



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 26 February 2016

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

PUBLIC BILL COMMITTEE

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order to be proposed by Mr Robert Goodwill.

Mr Robert Goodwill

To move, That the Bill be considered in the following order, namely, Clause 1, Schedule 1, Clause 2, Schedules 2 and 3, Clause 3, Schedule 4, Clause 4, Schedules 5 and 6, Clause 5, Schedules 7 to 9, Clause 6, Schedule 10, Clauses 7 and 8, Schedule 11, Clause 9, Schedule 12, Clause 10, Schedule 13, Clause 11, Schedule 14, Clause 12, Schedule 15, Clauses 13 to 15, Schedule 16, Clauses 16 to 20, Schedule 17, Clauses 21 to 25, Schedule 18, Clause 26, Schedule 19, Clause 27, Schedule 20, Clauses 28 to 32, Schedule 21, Clause 33, Schedules 22 and 23, Clause 34, Schedule 24, Clause 35, Schedule 25, Clause 36, Schedule 26, Clause 37, Schedule 27, Clauses 38 to 41, Schedule 28, Clause 42, Schedule 29, Clauses 43 to 45, Schedule 30, Clause 46, Schedule 31, Clause 47, Schedule 32, Clauses 48 to 68, new Clauses, new Schedules, remaining proceedings on the Bill.

High Speed Rail (London - West Midlands) Bill, continued

Mr Robert Goodwill

That, if proceedings on the High Speed Rail (London - West Midlands) Bill are not completed at this day's sitting, the Committee do meet—

- (a) on Tuesdays when the House is sitting at 9.25am and 2.00pm; and
 - (b) on Thursdays when the House is sitting at 11.30am and 2.00pm.
-

Mrs Cheryl Gillan

- 1
- ☆ Clause 1, page 1, line 4, after “1,” insert “subject to subsections 1A, 1D, 1G, 1I, 1O and 1T”

Member's explanatory statement

This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and ensure that any railway within the AONB be built in a fully-bored tunnel.

Mrs Cheryl Gillan

- 2
- ☆ Clause 1, page 1, line 6, at end insert—

“(1A) The nominated undertaker shall not exercise powers granted under section 1 to construct a surface railway route within the boundaries of The Chilterns Area of Outstanding Natural Beauty (Chilterns AONB).

(1B) Any railway constructed as part of Phase One of High Speed 2 and within the boundaries of the Chilterns AONB shall be built as an extension to the bored tunnel in this area, which is planned through the works specified in Schedule 1 of this Act.

(1C) In this section, the Chilterns AONB shall mean the area of outstanding natural beauty designated within the Chilterns under section 82(1) of the Countryside and Rights of Way Act 2000.”

Member's explanatory statement

This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and ensure that any railway within the AONB be built in a fully-bored tunnel.

Mrs Cheryl Gillan

- 4
- ☆ Clause 1, page 1, line 6, at end insert—

“(1D) The nominated undertaker shall not exercise powers granted under section 1 to build a surface railway route within the boundaries of The Chilterns Area of Natural Beauty (Chilterns AONB).

(1E) To fulfil railway construction requirements for Phase One of High Speed 2 within this area, the nominated undertaker shall pursue an extension of the bored tunnel which is planned through works specified in this Schedule, via a Transport and Works Act order as provided for in section 52 of this Act.

(1F) In this section, the Chilterns AONB shall mean the area of outstanding natural beauty designated within the Chilterns under section 82(1) of the Countryside and Rights of Way Act 2000.”

Member's explanatory statement

This amendment seeks to prevent any surface railway route through The Chilterns Area of Outstanding Natural Beauty and require the nominated undertaker to pursue an extension of the existing bored tunnel outside of this legislation.

High Speed Rail (London - West Midlands) Bill, *continued*

Mrs Cheryl Gillan

5

☆ Clause 1, page 1, line 6, at end insert—

“(1G) Any railway constructed as part of Phase One of High Speed 2 and within the boundaries of the Chilterns AONB shall, between South Heath and Leather Lane, east of the A413 Aylesbury Road in Buckinghamshire, be built within bored tunnel.

(1H) The works referred to in subsection (1G) shall be pursued by means of a Transport and Works Act order.”

Member’s explanatory statement

This amendment would seek to provide partial further protection of the Chilterns AONB by extending the bored tunnel northward from South Heath for a further mile.

Mrs Cheryl Gillan

6

☆ Clause 1, page 1, line 6, at end insert—

“(1I) The nominated undertaker shall not exercise powers to commence any works specified in this Schedule, or any other construction works connected to Phase One of High Speed Rail 2, until a cost benefit analysis of the environmental impacts of such works has been completed.

(1J) The cost benefit analysis must include, but shall not be restricted to, an assessment of the environmental impacts of Phase One of High Speed Rail 2 and connected construction works in The Chilterns Area of Outstanding Natural Beauty.

(1K) The cost benefit analysis shall be undertaken by a review panel, the membership of which must include, but shall not be restricted to, representatives from—

- (a) Buckinghamshire County Council,
- (b) Chiltern District Council,
- (c) Aylesbury Vale District Council,
- (d) Wycombe District Council,
- (e) The Chilterns Conservation Board,
- (f) Natural England,
- (g) Environment Agency,
- (h) Key community groups,
- (i) HS2 Ltd, and
- (j) The Department for Transport.

The panel shall be funded and facilitated by the nominated undertaker.

(1L) Within twelve weeks after the date on which this Act comes into force the Panel must report its conclusions and recommendations to the Secretary of State.

(1M) If the Secretary of State rejects any recommendation made by the panel he must—

- (a) make publicly available its reasons for doing so, and
- (b) demonstrate how any environmental cost that would have been addressed by the rejected recommendation will otherwise be mitigated.

(1N) Any deviation from works specified in this Schedule required as a result of the panel’s recommendations shall be pursued via a Transport and Works Act order, as provided for in section 52 of this Act.”

