

CORRECTED MINUTES OF ORAL EVIDENCE

taken before the

**MALVERN HILLS BILL COMMITTEE**

PETITIONS AGAINST THE BILL

Tuesday, 20 January 2026 (Morning)

In Committee Room 2

PRESENT:

Lord Hope of Craighead (Chair)  
Baroness Bakewell of Hardington Mandeville  
Lord Evans of Guisborough  
Lord Inglewood  
Lord Ponsonby of Shulbrede

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FOR THE PROMOTER:

Jacqueline Lean, Counsel, Malvern Hills Conservators  
Alastair Lewis, Roll A Parliamentary Agent  
Jonathan Bills, Conservation Manager, Malvern Hills Trust

## INDEX

Subject	Page
Opening statement by Ms Lean	4
Evidence of Mr Bills	18
Further statement by Ms Lean	32

(At 10.30 a.m.)

1. THE CHAIR: Good morning and welcome to this, the first session of the Malvern Hills Bill Select Committee. I should first mention one or two points of practical arrangements. First of all, we have a fire alarm system in this building, which is an unusual one. Instead of bells, we have a two-tone system, which will be recognisable when it happens—in the unlikely event, I should say, that it happens. When it happens, we have to leave the room immediately. Do not take anything with you. Go straight outside of the building, following the directions of the doorkeepers, and we will be brought back in again. Almost certainly it will be a false alarm, in which case we should be back in fairly quickly, but the important thing is get out as quickly as you can and do not take anything with you.
2. The second point is that these proceedings are being broadcast and a full transcript will be taken of the proceedings by Hansard and will be available in a day or two's time. I would urge those who are appearing and speaking to check Hansard quite carefully to see if the reproduction is accurate, particularly in regard to names, which sometimes are misconstrued. If there are errors, do let us know and the Hansard will be corrected.
3. There is a point that I do not have to mention today but I may have to mention on other days about what we do if there are Divisions in the House and people have to go and vote. So far as today is concerned, it is fairly plain, I think, that we will not be troubled by Divisions.
4. Declarations of interest. Lord Inglewood, you do have an interest to declare.
5. LORD INGLEWOOD: Yes, Chairman. Thank you. I am president of the National Sheep Association, which, as you may well know, is headquartered just outside the Malvern Hills area.
6. THE CHAIR: Thank you. The rest of us have no interests to declare, so I think it is fairly straightforward from that point of view. There is a change to the standing of Andrew Myatt, which I think, Ms Lean, you know about. He has been elected as a trustee. He was elected in September 2025 and that came after his petition was put in. We have decided that it would be proper for his position as a trustee to be recognised, and therefore it is open to him to include any further remarks in his petition that he

thinks appropriate in view of his new status. I hope you are content with that, Ms Lean.

7. MS LEAN: Yes, my Lord. If I may, we have sent an updated standing challenge letter to the petitioner, reflecting that indication that he will be able to bring in his status as a newly elected trustee.

8. THE CHAIR: That is very helpful. We come now to your opening statement and I think the petitioners that you have this morning at your disposal—when your statement is finished, we will adjourn and in the afternoon, Professor McCrae, we will hear from you and we will hear the issue about standing, which is the question for this stage of the proceedings. We will explain what that is all about later on. Yes, Ms Lean, if you would like to proceed.

### **Opening statement by Ms Lean**

9. MS LEAN: I am grateful, my Lord. I wonder if, before commencing my opening statement, I might undertake some housekeeping. I hope some documents have reached the committee this morning. What we have prepared are three bundles of materials. Firstly, there is a reference bundle. That is the large A4 ring binder, which is a series of our documents, which is a clip of materials that we consider the committee or others may wish to come back to or refer to at various points throughout the hearings, and we thought it might be helpful to have all of that in one place, if it is helpful.

10. It is divided into five sections. The first section, the A section, are Bill documents, so you have the updated filled Bill amongst other documents there and a note on the origin of clauses, in response to a request that we received from the committee to track through some of the provisions that are found in the Bill. You can find the history of them or their precedent in the earlier Malvern Hills Acts or other legislation.

11. Section B are copies of the existing Malvern Hills legislation, so the existing Acts and orders and suchlike that apply there. Section C—other trust documents—are the existing by-laws and the consultation document that preceded this Bill. Section D is general legislation that is referred to or may be relevant to the Bill. There may be references during the course of proceedings to matters such as the Commons Act or to the Levying Bodies (General) Regulations, so we have sought to include a clip of those legislative provisions we think might need to be referred to.

12. Section E is maps. My Lords, I will ask perhaps if the committee could turn up or perhaps take out the maps that you have at page 489 to 490, which is R24, which are the updated Bill plans. I was proposing to refer to those in the opening statement. I think it may be a bit tricky to navigate where everything is on the slides we have on the screen because of formatting.

13. THE CHAIR: Yes, so you will be using these this morning.

14. MS LEAN: I was proposing to use the updated Bill plans, R24, which hopefully you have in two A3 sheets. Mr Bills will also be referring to those later, as I mentioned. There are some other plans there that you will see screenshotted versions of in Mr Bills' presentation, which will be helpful to have in the larger copy.

15. My Lords, the second bundle that we have provided is a clip of the slides that we have prepared for this morning, so a few slides from me and some slides from Mr Bills, who I will come to in a moment. I think you may have those at the beginning of a small ring binder and the third bundle, which you will find in the same folder, I think, today for ease of reference, behind a tab that says 3.

16. THE CHAIR: I am not sure we have the third bundle, have we?

17. MS LEAN: Yes, forgive me, my Lord. Bundles 2 and 3 are in the same ring binder, as I am told. Behind the tab 3 there is a clip of materials that we have prepared in relation to the right-to-be-heard challenges. It includes the note on our approach that I hope the committee has already seen—it went out with the challenge letters and the letter to your clerk—and some of the references from Erskine May, other reports that we have mentioned in our note.

18. My Lord, I have now referred twice to Mr Bills. Our proposal for the opening statement, if it is acceptable to the committee, would be that I would start by opening to the committee and partway through bring in Mr Bills, who is the conservation manager for the Trust, to give an introduction to the hills themselves, what the features are today and some of the management that is undertaken there. Then I will pick up again, going through some of the provisions of the Bill, if that is acceptable. Perhaps we could have a brief pause when we bring Mr Bills forward midway through. I understand he may need to be sworn. I am not sure if he—

19. THE CHAIR: He can come forward and take his place now if you find that helpful.

20. MS LEAN: Thank you, my Lord. My Lord, without further ado, if I may proceed to my opening, I appear before this committee for the promoter, the Malvern Hills Conservators, who your Lordships will see referred to in various documents before this committee under their working name of the Malvern Hills Trust. I am instructed by Mr Alastair Lewis, parliamentary agent of Sharpe Pritchard, who sits to my left. I am grateful for the opportunity to make a—I hope—relatively short opening statement on behalf of the promoter. For that purpose I have prepared a few slides, which I hope will appear on the screen in front of you, and part way through I will turn to Mr Bills, who will be providing an introduction to the hills and commons, highlighting key features of this iconic and beautiful area, which the conservators have been entrusted to manage for the past 140 years and providing an overview of the management they undertake today.

21. If I may begin with a brief overview of the legislation that currently governs the Trust's management of the Malvern Hills and Commons, in doing so, for this section I will refer to the Trust as the conservators, as they did not adopt their current working name of the Malvern Hills Trust until 2017. In the late 1880s, a group of freeholders, tenants and commoners came together to appoint a committee to prepare a Bill that would vest the Malvern Hills and Commons in a new body—the Malvern Hills Conservators—on the basis, as was recorded in what became the Act, that it was desirable, as well as in the interests of the freeholders and tenants and commoners entitled to common rights on the said land, as for the benefit of the public, that provision should be made for the prevention of encroachments and enclosures upon and of injury to the said tracts of land and also for management of the same.

22. If it is possible to go to the first slide—forgive me, I am not sure who is driving the system. Thank you. Nearly 145 years later, the Malvern Hills Conservators are responsible for more than 3,000 acres of open grassland, woodland and scrub across the borders of Herefordshire and Worcestershire. My Lords, at this point, if I could ask you to have to hand the updated Bill plans, because this will provide a clearer means of navigating the hills than the map on the screen in front of you. Starting with what is page 489, the landscape plan, you will see that the land under the conservators' management and control extends from Newland, which is roughly in the top centre of

that plan, under the word “hills”, and, going further over to the left, another patch of blue with a road marked orange running through it. That is Old Hills.

23. THE CHAIR: How does it come about that it is so scattered about? It is rather surprising really: a tiny little sliver at the top at Newland. It is just the way the thing grew up, really.

24. MS LEAN: Indeed, my Lord. There have been different parcels of land that have been brought under the Trust’s jurisdiction over the past 140 years, some of which has been manorial waste, some of which has been area on the hills themselves and some of which has been acquired. Old Hills is a parcel of registered common land. There is a variety of different types of land under the Trust’s jurisdiction. It is not all joined together in one place.

25. THE CHAIR: Presumably it was set up with the agreement of the landowners.

26. MS LEAN: My Lord, the 1884 Act, as I shall come on to momentarily, identified land under the management and control of the Trust. There is a disjunct between land that the Trust owns, as in owns the freehold of, which is the area you will see marked blue on these plans, and areas that fall under its jurisdiction. It has acquired the ownership of land over time, over the past 140 years. In some instances, that has been acquired from landowners by agreement. It has been given powers to compulsorily acquire certain land historically.

