

House of Lords and House of Commons

EXAMINATION OF AN ADDITIONAL PROVISION TO A HYBRID BILL

High Speed Rail (West Midlands –
Crewe) Bill

First Additional Provision
(deposited on 23 March 2018)

Monday 23 April 2018

Before:

The Examiners of Petitions for Private Bills:

MS CHRISTINE SALMON PERCIVAL, Clerk of Private Bills, House of
Lords

MR JAMES COOPER, Counsel to the Chairman of Committees, House
of Lords

MR COLIN LEE, Clerk of Bills, House of Commons

MR DANIEL GREENBERG, Counsel for Domestic Legislation, Office of
Speaker's Counsel

MS ALISON GORLOV of Winckworth Sherwood appeared as the
Parliamentary Agent for the Bill.

There also appeared:

MR MARK AANENSEN, Parliamentary Clerk, Winckworth Sherwood

MR JAMES O'CONNOR, Partner, Eversheds Sutherland

MR DARREN WHITE, Senior Parliamentary Clerk, Eversheds Sutherland

MS KATE LAWTON, Bill Deposit Manager, Hybrid Bill Preparation Team,
HS2 Ltd

MS CEIRE O'REILLY, Powers and Consents Manager, HS2 Ltd

MR RAJ RANDHAWA, Land Referencing Lead, Land & Property, HS2 Ltd

MR PETER MILLER, Head of Environment, HS2 Ltd

MR OWEN KELLY, Associate Director, Land Services, WSP (Land
Referencing)

(2 pm)

1. **MS SALMON PERCIVAL:** Good afternoon, everyone. Welcome to this public meeting of the examination of the Additional Provision 1 to the High Speed Rail (West Midlands – Crewe) Bill. On 12 September 2017, we, the Examiners, found the High Speed Rail (West Midlands – Crewe) Bill to be hybrid and, as a result, the private business Standing Orders of the two Houses applied and we proceeded to examine that Bill. An additional provision has now been submitted and the purpose of this meeting is to examine that additional provision and decide whether the private business Standing Orders have been complied with.

2. Before we begin, I will make the introductions, although I think we all pretty well know each other by now. I am Christine Salmon Percival, Clerk of Private Bills in the House of Lords. To my left is Colin Lee, Clerk of Bills in the Commons. Also present are James Cooper, to my far left, Counsel to the Chairman of Committees in the House of Lords, and to my right is Daniel Greenberg, Counsel for Domestic Legislation in the Office of Speaker’s Counsel.

3. Ms Gorlov, you have quite a number of people here, but could you introduce yourself for the record, please, and those you would like to introduce from your team?

4. **MS GORLOV:** If you do not mind, I would rather they introduce themselves, if that is all right. I am Alison Gorlov and I am appearing today as the Agent for the Bill.

5. **MR O'CONNOR:** I am James O'Connor, appearing as Agent on behalf of the Bill.

6. **MR KELLY:** I am Owen Kelly, the land referencing manager on the Scheme.

7. **MR RANDHAWA:** I am Raj Randhawa, land referencing lead for HS2.

8. **MS LAWTON:** I am Kate Lawton, bill deposit manager for HS2.

9. **MS O'REILLY:** I am Ceire O'Reilly, powers and consents manager for HS2.

10. **MR AANENSEN:** I am Mark Aanensen, from Winckworth Sherwood.

11. **MR WHITE:** I am Darren White, from Eversheds Sutherland.

12. **MR MILLER:** I am Peter Miller. I am the environment director at HS2.

13. **MS SALMON PERCIVAL:** Thank you very much indeed. As before, when we did the examination for the Bill, we will consider each Standing Order in turn and invite the Agents for the Promoters to prove compliance with them. Where we think it is straightforward, we will do what we did before, which is that we will give a provisional indication immediately. If there are cases where we want to reserve judgment, we will go into private session at the end briefly and then bring you back in again, but you are very familiar with that format, I know. The transcript

of today's proceedings will be available on the parliamentary website shortly and the proceedings are being webcast.

14. If we could now start with the Standing Orders, we will start with Standing Order 4, please, Ms Gorlov.

15. **MS GORLOV:** Mr Aanensen, will you please hand in the newspapers listed on pages 1 and 2 of the proof and marked 1 to 14, with notice of the intention to submit amendments to the Bill? Mr O'Connor, do you prove that each notice contains a concise summary of the purposes of the amendments?

16. **MR O'CONNOR** I do.

17. **MS GORLOV:** Do you prove that each notice states that a copy of the amendments may be inspected at the places mentioned on pages 2, 3 and 4 of the proof?

18. **MR O'CONNOR:** I do.

19. **MS GORLOV:** Do you prove also that those offices include an office in each County and metropolitan district in which works to which Standing Order 27 applies are to be constructed or lands are to be acquired?