Member’s explanatory statement

This amendment seeks to make progress of any construction works connected to Phase One of High Speed Rail 2 conditional on the completion of an environmental cost benefit analysis.

High Speed Rail (London - West Midlands) Bill, *continued*

Mrs Cheryl Gillan

7

☆ Clause 1, page 1, line 6, at end insert—

- “(1O) The nominated undertaker shall not exercise powers to commence any works specified in this Schedule, or any other construction works connected to Phase One of High Speed Rail 2, until a full reassessment of tunnelling methodology as applied to an extended bored tunnel under The Chilterns Area of Outstanding Natural Beauty, has been completed.
- (1P) The reassessment shall be conducted by a panel of experts and other relevant parties, to be appointed, funded and facilitated by the nominated undertaker.
- (1Q) Within twelve weeks of this Act coming into force, the panel must report its conclusions and any recommendations to HS2 and the Secretary of State.
- (1R) If the Secretary of State rejects any recommendation made by the panel he must—
- (a) make publicly available its reasons for doing so, and
 - (b) provide a cost benefit analysis of any alternative proposal to that recommended by the panel.
- (1S) Any deviation from works specified in this Schedule required as a result of the panel’s recommendations shall be pursued through a Transport and Works Act order, as provided for in section 52 of this Act.”

Member’s explanatory statement

This amendment would make progress of any works connected to Phase One of High Speed Rail 2 conditional on the completion of a reassessment of tunnelling methodology for an extended bored tunnel under part of The Chilterns Area of Outstanding Natural Beauty.

Mrs Cheryl Gillan

8

☆ Clause 1, page 1, line 6, at end insert—

- “(1T) The nominated undertaker shall not exercise powers to commence any works specified in this Schedule, or any other construction works connected to Phase One of High Speed Rail 2, until a full assessment of traffic management requirements has been completed.
- (1U) The assessment shall be conducted by a panel of experts and other relevant parties, to be appointed, funded and facilitated by HS2 Ltd.
- (1V) Within sixteen weeks of this Act coming into force the panel must report its conclusions to the Secretary of State. The report must include but shall not be limited to—
- (a) a full assessment of traffic management requirements consequential to any works specified in this Schedule, and
 - (b) detailed proposals outlining how such requirements shall be addressed.”

Member’s explanatory statement

This amendment would make progress of any works connected to Phase One of High Speed Rail 2 conditional on the completion of an assessment of traffic management requirements and implementation of solutions to address such requirements.

 Andy McDonald

10

☆ Clause 4, page 3, line 12, at end insert—

- “(6) When land is acquired under subsection (1), and is not otherwise specifically authorised under this Act, the Secretary of State must lay a report before Parliament setting out the reason for the acquisition before Parliament, and any

High Speed Rail (London - West Midlands) Bill, continued

such report must then also be published on the nominated undertaker's website within 5 working days."

Member's explanatory statement

If the Secretary of State compulsorily acquires land under subsection (1), and this is not otherwise specifically authorised under this Act, this amendment would require him to lay a report before Parliament setting out the reasons for the acquisition and publish the report on the website of the nominated undertaker within 5 working days.

Andy McDonald

11

☆ Clause 14, page 7, line 8, at end insert—

“(3A) Nothing in this section shall prevent the nominated undertaker, or other owners of railway stations, from establishing any new right of way within or over railway stations that are used for Phase One purposes.”

Member's explanatory statement

This amendment would provide that Clause 14 shall not prevent the nominated undertaker or other owners of railway stations from establishing new rights of ways within or over railways stations used for Phase One purposes.

Andy McDonald

12

☆ Clause 16, page 7, line 19, leave out “the end of five years beginning with the”

Member's explanatory statement

This amendment would remove the power of the nominated undertaker to use specified roads for the passage of persons or vehicles for five years after Phase One is brought into general use.

Andy McDonald

13

☆ Clause 20, page 9, line 14, at end insert—

“(d) No works that are not scheduled works under this Act may be undertaken until the Secretary of State has published guidelines on how developments will be assessed as likely to have significant effects on the environment for the purposes of subsection (2)(a).”

Member's explanatory statement

This amendment would require the Secretary of State to publish guidelines on how developments will be assessed as to whether they are likely to have significant effects on the environment.

High Speed Rail (London - West Midlands) Bill, continued

Andy McDonald

14

- ☆ Clause 21, page 9, line 30, after “by order” insert “by up to a further 5 years”

Member’s explanatory statement

Under clause 21 planning permission for a scheduled work to be undertaken is valid for 10 years, unless the Secretary of State extends the period under subsection (2) by a statutory instrument. This amendment would limit each extension to a further five years.

Andy McDonald

15

- ☆ Clause 23, page 11, line 29, at end, insert “where the meaning of the expression ‘short-term’ shall not extend to stays of more than 12 hours”

Member’s explanatory statement

Clause 23 allows for the creation of up to 7,500 parking spaces but this limit on spaces does not apply to short-term parking. This amendment defines short-term parking as being parking for a period of 12 hours or less.

Andy McDonald

16

- ☆ Clause 29, page 12, line 28, at end insert—

“(d) The ownership of any public space which was previously owned by a public body and which is acquired by the nominated undertaker or the Secretary of State for Phase One purposes, and is subsequently returned to use as public space, must be transferred to a public body when that public space is no longer required for Phase One purposes.

(e) For the purposes of subsection (d), a public body is a local authority, the Greater London Authority, Transport for London or any Metropolitan County Transport Authority.”

Member’s explanatory statement

This amendment requires the ownership of any public space which was previously owned by a public body and which is acquired by the nominated undertaker or Secretary of State for Phase One purposes, and which is then subsequently returned to use as a public space, to be transferred to a public body when the space is no longer required.