27. In terms of the land that came under its control, if I could put it in that sense, as I mentioned, the Bill that was put forward that became the 1884 Act originated from meetings of landowners and commoners and tenants, who retained the ownership but brought it within the jurisdiction of the Trust, if I could put it in those terms. It is quite a mixed history. It may be that Mr Bills can assist a little bit more with that, or Ms Satchell as we go through, but I hope that that gives a little overview.

28. LORD INGLEWOOD: Can I just clarify? The conservators’ control is defined by the particular tenures that it owns. Is that right? If it is merely the lord of the manor, its control relates to what belongs to lordship as a lordship, as opposed to, for example, the rights that somebody might own the surface or some minerals or something else. Is it the case that, if it has an interest in land, on any of these pieces of land, it has total control

over all tenures on it?

29. MS LEAN: My Lord, I would have to dig into a little bit exactly what the situation is in respect of each of the different parcels of land.

30. LORD INGLEWOOD: Sorry.

31. MS LEAN: No, forgive me, I do not want to give you inadvertently the wrong answer. What I can highlight is that you have a key on that plan on the next page, which shows the different interests that the Trust has in the different parcels of land. All of them are under their management and control. The exact nature of the particular legal or proprietary rights it may have in the different parcels, I would have to double-check exactly what those are, particularly when it comes to the lord of the manor interests.

32. My Lords, going back to that first plan on page 489, we were at Newland in the north and Old Hills to the north-east. Then, coming in towards the larger parcel of blue shading that then runs north-south down the page, that brings us into the north hills. The committee may see, at the top of that blue area, End Hill. Following the hatched purple line down, it meets one running perpendicular about midway down. That is at Worcestershire Beacon, which is a feature I anticipate my Lordships may have heard of, or may feature during the presentations today.

33. If I could ask you to extend your eyes out to the right, or out to the east, there is one of those other slightly strange looking strips of thin narrow blue. That extends out to Guarlford and further east to Rhydd. My Lords will hear from Mr Bills later on. That area is characterised by highway verges, so again formerly manorial waste.

34. Coming back into the larger parcel of blue and continuing south, we go down then on to the second page, which is the portrait plan.

35. THE CHAIR: Page 490, is it?

36. MS LEAN: Page 490, my Lord. We come down into the central hills. My Lords will see, partway down to the east, Malvern Wells. Out to the west, extending to the left, there is a small patch of land that is partly red and partly blue in Colwall, which is another parish that my Lordships I am sure will hear about as the Bill proceeds. Coming back into the central area, carrying on down, we come down into the southern hills. It

continues down south to an area right at the bottom, which is Chase End.

37. My Lord, that is by way of a very high-level overview of the land that we are talking about that is under the jurisdiction, one way or another, of the Malvern Hills Conservators today. Mr Bills will be talking a little bit more about each of those areas in his presentation shortly.

38. My Lord, I was going to say something at this juncture with reference to land under the Trust's jurisdiction. I think I may have already covered that briefly, but it was just to highlight that, under the 1884 Act, that did not transfer ownership of land, as it were, to the Trust. It put it under the management and control, and land has been acquired, in the sense that it might more usually be understood, as in ownership, over time.

39. Today, over 80% of the Malvern Hills are within the Malvern Hills National Landscape, formerly known as Area of Outstanding Natural Beauty. Around 60% of the land under the conservators' jurisdiction is designated as a site of special scientific interest. Nearly all of it is open space accessible by the public, with an estimated million visits to the hills and commons every year. My Lord, there is an excellent book written by Pamela Hurlle back in the early 1980s, *The Malvern Hills: A Hundred Years of Conservation*, which traces the first 100 years of the Malvern Hills Conservators, in which she describes the achievement of the promoters of that first Bill, the 1884 Act, as significant and remarkable, particularly given the background of, on the one hand, seeking to secure public rights to enjoy the Malvern Hills, and, on the other, doing so without depriving landowners and commoners of their customary rights.

40. Is it possible to go to the next slide please? The Malvern Hills Act 1884—we have attempted to put extracts on the screen, but it is probably not that legible, I am afraid, but you do have the full copies in the R bundle if needed going forward. The Malvern Hills Act 1884 does put in place the building blocks that have enabled the Conservators to protect and manage these iconic hills for over 140 years. In very broad terms, that Act firstly established the Malvern Hills Conservators as a body corporate with power to hold and manage lands, with the conservators appointed variously by the vestry of the parishes of Great Malvern, Mathon and Colwall, and by identified manorial owners.

41. Secondly, it placed the lands specified in the Act—and this is a quote from

Section 13—“under the management and control of the conservators for the use and recreation of the public subject to any subsisting rights of common or commonable rights over or affecting the same and also subject to and in accordance with the reservations and conditions in this Act set forth”.

42. Thirdly, it empowered the conservators to take all necessary measures to keep the lands and open spaces within its jurisdiction free from enclosure and building, and, in respect of certain lands within Great Malvern, Mathon, Cradley, Colwall and Hanley Castle, to make by-laws to prevent nuisances and preserve order.

43. Fourthly, it empowered the conservators to take any proceedings and do anything for the protection of commonable rights.

44. Fifthly, it empowered the conservators to acquire certain types of land or certain lands within nine miles of the Great Malvern Abbey, now known as Great Malvern Priory, or to enter into agreements with landowners for making such land subject to the 1884 Act or any provisions thereof.

45. Sixthly, it provided for the appointment of a keeper or keepers, which have been more commonly referred to as rangers.

46. Finally, it provided for the financing of the conservators’ activities through the levying of a precept, to be paid through the poor rates of the parishes of Colwall, Mathon and Great Malvern.

47. Whilst the 1884 Act went a significant way towards addressing the issues that had arisen in respect of the hills and commons during the 19th century, it soon became apparent that there were matters that the Act did not, or did not sufficiently, address. In particular, by the early 1900s, there were considerable concerns about the extent of quarrying being undertaken on the hills, pursuant to the rights that had been reserved or retained by lords of the manor under the 1884 Act, and the adequacy of the financing available to the conservators. This led in turn to the promotion of what became the Malvern Hills Act 1909.

48. If we go to the next slide, please. Thank you. That Act did not, in the end, include powers for the conservators to buy out the rights of quarrying, the conservators being

unable to establish that they would have sufficient funds to compensate for the loss of those rights, but did extend the rate-paying or levy-paying area to include the parishes of Malvern Link and Malvern Wells, with corresponding changes to the Board of Conservators. It also reflected changes in parishes since the 1884 Act, empowered the county councils of Worcestershire and Herefordshire to make contributions to the conservators, and authorised the conservators to borrow and to invest money. The concerns about quarrying remained and it required a further Act for the conservators to acquire the powers they needed to take action to protect the Malvern Hills from such operations, and that was the Malvern Hills Act of 1924.

49. If we go to the next slide. Thank you. That Act also reconstituted the Malvern Hills Conservators as a body corporate, then comprising 25 conservators, some elected, some appointed, and more extensive financial provisions, including the establishment of a sinking fund. Only a few years later, it became apparent that the conservators' powers were not sufficient to preserve and manage the Malvern Hills, and that it was—and this is a quote from the recitals to the next Act—“desirable that further powers of protecting, controlling and dealing with the Malvern Hills should be conferred upon the conservators”. A further Act was therefore required and brought forward.

50. If we go to the next slide, please. That was the Malvern Hills Act 1930, which conferred further and specific powers on the conservators in connection with persons visiting the Malvern Hills for recreation and enjoyment, providing, amongst other things, for the provision of lavatories, the setting aside of parking places for motor vehicles—not, it seems, a burning concern back in 1884—and the licensing of refreshment stalls. It also empowered the conservators to set aside land on Malvern Common and Malvern Link Common, areas which Mr Bills will highlight in his presentation shortly, as areas upon which people could play games or hold meetings or gatherings for athletic sports. It also authorised the Conservators to enclose land on Malvern Link Common, not exceeding a certain acreage and not more than for a period of three months in any year, for the purpose of the holding of agricultural, horticultural or other exhibitions, circuses, fairs or shows. It also contained, for the first time, a power for the conservators to sell, lease or exchange land, subject to the conditions and restrictions set down in the Act.

51. By the 1990s, it had again become apparent that the powers enjoyed by the

conservators were not sufficient to enable them to make appropriate provision for the convenience and requirements of persons visiting the Malvern Hills, or for carrying out their functions to manage and deal with the Malvern Hills effectively and appropriately. A fifth Bill was therefore promoted, which became the Malvern Hills Act of 1995. This provided, amongst other things, an express power to authorise the construction, maintenance, alteration or improvement of roads or ways over land within the conservators' jurisdiction, providing access from private property to the highway. It also put on a statutory footing the right of access by the public to the Malvern Hills on foot and on horseback for the purpose of open-air recreation, subject to the conditions set out in the Act and any rules, regulations or by-laws. It also provided for the circumstances in which the conservators could prohibit or restrict access to all or part of the Malvern Hills for specified purposes.

52. It can thus be seen that, despite the laudable intentions and impressive efforts of the promoters of the original Bill back in 1884 and the earlier legislation, the history of the Malvern Hills Conservators demonstrates how changing circumstances have necessitated a return to Parliament to seek further or amended powers that enable them to carry out their primary duties of managing and protecting the Malvern Hills in those changing circumstances. That is the position that the Trust now finds itself in again and which has led to the present Bill before you.

53. After Mr Bill's presentation, I shall return to the Bill and provide a brief overview of its provisions, with the committee's permission. However, there are two points I would like to highlight at this point. The first is that each of the Acts that followed the 1884 Act has been additional to and has made amendment to the Acts that preceded it or them. There is an illustration of this on the right-hand side of the slide now in front of you. In very broad terms, it is a page from the 1884 Act.