20. **MR O'CONNOR:** I do.

21. **MS GORLOV:** Do you prove that each notice states the time within which objections may be made and information regarding the submission of petitions?

22. **MR O'CONNOR:** I do.

23. **MS GORLOV:** Do you prove that each notice is headed and subscribed as described in the proof?

24. **MR O'CONNOR:** I do.

25. **MS GORLOV:** I consider this Standing Order has been complied with.

26. **MS SALMON PERCIVAL:** Ms Gorlov, I know that you have been given prior notice that we have looked at the requirements of the Standing Orders and believe that Standing Order 4, like Standing Order 4A, has a time requirement and that, because the dates on and after 4 December have been deleted from the Standing Order, therefore, technically, this is compliant save as regards time. Do you agree with that?

27. **MS GORLOV:** No, I do not. There is no requirement as to time in the Standing Order. The Standing Order requires notice to be published whenever an application is intended to be made to bring in a private Bill. The date is an informative; it is stating that on or after a given date the material will be available, as stated in the Standing Order. It is there because that date falls, in the case of a normal private Bill deposited on 27 November, after the date of publication of the notice. It is simply saying, as an informative, this material is going to be available from such and such a date onwards.

28. That is not referable to these amendments or to a hybrid Bill. You might recall that in the case of the Bill we mentioned time; in the

case of the previous AP we did not. We think, looking at it, that in fact the only thing you can say about time in relation to the additional provision is that we have not mentioned words that are in the Standing Order. That does not mean that we are out of time. It simply means that the particular informative should not refer to December, because it is completely irrelevant, but it is not a substantive issue.

29. **MS SALMON PERCIVAL:** The requirement that the notice shall state that on or after 4 December copies of the Bill or, in this case, the additional provision may be inspected, you are saying is not a requirement because this is a hybrid Bill additional provision.

30. **MS GORLOV:** Yes, it is not a requirement. The proof is as to time and it is not a requirement as to time; it is a requirement regarding the words to be used in the notice. Those words are not applicable in this case. If the proof had been, for example, that the notice was in the terms stated in the Standing Order, it would not have been and that would not have been complied with, but the time requirements have been complied with.

31. I have said all that because I think that is right, but it is being awfully pedantic and the fact is, if you want us to prove that it has been complied with except as regards time, we will happily do that as well.

32. **MS SALMON PERCIVAL:** That is very helpful, thank you. Examiners, is this one that you would like to take further, later on, in private deliberation, or would you like to indicate that it is proved save as

to time? Perhaps we will go into private deliberation on that one. Let us take Standing Order 4A, if we may.

33. **MS GORLOV:** Ms Lawton, do you prove that copies of the amendments to the Bill and the Bill were made available in the manner and at the offices mentioned in the notices?

34. **MS LAWTON:** I do.

35. **MS GORLOV:** If you turn to appendix A, you will see the result of our mystery shopper survey. As is normal practice, with which you are familiar, we went around to the places where the material should be on display and have noted where it was not. You will see in the "comments" column what happened next. There is the date that they were inspected and they were not there, and then, in the "comments" column, different people told us different things or we were directed to other addresses.

36. There are probably three to which I should draw attention. You will, of course, have in mind that this is not us and is outside our control. In relation to the Brereton Library, the information was available on a USB stick, but in order to have a look at a hard copy one had to become a member of the library. I have not inquired whether that meant paying a fee, but it is just something that you might like to notice.

37. In relation to Stafford Borough Council, all these people have had letters and they had their letter. I need to be reminded; have we found out whether the material is available now?

38. **MS LAWTON:** In each of those locations, we have looked into each of them and, in some cases, called them and been informed that they are on display. In the case of Stafford Borough Council, they will bring it out if requested by a member of the public.

39. **MS GORLOV:** Therefore, Stafford Borough Council has mended its ways. The other one to mention is Stone Rural Parish Council, where I think the appendix does not do them justice. The office was closed on the day of the visit because the office always is closed unless you ring up the parish clerk and make an appointment. We cleared that up with the parish clerk; she has the material and she is only too happy to entertain visitors.

40. **MS SALMON PERCIVAL:** As a follow up to that, if a member of the public wanted to go and make an appointment, would they know that that is how you get to see the material?

41. **MS GORLOV:** They would know that the material was available from the notices. I think I established that there is a notice outside the premises where the parish council has its offices, and it certainly has a website with the telephone number and the need for an appointment writ large.

42. **MS SALMON PERCIVAL:** Lovely, thank you.

43. **MR GREENBERG:** On your website thing, where somebody might have to become a member of something, again, even if they have to pay a fee and they do not want to pay a fee, they are now on notice of the information they are looking for, and there are plenty of other ways

they can find that information without paying a fee and going through that website, are there not?

