances."*

The Promoters objected that the Petitioner (a) would not sustain injury other than as suffered by the general public; (b) did not sufficiently represent amenity, etc, bodies within SO 95(2); (c) was in same category as ad hoc organisations whose locus was disallowed in previous cases e.g. Dundalk.

Locus standi disallowed.

**STANDING ORDER 96 (INHABITANTS OF AN AREA)**

10. **King's Lynn Gas Bill – Petition of owners, lessees and occupiers of property in the town of Kings Lynn – Disallowed [2C&S5 1870]**

The bill provided for the incorporation of a gas company and for enabling them to supply gas to Kings Lynn.

The petitioners were inhabitants of Kings Lynn and alleged that the bill would perpetuate an injurious monopoly enjoyed by the gas company to supply gas to the inhabitants of Kings Lynn. A petition had also been presented against the Bill by the Corporation of Kings Lynn.

The Court of Referees held that where the corporation of a borough petitions against a gas bill and similar points are urged in a petition of inhabitants, the doctrine of representation will apply and the locus standi of the inhabitants will be disallowed.

Locus standi disallowed.

11. **Channel Tunnel Rail Link Bill – Petition of Dr Simpson – Disallowed [H.C. 21 and 22 February 1995]**

This was a hybrid bill authorising a railway from London to Kent.

The Petitioner was a Kent County Councillor for part of Maidstone Rural North which consists of five parishes. She lived 1,000 metres from the proposed rail line. At the hearing she

mentioned her interest as a resident in that she rode and drove horses in the area and was concerned about the impact of noise but was not directly alleged in the petition. She claimed locus standi under S.O.96 as a local county councillor who was representing the views of the parish councils within the county.

The Promoter responded that her interest as a resident was not directly alleged in the petition and that, in any event, that use was as a member of the public and did not provide locus standi. She did not have locus standi under S.O. 96 because that provision does not apply so as to allow the County Council to represent the views of other bodies. Also since the County Council had itself petitioned, a person represented by that petition would not be given a separate locus.

Locus standi disallowed.

12. **The Channel Tunnel Rail Link Bill – Petition of Mr Gunn – Disallowed [H.C. 21 and 22 February 1995]**

This was a hybrid bill authorising a railway from London to Kent.

The petitioners claimed locus standi as the owner of property and as the inhabitant of an area injuriously affected. He lived 1.35km from the proposed works and alleged that the traffic generated by the proposed Ebbsfleet Station and the M2 widening would adversely affect his health. He also alleged that the Bill would cause loss of amenity in that the two nearest pieces of countryside used by him for walking would be lost.

The Promoter responded that the effects of the traffic alleged by the petition were indirect effects and not sufficiently specific to the Petitioner's property or interests. In walking in the countryside, the Petitioner was not exercising a legal right peculiar to him but a public right.

Locus standi disallowed.

13. **Kings Cross Railways Bill – Petition of Caroline Holding – Disallowed [Session 1988-89]**

The Bill authorised railway works which would it was alleged would have adverse effects including the temporary closure both of the Regent's Canal and the Camley Street Natural Park, near Kings Cross Station.

The Petitioner was an elected representative of Somers Town area who lived about 750m from the area of the works. She stated that as a Councillor she was often in the Town Hall across the road from Kings Cross Station, her two children were members of a canoeing club and used the canal for leisure facilities and that the family used the Natural Park.

The promoters responded that the petitioner was not directly or specially affected by the Bill.

Locus standi disallowed.

This can be distinguished from the case of another Petitioner against the Bill, Jim Brennan, who was a Council tenant living about 50 yards from a railway bridge to be extended whose locus standi was allowed.

**HIGH SPEED RAIL (WEST MIDLANDS - CREWE) BILL**

**PROMOTER'S NOTE ON THE RIGHT OF PETITIONERS TO BE HEARD BY THE LORDS SELECT COMMITTEE**

**DOCUMENTS REFERRED TO IN THE NOTE (IN REVERSE CHRONOLOGICAL ORDER)**

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1. House of Lords Select Committee on the High Speed Rail (London – West Midlands) Bill – Special Report of Session 2016-17 – Appendix 2

2. House of Commons Select Committee on the High Speed Rail (London – West Midlands) Bill – First Special Report of Session 2014-15 – Petition of HS2 Action Alliance and Stop HS2 – Allowed on route wide issues only – paragraph 149

3. The Channel Tunnel Rail Link Bill – Petition of Mr Gunn – Disallowed [H.C. 21 and 22 February 1995]

4. The Channel Tunnel Rail Link Bill – Petition of the Rail Development Society – Disallowed [H.C. 21 and 22 February 1995]

5. The Channel Tunnel Rail Link Bill – Petition of the National Council on England Transport and Transport 2000 – Disallowed [H.C. 21 and 22 February 1995]

6. The Channel Tunnel Rail Link Bill – Petition of the Green Party of England, Wales and Northern Ireland – Disallowed [H.C. 21 and 22 February 1995]

7. The Channel Tunnel Rail Link Bill – Petition of Dr Simpson – Disallowed [H.C. 21 and 22 February 1995]

8. The Midland Metro Bill – Petitions of (1) Auckland Drive against Metro (ADAM) Group (2) Bacon's End against the Metro (BEAM) Group (3) CARE Residents Group – ADAM and BEAM disallowed; CARE Residents Group allowed in respect of frontagers' interests only [H.C. Session 1989-90]

9. The Midland Metro Bill – (4) Petition of Bromford and Firs Residents Group (5) Petition of the Residents against Metro (RAM) – Disallowed [H.C. Session 1989-90]

10. The Kings Cross Railways Bill – Petitions of Patrick Roper and 13 others – 10 petitions disallowed [Session 1988-89]

11. The Kings Cross Railways Bill – Petition of Caroline Holding – Disallowed. Petition of Jim Brennan Allowed [Session 1988-89]

12. The Kings Cross Railways Bill – Petition of the Goodway Boat Users Association - Disallowed [Session 1988-89]

13. The British Railways (Penalty Fares) Bill – Petition of the Railway Development Society – Disallowed [H.L. 26 April 1988]

4. The Channel Tunnel Rail Link Bill – Petition of the Rail Development Society – Disallowed [H.C. 21 and 22 February 1995]

[Mr Gritten. *Contd*]

on it, in our view in general terms there is a huge spare capacity on that railway. That is what we were saying. Minor modifications to it, largely I think within the limits of deviation any way, would enable a far more rational scheme to be passed by your Committee.