54. THE CHAIR: Can I just stop you there? Where do I find what is on the screen? Can we put the maps away just now?

55. MS LEAN: Yes, my Lord. It would be helpful to put them to one side. Mr Bills will come back to them. If my Lords would like to see a clearer copy of what appears on the right-hand side of that slide, it is behind tab R6 in the reference bundle, section B.

56. BARONESS BAKEWELL OF HARDINGTON MANDEVILLE: While

Members are looking at this, can I ask: these amendments to the 1884 Act that you have before us on page 8 there—I cannot see the date that these were made. Was this in 1924 or 1934?

57. MS LEAN: My Lady, it is page 181, I am told, in the bundle before you, which may make it more clear.

58. BARONESS BAKEWELL OF HARDINGTON MANDEVILLE: Is it clearer in the other bundle?

59. MS LEAN: It will be clearer in the page in the hard copy bundle. What we have in the bundle, and with the copies of the other Acts that we have provided in this section, are marked-up copies. These have been marked up by, I believe, parliamentary agents over time to show provisions that have been repealed by later Acts. That is what you will see with Section 18 on the page in front of you. This is Section 18 of the 1884 Act, which was repealed by Section 27(4), Schedule 3 of the Malvern Hills Act 1995. The red lining shows that that is not there any more.

60. Similarly, on Section 19, the words ‘Colwall, Mathon and Great Malvern’ that are struck through about six lines down were replaced by Section 4 of the Malvern Hills Act 1909. Similarly, slightly further down in that section, ‘one half penny in the pound’ was replaced with ‘one penny in the pound’ by Section 4 of the Malvern Hills Act 1909.

61. We have put that on the slide in front of you to illustrate some of the practical difficulties in terms of navigating five Acts today, with provisions that have been repealed, part repealed, amended, updated and changed over time, in terms of a workable framework for the Malvern Hills Trust today. Also, my Lady, as I have mentioned, you do have in this section copies of each of the Malvern Hills Acts, and each of them up to the 1995 Act will have these annotations on them showing what has been repealed or amended or replaced in provisions of later Acts.

62. At the risk of repeating myself, the Trust today does have to operate within that framework of those five Acts, which make piecemeal provision for what it is required to do and what it is empowered to do. There is, for example, no one clear statement in one place of its statutory objects or duties. The most clearly expressed examples are the duties in Section 21 of the Malvern Hills Act 1924 and in Section 3 of the Malvern Hills

Act 1930. Nor is there any indication of what the Trust is to do in the event of a conflict or an irreconcilable conflict between what might be termed its conservation objective of preserving the hills and its recreation objective of public access. There are, in addition, just to add further layers of complexity to the legal framework in which the Trust operates, the duties and obligations that apply to it under other legislation, for example, in respect of those parts of the hills that are designated as SSSIs or that contain scheduled monuments.

63. My Lord, that was the first opening point to make in respect of the Bill. The second is that, as a body established by statute, the Malvern Hills Trust only has such powers as are expressly conferred or derived by reasonable implication from the provisions of the legislation that applies to it and may also do such things as are reasonably incidental to those matters that it is given express or implied authority to do. Your Lordships' committee will hear in evidence from the promoter's witnesses in due course, in particular Ms Susan Satchell, the Trust's governance change officer, who sits behind me today, the difficulties that attempting to work within this existing framework has caused and, in particular, the efforts and costs occasioned in trying to identify whether a particular action or activity the Trust needs to undertake is one that it is properly authorised to undertake under the existing Acts.

64. The Bill currently before this committee would address both of those two key issues that I have just referred to. It would consolidate the Trust's duties, powers and governance provisions into a single Act, with the powers contained in the Bill ensuring that the Trust can properly and efficiently manage the hills and commons in the present day and, so far as can be reasonably foreseen, in response to situations or needs that may arise in the future.

65. There are two further points that I would briefly make at this point. The first is that this Bill is, in part, a consolidating Bill. That is one of the reasons why I went through some of the provisions of what the different Acts did, because your Lordships' committee will then see echoes of that in the Bill as we go through it in due course. It is not solely a consolidating Bill and the promoter does not shy away from that. This Bill is about putting the Malvern Hills Conservators, to be known henceforth, if approved, as the Malvern Hills Trust, on the statutory footing that will enable it to properly manage the hills in accordance with its statutory purposes going forward.

66. The second is that, whilst there are changes proposed by the Bill, it is the promoter's position that the fundamentals of the Trust and its obligations, as enshrined in existing legislation, would not materially change. Firstly, the status and nature of the body corporate known as the Malvern Hills Conservators, to be known as the Malvern Hills Trust, would be unchanged by the Bill. It would remain a body corporate established by statute and with the powers conferred on it by statute, and also, separately, a registered charity, as it has been since 1984.

67. Secondly, its statutory purposes would remain the same, albeit now expressly set out in a single provision and with changes to wording to modernise those statutory objectives.

68. Thirdly, the duty of the trustees—persons currently known as conservators under the Acts—to act in the best interests of the Trust and to exercise their powers and function for the purposes of the Trust's objects remains unchanged.

69. Fourthly, the Trust will continue to be funded, in part, through the levy. The areas subject to the levy and those liable to pay the levy are not changed by this Bill. Further, the Trust's power to levy remains subject to the maximum amount and calculation of the apportionment of that amount that is to be charged to each relevant authority prescribed or provided for by the Levying Bodies (General) Regulations 1992.

70. Fifthly, the board of trustees will remain a combination of elected and appointed individuals, although the numbers, proportion and processes for election and appointment would change under the Bill.

71. As this is a private Bill, the promoter is mindful that it must prove the expediency and necessity of the Bill to the committee's satisfaction, in contrast to a hybrid Bill, where the principle would be established at Second Reading. Further, it must prove the expediency and necessity of the unopposed as well as the opposed clauses of this Bill, it being for the committee to consider both, as recorded—

72. THE CHAIR: That means that we have to look at each clause to see that each of them is justified.

73. MS LEAN: In theory, yes, my Lord. In principle, yes. My Lord, my reference

there is that it was recorded in the House of Lords minutes of proceedings 3 December 2025 that the unopposed clauses, as well as the opposed clauses, would fall to this committee to consider.

74. THE CHAIR: Even if a petitioner does not draw attention to any particular point, we still look at them all.

75. MS LEAN: Yes, my Lord. I am fully mindful of the fact that we will need to go through all of the clauses of the Bill and provide an explanation as to why they are there, what they do and why they are considered to be necessary and justified. My Lord, my slight qualification was that it may be that your Lordships' committee does not feel that you need to hear full evidence on all of those and it can be done through looking at previous provisions, but we will be in the committee's hands as to how the committee would like to best deal with the unopposed clauses.

76. My Lord, in terms of carrying out its obligations with regard to this Bill, the promoter will rely on the evidence of two witnesses in particular: firstly, Ms Susan Satchell, whom I briefly referred to a few minutes ago but who I will introduce more formally when she first comes to give evidence; secondly, Mr Jonathan Bills, the Trust's conservation manager, the officer who is responsible for leading on land management, strategy and delivery of the management plan for the hills and commons, and who has primary responsibility for liaising with the commoners and graziers who use the hills and commons. He will now give a short presentation on the same.

77. If I may just briefly introduce Mr Bills with his qualifications and experience for the record. Mr Jonathan Bills, as I mentioned, is the conservation manager at the Malvern Hills Trust. He has a degree in geology with physical geography, a master's in environmental conservation and has worked as a conservationist professionally for 23 years in local authorities and the charity sector. He has been working for 12 of those years at the Malvern Hills Trust. Without further ado, if I may hand over to Mr Bills—

78. THE CHAIR: Before we go any further, Lord Inglewood has another question.

79. LORD INGLEWOOD: Forgive me. You told us that the conservators—I am trying to use my words carefully not to get them muddled—registered the Trust, for want of a better word, as a charity and that that has been accepted by the Charity

Commission.

80. MS LEAN: The Malvern Hills Conservators has been a registered charity, as well as the body established by statute, since 1984.

81. LORD INGLEWOOD: They are still the conservators, as defined in the legislation, but are they technically trustees of a charity, or are they merely acting in a fiduciary way consistent with the approach of the Charity Commission?

82. MS LEAN: My Lord, may I just look briefly to my left to check I do not give you an incorrect answer? They are both, my Lord. They are charity trustees and the conservators under the Act.

83. LORD INGLEWOOD: They are both. The modus operandi of the conservators—let us call them that—is constrained principally by the legislation, but they have to act in accord with the rules of the Charity Commission, but, if there is a conflict, the statutory provisions prevail. Is that right, or does it not happen?

84. MS LEAN: My Lord, I am sure I will be told from behind if it has ever happened. I am told that it has not happened. Perhaps I can take that point away and just check what the specific legalities of that might be, in case there is a nuance I am missing.

85. LORD INGLEWOOD: What I am anxious to do is to think about the governance, exactly where the framework round that they have discretion sits.

86. MS LEAN: My Lord, perhaps if we could take that away. Certainly, when Ms Satchell comes to give her evidence on how the charity operates today from a governance perspective, we will make sure that we cover that point at that juncture.

87. THE CHAIR: I think, Mr Bills, it is open to you to make your presentation.

88. MS LEAN: My Lord, if I might, it might just be helpful to have those large plans accessible again, because there are a series of plans on Mr Bills' slides, but it may be easier to see exactly what is written on the plans from the bundle.