44. **MS GORLOV:** Not least they can see it on screen; they just cannot get a hard copy.

45. **MR GREENBERG:** Yes, fine.

46. **MS GORLOV:** On that basis, I consider that this Standing Order has been complied with in all respects except as regards time.

47. **MR LEE:** I had some follow up questions, but they have been answered in your initial discussion of the mystery shopper.

48. **MR GREENBERG:** Just to help us later, can you confirm that the reason why you are making this distinction between 4 and 4A, where you are saying 4A is accepted as to time and 4 not, is about the notice.

49. **MS GORLOV:** That is right.

50. **MR GREENBERG:** Yes, fine.

51. **MS SALMON PERCIVAL:** I am sorry to do this, but I wonder if I could ask another question about 4, which I had forgotten to ask. I am sorry about that. As you may recall from the examination of the Bill, Mr O'Connor, we may have had a conversation on 4 about whether the notice can contain the petitioning period. I remember your answer on that occasion was that, no, it did not, because it could not, but it showed the procedure for finding out about it. Is the same true on this occasion?

52. **MR O'CONNOR:** No, it is not. The notice states when the petitions need to be submitted by, which is 1 pm on Friday, 27 April, and that was established prior.

53. **MS SALMON PERCIVAL:** Thank you. Another question is that I notice the Standing Order says that the notice should say where you could deposit the petition, either with the Clerk of the Parliaments in the Lords or in the House of Commons. Is it the case that that means that the notice specifies both Houses or just one House?

54. **MS GORLOV:** There are separate paragraphs. One says, "Objections to the proposed amendments may be made by submitting a petition at the Private Bill Office of the House of Commons", and then it goes on to say that in the House of Lords "objection may be made by submission in the House of Lords". It is not saying that you have to apply on different dates to each House; it is simply giving you a choice. I am bound to say that the standard form does not say, "By the way, you can choose one or the other"—I ad lib—but it points people in the direction of both.

55. **MS SALMON PERCIVAL:** Okay, thank you very much indeed. Standing Order 5.

56. **MS GORLOV:** Mr O'Connor, do you prove that, in so far as required by the Standing Order, each notice contains the particulars given on page 5 of the proof?

57. **MR O'CONNOR:** I do.

58. **MS GORLOV:** I consider that this Standing Order has been complied with.

59. **MS SALMON PERCIVAL:** Does anyone have any questions? No. Thank you very much. Standing Orders 6 to 9 are not applicable. Standing Order 10.

60. **MS GORLOV:** It is on page 8 of the proof. I prove that the Bill proposed to be amended is not promoted by a local or joint authority. I prove that the principal office of the Minister in charge of the Bill to which the amendments relate is situated in the City of Westminster.

61. Mr White, do you prove that the newspaper notices marked 1 and 2, previously handed in, were duly published in the area of the local authority once in each of two consecutive weeks, with an interval of not less than six clear days between the two?

62. **MR WHITE:** I do.

63. **MS GORLOV:** Do you prove that the newspaper notices are in the same terms?

64. **MR WHITE:** I do.

65. **MS GORLOV:** Mr Randhawa, do you prove that the amendments proposed to be made in the Bill relate to works that are situated in the county of Staffordshire and the unitary district of the borough of Cheshire East?

66. **MR RANDHAWA:** I do.

67. **MS GORLOV:** Do you prove that those local authority areas are the only ones in which any new works to which Standing Order 27 applies are to be constructed or in which land or rights in land are to be compulsorily acquired?

68. **MR RANDHAWA:** I do.

69. **MS GORLOV:** Mr White, do you prove that the newspaper notices marked 1 to 14, handed in, were published in the areas of the said local authorities, as stated on page 8 of the proof?

70. **MR WHITE:** I do.

71. **MS GORLOV:** Do you prove that the newspaper notices are in the same terms?

72. **MR WHITE:** I do.

73. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

74. **MS SALMON PERCIVAL:** Are there any questions? Thank you. Standing Order 10A.

75. **MS GORLOV:** Mr Aanensen, can you hand in list A, please? Do you prove that list A contains at least one place of public resort in each of the local authority areas in which the land or works will be situated?

76. **MR AANENSEN:** I do.

77. **MS GORLOV:** Ms Lawton, do you prove that reasonable endeavours were made to ensure that copies of the newspaper notice

were displayed in each place of public resort mentioned in the list, as stated on page 9 of the proof?

78. **MS LAWTON:** I do.

79. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

80. **MS SALMON PERCIVAL:** I think I asked the same question when the Bill was being examined. The notion of reasonable endeavours is, of course, a judgment concept. Could you explain what "reasonable endeavours" means?

81. **MS LAWTON:** Yes. There are a number of steps we have taken. Before Bill deposit, we wrote to all the locations advising that we were intending to deposit an AP and that, as part of that process, they would have to display certain information. There was a cover letter on all the deposit information, reminding them again that they would have to display the newspaper notices, where relevant, and make the information available to the public.