**Mr Etherington**

And you would pay for the whole of that?

**Mr Gritten:** If we raised the money to build the whole project that was our offer, yes.

**Chairman**

I just remind the Committee that at this stage we are only deciding whether to hear you or not. That is the issue in front of us today. If we hear you we may ask you a lot more questions. Thank you very much. We have heard the Government's side and we will consider the matter. Thank you very much. What is the next one, please?

**Mr Purchas:** I wondered if it would be convenient for the Committee to hear number 74.

**Chairman:** Is the chairman here?

**Mr Purchas:** Mr Smith I was told was here, otherwise we can move on to another.

**Chairman:** The chairman's name is Mr Smith, is it?

**Mr Purchas:** I think so.

**Chairman:** There is nobody here from the Ravenstein Sports Hall? No. Right, we will move on.

**Mr Purchas:** The next two I thought we could take in order would be the Railway Development Society, which is number 87, and then Transport 2000. I think they are both represented by Mr Bigg.

**Mr Bigg**

Good afternoon, Sir. I am David Bigg, chairman of the Railway Development Society Parliamentary Committee. The society is a national rail lobby group which is all-party and has some of your honourable Members as its vice presidents. It is frequently quoted in debates in the Commons from its magazine *Railwatch* and as such I establish our crüdentials as being a special interest group.

We have in excess of 4,000 members, of which over 100 live along the line of the Channel Tunnel Link. Should you require names and addresses they can be supplied, but you will readily appreciate that we are a voluntary organisation, we have no permanent office and we have no full-time staff, so we live on the goodwill of our volunteer members. That data would take a week or so to provide, but it can be done.

Sir, I draw your attention to the objection which has been made to our locus and I draw your attention to paragraph 3. Clearly my first intent is to demonstrate that we have members' interests to represent in the area of Kent specifically along that line. That I think I can establish quite readily.

I would also draw your attention to paragraph 4, Sir. In counsel's opening remarks he drew attention to the fact that the Channel Tunnel Link is of vital national importance. We are a national rail lobby group so, therefore, if you are considering the Link as a national interest it seems perfectly reasonable that we as a national rail lobby group should be represented. The logic speaks for itself.

Clearly we do come under the heading of having a special interest in travel. We promote travel. We put passenger trains on freight lines where no passenger service currently runs. We lobby for the reinstatement to routes where the track has been taken up, we lobby for improved services on existing lines and clearly we lobby for new lines to be built where there are none existing. In that capacity you will assume, quite rightly, that we do support the Channel Tunnel Rail Link Bill but object to it in one small detail and that is on the question of Ebbsfleet.

You heard counsel say that there is no guarantee that there will be an interchange station built at Stratford. The option is clearly there with a long box proposal but there is no guarantee of the cash and quite a lot of attention was paid to the fact that it would cost quite a lot more to provide. In that scenario the provision of tracks and platform facilities at Ebbsfleet is vital in order to provide a connection for domestic services from international trains. There can be no argument about that. It would be relatively cheap, cost-effective and it does not affect the principle of the Bill. It is a question of detail.

In our view, Sir, the Channel Tunnel Link is vital to the nation. I am sure I am not alone in regretting it has not been built already. Too often we are the butt of the jokes of the French. It would be nice to get one back, would it not? I hope the line will be built by 2002 and that it will have all the facilities that are needed and clearly Ebbsfleet is a vital part of that.

Sir, in paragraph 7 the authority for being here is challenged. I have the minutes of the relevant meetings which give me the authority to speak for the society and I will be happy to leave those with your clerk before I leave this afternoon. A meeting held on 15 October by the Fourth Parliamentary Committee, which is a delegated authority from the National Executive, appointed a working party specifically to deal with Channel Tunnel matters. This met in London on 7 January and that meeting is the meeting which in fact approved that petition. That we have done perfectly correctly in line with our constitution and that I will quite happily leave with you in evidence.

I now turn to my basic theme. Our objection is simply that there is not sufficient facility in the Bill for Ebbsfleet, vital we believe for Kent and indeed Essex commuters going into London, vital we think for the nation. Sir, I rest.

**Chairman:** Do you also, may I ask, represent Transport 2000?

**Mr Bigg:** No, Sir.

**Chairman:** So you are just the Rail Development Society?

**Mr Bigg**

Yes. The Society has produced literature over a period of years of which I have bought but a small number of examples with me to demonstrate that we are not new to this. We come into this as active lobbyists for the project.

**Mr Purchas**

I hope Mr Bigg will forgive me for having put Transport 2000 in his name as well. Three points, if I may: first, one can see from the petition that the Railway Development Society is an umbrella body for many user groups campaigning for better services. That points out the objective of this group, that it is no different from other members of the public seeking better services on the railway. This is not a special interest in the terms of the Standing Orders.

Secondly, and more specificly, the Standing Order relied upon by Mr Bigg is Order 95(2) and that provides the discretion to grant locus where any association sufficiently representing amenity, educational, travel or recreational interest, petitions alleging that the interest they represent will be adversely affected to a ministerial extent. Travel interests in that context relates to interest that is a legal concern, right or title. The sort of example is an organisation like ABTA. It is not concerned with those who are simply interested in the wider sense like any other member of the public. That is what the question of locus is all about. There is a clear precedent on that. Again if I can mention it for the clerk's benefit. Most recently in the Railway Penalty Fares Bill 1988 the matter was considered at length in another place, but the Standing Orders are identical, albeit of a different number. That was a Bill that sought to introduce a penalty for those who had not purchased tickets in advance on the railway and as a result of that a consideration and in the light of a number of precedents the locus for this organisation was disallowed just, in our submission, as it ought to be under what is Order 95(2).

Thirdly, in any event, although within the petition it seeks certain amendments such as the relocation of Ebbsfleet and the reduction in car parking, it does not assert any injury to a special or particular interest of the organisation and that is quite apart from the fact that the location of Ebbsfleet is something that the Committee may think goes indeed to the heart of the Bill. If locus is to be allowed in that respect it should not, in our submission, be granted to this form of umbrella organisation. Unless I can assist the Committee, those are the three points I wish to make.

**Chairman:** Mr Bigg, three minutes to make points back.

**Mr Bigg**

Thank you. I rely upon 95(2). I am not a lawyer, Sir, so bear with me. I contend that the Royal Development Society has a special interest in the development of the line. It has members in the area. It is a lobby group which has demonstrated its ability as a force for good, for building new lines and, therefore, its locus should stand.

