



Northern Ireland  
Assembly

## Research and Information Service Briefing Paper

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# Provision for Hybrid Bills in other legislatures

## 1 Introduction

This briefing paper provides information on hybrid bills. The Committee on Procedures requested this paper following its meeting on 12 January 2016. At that meeting, it received a briefing on the possible introduction of a Bill that the Speaker had deemed hybrid – that is, a mixture of public and private legislation. The Northern Ireland Assembly currently has no provision in Standing Orders for processing hybrid bills. The accompanying briefing note stated that:

The purpose of the Bill is to create a trust which preserves aspects of two historical trusts created when land owned by the Marquis of Ely was placed in trust to benefit “purchasing tenants”... The proposed Bill therefore seeks to ensure that the trustees are appointed and have clear and effective powers to run the trust for the public benefit while creating a trust which preserves the purely public benefit aspects of the current trusts.

The Committee requested research on the following specific issues:

- the definition of a hybrid bill;

- preliminary scrutiny, including information that may require to be submitted with the bill;
- submission and consideration of objections;
- committee scrutiny, including committee membership.

The researcher did not have sight of the Bill for the purposes of drafting this briefing paper. What follows is an overview of key issues that the Committee may wish to consider. Hybrid Bills are a potentially complex issue, particularly those that require works to be carried out.

### **Definition of a hybrid bill**

A Hybrid Bill has been defined by a former Speaker of the House of Commons as a “public bill which affects a particular private interest in a manner different from the private interests of other persons or bodies of the same category or class”<sup>1</sup>.

They have been further categorised as “Bills which propose to undertake works of national importance, but in a local area, have usually been hybrid”<sup>2</sup>.

The concept of hybrid bills appears to have originated in the House of Commons. Such Bills are rare, and not all Westminster-style parliaments make provision for them. They are subject to their own special procedures and are subject to a different timetable compared to public bills.

This briefing paper looks mainly at the process followed in the UK Parliament and Scottish Parliament, as they provide the most detailed information on the passage to be followed by a hybrid bill. It references other legislatures where necessary.

## **2 Committee on Procedures *Report on the Inquiry into Private Legislation***

In its 2008 inquiry into private legislation, the Northern Ireland Assembly’s Committee on Procedures looked at the issue of hybrid bills. Its report commented:

*The anticipation is therefore hybrid bills will be a rare occurrence in the Northern Ireland Assembly and that the principles of scrutiny of such bill as per Westminster will be followed i.e. it will be referred to the appropriate statutory committee. For those provisions of the bill which are private in nature, the committee will follow the Standing Orders for private bills.*

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<sup>1</sup> Hybrid Bills: House of Commons Background paper, December 2013

<sup>2</sup> As above

*It is anticipated that a private bill will be identified as hybrid during preliminary scrutiny stage and as such the Speaker will be provided with the appropriate procedural advice at that step<sup>3</sup>.*

During evidence to the Committee, the then Acting Clerk of Bills said:

**Mr. Sandall:** *Hybrid Bills are public Bills that have been promoted by the Government rather than by petitioners from outside the House, and they are hybrid because they affect private interests adversely. The first of a hybrid Bill's two Committee Stages is before a Select Committee, which is similar to a Committee on opposed Bills in that the promoters and persons directly affected who have petitioned against the Bill can make their case. Committees on hybrid Bills can sit for months — if not years — and a Bill may be carried over from one session to the next to ensure that time and expense are not wasted. The second Committee Stage is more conventional and often brief.*

**The Chairperson:** *Are they more difficult to deal with?*

**Mr Sandall:** *They are more difficult to deal with than ordinary private Bills, and that is due to the scale of the project and the nature and diversity of the opposition. The Crossrail Bill was more difficult than other hybrid Bills because the project underwent many changes. At various times, petitions for additional provisions were deposited, and those generated a further series of petitions against the project by people who would be affected by the increased powers that were sought. As the Committee examined the Bill, it suggested areas where it thought the Government ought to expand the project to include new stations, for instance. Each of the proposals for a new station required a fresh petition with a fresh opportunity for petitions against it. It was quite a performance<sup>4</sup>.*

### 3 Procedure in the House of Commons

Erskine May<sup>5</sup> provides detailed information on the procedure for Hybrid Bills – the following is summarised from the House of Commons Library briefing paper<sup>6</sup>:

1. Every public bill is examined by the Public Bill Office before it is introduced in the House of Commons to ensure its compliance with the rules of the House. To determine this, Clerks take into account the practice and precedent of many years.

