

IN THE HOUSE OF LORDS

SESSION 2017–2019

MIDDLE LEVEL BILL

To: The Clerk of Private Bills in the House of Lords; and
Mr Nigel Moore

TAKE NOTICE that the Promoters of the Middle Level Bill intend to object to the right of Mr Nigel Moore to be heard upon his petition against the said Bill on the following grounds namely—

1. The petition does not allege, nor is it the fact, that any land, property or interest of which the Petitioner is owner, lessee or occupier will be taken or interfered with by the Bill.
2. The allegations in the petition with respect to the effect of the Bill on the petitioner do not disclose, nor has the Petitioner in fact, any separate interest in respect thereof distinct from that of other member of the public to entitle it to be heard against the Bill.
3. The petition does not disclose any facts or reasons which, according to the practice of Parliament, entitle the Petitioner to be heard against the Bill or any of the clauses or provisions thereof.

Particulars of the Promoters' objection to the right of Mr Moore to be heard upon his petition are set out in the Appendix to this notice.

Dated 19 June 2018


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Bircham Dyson Bell LLP

Agents for the Bill

Appendix: Particulars of the Promoters' objection to the Petitioner's right to be heard upon his petition

Individual petitioners against a private bill are not entitled to be heard upon their petition unless it is proved that their property or interests are directly and specially affected by the Bill. Their right to be heard is limited to the provisions that directly affect their property or interests. The requirements were most recently considered in the House of Lords by the Select Committee on the High Speed Rail (London – West Midlands) Bill. While that Committee was considering a hybrid bill, hybrid bills are subject to the same Standing Orders, and the same decisions in relation to the right to be heard, as private bills. Paragraph 8 of Appendix 2 to that Committee's 2016-17 Special Report stated—

“an individual petitioner's right to be heard as a right, and not under the discretionary powers in Standing Orders 117 and 118, depends on that petitioner establishing the prospect of direct and material detriment to his or her property interests, either by compulsory acquisition or by interference with his or her property rights which amounts to a common law nuisance, or some other interference which would be actionable if not authorised by Parliament”.

Mr Moore's petition establishes no such prospect. He has no property or interests that are specially and directly affected by the Bill. He lives in Brentford, Middlesex, some 70 miles from the Middle Level. His petition states that he has “care of several narrowboats hoping to cruise the Middle Levels”, but makes no claim of having any property or interest within the Middle Level or otherwise specially and directly affected by the Bill.

Mr Moore objects to the charging provisions, the definition of “waterways”, the removal powers and the proposed registration arrangements, but does not disclose any way in which the effects of those provisions on him are distinct from their effects on other members of the public.

Accordingly, Mr Moore has no right to be heard upon his petition.

Standing Order 118 gives the select committee a general power to allow the inhabitants of an area “which is alleged in the petition to be injuriously affected by a bill or any provisions thereof” to have their petition against the bill considered by the committee. However, as Mr Moore is not an inhabitant of the Middle Level, the discretion under Standing Order 118 does not extend to allow his petition to be considered.

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**NOTICE OF OBJECTION TO RIGHT OF
NIGEL MOORE TO BE HEARD ON HIS PETITION**

BIRCHAM DYSON BELL LLP

Parliamentary Agents