**Chairman:** Thank you very much. We have heard your evidence. We shall consider the matter.

**Mr Bigg:** Thank you, Sir.

**Chairman:** Is Transport 2000 here?

**Mr Meyer:** Yes.

**Chairman:** I think you should have the opportunity now, please. The floor is yours.

**Mr Meyer**

Thank you for hearing me. I am Klaus Meyer. I am chairman of the National Council on England Transport. In accordance with the objections received against the locus for both NCET and Transport 2000 I have to say quite a number of things and I hope you will bear with me.

The National Council on England Transport was founded in 1962. It has always been concerned with the long distance services and it has been in the forefront of advocating not only the Channel Tunnel but also the Channel Tunnel Rail Link for many years. It is run by an Executive Council and that meets several times a year. I mention these things because paragraph 8 of the objection obviously makes it necessary to explain my position here. The Executive has over the years constantly been concerned with matters of the Channel Tunnel and of the Channel Tunnel Rail Link. It has members, counsellors from Rotherham and from Doncaster and you will see in the literature here that Doncaster is mentioned as one of the stations to which high speed rail links are to be run.

Our friends in the north have been very concerned with the fact that services beyond London are obviously not as much promoted as they would like to see. They are all very much concerned with railway matters. They are using the railway and they would like to see these matters come to fruition much sooner than so far has been achieved. It is a voluntary association. It has members from local authorities and also from other individuals and corporate bodies. We also have on our Executive a counsellor from Ashford Borough Council so we are very much involved in the Ashford questions and we want to promote and see that people can use more rail facilities.

We have been at the forefront to argue that the only solution to this problem is Government funding to provide additional capacity on the commuter runs from the coast through the Channel Tunnel Rail Link to London. We are therefore also concerned with the inner-London situation and our members have expressed this time and again and I can sure you that these items have been on the Executive's agenda for many meetings.

If I can come to Transport 2000, I share the London organisations' views. They were founded together. It was Transport 2000 nationally in November 1972, so I have been chairman of these two groups for quite a while. I have been re-elected every year as I have been re-elected chairman of NCOT every year. I can claim that I have status in the matter

HOUSE OF COMMONS

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE

on the

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# CHANNEL TUNNEL RAIL LINK BILL

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*Wednesday 22 February 1995*

Before:

Sir Anthony Durant, in the Chair

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|---|---|
| Mr Jamie Cann | Sir Irvine Patnick |
| Mr Den Dover | Mr Gordon Prentice |
| Mr Bill Etherington | Mr David Tredinnick |
| Mr John Heppell | |

Ordered, That Counsel and Parties be called in.

**Chairman**

Order, order. Good morning, ladies and gentlemen. I have a brief announcement to make. The Committee met immediately after the session yesterday afternoon and considered the various arguments about the locus standi of the Petitions which they heard. We do understand the anxieties, particularly, of the individual Petitioners, and, of course, notes were taken. They have decided that they can allow locus standi to the Central Railway Group Limited but they cannot permit locus standi to any of the other Petitioners challenged by the Promoters. The case relating to Borstal Village Surgery must be dealt with on another occasion. So that is the statement about locus standi.

We now move on to Kent County Council and Dover District Council. May I start by a question. Are you doing these two together or separately?

**Mr Fitzgerald:** Sir, I propose to call evidence only with Kent County Council officers, but that evidence also incorporates the requirements of Dover District Council. What I would like to do is address you, however, very shortly after I address you more fully on Kent County Council's behalf with a very short statement in respect of Dover.

**Chairman:** We have got a copy of the Petition. I hope you are not going to read the whole thing out. I think it would be helpful to the Committee if you drew attention to parts of the Petition as you do your address rather than read the whole thing out.

Could you introduce yourself before you start?

**Mr Fitzgerald:** Thank you very much, indeed. My name is Michael Fitzgerald, I appear for both Kent County Council and Dover District Council. Sir, may I first tell the Committee this: I may not be here after the completion of the presentation of our petitions to you, except to the extent I may need to come back to deal with matters outstanding. When I am away Mr Michael Pritchard of the Parliamentary Agents will stand in my place.

Sir, I only have one right of address to the Committee, so I would prefer to leave that till the end so that I can give you the up-to-date position with regard to the status of our petition and the Promoters' reaction to it. By way of introduction, without prejudice, what we have done—I hope to assist the Committee in understanding and, certainly, going through what may appear somewhat indigestible petitions (some 100 paragraphs of it)—is prepare a schedule, which I hope has been provided to the Committee. That is in the black ringed binder. Would the Committee be good enough to turn to the second page of that schedule. I can illustrate what we have sought to do by referring the Committee to that page.

We have identified there every point that we make in our petition by, firstly, the petition paragraph, then any exhibit reference which is relevant to that particular point, such as plans, documents and so forth, then the reference in the Bill to which it relates, then the issue in very summary form, obviously. So that 1, for example, is the issue of construction of the whole of the line. Then the petition starts, which is Kent County Council, and its justification, again, in summary. Then a column headed "Promoters' Reaction", and, finally, a column with the recommendation sought from the Select Committee process.

We have adopted this method as a result of our experience in the Channel Tunnel Bill, where, very helpfully but over a very long period of time, a number of other assurances and matters which came through were recorded in the end by a letter by the Government which is appended to the special report of the Select Committee to the House of Commons. That will be our aim. The column headed "Promoter's Reaction", I suspect, will be very much a moving amount of information. We have had very helpful discussions with the Promoters, as my learned friend said yesterday. As a result of Kent being on first we have not completed all of those discussions by any means,

Ministry of Housing, Communities & Local Government

Department for Levelling Up, Housing & Communities

Guidance

# Holocaust Memorial Bill the right of petitioners to be heard by the house of commons select committee: note of promoter’s position

Published 4 July 2023

**Applies to England**

Contents



This publication is available at https://www.gov.uk/government/publications/holocaust-memorial-bill-note-of-promoters-position/holocaust-memorial-bill-the-right-of-petitioners-to-be-heard-by-the-house-of-commons-select-committee-note-of-promoters-position

# Introduction

1. The House of Commons provides an opportunity for individuals, groups, organisations or businesses who object to provisions in the Holocaust Memorial Bill to petition against it. The Secretary of State for Levelling-Up, Housing and Communities, as promoter of the Bill, may challenge a petition if he believes that the petition concerns matters which are not within the remit of the Committee or if he believes that the petitioner is not directly and specially affected by the Bill. If a challenge is made, the final decision on whether a petitioner should be heard rests with the Select Committee.