<sup>3</sup> [http://archive.niassembly.gov.uk/procedures/2007mandate/reports/Report\\_90809R.htm](http://archive.niassembly.gov.uk/procedures/2007mandate/reports/Report_90809R.htm)

<sup>4</sup> As above

<sup>5</sup> Erskine May, Parliamentary Practice, 24<sup>th</sup> edition, 2011, LexisNexis

<sup>6</sup> House of Commons Library briefing paper on Hybrid Bills – December 2013

<p>2. If the Clerks consider that private interests may be affected, the House will order the Bill to be considered by the Examiners of Petitions for Private Bills following its introduction.</p>
<p>3. In the case of a bill thought to be hybrid, the Examiners are required to determine whether the Standing Orders<sup>7</sup> relating to private bills should apply to the bill. Their determination is based on the test of whether the Bill affects particular private interests of individuals differently from others in the same class or category.</p>
<p>4. If the Examiners find that the Standing Orders <b>should not</b> apply, the Bill proceeds as a public bill.</p>
<p>5. If they find that the Standing Orders <b>should</b> apply, the Bill is confirmed as a hybrid bill. The Examiners then consider whether the Standing Orders relating to private bills, which require promoters to give notice of their proposals and to deposit certain documents, have been complied with.</p>
<p>6. If the Standing Orders have been complied with, the Bill can be debated at Second Reading stage.</p>
<p>7. Where the Examiners find that the Bill has not complied with Standing Orders, it is referred to the Standing Orders Committee (as under the private bill procedure). This Committee considers whether Standing Orders that have not been complied with can be dispensed to allow the Bill, or a portion of it, to proceed. If this Committee decides that the Bill should not proceed because the Standing Orders have not been complied with, the promoters of the Bill usually abide by this decision.</p>

Hybrid bills are rare – only 12 have been introduced in the House of Commons since 1985.

If the Government is introducing a bill that is likely to be hybrid, it will “seek to ensure compliance with the requirements of the private business Standing Orders (with regard, for example, to advertisements, the drawing up of any necessary plans, etc) before a bill is introduced.

### *Petitions against the Bill*

The House of Commons briefing paper states that:

<sup>7</sup> See Standing Orders of the House of Commons:  
<http://www.publications.parliament.uk/pa/cm201516/cmstords/1154/body.htm#61>

“Any individuals, organisations or groups of people directly and specially affected by the Bill can deposit a petition to oppose the Bill. A petition is:

...a summary of objections to particular aspects of the Bill. It is a request to the House of Commons for the Petitioner to be allowed to argue their case before the Select Committee.

Petitions have to be deposited within a stipulated time in the Private Bill Office and must conform to the rules for petitions against private bills”<sup>8</sup>.

Guidance produced by the House of Commons provides information on the content and timing of petitions:

### **Who may petition?**

It is open to any individual, group of individuals or organisation “directly and specially affected” by the provisions of a hybrid bill to petition against that bill. Campaign groups not composed of individuals directly and specially affected by the bill, but which simply oppose the principle of it, cannot petition on the basis of their opposition alone. If the promoters of a bill feel that someone who petitions against a bill is not “directly and specially affected” they may object to the petitioners' right to petition.

### **When and where should the petition be presented?**

The timetable for receiving petitions in the House of Commons will be decided by the House at Second Reading. Information on when and where petitions against the bill can be deposited will be published as soon as possible after Second Reading, if the Bill passes that stage, and will be made available on the parliamentary website.

### **What should be the form and content of petitions?**

The petition should begin by setting out the bill title; who the petitioner is; the provisions of the Bill objected to; the particular damage caused to the petitioner by the bill; and the form of relief sought by the petitioner, including amendments to clauses. Since the petition forms the basis of a petitioner’s case before a select committee, petitions should include all the points of objection a petitioner has against the bill. Matters can only be raised in the committee if they are alluded to in the original petition. However, there is no need to elaborate objections in great detail: they can be stated in concise form<sup>9</sup>.