89. THE CHAIR: Yes. Which one do we look at first by number?

90. MS LEAN: Perhaps 489 and 490 to start with would be helpful, those two plans

we were just looking at, pages 489 and 490.

### **Evidence of Mr Bills**

91. MR BILLS: Firstly, thank you for this opportunity to speak about Malvern Hills. It is a very special landscape indeed. I am Jonathan Bills, conservation manager at Malvern Hills Trust, and I have been in post for 12 years. I oversee the conservation and land management of this large, complex and multi-designated estate. Today, I hope to set the scene to help you get to know the hills a bit better. I will firstly introduce the Malvern Hills and Commons, secondly give a short account of their history, then show you the differing types of land and, finally, take a brief look at some of Malvern Hills Trust's work outside.

92. The first map we can see is on your page 492 in your packs, shown on slide 12. The Malverns are a linear set of hills running north-south for about 12 kilometres—that is seven and a half miles—on the Herefordshire-Worcestershire border. You can see marked in yellow the line of the hills themselves, and they are broadly grouped into three: the northern hills at the top of your map there, the central hills and the southern hills towards the bottom of the map. On the far top right, marked in blue, is Old Hills. Two of the blue sections near Malvern town itself are Link Common and Malvern Common. You can also just about make out, on the right-hand side—that is the east—the River Severn flowing southwards.

93. The hills form the centrepiece of the protected landscape called the Malvern Hills Area of Outstanding Natural Beauty, now known as a National Landscape. This is shown in grey on that map. This declares the landscape of national importance. This broad designation covers hundreds of people's land. Malvern Hills Trust is just one landowner among many. Eighty-six per cent of Malvern Hills Trust land is covered by this designation.

94. Further protection and constraints are afforded by three SSSIs. That is sites of special scientific interest. These protect the nation's finest natural heritage. The first one you can see in yellow is the Malvern Hills SSSI. The second one in turquoise hatch, roughly half way down your maps, just under the town of Malvern itself, is Malvern Common SSSI. Moving south from there, there is another one marked in red hatch, which is Castlemorton Common SSSI.

95. Slide 13 shows a map of the registered common land. It can be viewed on your page 491. Eighty-nine per cent of Malvern Hills Trust land is common land. Common land is subject to the registered rights of common. The main rights here are the right of pasture and the right of estovers. The right of pasture is to allow one's livestock to eat the vegetation on someone else's land. The right of estovers is to collect fallen wood. These rights are listed in the relevant county commons registers held by the relevant county councils. The common land shown is split into geographical units and these are depicted in the key on the right of your maps.

96. Slide 14 is your page 493. This map shows the key historical features of the hills. These are designated as scheduled monuments. They are shown overlaid on a Malvern Hills Trust map. The first one visible is a red line that follows the very centre of the hills, from north to south. This is the scheduled monument called the Shire Ditch. Approximately two-thirds south down your maps is a black hatched area, and this is a hill fort called Herefordshire Beacon Camp, also known as British Camp. The final scheduled monument found on the Malvern Hills is in turquoise hatch, very near the bottom of your map. This is Midsummer Hill Fort, but this is owned and managed by the National Trust, not Malvern Hills Trust.

97. I hope that that has provided some useful context and now I would like to show you the land for real. If we can have slide 15, please. Here is a view of part of the northern hills. You can refer to your Bill plan pages 489 and 490. On the first of your maps, you can see the town of Great Malvern marked. Just west of there, that blue oval is the northern hills and you should be able to see the words "North Hill" and "Worcestershire Beacon" marked in the centre of that blue. This photo shows sheep grazing on Worcestershire Beacon, with North Hill in the background. You can also see the town of Great Malvern, just to the right of the hills in this picture. You can also see the extreme change in landscape that takes place between the flat plain of the River Severn in Worcestershire, on the right of the picture, meeting abruptly with the steep slopes of the hills themselves. These sheep are North Country Cheviots, which we find do very well indeed on the Malvern Hills.

98. Moving southwards, this photo is of Guarlford Road. Referring back to that same map page, if you find Great Malvern town once again, there is a long blue line that is straight and heading eastwards towards the River Severn. That is Guarlford Road going

through the village of Guarlford itself. Guarlford Road is a long stretch of highway running east-west for several miles. It is also registered common land. These verges here are often very broad and are punctuated with tree avenues, as you can see in this photo. This view is looking westwards towards Great Malvern town, with the hills looming large in the background.

99. Slide 17 shows Malvern Common. Again referring to your map and finding Great Malvern town, there is a large blue right-angled triangle just south-east of Great Malvern town. That is the area depicted in the photo. Malvern Common is a large area of grassland surrounded by homes. Once grazed, the high volumes of traffic put a stop to grazing and haymaking replaced it. That is still done today by Malvern Hills Trust. The resultant fantastic floral display has seen this area designated as a SSSI in 2018.

100. THE CHAIR: Is that area grazed over? The picture shows these flowers. Is it grazed or is it just left to grow?

101. MR BILLS: No, my Lord. It is just haymaking that is undertaken on the images you can see.

102. THE CHAIR: Yes, so hay from time to time to reduce the level and to allow the flowers to grow again.

103. MR BILLS: Exactly right, my Lord.

104. LORD INGLEWOOD: Are there any rights to graze on it any more?

105. MR BILLS: Yes, there are.

106. LORD INGLEWOOD: Do you buy them out?

107. MR BILLS: No, we have not done that, my Lord. On slide 18, we have a wonderful view of British Camp. You will find British Camp on the portrait map page. That is page 490. It is about half way down, adjacent to the words "Little Malvern CP". Just to the west of there, you can see, in blue writing, "Herefordshire Beacon". That is the land in the foreground of this photo. British Camp hillfort ramparts can be seen here. Looking northwards, we can see Worcestershire Beacon in the distance. This is the tallest of the Malvern Hills, at 425 metres. Also visible is the erosion scar running along

the ridge line of the central and northern hills. You can see that as the orangey-cream line on the very top of the hills. That is not a made-up footpath. That is erosion from the high numbers of visitors who come to enjoy the panoramic views. The panoramic views are, of course, best enjoyed from the very top of the hill, so that is the most popular route. What you can also see in this picture is a mosaic of grass, scrub and trees. This has changed through time, partly in response to grazing levels.

108. Moving southwards again to the largest of the non-hill commons, we have Castlemorton Common. This is just to the east, the very large blue block just south of Welland on page 490. At 275 hectares—that is 680 acres—it represents about one-fifth of the Malvern Hills Trust estate. It is still medieval in shape, habitat and the cultural practice of local people out pasturing livestock onto the common. Commoners' cattle here can be seen in this photo helping maintain the SSSI open habitats. By open habitats, I mean a variety of habitats that are not closed woodland.

109. I am now going to provide some historical context for you with some of the most significant moments from the hills' history. After the battle of Hastings, William the Conqueror established a series of royal hunting grounds called "Forests" across England, including at the Malverns. These lands were kept for the King's exclusive hunting. The land was covered by Forest law, which protected the venison—the deer—and the vert, which is the vegetation. The first map ever to depict Malvern Forest is shown on the slide, and that dates from 1628. To orientate you on that map, north is to your right and you can see a yellow block called the Link, which equates to Malvern Link on the other maps. Just to the left of the Link, you can see a black dot with the words "Much Malvern" next to it, which is the very old name for Great Malvern town. Moving south, i.e. to the left, from there, one can also pick up Welland, Castlemorton Common and at the very far end we are near Raggedstone Hill.

110. This map shows the area protected by Forest law, and it totals about 3,200 hectares. That is 8,000 acres. It protected this area for about 550 years. Change came in the 1630s, when King Charles I needed money to finance his debates with Parliament. In negotiation with local people, Charles claimed and sold off one-third of the royal Forest. Known as the King's Third, it is shown in red on the map on this slide. Both these extracts come from an educational leaflet about the ditches and banks that make up the King's Third on the Malverns. The map shows the areas making up the King's

Third edged in red. In exchange, Charles disafforested the remaining two-thirds, leaving people free of forest law. The majority of the King's Third land is now under Malvern Hills Trust's control.

111. As time went on, pieces of the hills and commons were bought and sold. Here we see an illustration of North Hill by Hollymount, Malvern. To orientate you, the houses you can see at the bottom left are the beginning of Malvern town itself. The word "Hollymount" can just about be made out above those properties, and that is now a part of Great Malvern town. Owned by Mr Hornyold, this piece has been fenced and enclosed, as you can see by the black line delineating his ownership where the fence would be. If you really look closely, you can even pick out the words "gates" marked on that line. I will just distinguish between enclosure, which is the legal privatisation of land, and encroachment, which is, effectively, stealing land and making it one's own. Relics of the metal iron fence that went around Mr Hornyold's land can still be found on the Malvern Hills even today.

112. Following the industrial revolution, the leisure revolution spread throughout England in Victorian times. More and more people had time to enjoy and many were drawn to the Malvern Hills by the walks, the views and the water cure, which was an early form of hydrotherapy. In this painting, we can see people picnicking and enjoying donkey rides up on British Camp. That view is looking northwards.

113. Slide 24. In response to this rapid change in the late 19th century, many actions and Acts to safeguard the countryside were taken across England. Having seen conservator bodies established by Acts of Parliament elsewhere, including Wimbledon and Putney Commons, local people discussed doing similar at Malvern. The poster you can see on the right of that slide dates from 1882. It is advertising a meeting for the freeholders, tenants and commoners to discuss the merits of such a Malvern Hills Bill. Ultimately, this did lead to the very first Bill in 1884. You can see Mr Ballard's name there. He was a prominent, well-known local engineer and his name appears in the Malvern Hills Acts several times. On the left there is a photo from the early 1900s. It depicts one of the very first boards of conservators.