Mrs Cheryl Gillan

9

- ☆ Clause 31, page 13, line 30, at end insert—

“(6) The Secretary of State shall, within one year of Royal Assent, consult on and prepare plans for the undergrounding of all overhead power lines in the Chilterns Area of Outstanding Natural Beauty over a height of 15m, and shall within one year thereafter introduce legislation or alternative regulatory measures (to the extent such measures are required) to permit such undergrounding to take place by the end of 2020.

High Speed Rail (London - West Midlands) Bill, continued

- (6A) In this section, “Chilterns Area of Outstanding Natural Beauty” shall mean the area of outstanding natural beauty in the Chilterns designated under section 82(1) of the Countryside and Rights of Way Act 2000.”

Member’s explanatory statement

This amendment is intended to compensate for the physical effects of the railway in the Chilterns AONB by removing existing obtrusive and unappealing infrastructure.

Andy McDonald

- 17
- ☆ Clause 40, page 15, line 7, after “discontinuance which the Secretary of State,” insert “reasonably”
- Member’s explanatory statement**
- This amendment would require the Secretary of State to reach a ‘reasonable’ decision on closures, which could be challenged under this act if not reached reasonably.*

Andy McDonald

- 18
- ☆ Clause 40, page 15, line 8, leave out from “expedient” to “High Speed 2” and insert “in relation to the Northolt and Acton Line (also known as the Wycombe Single Line).”
- Member’s explanatory statement**
- This amendment would limit the Secretary of State’s powers to close any line or station and restrict it to the Northolt and Acton Line (also known as the “Wycombe Single Line”).*

Andy McDonald

- 20
- ☆ Clause 40, page 15, line 10, at end insert—
- “(1A) If the Secretary of State makes a direction under subsection (1), he must make a written statement to Parliament within 28 days, setting out his reasons for making such a direction.”
- Member’s explanatory statement**
- If the Secretary of State makes a direction under subsection (1), this amendment requires the Secretary of State to make a written statement to Parliament within 28 days, setting out the rationale for his decision.*

Andy McDonald

- 19
- ☆ Clause 40, page 15, line 15, leave out “sections 29 to 31 (discontinuance of use or operation of stations),”
- Member’s explanatory statement**
- This amendment would remove the station closure powers in this Clause.*
-

Andy McDonald

- 21
- ☆ Clause 45, page 17, line 33, at end insert—
- “(2) If property or rights are transferred from HS2 Limited or a wholly-owned subsidiary of HS2 Ltd to any body that is not a public body as defined by section

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25(1) of the 1993 Railways Act, a fee must be received which reflects a fair market evaluation of that property or right.”

Member’s explanatory statement

Clause 45 allows the Secretary of State to transfer HS2 Ltd’s property and rights to any other body. This amendment would prevent the Secretary of State from transferring assets to a private body without receiving a fair price.

Andy McDonald

- 22
- ☆ Clause 48, page 18, line 8, after “if the Secretary of State,” insert “reasonably”
- Member’s explanatory statement***
- This amendment would require the Secretary of State to reach a ‘reasonable’ decision when deciding whether to exercise his power to acquire sites for regeneration purposes, and would allow the decision to be challenged under this act if not reached reasonably.*

Andy McDonald

- 24
- ☆ Clause 48, page 18, line 10, after “any land” insert “within the Act limits or in the vicinity of any station or depot the construction of which is authorised by the Act”
- Member’s explanatory statement***
- This amendment would limit the Secretary of State’s power to compulsorily acquire land for regeneration purposes to land within the Act limits or in the vicinity of any station or depot, the construction of which is authorised by this Act.*

Andy McDonald

- 25
- ☆ Clause 48, page 18, line 11, at end insert—
- “(1A) Before acquiring land compulsorily under subsection (1) the Secretary of State, following consultation with the relevant local authority, must be satisfied that—
- (a) the regeneration or development accords with the relevant development plan; and
 - (b) that there is no realistic prospect of the local authority exercising powers of compulsory purchase of the land within a reasonable time.”
- Member’s explanatory statement***
- This amendment would require the Secretary of State to be satisfied that any compulsory land acquisition for land regeneration accords with the relevant development plan and that there is no realistic prospect of the local authority exercising powers of compulsory purchase of the land.*

Andy McDonald

- 23
- ☆ Clause 48, page 18, line 11, at end insert—
- “(1A) The Secretary of State must define the term “an opportunity for regeneration or development” in regulations for the purposes of subsection (1).

High Speed Rail (London - West Midlands) Bill, continued

- (1B) A statutory instrument containing regulations under subsection (1A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member’s explanatory statement

This amendment would require the Government to define the term “an opportunity for regeneration or development” by statutory instrument.

Mrs Cheryl Gillan

3

- ☆ Clause 52, page 23, line 18, at end insert—

“(aa) an extension of the bored tunnel in the Chilterns northward to the boundary of the Chilterns Area of Outstanding Natural Beauty.”

Member’s explanatory statement

This amendment seeks to enable the extension of the bored tunnel in the Chilterns Area of Natural Beauty to be provided for through a Transport for Works Act order.

NEW CLAUSES

Mrs Cheryl Gillan

NC1

- ☆ To move the following Clause—

“Reimbursement of local authorities for expenses and lost business rate revenue resulting from HS2

- (1) The Secretary of State for Communities and Local Government and the Secretary of State for Transport shall conduct an assessment of costs incurred by local authorities that arise directly and indirectly from the construction and future operation of HS2, including staff costs, and shall ensure that such additional funding as is required to reimburse local authorities for those costs is made available.
- (2) To the extent that such additional funding is not made available through service level agreements, the Secretary of State for Transport shall make the additional funding available through other means of local authority funding within six months of the end of the relevant financial year.
- (3) The Secretary of State for Communities and Local Government shall appoint an independent auditor to assess the extent of any shortfall in local authority revenue attributable to closure of or movement of businesses and consequential diminution in business rates.
- (4) The Secretary of State for Transport shall establish a mechanism whereby any such shortfall shall be made good within six months of the end of the relevant financial year.”