82. Lastly, we carried out the mystery shopper exercise, which went to a number of locations, some of which are listed in appendix A, and checked that all the information was displayed as it should be. We then took remedial follow-up action where that was not the case and have written to those who were not displaying as they should have been.

83. **MS SALMON PERCIVAL:** Lovely, thank you very much indeed. Standing Order 11.

84. **MS GORLOV:** Mr Aanensen, do you produce the *London Gazette* of 28 March 2018 with a notice of the amendments to the Bill? Thank you.

85. Mr O'Connor, do you prove that each notice states the particulars given on page 9 of the proof?

86. **MR O'CONNOR:** I do.

87. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

88. **MS SALMON PERCIVAL:** Again, last time, the same question was raised about whether the time within which objection may be made could be stated and, presumably, your answer to Standing Order 4 applies.

89. **MR O'CONNOR:** It is the same.

90. **MS SALMON PERCIVAL:** Lovely, thank you. Standing Order 12 is not applicable. Standing Order 12A.

91. **MS GORLOV:** Mr Kelly, do you prove that on 27 March 2018 the notice required by Standing Order 12A was displayed, as mentioned on page 10 of the proof?

92. **MR KELLY:** I do.

93. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

94. **MS SALMON PERCIVAL:** Colin has some questions.

95. **MR LEE:** I just want to draw out a slight difference between the proof on the additional provision and on the Bill in the first instance. In

this case, it confirms that the notice was able to be put at each end of each of the footpaths in question. Presumably, it is a more limited number of footpaths than was the case with the Bill itself. Is that the case?

96. **MR O'CONNOR:** Yes.

97. **MS GORLOV:** The problem on the last occasion was that there was no obvious end to one of the footpaths as well.

98. **MR LEE:** Yes, we have that. Sandbach 52 is the footpath, but that is not affected by the additional provision.

99. **MS SALMON PERCIVAL:** Lovely, thank you very much. Let us move to Standing Order 13.

100. **MS GORLOV:** Mr Aanensen, will you please hand in list B with Post Office receipts and signed by the witness? These are the notices served by recorded delivery and served personally. Mr Kelly, do you prove that on 26 March 2018, as regards list B, you gave notice in writing, in a form following appendix A to the Standing Orders as closely as possible, to the parties mentioned in the list, in accordance with Standing Orders 22 and 24?

101. **MR KELLY:** I do.

102. **MS GORLOV:** Mr Kelly, do you also prove that, in the case of the notices forwarded by post, they were posted on 26 March 2018 and that subject to what is said in the appendices, which I will mention in a moment, none of the notices was returned by the Post Office as undelivered?

103. **MR KELLY:** I do.

104. **MS GORLOV:** If you would like to have a look at appendices B and C, 330 parliamentary notices were served by recorded delivery and in person to everybody in the book of reference. You will see seven by hand on 26 March, 320 by recorded delivery on the same day and then three further notices posted by recorded delivery and a new notice on the 16th. These were all due to new information coming to light. In one case, two notices were issued after late information was received regarding a change of ownership.

105. These things come to light even when one asks all sorts of questions and you do not find out until the new owner rings up and says, "Why me?" The information came to light and new notices were served. There were also the four mentioned at the bottom of appendix B, where notices were served on the people who were understood to be the occupiers, understood from the freeholder of the land, who you might suppose got it right. These were tenancies, which would not have been registered anywhere, so they could not otherwise have been found. It turned out that, in fact, the freeholder had his tenants in the wrong places and so, having sorted that out, we re-served notices on both of them with corrected schedules.

106. **MS SALMON PERCIVAL:** In the proof on page 11, you refer to notices having been posted on 26 March, which the appendix mentions, and that one such notice was returned by the Post Office, which is,

presumably, the one in the penultimate paragraph of appendix B. Is that right?

107. **MS GORLOV:** Yes, as I understand it.

108. **MR AANENSEN:** Sorry, there was an update to the proof this morning and that number had gone from one to four.

109. **MS SALMON PERCIVAL:** Right, thank you.

110. **MS GORLOV:** Yes, it is the bottom two paragraphs. Sorry, we should have corrected the proof on that.

111. **MR LEE:** Could I ask a question on an interaction with another Standing Order? We will come on to the book of reference in Standing Order 54, but appendix B refers to the delivery of parliamentary notices being to the person or persons, and the book of reference has four entries, which are unknown entries. In other words, it has not been possible, from the sources you draw upon for the book of reference, to ascertain the relevant person. Has something been sent to the address concerned on a "to whom it may concern" basis?