114. Slide 25 shows the map that went with the 1884 Act. To orientate you, it is on its side once again, so north is to our right. The large rectangle of blue protruding from the

orange square is Link Common. You can once again see that large right-angled triangle in blue. That is Malvern Common. Down at the southern end of what is shown, the last blue parcel is British Camp hillfort once again.

115. Despite this Act, a major threat to the hills continued. In the past, quarrying had been small scale, but now large companies were eating away at the very hills themselves. The photos you can see there. The larger photo depicts North Quarry and Tank Quarry, which are immediately adjacent to Great Malvern Town. The size of the quarries, I hope, is helped for you to see them, as they are edged in yellow. The inset photograph is Gullet quarry, which is at the southern end of the Malvern Hills, adjacent to Castlemorton Common. That photo is from the 1970s.

116. Here we see another map. The third Malvern Hills Act 1924 went through Parliament with a mechanism to allow Malvern Hills Conservators to tackle the quarrying. Here is a good example of Malvern Hills Conservators needing to respond to new circumstances. This map is the same orientation, with north to our right.

117. Moving through to another map showing our jurisdiction today, the map you are looking at shows the current 3,000 acres—that is 1,200 hectares—of land under Malvern Hills Trust’s management and control. Hopefully you can see Great Malvern town on the right and the same long streak of blue heading towards the River Severn down at the bottom right of your maps, all the way through to the southern end of Chase End Hill at the top left of your map. Apologies that there are two north arrows on that map. The lower one is correct, so north is to the right.

118. What this map shows: first, in blue it shows ownership. By that, we mean the freehold is with Malvern Hills Trust. In red is jurisdiction land. This is land under Malvern Hills Trust management control but not necessarily owned by Malvern Hills Trust. Thirdly, in brown is lord of the manor. This means Malvern Hills Trust has the title of lord of the manor at this location. Fourthly, leased land is in green. This is where Malvern Hills Trust is leasing the land from another party and therefore bringing it under our jurisdiction. Finally, there is other, which is so small you will not be able to see it, but it is at an area called the Rhydd at the bottom of your map, almost meeting the River Severn. This refers to a tiny parcel where Malvern Hills Trust holds the possessory title, not the freehold.

119. It is a very varied landscape, giving much to explore to the visitor. Broadly, these lands can be put into six unofficial types, and I shall talk you through those six types with aid of some photographs shortly. Using the map that you are currently looking at, the first is suburban commons, which are the blocks of largely blue, which are surrounded by houses today; the highway verges, which are typically the long and very thin lines marked on that map; the northern and central hills, which is the largest blob of hills on the right and the slightly slimmer oval of hills to the left there; the southern hills, which are much more multicoloured. The red and the greens and the brown all sit within the southern hills. The fifth type is open flat commons, which include old hills in the bottom right corner and Castlemorton Common, above the word “jurisdiction” on your map. The final type is enclosed non-common land, which are generally very small fields that are hard to pick out from this distance.

120. Slide 29 shows three photographs. Many of the green spaces Malvern Hills Trust looks after are now surrounded by homes, making them important resources for many people of all ages. At Link Common, within Great Malvern itself, the 1930 Act allowed Malvern Hills Conservators to host fairs. Bottom left, we can see a Victorian fair on Link Common. Its modern counterpart, which you can see bottom right, is a charity event called Mapfest, which is a music festival held very recently, again, on Link Common. Also shown are pupils on a cross country race on Malvern Common. Malvern Hills Trust facilitates such events wherever this is possible.

121. Moving on to the highway verges. These are historic and modern highways. They are often flanked by broad treed verges, linear in shape and often very affected by traffic. Here we can see Guarlford Road on the left. On the right, we can see Malvern Hills Trust volunteers litter picking on Townsend Way, a relatively recently created road and verge. On your Bill plan page 489, Townsend Way is the long blue crescent of land just to the west of Madresfield.

122. Moving on to the northern and central hills, these are taller and broader Malvern Hills. They are very, very popular with visitors. These photographs show walkers on Sugarloaf. Again referring to 489, the words “Sugarloaf Hill” unfortunately are somewhat hidden, but they are under the words “West Malvern CP”. That is where you would find Sugarloaf Hill, just to the west of Great Malvern. We can also see paragliders on Pinnacle Hill, which is found in the middle of the central hills near to

Malvern Wells on your maps, and a cyclist and mobility scooter enjoying Worcestershire Beacon in the top photo. Now, this scooter that is shown in the photo is part of a project that Malvern Hills Trust runs in partnership with a local information centre, where members of the public can hire such scooters and take them up the very tallest of the Malvern Hills to broaden the range of people that are able to enjoy the highest of the peaks.

123. In terms of access rights, the Malvern Hills Acts grant a right of access on foot and on horseback throughout the estate and bicycles are limited to public bridleways or any permissive route that the Trust should set up.

124. LORD PONSONBY OF SHULBREDE: Can I ask whether there is any trail hunting in Malvern Hills?

125. MR BILLS: Yes, there is, my Lord, largely at Castlemorton Common.

126. Slide 32 shows an image from the central hills. This is Black Hill, which on your Bill plan 490 can be found just to the west of Upper Welland village, about a third of the way down that particular map. This is taken looking northwards, so you can just about make out the northern hills in the background there.

127. Staying with the northern and central hills, we can see some of the livestock grazing that takes place today. For hundreds of years these hills were grazed by commoners' livestock. However, on the hills this declined throughout the 20th century in a similar fashion to many other commons throughout England and came to a complete stop in 1990. Research by an MSc student, Sarah Davies, found the main driving factors on the Malvern Hills for that cessation to be an increase in dog attacks, collision between traffic and livestock, wandering livestock off the common land and poor returns as part of changes in wider farm economics.

128. BARONESS BAKEWELL OF HARDINGTON MANDEVILLE: Can I ask when this photograph, then, was taken of this livestock looking to be constrained by a fence and onlookers?

129. MR BILLS: These are very recent photos, my Lady. I will go on very shortly to explain both photos.

130. BARONESS BAKEWELL OF HARDINGTON MANDEVILLE: Thank you.

131. LORD INGLEWOOD: Would it be fair to say the reason grazing stopped was it was abandoned by those who were entitled to do it?

132. MR BILLS: Those with commoners' rights, yes. The livestock and graziers shown in these two photos are part of a long running grazing project by Malvern Hills Trust that saw animals return to the hills in 2002 thanks to grant funding. On the right, we can see John Chance and his cattle. On the left, we can see his son Ben looking after some of those North Country Cheviot sheep on the northern hills.

133. THE CHAIR: Who owns these stock? Is it the Trust that actually owns them or are they brought in by other owners with the permission or encouragement of the Trust?

134. MR BILLS: The Trust advertises and licenses the grazing on the hills and the successful licensee is the owner of the livestock.

135. THE CHAIR: It is all part of maintaining the structure of the land presumably to encourage the growth of flowers and ecology in general. Is that the idea?

136. MR BILLS: That is right. Livestock delivers many of the important features including access, views, habitats and showing off the archaeology. It is very much the recommended form of management. The grazing shown uses temporary electric fence compartments to focus the grazing efforts. You can make out the electric fence on the right-hand picture and you can also see one of the access gates, which is green. There is a sign on that hand gate telling the public that there are livestock present and why they are there.

137. These compartments are rotated around the northern and the central hills all year round. Public access continues and it is via those hand gates. It is a very hard task, with the number of visitors, the difficulty of the landscape, the weather, the lack of water available for the stock, constant problems and a demanding landowner too. It is no easy task to look after livestock on those hills, hence why it stopped in 1990.

138. BARONESS BAKEWELL OF HARDINGTON MANDEVILLE: Those people are standing on a metal surface. Is that a footpath or a bridleway? What is the status of that?

139. MR BILLS: I believe that is not a public right of way. It is a surface path created by Malvern Hills Trust. In fact, it is one of our easier access trails, good for prams and mobility scooters.

140. BARONESS BAKEWELL OF HARDINGTON MANDEVILLE: It is open to the public.

141. MR BILLS: Yes, all the land is open to the public.

142. THE CHAIR: Going back to the problem of water, are there springs on the hills themselves or do you have to go to lower ground to get access to water.

143. MR BILLS: You mean to water the livestock.

144. THE CHAIR: Yes.

145. MR BILLS: There are a whole series of springs and spouts around the Malvern Hills, but these are not used because the livestock would make a horrendous mess next to them and they are very valued features in themselves. Instead, water is bowsered up the tracks and put in agreed positions to allow the livestock to drink.

146. LORD INGLEWOOD: Is the management of the grazing done via the general schemes that the commons registration and subsequent legislation have established or is this a private arrangement between all those who have rights to graze and the landowner within the framework of keeping the place as it is now? Is there a whole layer of commons councils and things in here or do you do it all privately? How does that work? I know in other places all this is very controversial.

147. MR BILLS: My Lord, there is no commons body for this particular area that we are talking about, but, in the effort to return animals to the hills, various bodies were consulted on the package of what needed to be delivered and why, so, for example, to achieve what Natural England wanted for the SSSI and so on. That opportunity was advertised to everyone, specifically those with commoners' rights, but it was not limited to those with commoners' rights, in case none came forward. At present, the successful licensee delivers that package and the grazing documents that we want for the hills. He is not a common rights holder.