Member’s explanatory statement

This New Clause is intended to give statutory enforceability to the Department for Transport’s

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intention to reimburse local authorities for costs consequential on the construction of HS2, and to ensure that there is compensation for lost business rate revenue.

Mrs Cheryl Gillan

NC2

☆ To move the following Clause—

“Chilterns AONB Review Group

- (1) A Chilterns Area of Outstanding Natural Beauty Review Group shall be established.
- (2) The members of the group shall include Buckinghamshire County Council, Chilterns District Council, Wycombe District Council, Aylesbury Vale District Council, the Chilterns Conservation Board, Natural England, key community groups and the nominated undertaker.
- (3) The purpose of the group shall be to identify measures for environmental enhancement in the Chilterns to mitigate against the impact of HS2 railway construction.
- (4) The group shall elect a Chair, who shall not be an employee of the nominated undertaker.
- (5) The group shall receive such funds from the Secretary of State as it considers necessary to perform its functions expeditiously and efficiently.
- (6) The group shall make a twice yearly report with recommendations.
- (7) In the event that the Secretary of State does not accept any recommendation of the group, they shall make a statement to the House within three months of the date of the report, indicating reasons.”

Member’s explanatory statement

This New Clause is intended to give statutory backing to the establishment and powers of the Chilterns AONB Review Group.

Mrs Cheryl Gillan

NC3

☆ To move the following Clause—

“Speed limitation

- (1) No person shall drive or cause or permit any train to proceed at a speed greater than 300 kmh on track forming part of Phase One of High Speed 2.
- (2) If any person fails to comply with the requirements of clause 1 he shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.
- (4) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act

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in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

Mrs Cheryl Gillan

NC4

☆ To move the following Clause—

“Obligation to plant trees

- (1) The nominated undertaker must publish plans to plant the Referenced Trees within the Construction Period and make arrangements for their maintenance for a period of 10 years from the commencement of services on Phase 1 of HS2.
 - (2) The nominated undertaker must provide an annual report to Parliament which shall specify—
 - (a) the progress made on planting of the Referenced Trees,
 - (b) the number and species of trees planted since the publication of the previous report,
 - (c) the position of the trees, groups of trees or woodlands, as the case may be, by reference to a map,
 - (d) the adequacy of arrangements to manage Referenced Trees which have been planted previously.
 - (3) In subsections (1) and (2) “Referenced Trees” shall mean the trees planted to meet the commitment of two million additional trees to be situated adjacent to Phase 1 of HS2 as set out in the environmental statement referenced in Clause 63(4). In subsection (1) Construction Period shall mean the period between commencement of the Scheduled Works and the commencement of operational service on Phase One of High Speed 2.”
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Mrs Cheryl Gillan

NC5

☆ To move the following Clause—

“Establishment of the Office of the HS2 Adjudicator

- (1) There is to be a body corporate known as the Office of the HS2 Adjudicator hereinafter referred to as “the Adjudicator”.
 - (2) New Schedule 1 (which makes further provision about the Adjudicator) shall have effect.”
-

High Speed Rail (London - West Midlands) Bill, *continued*

Mrs Cheryl Gillan

NC6

☆ To move the following Clause—

“The Adjudicator’s functions

- (1) The Adjudicator has the functions conferred on it by or under any enactment.
 - (2) Those functions include—
 - (a) enforcement functions,
 - (b) inspection functions,
 - (c) information functions.”
-

Mrs Cheryl Gillan

NC7

☆ To move the following Clause—

“The Adjudicator’s objectives

- (1) The main objective of the Adjudicator in performing its functions is to protect the natural environment and communities impacted by the construction and operation of Phase 1 of High Speed 2.
 - (2) The Adjudicator is to perform its functions for the general purpose of securing—
 - (a) the minimisation of adverse impacts on communities and the natural environment situated in locations affected by the construction or operation of Phase 1 of HS2,
 - (b) the provision of additional mitigation measures in the event the environmental impacts of the operation of HS2 are worse than as set out in the environmental statement prepared in accordance with section 63(4).”
-

Mrs Cheryl Gillan

NC8

☆ To move the following Clause—

“Matters to which the Adjudicator must have regard

- (1) In performing its functions the Adjudicator must have regard to—
 - (a) the views expressed by or on behalf of the members of the public or organisations about the environmental impacts of constructing Phase One of HS2,
 - (b) the views expressed by people affected by the construction and operation of Phase One of HS2,
 - (c) the views expressed by local authorities about the impact of constructing and operating Phase One of HS2 in their areas,
 - (d) the need to protect the natural environment and minimise environmental impacts arising from the construction and operation of Phase One of HS2,

High Speed Rail (London - West Midlands) Bill, *continued*

- (e) the need to ensure that any action by the Adjudicator in relation to its areas of responsibility is proportionate to the risks against which it would afford safeguards and is targeted only where it is needed,
 - (f) any developments in approaches to monitoring and mitigating environmental impacts arising from the construction or operation of Phase One of HS2,
 - (g) best practice among persons performing functions comparable to those of the Adjudicator (including the principles under which regulatory action should be transparent, accountable and consistent).
- (2) In performing its functions the Adjudicator must also have regard to such aspects of government policy as the Secretary of State may direct.”

Mrs Cheryl Gillan

NC9

☆ To move the following Clause—

“Statement on stakeholder involvement

- (1) The Adjudicator must publish a statement describing how it proposes to—
 - (a) discharge its oversight requirements to ensure environmental outcomes reflect the forecasts set out in the environmental statement referenced in section 66(4),
 - (b) promote engagement and discussion with the nominated undertaker and impacted communities concerning adequate levels of mitigation,
 - (c) ensure that proper regard is had to views expressed by non-government organisations and local authorities concerning the environmental impacts arising from the construction and operation of Phase One of High Speed 2,
 - (d) arrange for accurate regular reporting of environmental impacts arising from the construction of the scheduled works and operation of Phase One of High Speed 2.
- (2) The Adjudicator may from time to time revise the statement and must publish any revised statement.
- (3) Before publishing the statement (or any revised) statement the Adjudicator must consult such persons it considers appropriate.”