112. **MR KELLY:** A notice was posted on site in the location. Those four entries are in the same geographical location. They were land that was previously claimed by a separate freeholder and there was a bit of unclarity as to whether they had surrendered that claim. To be cautious, we placed on site an unknown owner notice, which was for the same area of land that just happened to be in four entries. One was owner, one

reputed owner, one occupier and one reputed occupier, and the land was split into two separate plots for the purposes of the land use.

113. **MS SALMON PERCIVAL:** Ms Gorlov, I notice that part of appendix C refers to Standing Order 13. Could you explain that?

114. **MS GORLOV:** Yes, certainly. That is the one I mentioned just now about the tenants who were incorrectly identified. The reason we put it there was because, of course, it bears on the book of reference as well.

115. **MS SALMON PERCIVAL:** Lovely, thank you very much indeed. Are there any further questions on Standing Oder 13?

116. **MS GORLOV:** I think I am right that Mr Kelly has not completed his proof.

117. **MS SALMON PERCIVAL:** Right, sorry.

118. **MS GORLOV:** Mr Kelly, do you prove that list B contains the names of all the owners, reputed owners, lessees, reputed lessees and occupiers of each parcel of land or house subject to compulsory purchase powers, as mentioned on page 11 of the proof, and that is subject, of course, to the discussion we have just had?

119. **MR KELLY:** I do.

120. **MS GORLOV:** I consider this Standing Order has been complied with in all respects except as regards time.

121. **MS SALMON PERCIVAL:** Thank you very much. Standing Orders 14 to 21 are not applicable. Standing Orders 22 to 24 do not need

to be proved. Standing Orders 25 and 25A are not applicable.¹ Standing Order 27, please.

122. **MS GORLOV:** Ms Lawton, do you prove that you deposited, in accordance with Standing Order 26, the documents listed at a) to d) on page 22 of the proof?

123. **MS LAWTON:** I do.

124. **MS GORLOV:** Do you prove that you deposited them with the proper officers mentioned on that page?

125. **MS LAWTON:** Yes.

126. **MS GORLOV:** Do you prove that any deposit was accompanied by a schedule of documents listing the documents deposited?

127. **MS LAWTON:** Yes, I do.

128. **MS GORLOV:** Do you also prove that the proper officers mentioned are the proper officers of the county and unitary district in which it is proposed to authorise the construction of works to which SO 27 applies or compulsorily acquire land, buildings or rights?

129. **MS LAWTON:** I do.

130. **MS GORLOV:** Ms O'Reilly, Mr Aanensen and Mr White as regards both Houses, and Ms Lawton as regards government departments, do you prove that on 23 March 2018 as regards the two Houses, and between 26 and 28 March 2018 in relation to the government departments, you made the deposits required by Standing

¹ Standing Order 26 does not need to be proved.

Order 27(8) in the House of Lords, Standing Order 27(6) in the House of Commons and in accordance with Standing Order 26, as mentioned on page 23 of the proof?

131. **MS O'REILLY:** I do.

132. **MR AANENSEN:** I do.

133. **MR WHITE:** I do.

134. **MS GORLOV:** Thank you. Ms O'Reilly, do you prove that the Ordnance maps deposited under the Standing Order are on the scale of 1:50,000, with the line of the railway delineated on them so as to show its general course or direction?

135. **MS O'REILLY:** I do.

136. MS GORLOV: I consider that this Standing Order has been complied with in all respects except as regards time.

137. **MS SALMON PERCIVAL:** Was the deposit made hard copy and electronic?

138. **MS LAWTON:** With Parliament or in all locations?

139. **MS SALMON PERCIVAL:** The councils.

140. **MS LAWTON:** Where they requested a hard copy it was hard copy; otherwise it was USB stick.

141. **MS SALMON PERCIVAL:** Right. When you give them the USB stick, do you hand it to them personally or is it sent by post?

142. **MS LAWTON:** It is personally delivered and they sign for it, so we have proof of delivery.

143. **MS SALMON PERCIVAL:** Right, so there is no question but that they got it?

144. **MS LAWTON:** No, we have a signature.

145. **MS SALMON PERCIVAL:** Thank you. Just for saving time purposes, wherever there is a deposit, does the same apply to the other Standing Orders or shall I raise it at each point?

146. **MS LAWTON:** It would be the same for each case.

147. **MS SALMON PERCIVAL:** Lovely, thank you. That is Standing Order 27, thank you. Standing Order 27A.

148. **MS GORLOV:** Ms O'Reilly, Mr Aanensen and Mr White as regards both Houses of Parliament, and Ms Lawton as regards government departments, Mr Miller regarding the contents, do you prove that on 23 March 2018 in both Houses of Parliament, and between 26 and 28 March 2018 in relation to the government departments, you made the deposits of the supplementary environmental information mentioned on page 23 of the proof?

149. **MS O'REILLY:** I do.

150. **MR AANENSEN:** I do.