<sup>8</sup> House of Commons Library briefing paper

<sup>9</sup> How to Petition against a Hybrid Bill in the House of Commons, Session 2013-14

There is a petitioning toolkit, guidance leaflets and videos that have been produced for the *High Speed Rail (London - West Midlands) Bill*, a hybrid bill which is currently before committee<sup>10</sup>.

### *Select Committee*

The membership of the select committee is approved by the House, with composition reflecting party balance. Members serving on the select committee cannot have a personal or constituency interest in the Bill.

If petitions are received, the select committee will meet and consider the Bill in much the same way as a private bill committee would. However, there are certain differences; in particular, the promoters do not need to establish the need for the Bill since the House has already put on record its approval of the principle of the Bill at second reading.

The select committee will mostly sit in a quasi-judicial capacity. It will not be looking at principle or policy; its focus will be restricted to addressing mitigation, compensation and adjustment.

First the petitioners make their case, calling witnesses if necessary. Witnesses are normally examined on oath. When the opponents of the Bill have completed their case, and the promoters have been heard in reply, the committee considers the clauses of the Bill, reporting it to the House with or without amendment. If the committee wishes to communicate its view on the subject matter of the Bill, or if the promoters no longer wish the Bill to proceed, the committee may make a special report to the House<sup>11</sup>.

### *Environmental statements*

The House of Commons requires that an Environmental Statement be deposited if a hybrid bill authorises work to be carried out on land specified in the Bill. Parliament's procedures for dealing with Environmental Statements have to comply with the EU Directive on Environmental Impact Assessments, which include a requirement that the public are consulted on the formal statement.

#### **Parliamentary sovereignty and the EU Directive – extract from Human Rights blog<sup>12</sup>**

The EU Court of Justice has interpreted...(Environmental Impact Assessment Directive 2011/92/EU)...as imposing a number of requirements, including that the legislature must have available to it the information required by the directive, and a requirement that national courts must be able to verify that the requirements of the directive have been satisfied, taking account of the entire legislative process, including the preparatory documents and the parliamentary debates. The EIA argument raised some tricky issues as to how intensely the courts ought to get involved in assessing parliamentary procedures. This is because in two

<sup>10</sup> <http://www.parliament.uk/business/bills-and-legislation/current-bills/previous-bills/hybrid-bills/hybrid-bill-faqs/>

<sup>11</sup> House of Commons briefing paper

<sup>12</sup> <http://ukhumanrightsblog.com/2014/01/22/high-speed-rail-parliament-and-the-eu-courts/>

cases before the EU Court of Justice, the Advocate General interpreted the directive as also requiring that the national court must decide whether the legislative process has allowed sufficient preparation and discussion time for the legislature to be able properly to examine and debate the environmental effects of the project. Do/can MPs do their homework on such a huge project, when often their vote is required by their whip?

### *Private Members' Bills*

According to the House of Commons briefing paper:

Private Members may introduce a public bill that the Examiners decide is hybrid. Such a bill has little chance of becoming law. Examples of such bills are *the Epsom and Walton Downs Regulation (Amendment) Bill 1952-53*, which sought to amend charges made to bookmakers on Epsom and Walton Downs; and the *West Midland County Council (Abolition) Bill 1981-82*, a bill introduced under the ten-minute rule procedure to abolish the West Midlands County Council<sup>13</sup>.

## 3 Scottish Parliament

To date, only one hybrid bill has been introduced in the Scottish Parliament. Nevertheless, the accompanying guidance that complement Standing Orders are detailed and complex<sup>14</sup>. In addition, the guidance and standing orders relate only to hybrid bills introduced by the Scottish Government – there is no provision for a private member to introduce such a bill.

This section provides an overview of the hybrid bill process in the Scottish Parliament, beginning with the first consideration of the issue through to the current guidance. Appendix 1 provides a diagram showing the passage of a hybrid bill through the Scottish Parliament.

### **Report of the Standards, Procedures and Public Appointments Committee**

In 2009 the Scottish Parliament's Standards, Procedures and Public Appointments (SPPA) Committee reported on Hybrid Bills. At the time, the Parliament had no provision for hybrid bills, but in 2007 the Procedures Committee noted that, although no such bill had been brought forward, the absence of specific procedures for dealing with hybrid bills would not be desirable in the long term.