2. Petitioners against a hybrid Bill do not have an automatic right to have their petitions considered by the Commons Committee to which the Bill has been referred. Generally speaking, Petitioners are not entitled to appear before the Committee on their petitions unless their petitions allege, and they prove, that their property or interests are directly and specially affected by one or more provisions of the Bill. This entitlement is called “the right to be heard”. In addition, the Standing Orders of the House of Commons relating to Private Business (“Commons S.O.s”) prescribe certain cases in which the Committee may, at its discretion, allow a Petitioner a right to he heard.

3. The Committee will only consider whether a Petitioner has the right to be heard, or whether their petition should be considered as a matter of discretion, if the Promoter has raised the issue in advance by challenging the Petitioner’s right to be heard.

4. The treatment of hybrid Bills making provision for High Speed Rail provides some relevant recent experience in the handling of petitions. When the Phase One Bill was considered in the House of Commons, the Promoter took a cautious approach to challenging Petitioners’ right to be heard and the Committee therefore heard many Petitioners without having the opportunity to consider, and determine, whether they were entitled to be heard. The House of Commons Select Committee commented in its Second Special Report that the Promoter’s initial approach was “understandable”. The Committee continued: “At the start of proceedings and without the benefit of a recent comparable hybrid bill on which to base its decisions, a hybrid bill committee could be expected to want to show latitude to petitioners. (On Crossrail, the promoters challenged no petitions at all.) With the benefit of nearly two years’ experience, we believe that there should be a stricter approach to locus standi [the right to be heard].” (House of Commons Select Committee on the Phase One Bill, Second Special Report of Session 2015-16, HC 129, 22 February, paragraphs 393-4). The stricter approach was endorsed by the House of Lords Select Committee on the Phase One Bill (House of Lords Select Committee on the Phase One Bill, Appendix 2 to the Special Report; 13 June 2016, paragraph 6) and was followed on the Phase 2a Bill. It is also now being followed on the current Phase 2b Bill.

5. The Holocaust Memorial Bill differs very significantly from the High Speed Rail Bills: for example it does not include provisions for works or compulsory acquisition that would directly affect property, it concerns a much smaller geographical area, and of course it is a very much shorter Bill. Nevertheless, lessons from the High Speed Rail Bills are valuable and may help to ensure that the Select Committee for the Holocaust Memorial Bill is able to use its time efficiently. The Secretary of State proposes to follow a broadly similar approach to that taken by the promoters of the High Speed Rail Bills, based on a reasonable and fair application of the rules on the right to be heard which have evolved over many years.

6. The purpose of this note is to outline the framework the Promoter will use to decide whether to challenge a Petitioner's right to be heard by the Committee.

# The right to be heard

7. The principle of entitlement to appear before the Select Committee is set out in Erskine May Parliamentary Practice:

> " Generally speaking, it may be said that petitioners are not entitled to be heard by the Committee on the bill unless it is proved that their property or interests are directly and specially affected by the bill."

(Erskine May Parliamentary Practice Twenty-fifth Edition at paragraph 44.5).

# Members of Parliament

8. Members of Parliament whose constituencies are directly affected by the works proposed by a Bill have a right under Commons S.O. 91B to have their petition against the Bill considered. Although the Holocaust Memorial Bill does not propose works, the Secretary of State would not expect to challenge the right of the Member of Parliament for the constituency including Victoria Tower Gardens to be heard.

# Certain representative bodies

9. Commons S.O. 95(1) gives the Committee a discretion to permit a society or association which sufficiently represents a trade, business or

interest in a district which is alleged in the petition to be injuriously affected by the Bill to be heard. Under Commons S.O. 95(2) the Committee is also given a discretion to permit a society, association or other body which sufficiently represents amenity, educational, travel or recreational interests alleged in the petition to be adversely affected to a material extent by the Bill to be heard. The text of Commons S.O. 95 is set out in Appendix 1 to this note.

10. Where the right to be heard of an ad hoc group (e.g. a group formed specifically to oppose the Bill) is challenged, they are not normally permitted to be heard on their petition:

> “ The general practice has been [for Hybrid Bill Committees] not to hear petitions presented by an ad hoc group, mainly because the public interest in full examination of environmental and ecological issues, including traffic management and the control of pollution of all sorts, is better achieved by petitions presented by local authorities large and small, and by established bodies with expertise in those areas.”

(House of Lords Select Committee on the High Speed Rail Phase One Bill, Appendix 2 to the Special Report; 13 June 2016, paragraph 7.)

11. Action groups are usually not allowed to be heard on their petitions where their right to be heard has been challenged. In contrast, the practice of Committees in both Houses has been to grant a right to be heard to local authorities at different levels of local government and well established national organisations with relevant expertise. (See Appendix 2 to the House of Lords Select Committee Special Report on the Phase One Bill; 21 June 2016, paragraph 7.)

# Local authorities or inhabitants of an area

12. Commons S.O. 96 gives the Committee a discretion to permit local authorities or any inhabitants of an area the whole or part of which is alleged in the petition in question to be injuriously affected by the Bill to be heard on their petition. The text of Commons S.O. 96 is set out in Appendix 1 to this note.

13. The precedents reflect the convention that S.O. 96 is directed at groups of persons who are petitioning as representatives of inhabitants of the area. Individual inhabitants are not normally treated as covered by S.O. 96.

14. Although local authorities do not have an automatic right to appear before the Committee, the Promoter will not challenge the right to be heard

on their petition of a local authority in whose area Victoria Tower Gardens is situated.

15. The Committee may decide not to exercise the discretion to permit Petitioners to be heard under S.O. 96 on the basis that they do not sufficiently represent inhabitants of an area or that the points made in the petition are similar to those made by a local authority for the area in question or by some other well established amenity body with relevant expertise.

# Petitions which challenge the principle of the Bill

16. The Committee will not hear points raised on a petition that challenge the principle of the Bill. At Second Reading on 28 June 2023 the House agreed that the following matters would fall within the principle of the Bill:

(a) the question of whether or not there should be a memorial commemorating the victims of the Holocaust or a centre for learning relating to the memorial, whether at Victoria Tower Gardens or elsewhere; and

(b) whether or not planning permission and all other necessary consents should be given for the memorial and centre for learning, and the terms and conditions on which they should be given.

