

# High Speed Rail (London - West Midlands) Bill

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AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

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**Clause 1**

LORD BERKELEY

Page 1, line 11, at end insert –

- “( ) Construction work otherwise authorised by this Act may not begin until –
- (a) the nominated undertaker has published an up-to-date estimate of costs for works authorised by this Act, broken down into geographical and system elements;
  - (b) that estimate has been examined, reported on and approved by an independent expert panel appointed by the Secretary of State for that purpose; and
  - (c) the report of the panel has been published.”

Page 1, line 11, at end insert –

- “( ) Construction work otherwise authorised by this Act may not begin until the Secretary of State has established an independent inquiry into the costs and benefits of alternatives to the route east of Old Oak Common stipulated by this Act; and the inquiry has published a report setting out its conclusions.”

Page 1, line 11, at end insert –

- “( ) Construction work otherwise authorised by this Act may not begin until the nominated undertaker has published an up-to-date estimate of costs for those works relating to the junction of Phase One of High Speed 2 with the West Coast Main Line at Handsacre which are expected to be superseded by subsequent phases of High Speed 2.”

LORD STEVENSON OF BALMACARA

Page 1, line 11, at end insert –

- “( ) The nominated undertaker may not commence any works otherwise authorised by this Act until a cost benefit analysis of the environmental impacts of such works has been completed, and a report of that analysis has been laid before each House of Parliament.

**Clause 1 - continued**

- ( ) The cost benefit analysis must be conducted by an independent expert panel appointed for this purpose by the Secretary of State.
- ( ) The cost benefit analysis must include 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; and must contain an explanation of the methodology used to value the savings in environmental impact from extended tunnelling.”

Page 1, line 11, at end insert—

- “( ) The nominated undertaker may not commence any works otherwise authorised by this Act until—
  - (a) a full assessment of the traffic management requirements arising from those works has been completed by an independent consultant appointed by the Secretary of State;
  - (b) the consultant has prepared a report on the assessment which includes detailed proposals on how such requirements shall be met and managed; and
  - (c) the Secretary of State has, within sixteen weeks of the passing of this Act, laid the consultant’s report before each House of Parliament.
- ( ) The consultant conducting the assessment shall be advised by a panel of experts and other relevant parties appointed by the Secretary of State.”

**After Clause 11**

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Phase One of High Speed 2 property bond scheme**

- (1) The Secretary of State must establish a property bond scheme in relation to the scheduled works.
- (2) Where—
  - (a) the value of an interest in land is depreciated by the presence of any of the statutory nuisances listed in section 79(1)(a) to (h) of the Environmental Protection Act 1990 (statutory nuisances and inspections therefor); and
  - (b) the nuisance arises from the construction or operation of the scheduled works,

if the person entitled to the interest (“the applicant”) makes a valid application within the prescribed period, a property bond for that depreciation shall be issued by the nominated undertaker to the applicant.
- (3) The Secretary of State must make rules governing the making and approval or rejection of applications for property bonds under this section, including—
  - (a) the contents of an application,
  - (b) the evidence of open market value that is required to be provided,
  - (c) the evidence of depreciation that is required to be provided,

**After Clause 11 - continued**

- (d) any fee for making an application,
  - (e) the process for assessing and deciding the open market value and the depreciation of the land, and
  - (f) any minimum depreciation that is required for an application to be valid.
- (4) When the interest in land is sold the owner of that interest must decide whether to—
- (a) redeem the property bond and sell the land for its depreciated value, or
  - (b) sell the property bond with the land and sell the land for its open market value.
- (5) If the owner of the interest in land decides to sell according to subsection (4)(a) the owner must serve notice on the nominated undertaker of the owner's intention to sell the land together with details of the property bond at least one month before selling the land.
- (6) If the owner validly serves a notice under subsection (5) then the nominated undertaker must pay the difference between the depreciated and open market value of the land to the purchaser of the land at the date of completion of the sale whereupon the property bond is redeemed.
- (7) A property bond shall be a local land charge until it is redeemed and for the purposes of the Local Land Charges Act 1975 the nominated undertaker shall be treated as the originating authority as respects such a charge.”

**After Clause 19**

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Duty of Care and liability of Secretary of State**

Schedule (*Duty of Care and liability of Secretary of State*) makes provision imposing obligations on the Secretary of State and the nominated undertaker when dealing with persons whose land is subject to the exercise of powers under sections 4 to 19 or who are otherwise affected by the construction of the scheduled works.”

Insert the following new Clause—

**“Duty on the nominated undertaker to inform**

The nominated undertaker has a general duty to ensure that people who are directly affected by the works authorised by this Act are properly informed about the details and timing of any works which will directly affect them, and to maintain effective channels of communication with such people.”

**After Clause 31**

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Duty to have regard to minimising number of gantries**

In exercising its powers under this Act, the nominated undertaker shall have regard to the desirability of minimising the number of gantries to be installed to provide power to the railway, in particular in areas of outstanding natural beauty designated by statute and in other areas of particularly high environmental value and sensitivity, and shall consult local communities when designing plans for gantry installation.”