In December 2008 the Scottish Government announced its intention to bring forward primary legislation to promote an additional crossing of the River Forth: "Such a Bill

<sup>13</sup> As above

<sup>14</sup> See relevant Standing Orders: <http://www.scottish.parliament.uk/parliamentarybusiness/26511.aspx>

would be introduced by the Scottish Government but would also include provisions which would affect the interests of third parties in that those provisions would seek to compulsorily purchase certain rights... An informal working group of Parliament and Scottish Government officials was established to identify procedural issues that the SPPA Committee might wish to consider should it inquire into the need for considering Public Bills with private provisions<sup>15</sup>.

The SPPA Committee agreed that the basis for the rules on hybrid bills should be the established Public Bill and Private Bill procedures and accompanying guidance. In addition, the Committee also agreed, given the timescale it was operating under, that “it would focus its inquiry on rules for Scottish Government Hybrid Bills rather than other types of Hybrid Bills (such as those introduced by a member or a Committee)<sup>16</sup>.

### **Forth Crossing Bill Committee report**

In 2011 the Forth Crossing Bill Committee published its report *Observations on Hybrid Bill Procedure in the Scottish Parliament*. The report contained general observations by the Committee, observations on Standing Orders relating to hybrid bills, summaries of responses from focus groups and survey responses. It identified areas for improvement to make the process clearer, for example in relation to the information available to people who may wish to object to the Bill.

The Forth Crossing Bill was a significant undertaking involving the Scottish Parliament, Scottish Government and Transport Scotland. The scale of the project led to many ‘Objectors’, people opposed to the Bill, and the report pointed out the need to ensure that the views of these organisations and individuals were accommodated.

### **Guidance on hybrid bills**

The aforementioned reports have informed the Scottish Parliament’s current Standing Orders and guidance relating to hybrid bills. The guidance document<sup>17</sup> is detailed, at 100 pages, and some of the key provisions are summarised below. **This is not a substitute for consulting the full guidance.** It is also important to note that the guidance is aimed at Scottish Government hybrid bills, it does not provide for circumstances where such a bill is introduced by a member or a committee:

- Every Hybrid Bill must be accompanied on introduction by:
  - a statement on legislative competence by the Presiding Officer
  - Explanatory Notes

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<sup>15</sup> SPPA Committee report: <http://archive.scottish.parliament.uk/s3/committees/forthXbill/reports-11/fcbr11-01.htm#anna>

<sup>16</sup> As above

<sup>17</sup> Scottish Parliament *Guidance on hybrid bills*: <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/15703.aspx>

- a statement on legislative competence by the member<sup>18</sup> introducing the Bill
- a Policy Memorandum
- a Financial Memorandum (which must contain additional information if the Bill is a “works Bill” (namely Bills that either seek to authorise the construction or alteration of certain classes of works, or seek to authorise the compulsory acquisition or use of any land or buildings – see Appendix 2).
- a Scottish Ministers’ Statement (which must contain additional information if the Bill affects heritable property)

In certain circumstances, an Auditor General’s Report may also be required.

Many aspects of the guidance apply also to public bills and private bills, but there are several issues unique to hybrid bills:

**Scottish Ministers’ Statement:** The main purpose of this statement is to set out how the Scottish Government has notified and made information available to those likely to be affected (by the provisions of the bill). The first requirement of the statement applies only to Hybrid Bills that affect heritable property. This is likely to include any Bill to which Rule (Standing Order) 9C.1.2 applies (this is a Hybrid Bill which seeks to authorise the construction or alteration of such classes of works as may be determined by the Presiding Officer or a Hybrid Bill which seeks to authorise the compulsory acquisition or use of any land or buildings).

In practice, this requires the Scottish Government firstly to identify which properties are affected by the Bill, then to establish who has a relevant interest in each such property, and finally to notify (if possible) each such person. The Scottish Ministers’ Statement should give an explanation of how each step was carried out.

**Advertisement of Ministers’ intention to introduce Bill:** in relation to every Hybrid Bill, the Scottish Ministers’ Statement must include details of the advertisement of their intention to produce the Bill. This must be done in two ways – namely by taking out advertisements in newspapers and by arranging to have notices put up in public libraries.

**Additional information to be supplied for works bills:** if a hybrid bill is also classed as a ‘works bill’ then additional supporting documentation must be supplied. This includes:

- Financial Memorandum

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<sup>18</sup> References in the Guidance to “the Minister” or “the member in charge” of the Hybrid Bill are either to the member of the Scottish Government who introduces the Bill (or who is subsequently appointed by the First Minister to take general responsibility for the subject matter of the Bill), or to a junior Scottish Minister designated by him or her.