Mrs Cheryl Gillan

NC10

☆ To move the following Clause—

“Compliance with requirements

- (1) The Adjudicator will keep under review compliance by HS2 Ltd, the Nominated Undertaker and its contractors with the standards detailed in the environmental statement, Environmental Minimum Requirements and the Code of Construction Practice and the assurances and undertakings provided by the Secretary of State

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on HS2 and Information Papers prepared by HS2 Ltd (collectively the “environmental documents”).”

Mrs Cheryl Gillan

NC11

☆ To move the following Clause—

“Enforcement notice

- (1) If it appears to the Adjudicator that any person has failed or is likely to fail to comply with any requirements for which he is responsible set out in the environmental documents relating to the construction or operation of Phase One of High Speed 2, the Adjudicator (hereinafter referred to in this section as the “relevant requirements”) may address to that person an enforcement notice.
- (2) An enforcement notice comes into effect 36 hours after it is published on the website of the Adjudicator.
- (3) The Adjudicator must also transmit an electronic version to HS2 Ltd, any nominated undertaker or contractor to the aforementioned, or local authority who has supplied to the Adjudicator an email address for this purpose.
- (4) An enforcement notice must also be placed on a hard copy register maintained at such a location as the Adjudicator may determine.
- (5) An enforcement notice is a notice in writing—
 - (a) specifying the matters which appears to the Adjudicator to constitute a failure to comply with the relevant requirements set out in the environmental documents, and
 - (b) prohibiting the recurrence or occurrence of those matters and requiring the person to whom it is addressed to carry out any specified works or take any steps which the Adjudicator considers necessary to ensure compliance with the relevant requirements detailed in the environmental documents.
- (6) Where any person suffers loss or damage as a result of any matter specified in an enforcement notice, whether that loss or damage occurs before or after the service of the enforcement notice, he may recover damages for that loss or damage in a civil court from the person on whom the enforcement notice was served.
- (7) It shall be a defence to any claim under (3) above to prove that the matters alleged to constitute non compliance have not occurred or that they do not constitute non compliance with the relevant requirements.
- (8) If any person fails to comply with the requirements of an enforcement notice he shall be guilty of an offence.
- (9) A person guilty of an offence under this section shall be punishable on summary conviction by a fine not exceeding £20,000 and on conviction on indictment to a fine.
- (10) It shall be a defence to any to any criminal proceedings under (5) claim to prove that—
 - (a) the matters alleged to constitute non compliance have not occurred;
 - (b) that they do not constitute non compliance with the relevant requirements or that any required works or steps were not necessary to achieve compliance with the relevant requirements or
 - (c) that despite due diligence he was unaware of the provision of the notice.
- (11) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have

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been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.”

Mrs Cheryl Gillan

NC12

☆ To move the following Clause—

“Inspections

- (1) The Adjudicator may for the purposes of its regulatory functions carry out inspections of—
 - (a) the carrying on of the Scheduled Works, or
 - (b) the operation of any train travelling on Phase One of HS2.”
-

Mrs Cheryl Gillan

NC13

☆ To move the following Clause—

“Power to require documents and information etc.

- (1) The Adjudicator may require any person mentioned in subsection (2) to provide it with any information, documents, records or other items which the Adjudicator considers it necessary or expedient to have for the purposes of any of its regulatory functions.
 - (2) The persons are—
 - (a) HS2 Limited,
 - (b) a nominated undertaker,
 - (c) any contractor appointed by HS2 Limited or a nominated undertaker.
 - (3) The power in subsection (1) to require the provision of information, documents or records includes, in relation to information, documents or records kept by means of a computer, power to require the provision of the information, documents or records in legible form.”
-

Mrs Cheryl Gillan

NC14

☆ To move the following Clause—

“Periodic returns

- (1) The Adjudicator may require a nominated undertaker to make a return to the Adjudicator at such intervals as may be prescribed.

High Speed Rail (London - West Midlands) Bill, *continued*

- (2) Provision may be made by in such requirements as to the contents of the return and the period in respect of which and date by which it is to be made.”
-

Mrs Cheryl Gillan

NC15

- ☆ To move the following Clause—

“Information and advice

- (1) The Adjudicator must keep the Secretary of State informed about the following matters—
- (a) the environmental impact of constructing Phase 1 of HS2 and whether such impacts reflect the forecasts detailed in the Environmental Statement;
 - (b) the impact on communities and the natural environment arising from the construction and operation of HS2;
 - (c) the carrying on of regulated activities.
- (2) The Adjudicator may at any time give the Secretary of State advice on anything connected with those matters.
- (3) When requested to do so by the Secretary of State, the Adjudicator must give the Secretary of State such advice or information in connection with a matter mentioned in subsection (1) as may be specified in the request.”
-

Mrs Cheryl Gillan

NC16

- ☆ To move the following Clause—

“Commissioning studies

- (1) The Adjudicator may undertake or promote comparative or other studies designed to enable it to make recommendations—
- (a) for improving sustainability and effectiveness in any activity mentioned in subsection (2), or
 - (b) for improving the management of environmental outcomes arising from the operation of Phase One of HS2.
- (2) Those activities are—
- (a) the undertaking of construction activity by HS2 Ltd or a nominated undertaker,
 - (b) the making of arrangements by HS2 Ltd or a nominated undertaker for the purpose of environmental mitigation.
- (3) The Adjudicator may also undertake or promote studies designed to enable it to prepare reports as to the impact of—
- (a) the operation of any particular statutory provisions, or
 - (b) any directions or guidance given by a Minister of the Crown (whether pursuant to any such provisions or otherwise),
- on economy, efficiency and effectiveness in an activity mentioned in subsection (2)(a) or (b).