148. LORD INGLEWOOD: What, if anything, is there to stop someone with common rights just putting them on the fell?

149. MR BILLS: Nothing at all. They need not let us know. They could take their sheep, geese or cattle up there and let them loose. They would not be able to electric fence them in because they do not have the power to do that. What, of course, they could do is shoo their animals into our electric compartment and we would simply have to reduce our numbers to accommodate their commoners' rights.

150. LORD EVANS OF GUISBOROUGH: How many licences do you issue?

151. MR BILLS: There is one grazing licence for the northern hills, one for the central and one for the southern, my Lord.

152. LORD PONSONBY OF SHULBREDE: What is the position with wild deer?

153. MR BILLS: There are not large numbers of deer on the hills themselves. There are, however, large numbers of deer, mainly muntjac, in the periphery. The hills are far too busy for deer, but in the woodlands and foothills, some of which Malvern Hills Trust owns, there are high numbers of muntjac. The locations of these livestock compartments are advertised in the local newspaper, on our website and on a subscribable update called Stockwatch. This allows people to avoid the livestock on the hills, if they so wish, or to seek them out. They are amazingly popular, in fact especially with people taking selfies on the Malvern Hills to get the animals in the background.

154. Moving on to a different type of land, the southern hills are much smaller than the northern and central hills. They are much more remote with fewer roads and much less access infrastructure. They are more tranquil and have much better dark night skies, being that bit further away from any town or village. They are made up of Chase End Hill, Raggedstone Hill, Broad Down and British Camp. Referring to your plan on page 490, you are largely looking at British Camp hillfort, again southwards to the final Malvern hill that is coloured in.

155. Moving on again, we have the flat open commons. These are less popular with visitors, certainly less popular than the high hills, because they do not command such views. The larger flat common still home to active commoning today is Castlemorton

Common. These three photos are from that common. You can see commoners' cattle grazing the SSSI habitat on the right, commoners' sheep on the top left in the frost and a member of the public enjoying a horse ride on Castlemorton Common. Ponies can also be found at Old Hills, which is that block of land at the top right of your page 489. You can see the red dot on the bottom left.

156. Moving on, our final type of land present is enclosed non-common land. These are normal fields, generally on the lower slopes of the hills, and they are not subject to rights of common.

157. Changing topic now to some of the key features and places that you will read about and hear about in the Bill, we start with the left photo there. You have seen snippets of it so far, but that is a whole photograph of the amazing British Camp Iron Age hillfort. It is one of the finest hillforts in the United Kingdom. It has layers of history making up that amazing almost wedding cake-like shape: Bronze Age mounds, Roman features and, of course, the Iron Age hillfort itself. As well as layers of history, it has layers of protection. It is, of course, within the AONB; it is covered by the SSSI; and it is one of our three scheduled monuments. It is heavily, heavily protected.

158. The photo on the right there shows St Ann's Well. This was built around the site of a natural spring and now houses one of the many Malvern water spouts where people come to collect Malvern water. The building itself is grade 2 listed and is leased out as a café. In terms of the location of St Ann's Well, again, referring to page 489, it is located very close to the "G" of Great Malvern. It is half way up the Malvern Hills from that "G".

159. Moving on to Section 38, we have mentioned SSSIs, sites of special scientific interest, many times but in quite a dry legal fashion or based on maps. This slide has two photographs showing what it is that they are actually protecting. These are two habitats that the SSSIs are notified for. At the Malverns they also are notified for the ancient geology, but in these two photos we can see acid grassland on the left, on Raggedstone Hill, which is comprised of small herbs, lichens, moss and waxcap fungi. On the right, we have Malvern Common. This is a meadow with a huge variety of grasses and herbs, including three species of orchid that you can see in flower in the foreground on that shot with St Andrew's Church in the background. The orchid walk on Malvern

Common is by far our most popular public event that we run every year.

160. Woodland has not had much of a mention so far. This slide shows a fantastic piece of ancient woodland with a carpet of wild garlic on the floor. Woodland today covers approximately a third of the Malvern Hills Trust land. We have some ancient woodland. That is woodland that is older than 400 years. That covers just 3%, including Park Wood, which is shown on the right there. Some of these woodlands are SSSI habitats. The remaining woodland that is not ancient is called secondary woodland, and that basically means it has grown up in very recent times.

161. THE CHAIR: Are there forestry plantations? I have not seen any sign of them so far.

162. MR BILLS: You are absolutely right. There are some small plantations, the largest of which is called Thirds Wood. It is a large plantation found on the central hills.

163. THE CHAIR: What about bird life? Is there much significant bird life of ornithological interest?

164. MR BILLS: Yes, the hills have great ornithological interest. Highlights include tree pipits, peregrines and stonechats. Many species of warbler can be found. Unfortunately, we have lost quite a few species that used to be on the high hills, but, on the same note, we are gaining some species as well, such as little egrets.

165. THE CHAIR: Do you have nightjars?

166. MR BILLS: Again, historically they have been there. Thank you, my Lord.

167. Moving on to a very brief look at some of the work that Malvern Hills Trust does, slide 40 has two photographs. The top one shows Rich, one of our rangers. The rangers are out and about on the hills and commons most of the time. They patrol the hills; they assist the public; they enforce the by-laws; they maintain the car parks; they undertake minor vegetation works; and they are first responders to issues we have on the hills. They beat the bounds, meaning that they check the perimeters of our land once per year to find any signs of encroachment. That is still a real issue.

168. The second photo there shows some of our wonderful volunteers. We have

volunteers who help out the Trust inside with admin tasks, but the majority of volunteers are undertaking practical tasks outside to help maintain the estate. Tasks they might do include path work and maintaining some of the habitats. Here these volunteers are at Old Hills. You can see a selection of their tools in the back of the pick-up and the area that they have cleared just on the left there. Without their effort, it would rapidly turn to bramble, scrub and trees and lose the open nature that so many are so fond of. They also undertake coppicing in Park Wood, which was the woodland photo we saw previously.

169. The final photo for you shows our field staff. Here they are showcasing some of their machinery, their tractors and sidearm flails, at one of our car parks and discussing the Trust's land management with the public as they pass through that car park. The field staff do the heavy lifting. They maintain the paths, empty the bins, undertake tree safety works and through summer undertake a lot of mowing to keep areas open and usable for all users.

170. My final slide is my references. I hope that gives a good tour of the hills and you find it useful background going forward. Thank you.

171. THE CHAIR: Thank you very much indeed. Does anybody have any further questions? Thank you very much. That was very nicely presented.

172. LORD PONSONBY OF SHULBREDE: How many people do you employ?

173. MR BILLS: The Trust has 21 staff, but they are not all full-time.

174. THE CHAIR: The funding to enable you to employ staff—is somebody going to explain to us how the funding arrangements, the levy and other contributions, are deployed and how the accounts are managed?

175. MS LEAN: Yes, my Lord. I anticipate you will be hearing from Mrs Satchell on the funding matters and governance arrangement.

176. THE CHAIR: Yes, when we get into the detail of the Bill.

177. MS LEAN: Yes.

178. THE CHAIR: Thank you.

179. LORD INGLEWOOD: Can I ask one question? Just as a general point, you talked about the reduction in the number of birds. Thanks to all the things that are going on in the world—visitor pressure, global warming or whatever it happens to be—is the whole character of the Malvern Hills changing as we sit here or is it essentially stable?

180. MR BILLS: No, I would say it is changing. You are quite right. There are large-scale factors at work that we cannot control, such as climate change. There are local factors that we do not know a lot about, such as nitrogen deposition, but what we certainly know is that the winters are milder—there are fewer snow and frost days—and therefore control of plants like bracken is very tricky. That is certainly spreading and difficult to manage.

181. LORD PONSONBY OF SHULBREDE: Do you roll bracken to try to keep it under control?

182. MR BILLS: We aim to roll it twice a year or cut it twice a year.

183. THE CHAIR: Does anybody keep a check of, for example, the extent to which butterflies are expanding or reducing? Species are expanding, so it seems. Are you able to monitor that kind of thing? The bird life I mentioned earlier—does anybody monitor the way the bird life is developing, with new species coming in and other species leaving you?

184. MR BILLS: Yes, they do, my Lord. We are very fortunate, in that, because the hills are so attractive to naturalists, people who enjoy the outdoors, there is a whole suite of volunteers who undertake breeding bird surveys in their own time, including myself, and butterfly transects too. They pass the data on to Malvern Hills Trust. We absorb that into our land management plan to help know what is going on and how best to manage it.

185. THE CHAIR: Good. Where do we go from here, Ms Lean?

#### **Further statement by Ms Lean**

186. MS LEAN: My Lord, I am afraid it is back to me for probably a slightly drier overview of the provisions of the Bill, with Your Lordship's permission. It would perhaps be helpful to have open a copy of the filled Bill, which you have in the bundle

of reference materials, document 1. The text of the Bill itself starts at page 26 in that bundle.

187. THE CHAIR: Are we looking at the filled Bill?

188. MS LEAN: It is the filled Bill with amendments that have been included in the light of discussions with House of Lords counsel and others. There will be coloured markings in this one, which show text that has been deleted from the Bill as originally deposited, and the amendments that have been made to the text. This would be the text of the Bill that we would be asking Your Lordship's committee to consider.

189. THE CHAIR: Which page?

190. MS LEAN: It starts at page 26. That is the title page and the contents page, I hope. My Lord, forgive me. It seemed like it might be easier to do it from the hard copy rather than trying to put it on screen because of trying to jump to and from pages.