- Maps, plans, sections and books of references
- Environmental Statement – this must contain the same information about the Bill’s anticipated environmental impact as would be required by relevant environmental legislation.

**Objections:** Any person, body corporate or unincorporated association may lodge an objection to a Hybrid Bill that they consider would adversely affect their private interests. Objections may be lodged jointly by a number of persons (for example, two or more members of the same household, or a group of people living in the same street). Prospective objectors are advised to contact the Non-Government Bills Unit (NGBU) clerks to seek guidance and information on the parliamentary procedures involved including the arrangements for lodging an objection.

**Objection period:** Objections should be lodged with the Clerk during a 60-day period, which begins on the day after the introduction of the Bill.

**Nature of objection:** The objection should explain the ground or grounds on which the objector objects to the Bill. With a Bill that authorises works, for example, the grounds may include noise or loss of amenity; with a Bill authorising the compulsory acquisition of land, the grounds may include the objector’s unwillingness to move or a concern that any compensation offered does not reflect the value of the land.

Given the wide scope for variation in the subject-matter and impact of Hybrid Bills, it is not possible to say in advance what grounds may legitimately be used as a basis on which to object to them.

The objector must explain whether the objection is to the entire Bill or to certain provisions within it.

## Hybrid Bill Committee

**The three stage process:** All Hybrid Bills are subject to a three-stage process. These are:

- **Stage 1** – in which the Committee considers and reports on the general principles of the Bill and whether it should proceed as a Hybrid Bill, and gives preliminary consideration to any objections; the Parliament then decides whether the Bill should proceed to the next stage
- **Stage 2** – in which the Committee gives full consideration to any objections, then considers any amendments lodged
- **Stage 3** – in which the Parliament considers any further amendments lodged, and then decides whether to pass the Bill.

**Membership:** Following the introduction of a Hybrid Bill, the Parliament must establish a Hybrid Bill Committee to consider it. A Hybrid Bill Committee must consist of three, four or five members.

There are various constraints on who can serve as a member of a Hybrid Bill Committee. The quasi-judicial role that the Committee is expected to perform makes it important that their members are, and are seen to be, neutral and impartial. Accordingly, the following may not be appointed to a Hybrid Bill Committee:

- An MSP whose principal place of residence is within the area of any works that the Bill would authorise
- An MSP who owns (or has any other right or interest in) any land or buildings that would be subject to compulsory acquisition or use under the Bill
- An MSP whose constituency or region includes any part of the area of any works that the Bill would authorise
- An MSP whose constituency or region would, in the opinion of the Parliamentary Bureau, be particularly affected by any such works
- An MSP who has a financial interest that, in the opinion of the parliamentary Bureau, directly relates to the subject matter of the Bill
- An MSP who has any other interest registered in the Register of Interests of Members of the Scottish Parliament that the Parliamentary Bureau would, or would likely to, prejudice the MSP's ability to participate in the Committee's proceedings in an impartial manner.

**Attendance at meetings:** Partly because of the small size of Hybrid Bill Committees and partly because of the special nature of their proceedings, members are expected to attend all meetings of the Committee, and may be absent from a meeting only in exceptional circumstances.

**Assessors:** In the case of a works bill, the Hybrid Bill Committee can decide to direct the Parliamentary corporation to appoint an assessor to undertake some of the detailed work on the Bill at Stage 2. The main role of an assessor is to consider the evidence given by the Scottish Government and objectors at Stage 2 and to report to the Committee with recommendations. The assessor may also be asked to carry out an initial assessment of the objections and recommend to the Committee how they should be grouped, which objectors should be chosen as lead objectors, and whether the evidence invited should be oral, written or both.

## 4 Republic of Ireland

In 2012 the Joint Committee on Standing Orders (Private Business) published a report on the Revision of Standing Orders Relative to Private Business 1939. The Committee:

...immediately commenced the task of examining the 1939 Standing Order procedures that underpin the passage of private legislation through both Houses. The Standing Orders relative to Private Business 1939 replaced the Standing Orders adopted in 1923, however, they have not been examined or reviewed since 1939. It is considered that they are unnecessarily complicated and are no longer fit for purpose.