# The Promoter's approach to challenging a Petitioner's right to be heard

17. Drawing on the recent experience in relation to other hybrid Bills, the Promoter's approach on this Bill will be generally to challenge the right to be heard of persons petitioning as the inhabitants of an area who make generic points relating to adverse impacts allegedly caused to that area, and to leave it to the Committee to decide whether to exercise their discretion under Commons S.O. 96 to permit the Petitioner to be heard on the petition. As mentioned in paragraph 14, the Promoter will not challenge the right to be heard on their petition of a local authority in whose area Victoria Tower Gardens is situated.

18. This approach follows the recommendation of the 1988 Joint Committee on Private Bill Procedure who in their Report stated:

> “ The Committee consider that it is a fundamental principle of private legislation procedure that only parties specifically affected should be entitled to be heard, and that the rules of locus standi [the right to be heard] must be upheld. If they are allowed to lapse, more of members’ time will be taken up in private bill committees.”
>
> “ They recommend that promoters should be encouraged to police the rules of locus standi, and that private bill committees should not treat a reasonable but unsuccessful challenge as a point of prejudice.”

[paragraph 101 of the Report HL Paper 97, HC 625 – emphasis in original]

# Summary

19. To summarise, the issues to be determined by the Commons Committee at a “right to be heard” hearing are:

(a) Whether the Petitioner is entitled to be heard because they can show that their property or interests are directly and specially affected by the Bill.

(b) Where the Petitioner is a society, association or other body which is alleged to represent local trade, business or interest or amenity, educational, travel or recreational interests, whether

(i) the society, association or other body sufficiently represents that interest and

(ii) if so, whether that interest will be injuriously or adversely affected to a material extent by the Bill as introduced and

(iii) if so, whether the discretion of the Committee should be exercised to permit the Petitioner to be heard because, for example, the points made in the petition would otherwise not be considered by the Committee.

(c) Whether the Petitioner has alleged in the petition, and can show, that the Petitioners is sufficiently representative of inhabitants of an area which is adversely affected by the Bill to be covered by S.O. 96 and, if so, whether the discretion of the Committee should be exercised so as to permit the Petitioner to be heard. In exercising its discretion the Committee may consider whether the points made in the petition are covered by matters raised in a petition of a local authority for the area or in another petition which has not been challenged.

20. The Committee can also be expected to take into account during the hearing whether the petition calls into question the principle of the Bill as

approved by the House of Commons at Second Reading, as in that case the petition would be beyond the Committee's remit in any event.

3 July 2023

# Appendix 1

## Extract from standing orders of the House of Commons relating to private business

### 91B. Right of Members of Parliament to have petitions considered[footnote 1]

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.

### 95. Power [of committee] to allow associations, etc. to have petition considered[footnote 2]

(1) Where any society or association sufficiently representing any trade, business, or interest in a district to which any bill relates, petition against the bill, alleging that such trade, business, or interest will be injuriously affected by the provisions contained therein, it shall be competent to [the select committee to which the bill is committed], if they think fit, to admit the petitioners to be heard on such allegations against the bill or any part thereof.

(2) Without prejudice to the generality of the foregoing paragraph, where any society, association or other body, sufficiently representing amenity, educational, travel or recreational interests, petition against a bill, alleging that the interest they represent will be adversely affected to a material extent by the provisions contained in the bill, it shall be competent to [the select committee], if they think fit, to permit petitioners to have their petition considered by the committee on such allegations against the bill or any part thereof.

### 96 Power [of committee] to allow local authorities or inhabitants to have petitions considered[footnote 3]

It shall be competent to [the select committee to which the bill is committed], if they think fit, to permit petitioners, being the local authority of any area the

whole or any part of which is alleged in the petition to be injuriously affected by a bill or any provisions thereof, or being any of the inhabitants of any such area, to have their petition against the bill or any provisions thereof considered by the committee.

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1. House of Lords equivalent = HL S.O. 117A
2. House of Lords equivalent = HL S.O. 117
3. House of Lords equivalent = HL S.O. 118

House of Commons

Court of Referees

# Locus Standi Reports on Private Bills in Parliament

## Cases decided during the Sessions 1990–91 to 2005–06

HC 1707

# Mersey Tunnels Bill

**Session 2001–02**

***20th March 2002***

**Petitions of:**

**(1) the North West Regional Council of the Trades Union Congress**

**(2) the Transport and General Workers' Union, the General, Municipal and Boilermakers' Union, the Amalgamated Engineering and Electrical Union, the Union of Construction, Allied Trades and Technicians, and Mr William McCoy: and**

**(3) the Merseyside and West Cheshire Region of the Federation of Small Businesses.**

***Locus standi of all petitioners, except Mr William McCoy, allowed.***
***Locus standi of Mr McCoy disallowed.***

Before Sir Alan Haselhurst MP (Chairman of Ways and Means), Mr Peter Atkinson MP, Linda Perham MP, Mr Dennis Turner MP and Mr John Vaux (Counsel to the Speaker).

*Bill to amend provisions of the County of Merseyside Act 1980 relating to the levying, revision and application of tolls for use of the Mersey Tunnels and to amend that Act for other purposes.*

Mrs Margaret Hanson for the North West Regional Council of the Trades Union Congress.

Mr Mick Cashman for the Transport and General Workers' Union, the General, Municipal and Boilermakers' Union, the Amalgamated Engineering and Electrical Union, the Union of Construction, Allied Trades and Technicians, and Mr William McCoy.

Mr Philip Fleming for the Merseyside and West Cheshire Region of the Federation of Small Businesses.

Mr Robert Owen for the promoters.

Agents for the Bill: Bircham Dyson Bell.

**********

***The North West Regional Council of the Trades Union Congress*** claimed *locus* as an organisation representing the interests of around 200,000 trades union members in Merseyside, many of whom used the Mersey tunnels to travel to work or to pursue their trades.

***The Transport and General Workers' Union, the General, Municipal and Boilermakers' Union, the Amalgamated Engineering and Electrical Union, the Union of Construction, Allied Trades and Technicians and Mr William McCoy*** claimed *locus* as organisations whose members used and worked in the Mersey tunnels. Mr McCoy was a member of the

General, Municipal and Boilermakers' Union who worked in, and used, the tunnel and was a resident of Merseyside.

***The Merseyside and West Cheshire Region of the Federation of Small Businesses*** claimed *locus* as an organisation representing local small firms, many of whom used the tunnels to travel to work or to pursue their trades.