191. My Lord, if I may provide just a short overview at a high level of the contents of the Bill, there are obviously nuance and qualifications to each of the provisions, but I am afraid, if I try to do a more detailed run through, we may still be here on Thursday. When we come to look at the individual clauses, we will, of course, draw out particular points for the committee's attention, but today I will just give a high level gisting of what the Bill contains, and in doing so I will seek to highlight the provisions that have particularly featured in petitions and which are therefore likely to feature most prominently in the hearings before the committee.

192. My Lord, going from the contents page to start, Part 1 of the Bill contains fairly standard introductory provisions. It includes the short title, makes provision for commencement, defines key terms used in the Bill and defines what is meant by "the Malvern Hills" or "the existing Malvern Hills", as there are some places in the Bill where a distinction is drawn between land that is currently under the Trust's jurisdiction today and land that it may acquire for different purposes going forward.

193. Part 2 provides, first, for the formal renaming of the Malvern Hills Conservators as the Malvern Hills Trust. That is Clause 5. For the first time, it specifies in a single provision the objects of the Trust. My Lord, that is in Clause 6. If it is helpful to look at

the text of Clause 6 itself, that starts on page 36.

194. My Lord, two points to highlight here. First, the objects specified are for the benefit of the public a) to protect, conserve and maintain the landscape, natural appearance, habitats, flora and fauna, geology and archaeology of the Malvern Hills, and b) to keep the Malvern Hills unbuilt on as open space for recreation and enjoyment of the public.

195. It also incorporates within Clause 6 what is known as the Sandford principle. That is in Clause 6(2). In broad terms, if there is a conflict between the conservation objective in Clause 6(1)(a) and the recreation objective in Clause 6(1)(b), the conservation objective is to be given greater weight. No doubt we will return to this provision in due course as both the Sandford principle and the articulation of the statutory purposes, in particular the move away from the term “natural aspect”, which appears in Section 21 of the Malvern Hills Act 1924, are matters raised in several petitions. My Lord, just at this juncture I would note that the Sandford principle is one which finds statutory footing for national parks in Section 11(a) of the National Parks and Access to the Countryside Act 1949.

196. My Lord, going back, if it is helpful, to the contents page on page 26 of the bundle, Clause 8 of the Bill provides for the new constitution of the Trust. The Trust board currently consists of 29 trustees: 11 are directly elected by those on the electoral roll for the parishes of Colwall, Guarlford and Mathon and the area of the former urban district of Malvern; 17 are appointed by local authorities; and one is appointed by church commissioners.

197. LORD EVANS OF GUISBOROUGH: Are all those vacancies filled regularly?

198. MS LEAN: Not all the vacancies are filled all of the time. Under the arrangements proposed by the Bill, the proportion of directly elected trustees would increase from 38% to 50%, so those which are directly elected by those on the electoral roll. Those six elected trustees would be collectively elected by all those within the Trust’s electoral area rather than, as today, each parish or district ward voting for a particular trustee. There would not be a Guarlford elected trustee and a Colwall elected trustee. All those in the electoral area would be able to vote for all six of the elected trustees.

199. THE CHAIR: Is the electoral area the same as the levy paying area?

200. MS LEAN: Yes, my Lord.

201. THE CHAIR: Does it follow that every person who is paying a levy has a right of election?

202. MS LEAN: Yes, my Lord.

203. THE CHAIR: The terms are interchangeable, are they, “electors” and “levy payers”?

204. MS LEAN: My Lord, if I could just look briefly left because Ms Lewis was, I think, trying to tell me something. My Lord, in practice they are the same, but they are differently defined under the legislation. That is the nuance.

205. THE CHAIR: Some petitioners define themselves as levy payers and others say “levy payer/elector”, but it is the same thing.

206. MS LEAN: In practice it is the same thing. It is just that, because of the slightly checkered history of the legislation, if I may put it that way, different things are referred to slightly differently in different places, but perhaps we can make sure that we pull that out for you. No, in practical terms, if you pay the levy, you are a person who is entitled to elect.

207. My Lord, in terms of who may stand as an elected trustee, Clause 18 of the Bill would extend the eligibility of those who can stand to be elected as a trustee to include persons with a registered address in a parish in which any part of the Trust’s land was situated or within one mile of the boundary of any such parish. That is an extension on the situation today. Again, Mrs Satchell will go into this in more detail when we come to these points.

208. I am very mindful, in opening, that this is a controversial area for a number of petitioners, and I do not want to pre-empt or be seen to be trying to pre-empt too much what we may address in evidence when petitioners come before you.

209. LORD EVANS OF GUISBOROUGH: Does that difference mean that there are people who can stand for election but cannot vote, or does it mean there are people who

can vote but cannot stand for election, or does it mean both, perhaps?

210. MS LEAN: The former, my Lord, is how I understand it. There will be people who can stand for election who are not able to vote for themselves. It is part of what was considered desirable to broaden the group of persons who could stand to be elected as trustees, but, again, Mrs Satchell will go into the ins and outs of that a bit more when she comes on to give her evidence. Yes, there will be people who can be elected but cannot vote.

211. LORD EVANS OF GUISBOROUGH: Thank you.

212. LORD INGLEWOOD: That means do not pay.

213. MS LEAN: They are not people who pay the levy in that sense, yes.

214. My Lord, Clauses 14 to 17 of the Bill make provision for the six appointed trustees, including the establishment of a nominations committee, which is to identify suitable candidates for appointment as trustees. Appointed trustees must be persons who, among other requirements, appear to the trustees to have special knowledge, experience or ability in one or more specified disciplines—charity governance; management of land; the protection or conservation of the environment; financial, human resources, public relations or legal matters—or are otherwise appropriate to the efficient, effective and economic discharge by the trustees of their functions. I am sorry. That was slightly wordy. It is the language that you find in Clause 14. Again, this is an area that is been raised by a number of petitioners and their petitions, so I am sure that we will get into that in more detail in due course.

215. Part 2 of the Bill also makes provision for terms of office, the conduct of elections, disqualification and resignation of trustees, what is to happen in the event of a vacancy and disciplinary procedures.

216. Part 3 of the Bill—the contents are on page 27—contains provisions to finance. The levy provisions, which remain substantively unchanged, are found in Clause 33.

217. Clause 36 retains the provision for contributions by Worcestershire County Council and Herefordshire Council, which was initially included by the Malvern Hills Act 1909.

218. Clause 35 consolidates existing powers to borrow and to mortgage land into a single provision, with a requirement for consent from the Secretary of State in respect of existing relevant land, which is any part of the Malvern Hills under the jurisdiction of the Trust today, with some exceptions.

219. Part 4, the contents of which start on page 27, is concerned with public access and management of the Malvern Hills. As with Part 2, the powers in this section have featured prominently in a number of petitions.

220. Clause 38, which is entitled “Public Access to the Malvern Hills”, restates the right of access by the public to the hills on foot or on horseback for the purpose of open-air recreation, that previously being found in Section 15 of the Malvern Hills Act 1995.

221. Clauses 40 to 42 continue the duties on the Trust to keep the Malvern Hills unenclosed and give powers to take action to prevent enclosures and to protect trees, et cetera, including preventing unlawful felling or unlawful removal of stone, soil or gravel or damage to the hills.

222. Clause 44, which appears on the contents page at page 28, is “Rights of Common”. This is one that is raised by some of those who are commoners who have petitioned. It provides that the Trust may by all lawful means regulate the exercise of any rights of common exercisable over the Malvern Hills. I merely highlight here that power is not new. It goes back to Section 10 of the Malvern Hills Act 1884. Similarly, the power to make by-laws, including those regulating the use or enjoyment of any rights of common, also finds precedent in the earlier legislation.

223. My Lord, I should pause here. I mentioned very briefly in opening that you will find in the reference bundle a note on origins. There we have sought to provide a document of where you will find provisions in the Bill before you, where they appear in earlier legislation.

224. THE CHAIR: Yes. It is an extremely complicated document at first sight.

225. MS LEAN: It does involve a very large table and lots of documents open to navigate, but hopefully when we are looking at the individual clauses it will be easier

than reading it in one go.

226. Clauses 45 to 49, which appear under the subheading of “Access to and fencing, etc of the Malvern Hills” in the contents page at page 28, provide for, first, the restriction or prohibition of access to the Malvern Hills or parts thereof for specified purposes. That reflects provisions previously found in the earlier legislation. My Lord, in particular, that is Clause 45. It also contains powers regarding fencing. Now, the existing legislation does contain some powers with regards to fencing, but further powers are sought through this Bill. That is something that has been raised by a number of petitioners. My Lord, I merely say that they will no doubt be the subject of detailed consideration as we go through, so I will just at this juncture highlight that, of course, any powers will have to be exercised consistently against the backdrop of the Trust’s statutory powers in Clause 6 of the Bill.

227. Still on the contents page at page 28, under the subheading “Management of the Malvern Hills”, the committee will see this concerns things like paths and ways, access roads, sheds, parking places and licensing. Those clauses make provision, among other things, for the licensing of stalls, the provision of parking places, lavatories, sheds, seats and shelters and the setting aside of land on Malvern Common and Link for games and fairs and suchlike, a number of which largely replicate powers that are in the existing legislation with some non-material amendments or extensions.

228. Clause 55 is one that has been mentioned in a number of petitions, “Access roads”, and this largely replicates the power I mentioned a little while ago in the Malvern Hills Act 1995 about being able to authorise the construction, maintenance or alteration of roads or ways that provide access from private property to the highway across Trust land.

