

High Speed Rail (West Midlands - Crewe) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD ADONIS

1 Page 1, line 18, at end insert—

“() The commencement of the scheduled works may not take place until the Secretary of State has presented a bill to Parliament providing for the construction of a high-speed railway from the West Midlands to Leeds.”

After Clause 22

BARONESS RANDESON

2★ Insert the following new Clause—

“Report on the excavation of burial sites and removal of monuments

- (1) Within six months of the day on which this Act is passed the Secretary of State must lay before Parliament a review of the excavation of burial sites and the removal of monuments undertaken in the process of construction relating to works authorised by this Act.
- (2) The review must make an assessment of how successful the operations listed in subsection (1) were, in particular with reference to—
 - (a) consultation with local residents; and
 - (b) the response from the wider public.
- (3) The report may make a recommendation as to how the operation of future excavations and removals of monuments relating to works authorised by this Act can be improved.”

Clause 49

LORD BERKELEY

3 Page 20, line 44, at end insert –

- “() A TWA order which relates to an extension or works referred to in subsection (2) may also provide for any provision of this Act to cease to have effect to the extent that the content of the TWA order replaces it.”

Member’s explanatory statement

This is intended to clarify the extent to which a Transport and Works Act Order may be used to alter the proposals under the Bill, and the means by which one may be obtained.

After Clause 58

LORD BERKELEY

4 Insert the following new Clause –

“Quarterly reports on environmental impact, costs and progress

- (1) The Secretary of State must publish quarterly reports on the scheduled works throughout the period in which those works take place.
- (2) Each such report must contain an assessment of –
 - (a) environmental impact;
 - (b) costs, including costs of land acquisition;
 - (c) progress; and
 - (d) revenue forecasts and Cost Benefit Analyses,
 compared to the relevant information contained in the Bill documentation.
- (3) The first such report must be laid before Parliament within the period ending three months after the day the scheduled works commence.
- (4) Each subsequent report must be laid before Parliament within three months of the publication of the last report under this section.”

Member’s explanatory statement

This amendment seeks to require the Government to provide consistent, regular and complete reports to Parliament.

LORD BERKELEY
THE EARL OF LYTTON

5 Insert the following new Clause –

“Compensation scheme for tenants

- (1) The Secretary of State must by regulations make provision for a scheme to compensate tenants adversely affected by the scheduled works.
- (2) Regulations under this section may contain such supplementary, incidental, consequential or transitional provision as the Secretary of State considers necessary or expedient.
- (3) Regulations under this section must be made by statutory instrument.
- (4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of resolutions of both Houses of Parliament.”

Member's explanatory statement

This is intended to require the Government to introduce regulations to ensure that tenants affected by the works are fairly compensated.

6 Insert the following new Clause –

“Independent peer review

- (1) The Secretary of State must commission an independent peer review of the High Speed Rail (West Midlands to Crewe) project.
- (2) The review must include consideration of the project's –
 - (a) environmental impact,
 - (b) costs, forecast revenue and economic impact,
 - (c) engineering, and
 - (d) governance.
- (3) In this section, “independent” means it is carried out by persons who are independent of –
 - (a) Government,
 - (b) HS2 Ltd, and
 - (c) persons contracted or subcontracted to carry out any of the scheduled works.
- (4) In this section, a “peer review” is a review conducted by experts of equivalent professional qualifications, expertise and standing to the persons responsible for each aspect of the project set out in subsection (2).
- (5) A report of the review under subsection (1) must be laid before Parliament and have been debated in both Houses before commencement of the scheduled works.”

Member's explanatory statement

The purpose of the amendment is to require the Government to commission and publish a wide ranging audit of all elements of the scheduled works, costs, forecasts and economic impact and done by professionals who have not links with the Government or the promoters.

LORD BERKELEY
BARONESS KRAMER

7 Insert the following new Clause –

“Non-disclosure agreements

- (1) The nominated undertaker, or any subcontractors thereof, must not enter into any non-disclosure agreement with any party in connection with the scheduled works unless the assessor of non-disclosure agreements related to the scheduled works (“the assessor”) has certified that it is in the public interest.
- (2) The Comptroller and Auditor General must appoint a person to be the assessor.
- (3) The assessor must be –
 - (a) independent, and
 - (b) a current or former high court judge, higher judge or Queen's Counsel.
- (4) In this section, “independent” means independent of –

After Clause 58 - continued

- (a) Government,
 - (b) HS2 Ltd, and
 - (c) persons contracted or subcontracted to carry out the scheduled works.
- (5) The assessor must undertake his or her work with a presumption in favour of transparency and public accountability in matters connected to the scheduled works.
 - (6) The assessor must review any non-disclosure agreement between the nominated undertaker, or any subcontractors thereof, and any party in connection with the scheduled works and in place before this section comes into force to certify whether it is or is not in the public interest.
 - (7) The assessor may not determine that a non-disclosure agreement is in the public interest for the purposes of subsection (1) or (6) except for the reason that it is justified because of exceptional commercial confidentiality.
 - (8) If the assessor certifies under subsection (6) that a non-disclosure agreement is not in the public interest that non-disclosure agreement immediately ceases to have effect.
 - (9) In this section, a “non-disclosure agreement” means any duty of confidentiality or other restriction on disclosure (however imposed).”