High Speed Rail (London - West Midlands) Bill, *continued*

- (4) The Adjudicator must undertake or promote a study falling within subsection (1) or (3) if the Secretary of State so requests.”
-

Mrs Cheryl Gillan

NC17

- ☆ To move the following Clause—

“Publication of results of studies under section 12

- (1) The Adjudicator must publish—
- (a) any recommendations made by it under subsection (1) of section 12, and
 - (b) the result of any studies undertaken or promoted under that section.
- (2) The Secretary of State may, after consulting the Adjudicator, by regulations make provision as to the procedure to be followed in respect of the making of representations to the Adjudicator before the publication under subsection (1) of any recommendations or the result of any studies.”
-

Mrs Cheryl Gillan

NC18

- ☆ To move the following Clause—

“Provision of copies of registers

- (1) Subject to subsection (3), the Adjudicator must secure that copies of any register kept for the purposes of this Act are available at its offices for inspection at all reasonable times by any person.
- (2) Subject to subsections (3) and (4), any person who asks the Adjudicator for a copy of, or an extract from, a register kept for the purposes of this Chapter is entitled to have one.
- (3) Regulations may provide that subsections (1) and (2) do not apply—
- (a) in such circumstances as may be prescribed, or
 - (b) to such parts of a register as may be prescribed.
- (4) A fee determined by the Adjudicator is payable for the copy or extract except—
- (a) in prescribed circumstances, or
 - (b) in any case where the Adjudicator considers it appropriate to provide the copy or extract free of charge.”
-

High Speed Rail (London - West Midlands) Bill, *continued*

Mrs Cheryl Gillan

NC19

☆ To move the following Clause—

“Reimbursement of local authorities for damage to highways resulting from HS2 construction

The Secretary of State for Communities and Local Government and the Secretary of State for Transport shall conduct six-monthly assessments of the amounts required to repair and make good highways in each county following construction of HS2 Phase One, and shall ensure that such additional funding as is required to meet those amounts is made available to local authorities.

Member’s explanatory statement

This New Clause is intended to give statutory enforceability to the Department for Transport’s intention to reimburse local authorities for highways repair costs consequential on the construction of HS2.

Andy McDonald

NC20

☆ To move the following Clause—

“HS2 Design Panel

During the nominated undertaker’s ongoing design work for Phase One purposes it must have regard to the recommendations of the HS2 Independent Design Panel, or to the recommendations of a successor body which may be designated by the Secretary of State from time to time.”

Member’s explanatory statement

The Department for Transport established a HS2 Design Panel November 2015. This New Clause would require the nominated undertaker to ‘have regard’ to Design Panel’s recommendations during the design work for Phase One.

Andy McDonald

NC21

☆ To move the following Clause—

“Passenger services: public sector operation

- (1) Section 23 of the Railways Act 1993 (franchising of passenger services) does not apply to services operated on the whole or part of the high speed rail line so provided for in this Act.
- (2) Passenger services on the whole or part of the high speed rail line so provided for in this Act shall be provided by a publicly owned railway company.

High Speed Rail (London - West Midlands) Bill, continued

- (3) In this section, “publicly owned railway company” has the meaning given to it in section 151(1) of the Railways Act 1993.”

Member’s explanatory statement

This New Clause would require passenger services operating on the whole or part of the high speed rail line to be provided by a publicly owned railway company.

Andy McDonald

NC22

- ☆ To move the following Clause—

“Construction Commissioner

- (1) There shall be a Construction Commissioner to consider any complaints about HS2 construction including any that have not already been the subject of discussions with the nominated undertaker.
- (2) The Construction Commissioner shall administer a scheme for the administration of small claims relating to the effects of HS2 construction.
- (3) Notwithstanding subsection (2), the Construction Commissioner shall have authority to consider and adjudicate on all complaints regarding HS2, without limitation including as to the amount of any claim for compensation or monetary relief, but subject to subsection (5).
- (4) The Construction Commissioner shall have express power to consider claims for compensation for property losses including damage caused by underground settlement.
- (5) The Construction Commissioner shall not have power to consider complaints regarding the approval as a matter of principle of the construction of high speed rail lines.
- (6) The Construction Commissioner shall be independently appointed by a process of open competition overseen by a panel of local authorities and other parties with a legitimate interest in the good administration of HS2 construction. The panel shall also monitor the operation and performance of the Construction Commissioner’s office.
- (7) The Construction Commissioner shall be appointed within three months of Royal Assent.
- (8) The Construction Commissioner shall report annually to Parliament in a report to be laid before both Houses of Parliament which shall include an assessment of the small claims scheme. The report shall include an assessment by the appointment panel of the Construction Commissioner’s efficiency and efficacy in complaints handling.
- (9) The Construction Commissioner may be dissolved by the Secretary of State no earlier than three months after the completion of construction works authorised by this Act, and not before the Construction Commissioner has published a final report on the administration of HS2 construction and the operation of the small claims scheme.”

Member’s explanatory statement

This New Clause would allow the Construction Commissioner to consider complaints without limitation as to the amount of any claim for compensation. It would also require the Construction Commissioner to be appointed by a process of open competition.

High Speed Rail (London - West Midlands) Bill, *continued*
NEW SCHEDULE

Mrs Cheryl Gillan

NS1

☆ To move the following Schedule—

“Status and funding

- 1 The Adjudicator shall be a body corporate.
- 2 (1) Subject to sub-paragraph (3), the Adjudicator shall not be regarded as the servant or agent of the Crown or any enjoying any status immunity or privilege of the Crown.
- (2) The members of the Adjudicator and of their staff shall not be regarded as civil servants and the Adjudicator’s property shall not be regarded as property of, or held on behalf of, the Crown.
- (3) In relation to any matter as respects which the Adjudicator act by virtue of a direction under Section 1.3 the Adjudicator shall enjoy the same privileges, immunities and exemptions as those enjoyed in relation to that matter by the Secretary of State for Transport.
- (4) Subject to the provisions of any enactment, the Adjudicator shall not be exempt from any tax, duty, rate, levy or other charge whatever (whether general or local).
- (5) The Adjudicator shall receive such funds from the Secretary of State as he considers that it needs to perform its functions expeditiously and efficiently.