***Each of the petitioners*** objected to the Bill because it would provide for annual increases in tolls without recourse to existing provisions for local representations to be taken into account; and would allow revenue from toll income to be spent on other aspects of public transport in Merseyside.

***The promoters*** objected to each of the petitioners' claims on various grounds, arguing *inter alia* that they did not sufficiently represent a business, trade or interest in the district affected by the Bill and had not indicated how they, or their members, would be injuriously affected by the Bill's provisions. The *locus* of Mr McCoy was challenged on the grounds that he had no specific and distinct interest in the Bill, over and above that as a worker in and a user of the tunnel and as a local resident.

**********

*Ordered,* That Agents and Parties be called in.

MRS HANSON, for petitioner (1): The previous private bill, promoted by the Merseyside Passenger Transport Executive, was contested by the North West TUC Regional Council in a petition back in 2000. No objection was made at that time to our acting as a petitioner and although the provisions of that Bill were different in some aspects, I would argue that a precedent was established as to our *locus standi* in this matter.

I hope that you will accept that our affiliates' members as individuals as well as collectively would suffer loss if this Bill were to proceed. Increasing already high tolls on an annual basis, possibly above the rate of inflation or at least by the rate of RPI inflation, would definitely injure our members' ability to travel to work and to pursue their legal trade. One must remember that they are a monopoly in the Merseyside area and many people do not have an alternative way to travel to work or to pursue their trade.

If we are prevented from petitioning against the Bill our affiliates' members have no other forum in which to make their concerns heard. Despite having petitioned against the first Bill lodged by the MPTE, the North West TUC was not included in a consultation exercise that preceded the current Bill. The opportunity of airing the issues raised in our petition before the House is the only opportunity that we shall enjoy to raise our affiliates' members concerns.

MR VAUX: Do you represent any interests that are not already adequately represented by the specific unions that have already petitioned, or indeed other unions that could have petitioned but chose not to?

MRS HANSON: Yes, we have around 60 affiliated unions as part of our association, only some of whom have members who work in the tunnels. Many of the other unions are those which I have referred to as small and specialist unions who do not have the resources, either financially or in terms of staff, to be represented here today. As I referred to in my

submission, the TUC was established in order to give a voice not simply to the large unions from whom you will hear directly but to those small, specialist trade associations some of whom represent hospital workers, radiographers – those very specialised professions – and they will be people who use the tunnels to get to hospitals, for example on one side of the river or across to the other, and who will not be able to be heard today or to be heard against the petition unless the petition of the North West TUC actually succeeds.

LYNDA PERHAM. Can I just clarify, did you say that you were not consulted in the run-up to the Bill being presented?

MRS HANSON: On the second Bill, we were not consulted and that is despite having written in the spring of last year to the MPTE asking for a meeting to discuss some of the issues and a meeting to discuss the way forward for the tunnels.

MR CASHMAN, for petitioners (2): Section 92(6) of the County of Merseyside Act 1980 states that any person or body sufficiently representative of persons who have a substantial interest in the use of the tunnels has the right to object to proposed toll increases and this can result in the Minister calling a public inquiry to ensure that such increases are necessary. We say that our organisations are bodies as described in this section; and this Bill would deprive us of the opportunity to oppose unnecessary toll increases by providing evidence to a public inquiry in future, as toll increases could be made automatically if the Bill was passed. It is clear that the Merseyside Passenger Transport Authority regard us as such a body because we were consulted along with other interested groups when they were proposing this Bill when they had this consultation process.

In addition to the effect this Bill would have on our Merseyside membership in relation to the increased tolls and the impact on the businesses they work for, our members employed at Mersey Tunnels would also be directly and specially affected by the proposal to allow Merseytravel to utilise the money raised by the Mersey Tunnels for other initiatives. This would create a tension between spending revenue on the maintenance and running costs of Mersey Tunnels and the initiatives elsewhere, for example the proposed tram link using toll money in Liverpool. This could have a direct effect on the working conditions of our members.

We raised objections because these proposals will have a direct and special effect on our members. Toll revenue is used to pay our members and provide safe working conditions for our members. The Bill seeks to allow this revenue to be syphoned off to be used elsewhere and this could clearly affect our members.

The promoters say that William McCoy is represented by the six members of the Liverpool City Council of the Merseyside Passenger Transport Authority under the Doctrine of Representation and so he is not entitled to be heard. We do not accept that this is the case. The Merseyside Passenger Transport Authority is not a local authority – it is a Passenger Transport Authority and Executive constituted under Section 9 of the Transport Act 1968. Its function is described in section 9(3) of the Act. Its role is to secure and promote the provision of a properly integrated and efficient system of public passenger transport. It is not there to represent the general interests of the people in the same way that a local authority is. It is false to equate a Passenger Transport Authority with a local authority. The elected members who sit on the PTA are not there to represent the general interests of the

council taxpayer but to carry out the duties of a Passenger Transport Authority. William McCoy is a council taxpayer who will be adversely affected by this Bill and we believe that he should be heard. Standing Order 96 allows individual petitioners to be heard in cases like this.

MR VAUX: I wanted to ask a question about Mr McCoy and clarify the basis on which he is a petitioner. Is he a petitioner simply as a representative inhabitant of the area or is it your argument that his use of the tunnels in some way sets him apart from other inhabitants of the area? Is he a frequent user of the tunnels?

MR CASHMAN: He is an employee of the Tunnels. He is a user of the tunnels and he lives in the Merseyside area in Liverpool and would be affected by these increased costs. He is signing as an individual who would be affected and we believe individuals who are directly affected in this sort of case should have an opportunity to give evidence in respect to this Bill.

MR VAUX: So you are relying on Standing Order 96 as well as on 95. Is that right, he is an inhabitant of the area?

MR CASHMAN: Yes

MR FLEMING, for petitioner (3): We were also not consulted on this particular consultation document. We find it quite surprising. We do attend various meetings with Merseytravel. Whether it was an oversight or not, we were not consulted. We sat back and did not take the lead and waited until our members started complaining about this procedure. From then onwards I was nominated to take up the role on behalf of our members and we have gone to town to the extent of producing a petition that has full backing.

CHAIRMAN: But is lack of consultation really sufficient argument to persuade us that you should have a *locus* within the terms of the Private Bill procedure? There is many an occasion when a lack of consultation can be shown. Are you saying because we are not consulted therefore that is a reason for gaining *locus?*

MR FLEMING: No, I am saying that I think I have better ideas than are on the table at the moment. The previous Mersey Tunnel Bill of 12 months ago had a bit more merit to it. This one to me has no merit to it whatsoever.