Member’s explanatory statement

This amendment seeks to require HS2 to subject all proposed NDAs to independent scrutiny.

LORD ROSSER

8 Insert the following new Clause –

“Cost-benefit assessment of HS2

- (1) Within three months of the passing of this Act, the Secretary of State must publish a cost-benefit assessment of HS2.
- (2) The Secretary of State must publish a revised assessment in each subsequent twelve month period.”

LORD TUNNICLIFFE

9 Insert the following new Clause –

“Impact on ancient woodland

The Secretary of State must publish an annual report throughout the period in which the scheduled works take place detailing the impact on ancient woodlands.”

LORD TUNNICLIFFE
BARONESS RANDESON

10 Insert the following new Clause –

“Compensation scheme for tenants

Within one month of the passing of this Act, the Secretary of State must introduce a Bill to make provision for a scheme to compensate tenants adversely affected by the scheduled works.”

After Clause 58 - continued

BARONESS RANDERSON

11★ Insert the following new Clause –

“Connectivity

- (1) The Secretary of State must conduct an annual review of the impact of this Act on the connectivity of the UK Rail Network.
- (2) The review under subsection (1) must make reference to –
 - (a) the impact of HS2 on connectivity in relation to –
 - (i) the existing rail network, and
 - (ii) new parts of the network constructed during the process of HS2;
 - (b) future connectivity planning.
- (3) The review under subsection (1) may make reference to the impact of the coronavirus pandemic on future connectivity planning.
- (4) The Secretary of State must lay a copy of the review under subsection (1) before both Houses of Parliament within six months of the day on which this Act is passed, and each calendar year thereafter until 2035.”

THE EARL OF LYTTON

12★ Insert the following new Clause –

“Mitigation of loss or inconvenience to owners or occupiers of land used in these works

In any matter relating to the entry on, occupying or acquiring of, private land, the nominated undertaker must take all necessary steps to mitigate the inconvenience or loss to any owner or occupier of that land.”

Member’s explanatory statement

This amendment seeks to ensure that best practices in minimising loss or inconvenience are followed by HS2 Ltd and its contractors.

13★ Insert the following new Clause –

“Compensation for losses suffered by owners or occupiers of land used in these works

- (1) Where land is temporarily occupied by these works, compensation shall be paid, in advance, for any losses the owner or occupier of that land will suffer for the period of that occupation, or any future management obligations.
- (2) If that land, or any interest in it, is to be acquired permanently at a later date, such compensation for that permanent acquisition shall be paid when temporary occupation first takes place.”

Member’s explanatory statement

This amendment seeks to ensure that HS2 Ltd cannot take up occupation of land on a temporary or permanent basis without addressing the issue of compensation to the affected owner or occupier.

Schedule 1

LORD ROSSER

14 Page 29, line 25, at end insert –

- “(5) The scheduled works may not commence until the Secretary of State has published an assessment of whether there are sufficient transport provisions in the Unitary District of Shropshire and the County of Staffordshire for the purposes of enabling the construction and maintenance of the works specified in this Schedule.
- (6) This must include an assessment as to whether improvements to railway stations within those areas are necessary for the purposes of enabling workers on the project to access the works or to address any changes to general passenger movements as a result of the works.
- (7) This must also include an assessment as to whether the construction of new railway stations in those areas are necessary as a result of the construction or maintenance of the works or as a result of any changes to general passenger movements caused by the works.”

15 Page 29, line 25, at end insert –

- “(5) The scheduled works may not commence until the Secretary of State has published a report considering the impact of road traffic resulting from the works.
- (6) The report must include –
- (a) an assessment of estimated levels of road traffic resulting from the works;
 - (b) an assessment of the conditions of any roads which may experience an increase in traffic as a result of the works;
 - (c) results from a consultation of residents and local authorities likely to be impacted in each Parish in which the works take place.”

Schedule 23

LORD BERKELEY
THE EARL OF LYTTON

The above-named Lords give notice of their intention to oppose the Question that Schedule 23 be the 23rd Schedule to the Bill.

Member’s explanatory statement

This notice will enable members to seek clarity as to the manner and arrangements for interface between this Schedule and the provisions of the Party Wall etc. Act 1996.

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4 November 2020