Membership

- 3 (1) The Adjudicator shall consist of not less than 8 and not more than 17 members.
- (2) The members shall be appointed by the Secretary of State, who shall appoint one of them to be chairman and may appoint another of them to be deputy chairman.
- (3) In appointing any member, the Secretary of State shall have regard to the desirability of the members as a whole having knowledge or experience of all the following, namely railway construction and operation, the preservation of cultural heritage, town and country planning, ecology, arboriculture, landscape, and air quality.
- (4) In appointing members, the Secretary of State shall have regard to the desirability of at least one of them having knowledge of local government (as well as knowledge or experience of one or more of the subjects mentioned in sub-paragraph (3)).
- (5) Subject to the following provisions of this paragraph, a chairman, deputy chairman or other member shall hold and vacate office in accordance with the terms of his appointment, but no member shall be appointed for a period of more than 5 years.
- (6) A chairman, deputy chairman or member may resign his office by notice in writing addressed to the Secretary of State.
- (7) If the Secretary of State is satisfied that a member—
 - (a) has been absent from meetings of the Adjudicator for a period longer than 3 consecutive months without the consent of the Adjudicator, or
 - (b) has become bankrupt or has made an arrangement with his creditors, or
 - (c) is incapacitated by physical or mental illness, or
 - (d) is otherwise unable or unfit to discharge the functions of a member, the Secretary of State may remove him from his office.

High Speed Rail (London - West Midlands) Bill, *continued*

- (8) If a chairman or deputy chairman ceases to be a member he shall also cease to be chairman or deputy chairman; and if a chairman or deputy chairman ceases to be chairman or deputy chairman he shall also cease to be a member.
- (9) A person who ceases to be a member, otherwise than by virtue of sub-paragraph (7), or ceases to be chairman or deputy chairman, shall be eligible for re-appointment.

Staff

- 4 (1) There shall be a chief officer of the Adjudicator who shall be appointed by the Adjudicator with the approval of the Secretary of State.
- (2) The chief officer shall be responsible to the Adjudicator for the general exercise of the Adjudicator's functions and may, subject to the directions of the Adjudicator, exercise all the powers of the Adjudicator either himself or through nominated staff members.
- (3) The Adjudicator may appoint such other employees as the Adjudicator thinks fit.
- (4) The Adjudicator shall pay to their employees such remuneration and allowances as the Adjudicator may determine.
- (5) The employees shall be appointed on such other terms and conditions as the Adjudicator may determine.
- (6) The Adjudicator may pay such pensions, allowances or gratuities as they may determine to or in respect of any of their employees, make such payments as they may determine towards the provision of pensions, allowances or gratuities to or in respect of any of their employees or provide and maintain such schemes as they may determine (whether contributory or not) for the payment of pensions, allowances or gratuities to or in respect of any of their employees.
- (7) The references in sub-paragraph (6) to pensions, allowances or gratuities to or in respect of any employees include references to pensions, allowances or gratuities by way of compensation to or in respect of employees who suffer loss of office or employment.
- (8) A determination under sub-paragraph (4), (5) or (6) is ineffective unless made with the approval of the Secretary of State given with the Treasury's consent.
- (9) The Adjudicator shall make, not later than such date as the Secretary of State may determine, an offer of employment by the Adjudicator to each person employed in the civil service of the State whose name is notified to the Adjudicator by the Secretary of State for the purposes of this paragraph.
- (10) The terms of the offer shall be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.
- (11) In determining whether the terms of the offer are more or less favourable to that person than those enjoyed by him on the date of the offer no account shall be taken of the fact that employment with the Adjudicator is not employment in the service of the Crown.
- (12) An offer made in pursuance of this paragraph shall not be revocable during the period of 3 months beginning with the date on which it is made.
- (13) Where a person becomes an employee of the Adjudicator in consequence of this paragraph, then, for the purposes of his period of employment in the civil service of the State shall count as a period of employment by the Adjudicator and the change of employment shall not break the continuity of the period of employment.
- (14) Any dispute arising under this paragraph as to whether or not the terms of any employment offered by the Adjudicator are, taken as a whole, less favourable than those applying to a person's employment in the civil service of the State shall be referred to and determined by an employment tribunal.

High Speed Rail (London - West Midlands) Bill, *continued*

- (15) An employment tribunal shall not consider a complaint whereby a dispute mentioned in sub-paragraph (6) is referred to it unless the complaint is presented to the tribunal before the end of the period of 3 months beginning with the date of the offer of employment or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of the period of 3 months.
- (16) An appeal shall lie to the Employment Appeal Tribunal on a question of law arising from any decision of, or arising in proceedings before, an employment tribunal under this paragraph; and no appeal shall lie except to the Employment Appeal Tribunal from any decision of an employment tribunal under this paragraph.

Proceedings

- 5 Subject to the following provisions of this Schedule, the Adjudicator may regulate their own procedure (including quorum).
- 6 (1) A member of the Adjudicator who is in any way directly or indirectly interested in a contract made or proposed to be made by the Adjudicator or by HS2 Limited or by any Nominated Undertaker appointed by the Secretary of State, or in any other matter which falls to be considered by the Adjudicator, shall disclose the nature of his interest at a meeting of the Adjudicator.
- (2) The disclosure shall be recorded in the minutes of the meeting.
- (3) A member shall not—
- (a) where a contract in which the member is interested is under consideration, take part in the deliberations on or decision about the contract; and
 - (b) where any other matter in which the member is interested is under consideration, take part in the deliberations on or decision about the matter if the Adjudicator decide that the member's interest might prejudicially affect his consideration of the matter.
- (4) For the purposes of this paragraph, a notice given by a member at a meeting of the Adjudicator to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any contract which is made with the body corporate or firm after the date of the notice, and in any other matter concerning the body corporate or firm which falls to be considered after that date, shall be a sufficient disclosure of his interest.
- (5) A member need not attend in person at a meeting of the Adjudicator in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.
- (6) The validity of any proceedings of the Adjudicator shall not be affected by any vacancy among the members, or by any defect in the appointment of any person as a member or chairman or deputy chairman, or by a failure to comply with paragraph 6.