**After Clause 35**

LORD BERKELEY

Insert the following new Clause—

**“Restrictions on lorries and road use**

Within three months of the start of the scheduled works, the nominated undertaker must publish a plan setting out, for each construction site being used or to be used for the scheduled works, how the number of lorries delivering to or from the site will be limited in order to meet the following restrictions by weight of materials transported by road—

- (a) no more than 25% of excavated spoil and demolition material;
- (b) no more than 25% of concreting materials; and
- (c) no more than 50% of all other materials;

and the remainder in each case must be carried by rail.”

**After Clause 38**

LORD BERKELEY

Insert the following new Clause—

**“Establishment of Regional Integrated Command Centre**

- (1) Within three months of the passing of this Act, the nominated undertaker must establish a Regional Integrated Command Centre to include representatives of Highways England, local highways authorities, emergency services, Transport for the West Midlands, Transport for London, transport operators and the nominated undertaker’s contractors.
- (2) The role of the Regional Integrated Command Centre shall be to ensure that the works authorised by this Act are co-ordinated so as to minimise the adverse effects of the works on other rail or road operations.”

**After Clause 43**

LORD BERKELEY

Insert the following new Clause—

**“Application of relevant provisions of Railways Act 1993 to Phase One of High Speed 2**

All relevant provisions of the Railways Act 1993 including regulations made under that Act shall apply to the railway operated as Phase One of High Speed 2, including determination of access charges, safety and reporting.”

Insert the following new Clause—

**“Safety and economic regulation of railway line authorised by this Act**

The railway line authorised by this Act is subject to the same safety and economic regulation as the existing network operated by Network Rail.”

Insert the following new Clause—

**“Control and management of infrastructure**

- (1) Once constructed, the operation of the infrastructure of Phase One of High Speed 2 shall be controlled by the network system operator.
- (2) Once Phase One of High Speed 2 is operational, the infrastructure managers of Phase One of High Speed 2 shall have a duty to seek to work together with infrastructure managers on the rest of the UK rail network, as relevant, in relation to timetabling, temporary closures, enhancements and technical issues in order to seek to provide a reliable, cost effective and convenient structure to support passenger and freight services on the Phase One of High Speed 2 route.”

Insert the following new Clause—

**“Disapplication of regulation 25 of Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016**

Regulation 25 (Declaration of specialised infrastructure) of the Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016 does not apply to new infrastructure for the use of trains on the Phase One of High Speed 2 route.”

Insert the following new Clause—

**“No financial or managerial link between rail infrastructure owner and train operating company**

No owner of the rail infrastructure connected with Phase One of High Speed 2 may have any financial or managerial link with any company with a licence to operate trains on that route.”

**After Clause 43 - continued**

Insert the following new Clause—

**“High Speed 2 trains to have flexible space**

All trains procured to operate passenger services on the Phase One of High Speed 2 route must be provided with flexible space covering at least 10% of the internal floor area of the train for the use of cycles, pushchairs and small items of freight.”

**After Clause 65**

LORD BERKELEY  
LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Complaints Commissioner**

- (1) Within three months of the passing of this Act, the Secretary of State must appoint a Complaints Commissioner.
- (2) The role of the Complaints Commissioner shall be to receive and deal with complaints about any part of the works authorised by this Act.
- (3) Each year, the Complaints Commissioner must prepare and publish a report on the activities of the Commissioner during that year.
- (4) Each report must be submitted to the Secretary of State, who must lay the report before each House of Parliament.”

**After Schedule 16**

LORD STEVENSON OF BALMACARA

Insert the following new Schedule—

**“SCHEDULE****DUTY OF CARE AND LIABILITY OF SECRETARY OF STATE**

- 1 The Secretary of State and the nominated undertaker, and their contractors and sub-contractors, are, when dealing with persons whose land is subject to the exercise of powers under sections 4 to 19 or whose land is otherwise affected by the construction of the scheduled works, subject to a general duty of care to those persons.
- 2 The general duty of care includes requirements to—
  - (a) act fairly and in good faith at all times;
  - (b) minimise so far as reasonably practicable the acquisition and temporary occupation of land of third parties;
  - (c) minimise so far as reasonably practicable the impact on third parties of the carrying out of the scheduled works;
  - (d) act transparently;
  - (e) for not less than five years after the completion of the scheduled works, provide an information and assistance service for those affected by the scheduled works;

**After Schedule 16 - continued**

- (f) pay fair compensation promptly;
  - (g) consult affected persons before and during any process of compulsory acquisition;
  - (h) provide accommodation works during the construction of the scheduled works where reasonably required.
- 3 Notwithstanding any agreement to the contrary between the Secretary of State and the nominated undertaker or any contractor or sub-contractor, the Secretary of State is liable to third parties for the actions of the nominated undertaker and his or its contractors and sub-contractors in exercising the powers conferred by this Act and carrying out the scheduled works.
- 4 It is the duty of the Complaints Commissioner appointed by the Secretary of State under section (*Complaints Commissioner*) to determine how the Secretary of State and the nominated undertaker must observe the general duty of care created by this Schedule.”

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*21 December 2016*

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