151. **MR WHITE:** I do.

152. **MS LAWTON:** I do.

153. **MR MILLER:** I do.

154. **MS GORLOV:** Do you prove that it contained the information mentioned there?

155. **MR MILLER:** I do.

156. **MS GORLOV:** Ms Lawton, do you prove that every environmental statement deposited and every non-technical summary was made available for inspection, as mentioned on page 23?

157. **MS LAWTON:** Yes, I do.

158. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

159. **MS SALMON PERCIVAL:** Right, thank you.² Standing Orders 29 to 33 are not applicable. Standing Order 34, please.

160. **MS GORLOV:** Ms Lawton, do you prove that between 26 and 28 March 2018 you deposited, in accordance with Standing Order 26, a copy of the deposited plan, section and book of reference, as mentioned on page 28 of the proof?

161. **MS LAWTON:** I do.

162. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

163. **MS SALMON PERCIVAL:** Thank you. Standing Order 35 is not applicable. Standing Order 36, please.

164. **MS GORLOV:** Mr Aanensen, will you please hand in list C? Ms Lawton, do you prove that between 26 and 28 March 2018 you deposited, in accordance with Standing Order 26, a copy of so much of the deposited

² Standing Order 28 has been repealed.

plan, section and book of reference as relates to the respective local government areas with the respective officers mentioned in list C?

165. **MS LAWTON:** I do.

166. **MS GORLOV:** Do you also prove that list C identifies the officer of each local authority in Standing Order 36(1)(a) and confirms that those local authorities are the only such authorities to which the plan, section or book of reference relates?

167. **MS LAWTON:** I do.

168. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

169. **MS SALMON PERCIVAL:** Thank you. Standing Orders 37 and 38 are not applicable. Standing Order 39.

170. **MS GORLOV:** Ms Lawton, do you prove that between 26 and 28 March 2018 you deposited, as specified in accordance with the Standing Order 1A list and in accordance with Standing Order 26, copies of the amendments to the Bill?

171. **MS LAWTON:** I do.

172. **MS GORLOV:** I prove that those deposits are the only deposits required to be made under Standing Order 39 and consider that this Standing Order has been complied with in all respects except as regards time.

173. **MS SALMON PERCIVAL:** Thank you. Standing Order 40 has been repealed. Standing Order 41.

174. **MS GORLOV:** Ms Lawton, do you prove that between 26 and 28 March 2018 you delivered, in accordance with Standing Order 26, a copy of the amendments to the Bill at the offices of the highway authorities mentioned on page 31 of the proof?

175. **MS LAWTON:** I do.

176. **MS GORLOV:** Do you prove that they are the only highway authority recipients specified in Standing Order 1A?

177. **MS LAWTON:** I do.

178. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

179. **MS SALMON PERCIVAL:** Thank you. Are there any questions? No. Standing Orders 42 to 44 are not applicable. Standing Order 45, please.

180. **MS GORLOV:** Mr Aanensen and Mr White regarding both Houses of Parliament, Ms Lawton as regards the government departments, do you prove that on 23 March 2018 in both Houses and between 26 and 28 March as regards government departments you deposited, in accordance with Standing Order 201 of the House of Lords, Standing Order 209 of the House of Commons, in the offices mentioned in the proof, and in accordance with Standing Order 26 at the places mentioned on page 34, the estimate of expense, as required by the Standing Order?

181. **MS LAWTON:** I do.

182. **MR AANENSEN:** I do.

183. **MR WHITE:** I do.

184. **MS GORLOV:** Ms O'Reilly, do you prove that the estimate of expense is prepared in the form set out in appendix B to the Standing Order or as near to it as circumstances permit?

185. **MS O'REILLY:** I do.

186. **MS GORLOV:** Do you prove that the estimate was made by Mark Thurston, the chief executive of HS2 Ltd and that it is signed by him?

187. **MS O'REILLY:** I do.

188. **MS GORLOV:** I consider that this Standing Order has been complied with in all respects except as regards time.

189. **MS SALMON PERCIVAL:** Are there any questions? No. Thank you very much. Standing Order 46 has been repealed. Standing Order 47 is not applicable. Standing Order 48, please.

190. **MS GORLOV:** Ms O'Reilly, do you prove that every deposited plan is drawn to a scale of not less than 1:15,000 and describes the lands as mentioned on pages 35 and 36 of the proof?

191. **MS O'REILLY:** I do.

192. **MS GORLOV:** Do you prove that there is no alternative line or work laid down on the plan?

193. **MS O'REILLY:** I do.

194. **MS GORLOV:** Do you prove that the limits of lateral deviation are defined on the plan and all lands included with those limits are marked?

195. **MS O'REILLY:** I do.

196. **MS GORLOV:** Do you prove that, where a viaduct or tunnelling is intended, the tunnel or viaduct is marked, in the case of a tunnel by a dotted line?