CHAIRMAN: It is interesting is that we have the TUC, we have four unions and we even have an individual, yet we do not have the CBI, we do not have the Chamber of Commerce, or any other business organisation or even an individual business on a par with Mr McCoy as an individual citizen seeking to petition. Is that not interesting?

MR FLEMING: It is interesting. It probably answers the question why the FSB is probably the leading organisation now for the self-employed. If there are 20 people behind me all well and good; but I cannot be criticised for being here. As far as I am aware I sufficiently represent trade and business.

CHAIRMAN: Certainly I am not faulting your own determination and it is absolutely right that you should do that, but it is surely an indicator if we have, as I say, the broad union

representative body, four unions themselves and even an individual, and the business case that your admirable organisation represents, but no one else has thought to petition?

MR FLEMING: The people locally have said, "We know the FSB is doing it, we know the TUC is doing it, we will sit back." I have been in communication with local Chambers of Commerce. They are in agreement with what we are doing but they have not bothered to petition. It is a complicated process that we are going through. A lot of the other organisations have just sat back and said there are other people there doing it, that should be sufficient.

MR OWEN, for the promoters. Standing Order 95(1), which has been referred to, provides that

> "where any society or association, sufficiently" (and I stress that word) "representing any trade, business, or interest in a district to which any bill relates, petition against the bill, alleging that such trade, business, or interest will be injuriously affected by the provisions contained therein, it shall be competent to the Court of Referees…"

to award a *locus* if it so wishes.

That Standing Order sets a three-part test which I would like to go through. It requires the petitioner first of all to demonstrate that the petitioner sufficiently represents a trade, business, or interest in the district to which the Bill relates. Secondly, it requires the petitioner to allege in the petition that those it represents will be injuriously affected by the provisions of the Bill and, thirdly, it requires the petitioner to prove that those it represents will be injuriously affected.

First, neither the North West TUC nor the Federation is an organisation which represents a trade or business. Secondly, none of the petitioners alleges in their petition that the trade, business or interests of their members is or will be injuriously affected. Thirdly, even if they had made that allegation, we say that the trade, business and interests of the members of the petitioning organisations are not affected any more or any less than any other user of the tunnels. Equally, fourthly, we say the interests of the petitioners themselves are not so affected. Fifthly, we say that objections to the Bill on grounds of public policy do not entitle the petitioners to be heard on their petition. We submit that each one of those objections on its own is enough for the Court to refuse to grant *locus standi* to the petitioners.

If I can turn finally to the *locus standi* of Mr McCoy, because being an individual the rules are a little different. We are told in the joint petition of the Tunnels' Unions that he is a resident of Liverpool, a maintenance worker in the tunnels, an active trades unionist, and a user of the tunnels. We believe for him to establish *locus standi* he has to demonstrate that he personally is specially and directly affected by the Bill or, secondly, he is entitled to *locus* under Standing Order 96.

The summary of our objections to Mr McCoy is three-fold. First of all, we say he is not affected by the Bill any more or any less than any other user of the tunnel. Secondly, he does not allege that he is representative of a large body of residents nor does he represent such a body of residents. And, thirdly, Mr McCoy is represented by Merseytravel indirectly and in accordance with the doctrine of representation may not be heard against

Merseytravel. As with the Unions and the Federation, we submit that any one of these three objections, if sustained, is sufficient for the Court to refuse to grant *locus standi* to Mr McCoy.

MR TURNER: You did state, did you not, that you were very happy with the consultation that is taking place and that everyone had been consulted, but we heard from Mr Fleming that his organisation had not in any way been consulted. How do you reconcile that?

MR OWEN: The consultation included a number of business umbrella groups, if I can put it like that, like the local CBI and Chambers of Commerce. I cannot say directly why the Federation was not consulted. I imagine it was an unfortunate oversight that regrettably happens sometimes.

MR ATKINSON: Could you help me on one point. Under the existing arrangement Merseytravel has to publish an intention to increase tolls whereby outside organisations, like the ones represented perhaps here today, are able to make representations to oppose those. That is correct, is it not?

MR OWEN: That is correct. The current procedure is if there are unsustained objections there is a public inquiry. That applies if Merseytravel is seeking an increase in line with inflation or a real terms increase.

MR ATKINSON: If this Bill becomes law what other avenue would there be for people to make any representation to Merseytravel?

MR OWEN: Whilst the review procedure would be automatic, the Bill does provide for the Passenger Transport Authority to – and I am not sure Members of the Court have the Bill in front of them – at each occasion before the tolls go up in line with inflation to consider the economic and social consequences of that and, if necessary, to temper that inflationary increase. There is protection there and of course Merseytravel is made up of publicly elected representatives.

MR ATKINSON: If, for instance, the petitioners thought that the Executive had not properly considered the economic and other impacts of it, they would actually have no opportunity to make any representations?

MR OWEN: They would in the extreme be able to apply for a judicial review of Merseytravel's decision not to temper tolls because of economic considerations, and of course they would be able to try and persuade members of the Passenger Transport Authority to exercise that power because they would have direct access to them, being their own councillors in their own districts. That was the significant modification to the first Bill.

MR ATKINSON: Could you explain, Mr Owen, why it is that the Merseyside Passenger Transport Authority should be so concerned about these organisations petitioning a Private Bill Committee? In normal circumstances Private Bill Committees, and I was the veteran of a very long-running one, were quite happy and prepared to hear petitioners. It was part and parcel of the procedure. Why should you be so excited that Mr McCoy should come and give evidence?

MR OWEN: We are doing what Parliament has enjoined promoters of Bills to do, which is to police the rules. Last time round, when the Bill was considerably broader and dealt with

powers to operate the tunnels on a concession, we acknowledged that there were concerns being expressed by the tunnel unions in that case that could affect the terms and conditions of the employment of their members and therefore we did not challenge the *locus standi* of these – broadly – same petitioners last time round, but for good reasons.

We do not feel this time around that they have really thought about the Bill. We do not feel that they have acknowledged that it is a very different Bill in that we are not pursuing powers for the tunnel to be operated on a concession by a private sector company. We feel they have not really responded to the changes we have made and the petitioners actually bear a striking resemblance to the petitioners the first time round. That was why we felt in this case that the time of honourable Members going through a two or three week Opposed Bill Committee based on these petitions was not worthwhile. We do not feel that they are specially and directly affected; it is an unjustified use of time and we are operating the rules.