229. The power in Clause 63, “Licensing of other activities”, is a new power, but, as Mrs Satchell will explain in her evidence, it essentially puts on a statutory footing a practice that the Trust has adopted by which it asks organisers of events or commercial users to obtain a licence from the Trust in respect of a proposed event or activity to ensure that there can be a proper assessment of the potential impacts of that organised event or activity on the hills and for other users of the hills.

230. Again, that is something that is raised by a number of petitioners as to how it

operates and what it would or would not do, so I do not propose anything more about it at this juncture other than to note that a concern had been expressed in some petitions about the power to charge a fee in Clause 63. This has been amended in the copy of the filled Bill before you, and you will see that Clause 63 starts at page 78. It is subclause (6).

231. THE CHAIR: It is subclause (6), is it?

232. MS LEAN: It is subclause (6) on page 79. These are amended provisions to those in the Bill as initially deposited, and subclause (7) makes explicit essentially that no fee may be charged to individual users in respect of their use of the Malvern Hills on foot or on horseback for the purpose of open-air recreation pursuant to their right of access, which we find re-provided in Clause 38.

233. My Lord, it is a slightly involved provision, but I wish to highlight that because that is one where there has been a concern particularly raised and there has been a change since the Bill was deposited. My Lord, while we are here, we might as well go to page 80 for Part 5 rather than going back to page 26.

234. Part 5 of the Bill is about byelaws. Again, byelaw making is not a new power. It goes right back, in one form or another, to the 1884 Act. My Lord, I just flag here that the note on the origins of the provisions of the Bill sets out in detail, by reference to each of the subparts or purposes in 65(1), the different purposes for which byelaws may be made where you find the corresponding provision in earlier legislation.

235. The Bill does contain a new power to issue fixed penalty notices in respect of breaches of byelaws. That is Clause 68, which you have at page 83. Again, it is a matter that has been raised by a number of petitioners and so no doubt will be the subject of evidence and consideration in due course.

236. Part 6 starts on page 86. If I may, just at a high level, I would highlight that it contains various provisions to do with land. It retains the existing power of the Trust to acquire certain land within nine miles of Great Malvern Priory and to dispose of certain land.

237. Clause 74, which you have at page 89, puts a power to lease or license land on an

express statutory footing in terms for the first time.

238. Clause 75, “Ancillary land”, is based on the power that was found in Section 9 of the Malvern Hills Act 1995 for the Trust to acquire buildings with or without land in connection with its functions. It allowed for things like acquiring office space and suchlike. Now, Clause 75 of the Bill makes clear the Trust can acquire land with or without buildings and that the purposes for which it can do that includes, in Clause 3(f), the keeping or management of livestock. I highlight that because, again, the power to acquire land for this sort of purpose is something that comes up in some of the petitions.

239. Clause 77 on page 92 addresses St Ann’s Well, which Mr Bills showed you on one of his later slides in his presentation. Again, there have been powers and provisions concerning St Ann’s Well going back in the earlier legislation. There are some amendments and nuances, but I just highlight that that provision is there.

240. Clause 78 on page 93 concerns the grant of easement, et cetera, between utilities under, over or on Trust land. Again, that is not a new power—it is in the 1995 Act—but it appears in this section whereas in the 1995 Act it appeared with the access roads, which is now in Part 4 of this Bill.

241. Part 7 of the Bill contains general and miscellaneous provisions. That starts on page 96. Of most importance, or most import, certainly, in the petitions that have been raised is what you find in Clause 83, “General power of the Trust”.

242. THE CHAIR: Is there such a general power in the previous Acts?

243. MS LEAN: No, my Lord.

244. THE CHAIR: This is new.

245. MS LEAN: This is a new provision providing for a new general power. It is raised in a significant number of petitions. Again, I do not want to get ahead or pre-empt unduly, but, if I may, I would highlight three points that appear on the face of the clause itself.

246. First, the Malvern Hills Trust would not be able to exercise the general power if it can exercise a power contained in another provision of the Bill or any other enactment

to do the same thing in question. That is Clause 83(2). If you have a specific power to do it, you cannot get around that by trying to rely on the general power instead. Secondly, the general power expressly does not include or confer power to acquire or dispose of land or grant any interest in the land; to borrow or raise money, including by levy or precept; or erect any building, fencing or other type of enclosure on the Malvern Hills. That is 83(3). Thirdly, the power can only be exercised to further the Trust's objects and is subject to the provisions of the Act and any other enactment passed before or after this Act. That is in Clause 83(1).

247. Those are just three important qualifications or restrictions that appear on the face of the Bill, but I am sure we will be returning to this general power in due course. Just to highlight, of course, as I mentioned a little while ago now, that power has to be viewed in the context of the Trust being a body corporate, established by statute, with the restrictions or qualifications on its competence that that carries with it.

248. My Lord, finally, there are seven schedules to the Bill. I do not intend to go through all of those, but certainly I will just highlight Schedule 4, which I anticipate may need some consideration, which concerns miscellaneous powers of the Trust. That starts at page 108. This identifies a number of things that the Trust may do.

249. My Lord, before I conclude my opening, I should say something briefly, I think, about petitions, as I have alluded to them going through. Fifty petitions have been lodged against this Bill. That number of petitions no doubt reflects the importance that many attach to the Malvern Hills and commons and the strength of feeling regarding it. It does not mean it is a bad Bill and, as is apparent from Ms Hurle's excellent book, which I referred to right back at the beginning of my opening, strong feelings and indeed conflicting views about management of the hills have been a common feature since the outset.

250. I would also note that, of course, your Lordships' committee will only be considering petitions from those who have objected to the Bill, not from those who may support or are neutral about its provisions.

251. THE CHAIR: It is a feature of these proceedings that, obviously, people who object come here with petitions, but it is a one-sided presentation, really.

252. MS LEAN: Indeed, my Lord. It is just always helpful to put in context that, of course, those who come before your Lordships' committee are those who are objecting to the Bill. It is not the same practice for those who support it. They do not tend to petition and appear.

253. Similarly, your Lordships' committee will no doubt have seen or deduced from the petitions that there are some trustees or conservators who are not supportive of the Bill. Again, my Lord, as we can see from Ms Hurle's text, disagreements between conservators is also not a new phenomenon.

254. To the extent necessary, the promoter will address issues that are raised about that or criticisms that may be made of the Trust during the course of hearings as appropriate, but I would stress that the focus of its evidence will be on why, objectively, the Trust says this Bill and the powers contained within it are needed to place the Trust on a sound statutory footing today and for the future.

255. I should also perhaps make a brief reference to the challenges the promoter has made to the right to be heard of a number of those petitions. The promoter has produced a note that sets out its approach to such challenges, a copy of which has been sent to all of those challenged and I understand was sent with a letter to the committee's Clerk in December. As the committee is scheduled to hear from the first of those this afternoon, I do not go into any of those points at this point.

256. I would simply highlight two matters of general application. The first is that the rules and practice relating to a right to be heard have a long-established history in both Houses of Parliament. They were established by Parliament to govern the proceedings before it. A committee cannot in general consider whether or not to hear a petition unless the right to be heard of that petitioner is put in issue by the promoter, and in recent years promoters of Bills such as the present have been encouraged, in effect, to police the rules of standing by raising challenges where there appear to be grounds to do so in order that the relevant committee can itself consider whether the petitioner should be heard, and the decision is ultimately one for this committee.

257. THE CHAIR: We saw the value of that in the HS2 Bills, where an enormous number of people objected to HS2 for obvious reasons, but under the rules it was only people whose property or interests were especially or directly affected who could appear

as petitioners. There was a considerable narrowing of the number of people who could properly make presentations against that Bill.

258. Each Bill tends to have its own character, and this one is quite unusual, is it not? Do you have any examples of a consolidation and amendment Bill, which is what this one is all about, as opposed to one that is acquiring or reorganising rights of property over land?

259. MS LEAN: My Lord, in the bundle of materials that we have provided on the right-to-be-heard matters, there is certainly one Bill contained within that which was certainly at least in part a consolidation Bill that was promoted by the City of Westminster, which was to do in part with the regulation of street trading. I am happy to go to that this afternoon. I am conscious that I do not want to pre-empt.

260. THE CHAIR: No, I understand.

261. MS LEAN: I merely seek to highlight at this point that, in pursuing right-to-be-heard challenges, it is not that the promoter is seeking to try to shut out people who have things they want to say about the Bill. It is working within the framework and the guidance that has been set as to what is expected of promoters in the context of private Bill business.

262. The second point I just wish to highlight in that regard, my Lord, is that, if your Lordships' committee were to conclude that a particular petitioner does not have a right to be heard, it does not necessarily follow or thus follow that the issues that they have raised will not be considered by this committee. As I have mentioned, as a private Bill, we have to establish the case for the Bill and all of the clauses in it.

263. We are mindful also of the terms of the instruction given to this committee on Second Reading, which make clear the breadth of matters that the committee is to or may consider. My Lords, you have a copy of the Second Reading debate and instruction in the bundle of reference material, just in case it is easier to have that to hand.

264. My Lord, that concludes my opening statement, save one quick point. I mentioned at the outset the material we provided to the committee this morning. I can confirm that copies of all of those materials are on the Trust's website and that links to that have been

sent to those petitioning against the Bill, so it is accessible to petitioners. We will also ensure that there is a hard copy of that material available for use by petitioners in the committee room when they come before the committee.

265. My Lord, with that, I commend this Bill to the committee.

266. THE CHAIR: Thank you very much. I think at that point we adjourn the proceedings and resume at 2 pm. Thank you very much.