

HIGH SPEED RAIL (LONDON - WEST MIDLANDS) BILL

EXPLANATORY NOTES ON LORDS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the High Speed Rail (London - West Midlands) Bill ("the Bill") as brought from the House of Lords on 1 February 2017.
- 2 These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader of the Bill and the Lords amendments, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL Bill 111, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords Amendments 2 (in part (new subsection (7))), 3, 7 to 9, 11, 27 to 44, 49 to 54 were tabled in the name of the Minister.
- 6 Lords Amendments 1, 2 (in part (new subsection(6))) and 4 reflect recommendations for amendments made in the House of Lords Select Committee Report published on 15 December 2016.
- 7 Lords Amendments 5, 6, 10, 12 to 26, 45 to 48 were tabled by the Minister and accepted by the House of Lords Select Committee in their report.
- 8 In the following Commentary, an asterisk(*) appears in the heading of any paragraph that deals to any extent with a non-Government amendment.

Commentary on Lords amendments

Lords Amendments to Clause 4: Power to acquire land compulsorily*

Lords Amendments 1 and 2

- 9 Lords Amendments 1 and 2 would amend Clause 4 by providing that the power of the Secretary of State to acquire land compulsorily would not apply to certain plots of land in Bickenhill. Lords Amendment 2 would also insert a new subsection (7) which would clarify the reference to the deposited book of reference in new subsection (6).

Lords Amendments to insert a new Clause after Clause 34: Traffic regulation

Lords Amendment 3

- 10 Lords Amendment 3 would insert a new clause after Clause 34, which would introduce a new Schedule relating to traffic regulation (to be inserted after Schedule 24).

Lords Amendments to Clause 48: Compulsory acquisition of land for relocation*

Lords Amendment 4

- 11 Lords Amendment 4 would remove subsections (1) to (3) of Clause 48. Those subsections allowed the Secretary of State to acquire land compulsorily for the purposes of regeneration or development.

Lords Amendments to Clause 60: "Deposited plans" and "deposited sections"

Lords Amendments 5 and 6

- 12 Lords Amendment 5 would insert a reference to a plan number in subsection (2)(a). Lords Amendment 6 would remove some references to plan numbers and would insert new references into subsection (2)(a)(ii).

Lords Amendments to Clause 65: Vocational qualifications

Lords Amendment 7

- 13 Lords Amendment 7 would insert into subsection (4)(a) the date "31 March 2018". This would clarify that the first financial year for the Secretary of State to provide a report on vocational qualifications obtained regarding HS2 construction would be the period starting with the date of Royal Assent to the Bill and ending with 31 March 2018.

Lords Amendments to Clause 67: Interpretation

Lords Amendments 8 and 9

- 14 Lords Amendment 8 would insert a definition of the term "deposited statement" which would have the meaning set out in subsection (5). Lords Amendment 9 would, in subsection (5), replace the reference to "subsection 4" with the words "this Act".

Lords Amendments to Schedule 1: Scheduled works

Lords Amendment 10

- 15 Lords Amendment 10 would clarify an inconsistency in a road name between the Plans and Schedules in the Bill.

Lords Amendments to Schedule 2: Works

Lords Amendment 11

- 16 Lords Amendment 11 would update a reference to Regulations to reflect the new Environmental Permitting (England and Wales) Regulations 2016.

Lords Amendments to Schedule 4: Highways

Lords Amendments 12 to 25

- 17 Lords Amendments 12 to 25 would correct roads listed in Schedule 4 under the correct parish and would remove roads no longer affected by the HS2 scheme.

Lords Amendments to Schedule 12: Highways: restrictions on powers to use subsoil and acquire land

Lords Amendment 26

- 18 Lords Amendment 26 would correct a place name.

Lords Amendments to Schedule 14: Amendments consequential on the Housing and Planning Act 2016

Lords Amendments 27 to 44

- 19 Lords Amendments 27 to 44 would ensure the Bill reflects the changes made to Part 7 of the Housing and Planning Act 2016 regarding the compulsory acquisition of land.

Lords Amendments to Schedule 16: Temporary possession and use of land

Lords Amendment 45

- 20 Lords Amendment 45 would correct a place name contained in Part 4 of Schedule 16.

Lords Amendments to Schedule 18: Listed buildings

Lords Amendment 46 to 48

- 21 Lords Amendments 46 and 47 would make corrections to remove the references to two tombs. Lords Amendment 48 would insert references to a further monument and tomb in the Kensal Green Cemetery.

Lords Amendments to Schedule 21: Water

Lords Amendment 49 and 50

- 22 Lords Amendment 49 would update the definition of the "Environmental Permitting Regulations" to show the 2016 Regulations. Lords Amendment 50 would update a reference to the Schedule in the definition of "relevant flood risk activity".

Lords Amendments to insert a new Schedule after Schedule 24: Traffic regulation

Lords Amendment 51

- 23 Lords Amendment 51 would insert a new Schedule after Schedule 24 which would make provision in relation to traffic regulation orders. It would require the traffic authority to consult the Secretary of State before making a traffic regulation order in the circumstances set out in paragraph 1(1).
- 24 It would enable the Secretary of State to give a direction to a traffic authority requiring the authority to make a traffic regulation order if the circumstances in paragraph 4(1) were satisfied. It would allow the Secretary of State to direct a traffic authority to vary or revoke traffic regulation orders pursuant to a direction given under paragraph 4 (paragraph 7).
- 25 It would allow the Secretary of State to make, vary or revoke the traffic regulation order required by a direction given under paragraph 4 or 7 where the traffic authority failed to comply with that direction (paragraph 8).
- 26 It would enable the Secretary of State to give a direction to a traffic authority prohibiting the authority from making or bringing into operation a traffic regulation order if the circumstances paragraph 11(1) were satisfied.
- 27 It would require the Secretary of State to consult a traffic authority before giving a direction or making a traffic regulation order (paragraph 12).

- 28 It would make provision to allow an authorised person to remove or arrange to remove a vehicle where the specified two conditions in paragraph 14 were satisfied.

Lords Amendments to Schedule 25: Lorries

Lords Amendment 52

- 29 Lords Amendment 52 would provide that the term "lorry ban order" would include an order made under sections 1, 6, 9 or 14 under the Road Traffic Regulation Act 1984.

Lords Amendments to Schedule 32: Protective provisions

Lords Amendments 53 and 54

- 30 Lords Amendments 53 and 54 would reflect a machinery of government change made in July 2016.

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