197. **MS O'REILLY:** I do.

198. **MS GORLOV:** Do you prove that where, under any Standing Order, a length is required to be stated it is stated in kilometres and metres?

199. **MS O'REILLY:** I do.

200. **MS GORLOV:** I consider that this Standing Order has been complied with.

201. **MS SALMON PERCIVAL:** Thank you. Standing Orders 49 and 50 are not applicable. Standing Order 51, please.

202. **MS GORLOV:** Ms O'Reilly, do you prove that where it is proposed to divert, widen or narrow a public carriage road, navigable river, canal, railway or tramroad the course of the diversion and the extent of the widening or narrowing is marked on the plan; where it is intended to divert a public footpath or bridleway, the course of the diversion is marked; and, where it is intended to apply for powers to make any lateral deviation from the course of the proposed diversion of a

public footpath or bridleway, the limits of the deviation are defined on the plan?

203. **MS O'REILLY:** I do.

204. **MS GORLOV:** I consider that this Standing Order has been complied with.

205. **MS SALMON PERCIVAL:** Thank you. Standing Orders 52 and 53 are not applicable. Standing Order 54.

206. **MS GORLOV:** Mr Randhawa, do you prove that the deposited book of reference is in the same terms and contains the names of all the owners or reputed owners, lessees or reputed lessees and occupiers of all lands or houses which, or rights to use which, may be compulsorily acquired or which are liable to the imposition of an improvement charge, except as stated on page 38 of the proof?

207. **MR RANDHAWA:** I do.

208. **MS GORLOV:** I do not know if you would like to turn again to appendix C.

209. **MS SALMON PERCIVAL:** Yes, please, thank you.

210. **MS GORLOV:** If you look at the first half of the notes, you will see that, despite all normal inquiries, it was impossible to trace four of the owners, lessees and occupiers, and we have four unknown entries in the book of reference in respect of the plots mentioned in that first paragraph. As you have heard from Mr Owen, a single site notice could be placed because they are all near to each other. We did not get any

information from Network Rail either regarding its interest as a reputed owner, but, notice having been posted, we have done all we can.

211. **MS SALMON PERCIVAL:** You have a question.

212. **MR LEE:** Yes. As you say, you have dealt with the unknown owners. With regard to Network Rail's lack of information, is that consistent with practice on the Bill?

213. **MS GORLOV:** Yes, it is. Network Rail has a huge patchwork of land acquired in all sorts of dim and distant times and different ways, and it has some pretty good records, but they are not as clear as all that and most of the land is not registered, so it is not always terribly easy to see what belongs to whom and where. Of course, the width of the average line on a plan is a good few feet. I am not quite sure how big this bit of land is.

214. **MR KELLY:** It is adjacent to the main railway.

215. **MS GORLOV:** How large an area is it?

216. **MR KELLY:** Twice the size of this table. I do not know in terms of numbers, sorry. It is not a huge piece of land, but it is land adjacent to the railway; it appears to be in their use.

217. **MS GORLOV:** It sounds as if it is not that much wider than the thick drawn line on the plan. It is not surprising nobody quite knows who owns it. I have not said, but I consider that this Standing Order has been complied with.

218. **MS SALMON PERCIVAL:** Thank you very much.

219. **MR GREENBERG:** Anybody who had an active interest in some odd bit of land that was now incorporated in a Network Rail plot would be keeping tabs on it, and there are plenty of ways for them to find out what is going on with HS2.

220. **MS GORLOV:** People could, yes. The fact of the matter is that all sorts of odd bits of railway land are used in all sorts of odd ways, which nobody quite notices for a very long time, until somebody suddenly wants to do something with the land. Between us, we could probably give you quite a lot of examples of funnies where people have found all sorts of extraordinary things happening to bits of land by the railway.

221. **MR GREENBERG:** Yes, that is fine. If you want to make it into a problem, that is fine. I was rather trying to help you and suggesting that somebody who cares has plenty of ways of finding out there is something to care about.

222. **MS GORLOV:** Absolutely, yes.

223. **MR GREENBERG:** Yes, and the people who have forgotten about it, because they do not care, do not care.

224. **MR GORLOV:** Exactly.

225. **MS SALMON PERCIVAL:** Thank you. Standing Order 55.

226. **MS GORLOV:** Ms O'Reilly, do you prove that every deposited section is drawn to the same horizontal scale as the plan to which it relates and to a vertical scale of not less than 1:1,250, and that it shows the surface of the ground marked on the plan, the intended level of the

proposed work, the height of every embankment, the depth of every cutting and the datum horizontal line by reference to Ordnance Survey or chart datum?

227. **MS O'REILLY:** I do.

228. **MS GORLOV:** Do you prove that the datum line is the same throughout the whole length of the work and any branch of it?