Committees

- 7 (1) The Adjudicator shall constitute at least one committee to advise them on ecology and at least one to advise them on compliance by HS2 Ltd with its obligations under the Environmental Statement and at least one to advise them on the efficacy of such compensation schemes which are implemented by HS2 Ltd and the Department for Transport and may constitute other committees to advise them on those or other aspects of their functions.
- (2) The Adjudicator may include as members of committees persons who are not members of the Adjudicator.

High Speed Rail (London - West Midlands) Bill, *continued*

- (3) The Adjudicator may regulate the proceedings (including quorum) of committees.
- (4) The Adjudicator may pay to the members of any committee such reasonable allowances in respect of expenses or loss of remuneration as the Secretary of State may determine with the Treasury's approval.

Instruments

- 8 (1) The fixing of the seal of the Adjudicator shall be authenticated by the signature of the chairman of or some other person authorised either generally or specially by the Adjudicator to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Adjudicator, or to be signed on the Adjudicator's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

Members Remuneration

- 9 (1) The Adjudicator shall pay to members of the Adjudicator such remuneration and such allowances in respect of expenses as the Secretary of State may determine with the Treasury's approval.
- (2) In the case of any such member or past member of the Adjudicator as the Secretary of State may with the Treasury's approval determine, the Adjudicator shall pay such pension, allowance or gratuity to or in respect of him, or make such payment towards the provision of such a pension, allowance or gratuity, as the Secretary of State may so determine.
- (3) Where a person ceases to be a member of the Adjudicator, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may, with the Treasury's approval, direct the Adjudicator to make to that person a payment of such amount as the Secretary of State may determine with the Treasury's approval.

Accounts

- 10 (1) The Adjudicator shall keep proper accounts and proper records in relation to them.
- (2) The Adjudicator shall prepare a statement of accounts in respect of each financial year.
- (3) The statement shall give a true and fair view of the state of the Adjudicator's affairs at the end of the financial year and of the Adjudicator's income and expenditure in the financial year.
- (4) The statement shall—
 - (a) be prepared within such period as the Secretary of State may direct; and
 - (b) comply with any directions given by the Secretary of State with the Treasury's consent as to the information to be contained in the statement, the manner in which the information is to be presented or the methods and principles according to which the statement is to be prepared.
- (5) The accounts in respect of each financial year ending on or before 31st March 2018 (including any statement of accounts in respect of each such financial year prepared under this paragraph) shall be audited by persons appointed in respect of each financial year by the Secretary of State.

High Speed Rail (London - West Midlands) Bill, *continued*

- (6) No person shall be appointed auditor under this paragraph unless he is—
 - (a) eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006; or
 - (b) a member of the Chartered Institute of Public Finance and Accountancy; but a firm may be so appointed if each of its members is qualified to be so appointed.
- (7) Where the Adjudicator has prepared a statement of accounts in respect of a financial year ending on or after 31st March 2016, it must, as soon as reasonably practicable after the end of the financial year to which the statement relates, send a copy of the statement to the Comptroller and Auditor General.
- (8) The Comptroller and Auditor General shall examine, certify and report on any statement of accounts sent to him under sub-paragraph (6A).
- (9) In this paragraph “financial year” means the period commencing with the day of the Adjudicator’s establishment and ending with the second 31 March following that day, and each successive period of 12 months.

Information

- 11 (1) The Adjudicator shall make to the Secretary of State, as soon as may be practicable after the end of each financial year, a report on the exercise of their functions since the last report was made or (in the case of the first) since the Adjudicator’s establishment.
- (2) Each report shall include a copy of the statement of accounts prepared and audited under paragraph 11 in respect of the financial year and, where the statement has been audited by the Comptroller and Auditor General, a copy of his report on it.
- (3) Each report of the Adjudicator shall include a statement of action taken by the Adjudicator concerning—
 - (a) The compliance by HS2 Ltd with the commitments made in the Phase 1 Environmental Statement,
 - (b) The adequacy of the mitigation measures undertaken by HS2 Limited and any Nominated Undertaker concerning construction of the line,
 - (c) Recommendations concerning any additional mitigation measures required to ensure adequate environmental mitigation,
 - (d) The assessment of reasonable practicability undertaken by the nominated undertaker,
 - (e) The Secretary of State shall lay a copy of each report of the Adjudicator before each House of Parliament,
 - (f) As soon as may be after receiving any report made by the auditors on any accounts audited under paragraph 12 or, as the case may be, made by the Comptroller and Auditor General on any statement of accounts prepared under that paragraph, the Adjudicator shall send a copy of the report to the Secretary of State,
 - (g) The Adjudicator shall furnish the Secretary of State with such information relating to their property and the discharge and proposed discharge of their functions as he may require, and for that purpose they shall permit any person authorised by him to inspect and make copies of any accounts or other documents of the Adjudicator and shall give such explanation of them as that person or the Secretary of State may require and
 - (h) In this paragraph “financial year” has the same meaning as in paragraph 10.

High Speed Rail (London - West Midlands) Bill, *continued*

House of Commons disqualification

- 12 (1) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), there shall be inserted at the appropriate place in alphabetical order—
- (2) “Any member, in receipt of remuneration, of the Adjudicator.””
-