MR VAUX: Would you agree that it is fair to characterise the Bill which your clients are promoting as being innovative, that is to say, that by providing that the proceeds of tolls may be applied for purposes other than the construction and maintenance of the tunnels it is breaking in Private Bill terms new ground?

MR OWEN: Certainly the index-linking provisions are precedented in the Dartford Crossing legislation and the Severn Crossing legislation. In terms of the power to cross-subsidise, of course the precedent has been set by the Transport Act 2000. We merely feel that this Bill is a local application of what is now established policy and therefore we do not think it is setting a precedent in that respect.

MR VAUX: The precedent is in public legislation. In terms of private legislation do you accept that cross-subsidisation is an innovation?

MR OWEN: I would accept that.

MR VAUX: Is there any body, either an individual or a representative body, which would have *locus standi* to petition against the Bill? Is there any party out there who has not come forward who in your view could have come forward, or would your argument defeat any available petitioner?

MR OWEN: It is certainly one of those Bills where it is quite hard to believe who could be specially and directly affected.

MR VAUX: We are dealing with an unusual state of affairs where the authority for the construction of the tunnels and the authority for their financing (or putting their financing on a new basis) are done through separate Bills. The tunnels were built a long time ago and now you want to change the basis on which they are financed. On the basis of your argument that the petitioners need to show that there is a direct effect on their trade or interest through the changes in the finances, it seems to me that perhaps no-one would actually be able to meet your test. That is the point I am making.

MR OWEN: That may well be the case. I imagine that if a substantial public body or even one of the local authorities had petitioned – we would not have got this far – but, were one of the local authorities to have been vehemently opposed to it but nevertheless it was carried through the Passenger Transport Authority, then I would have thought

undoubtedly that kind of petitioner would have a *locus standi.* I think that because our Bill does address matters of public policy, whether it is appropriate (albeit in local legislation rather than public general legislation) to cross-subsidise and so on are matters of public policy, we would say, and therefore they are matters on which members of Parliament are best qualified to and should judge through the procedures that will still apply to this Bill were the Court to rule today that *locus* is to be disallowed. There would still obviously be Committee proceedings, the Second Reading, and all the safeguards that are put in place for that very reason.

MR VAUX: I suspect that if a local authority had petitioned against the Bill you might have argued against it on the ground that they were constituent parts of the promoter. The third limb of your argument on Standing Order 95 was that petitioners not only have to allege that there is some injurious effect on their trade or interest from the Bill; they also have to prove it. I would like a bit more help on this. Presumably your argument derives from precedent, from decisions of the Court rather than from the terms of the Standing Order, which seems to me simply to require that the petitioners allege some injurious effect.

The point I am trying to make is that if we were to require petitioners to prove that effect as rigorously as you seem to be suggesting we would be anticipating the Opposed Bill Committee that would follow if the petitioners were granted leave. The extent of the effect on their interest would be one of the major subject matters for the Opposed Bill Committee. Are you arguing that we should anticipate that now and, if so, on what authority?

MR OWEN: The point is really that, as some lawyers would still say, the petitioners would have to make out a *prima facie* case. They cannot just say in their petition (not that they have, of course) that their members are injuriously affected without there being some credibility behind that statement, because anyone could say that sort of thing. Our submission would be that the Court on this case would need to ask itself whether it had heard any evidence that was a basis for that possibly being the case. Of course, I accept that the role of the Court is not the same by any means as the role of the Opposed Bill Committee, but cases in the past on this point have made it clear that the Court does inquire a little bit in terms of whether, even if it is said in the petition that there is going to be a special or direct effect, that is a credible claim. Maybe "prove" was putting it a little too strongly.

MR VAUX. It is a very helpful clarification. The burden you are putting on the petitioners is to produce a *prima facie* case that there is an injurious effect rather than to prove it as they might before an Opposed Bill Committee.

MR OWEN: Yes.

CHAIRMAN. You did not object to Mr McCoy when he petitioned against the last Bill?

MR OWEN: We did not.

CHAIRMAN. Despite the very strong reasons you put before the Court today that he could not possibly be accepted?

MR OWEN: Clearly in that case we had to assess what benefit would be derived from objecting to Mr McCoy. Had we been successful on the doctrine of representation point then, it would not have got us very far because all of the other petitioners would still have been left in there because it is quite open to the Court to say in relation to a joint petition such as this one, "Mr McCoy, sorry: we are not going to allow your *locus* but the others can continue". We did not think it was at all worthwhile.

CHAIRMAN: You would accept that the main difference, so far as the petitioners are concerned, whether they have proved that they are directly and specially affected, or indeed everybody is concerned so far as facing increases in charges, is that there is now no longer the automaticity of a public inquiry if they wanted it. It would depend on the Secretary of State.

MR OWEN: For real terms increases that is right, it would depend on the Secretary of State. Certainly we would point out that real terms increases are very different from inflationary increases and so far as inflationary increases are concerned, just as tolls go up in line with inflation, so do other costs and of course earnings historically go up above inflation. We think therefore that the economic effect of an inflationary increase mechanism is neutral, very much so.

CHAIRMAN: Against the loss of that right there is a substantive difference between the two things. What is two or three weeks before a parliamentary committee? Is that not a fair deal, that if they are losing out for ever on something that they had before they might be judged to have at least one go before a parliamentary committee to put the case? Is two to three weeks in the oceans of time really a terrible thing?

MR OWEN: That of course is one way to look at it. I can really just repeat that we did not feel that these were issues of private interest. It is public policy on which it is Parliament's job to decide whether it is appropriate for public inquiries to be dispensed with in these circumstances or not.

*Agents and parties are directed to withdraw and, after a short time, are again called in*

CHAIRMAN: Ladies and gentlemen, we are grateful to you for the presentations that you have made and the helpful way in which you have dealt with the questions of the members of the Court.

We have decided to grant *locus* to the North West Regional Council of the Trades Union Congress, to the TGWU, the GMBU, the AEEU and UCATT but not Mr William McCoy, and we have decided to grant *locus* to Merseyside and West Cheshire Region of the Federation of Small Businesses.

We have heard the arguments about degree of representation but we believe on balance, unanimously, that there is a case to be heard and that there is no detriment to the procedures of Parliament that it should be heard in the Opposed Private Bill Committee when these matters can be thrashed out and adjudicated on in the normal way.

Thank you very much indeed for your attendance.

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