229. **MS O'REILLY:** I do.

230. **MS GORLOV:** Do you prove that, where tunnelling or a viaduct is intended, it is marked on the section?

231. **MS O'REILLY:** I do.

232. **MS GORLOV:** Do you also prove that, wherever the extreme height of an embankment or the extreme depth of a cutting exceeds 1.5 metres, the extreme height, overall depth under the surface of the ground is marked in figures on the section and that, where any bridge or viaduct of more than three arches intervenes in any embankment or where any tunnel intervenes in any cutting, the extreme height or depth is marked in figures on each of the parts into which the embankment or cutting is divided by the bridge, viaduct or tunnel?

233. **MS O'REILLY:** I do.

234. **MS GORLOV:** I consider that this Standing Order has been complied with.

235. **MS SALMON PERCIVAL:** Thank you. Standing Orders 56 to 59 are not applicable. That leaves us with the last Standing Order, Standing Order 83A House of Lords, 224A House of Commons.

236. **MS GORLOV:** Mr O'Connor, do you prove that each notice published under Standing Order 10 states that any person who wishes to make comments on the supplementary environmental information should send them to the places and in the manner specified on page 41 of the proof?

237. **MR O'CONNOR:** I do.

238. **MS GORLOV:** Do you prove that 14 May 2018 falls no earlier than the 42nd day after the first publication of the notice?

239. **MR O'CONNOR:** I do.

240. **MS GORLOV:** I consider that this Standing Order has been complied with.

241. **MS SALMON PERCIVAL:** Could I raise one point? I notice from the proof of one of the additional provisions for the last HS2 Bill, which I happened to be looking at, it also proved that the supplementary information is prefaced with a statement that the information is being deposited as supplementary information under this order. Should that have been included in this proof and, if not, why not?

242. **MS GORLOV:** I do not know the answer to that offhand. Can we go away, think about it and come back?

243. **MS SALMON PERCIVAL:** Are you able to prove it now?

244. **MS GORLOV:** Well, we consider that the Standing Order has been complied with. What can we prove?

245. **MR WHITE:** It contains the preface required by the Standing Order. For some reason, the words seem to be missing from the proof.

246. **MS SALMON PERCIVAL:** That is sufficient.

247. **MS GORLOV:** Sorry, I thought you wanted rather more than that.

248. **MS SALMON PERCIVAL:** You are happy to prove that the supplementary information was prefaced with the statement, as appropriate.

249. **MS GORLOV:** Yes. I am sorry; I misunderstood what your concern was here.

250. **MS SALMON PERCIVAL:** Thank you very much indeed. That completes the Standing Orders. There is only one on which we want just a few moments, if you do not mind, to have some private deliberations, so we will go into private session and, all being well, we will not leave you out there very long. Thank you.

The Examination was suspended from 2.40 pm until 2.50 pm.

251. **MS SALMON PERCIVAL:** Many thanks for your patience. Before we state our conclusions, Daniel has a point to raise.

252. **MR GREENBERG:** It is just a point on the instances where more than one person is mentioned in the left margin; you have block proof that these people prove. I do not have any difficulty with it where it is

clear exactly who is responsible for what. For example, if you look at page 34 of the proof, we know that Kate Lawton dealt with all the government departments, but we do not know who was responsible for what between Mark Aanensen and Darren White.

253. We are not intending to find any lack of compliance in relation to this Bill. I mention this really for public record and future practice. It seems to us the point of this whole exercise is that each person is saying, "I, individually, promise Parliament I did this, I did that and I did the other". It is a point of public record and we need to know exactly who did what. We do not want this discussion in a month's time: "That was not my job; you were meant to go to that department".

254. For the sake of an extra paragraph, and just splitting it up a bit and saying, "I went to this department; you went to that department", in the context of what is a deliberately careful exercise for the record, we think it should be split up.

255. **MS GORLOV:** Yes, Sir, in future we can certainly do that, or we can say that more than one person walked around hand in hand.

256. **MR GREENBERG:** Well, indeed. Okay, that would be helpful.

257. **MS SALMON PERCIVAL:** Thank you very much. We have concluded that the following Standing Orders that are applicable have not been complied with: 4, 4A, 10, 10A, 11, 12A, 13, 27, 27A, 34, 36, 39, 41 and 45. In each case, the non-compliance relates only to the time referenced in the Standing Orders and the consequences thereof.

258. Ms Gorlov, in these circumstances, it would be helpful if you could indicate whether you would like to make any further submissions to the Standing Orders Committees to which this non-compliance will be referred.

259. **MS GORLOV:** Not today, no, but we will appear before the Standing Orders Committee in due course.

260. **MS SALMON PERCIVAL:** Lovely, thank you very much. That concludes the meeting. Thank you all.

The Examination was adjourned at 2.55 pm.