The Committee made the following observations in relation to hybrid bills:

Hybrid bills are dealt with in a virtually identical manner by Dáil Éireann's Standing Orders Relative to Public Business 2007 and Seanad Éireann's Standing Orders Relative to Public Business 2007. The relevant provision in Dáil Standing Orders provides as follows:

*"A public Bill (not being a Bill to confirm a Provisional Order) affecting private interests in such a way that, if it were a private Bill, it would, under the Standing Orders relative to Public Business require preliminary notices before its introduction, is known as a hybrid Bill and shall be subject to the provisions of Standing Order 60 of the Standing Orders relative to Private Business."*

Standing Order 60 of the Standing Orders of the Dáil and Seanad Relative to Private Business 1939 provides for the reference of what otherwise is a public Bill by either the Ceann Comhairle of the Dáil or the Cathaoirleach of the Seanad of the said Bill to the Examiner of Private Bills (otherwise the Clerk of the Seanad) to examine the Bill with respect to the Private Bill Standing Orders and report accordingly.

On instructions, the last hybrid Bill was in 1931. On instructions, the last occasion a submission concerning a hybrid Bill was mooted arose in the context of the Harbours Bill 1995 concerning Foynes Harbour Trustees. Nothing further transpired and the Harbours Bill 1995 was enacted as the Harbours Act 1946, a public Act of the Oireachtas.

**Bearing in mind the extent to which local government law generally deals with such matters in public legislation, there is no reason why the hybrid Bill provisions should not be removed from the respective Standing Orders. The relevant standing orders are obsolete in the context of present parliamentary practice and would appear to no longer serve a useful purpose.**

Despite this recommendation, the provisions for hybrid bills remain in Standing Orders<sup>19</sup>.

<sup>19</sup> Standing Orders of Dail Eireann: <http://www.oireachtas.ie/documents/publications/modsod20151217.pdf>

## 5 Other legislatures

The following table provides examples of legislatures that do/not provide for hybrid bills. No reference to hybrid bills could be found in relation to the National Assembly for Wales.

Legislature	Provision for Hybrid Bills?	Comments
Parliament of Australia	No	In the House of Representatives all bills are treated as ‘public bills’—that is, bills relating to matters of public policy. The House of Representatives does not recognise what in the United Kingdom and some other legislatures are called ‘private bills’—that is, bills for the particular interest or benefit of any person or persons, public company or corporation, or local authority. Hence there is also no recognition of what are termed ‘hybrid bills’—that is, public bills to which some or all of the procedures relating to private bills apply <sup>20</sup> .
Canadian House of Commons	No	While British parliamentary practice makes allowance for hybrid bills, Canadian parliamentary procedure requires that all bills be designated either as public bills or as private bills. When a single bill incorporates both private and public considerations, it is dealt with as a public bill <sup>21</sup> .
New Zealand House of Representatives	No	As the House has no concept of a “hybrid” bill falling into more than one of the four categories of bills, it may be necessary for the Speaker or the House to order that a bill be divided or that a clause be omitted from it to reflect its proper classification. In all cases the House can suspend its Standing Orders to permit a bill to proceed even though it contains provisions relating to more than one type of bill <sup>22</sup> .

<sup>20</sup> [http://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/Powers\\_practice\\_and\\_procedure/practice/chapter10](http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/practice/chapter10)

<sup>21</sup> House of Commons (Canada) Procedure and Practice, 2009

<sup>22</sup> [http://www.parliament.nz/en-nz/about-parliament/how-parliament-works/ppnz/00HOOOCPNZ\\_251/chapter-25-classification-and-form-of-legislation#\\_Toc263942870](http://www.parliament.nz/en-nz/about-parliament/how-parliament-works/ppnz/00HOOOCPNZ_251/chapter-25-classification-and-form-of-legislation#_Toc263942870)

Parliament of Singapore	Yes	<p><b>Hybrid Bills</b></p> <p>68. – (1) Where a public Bill has been ordered to be read a second time on a future day and the Speaker is of the opinion that the Bill appears to affect prejudicially individual rights or interests (referred to in these Standing Orders as “a hybrid Bill”), the Bill shall, after being read a second time, be referred to a Select Committee before which any affected party who has presented a Petition to Parliament under the provisions of Standing Order No. 18 [<i>Petitions</i>] may be heard upon that Petition, either in person or by Counsel.</p> <p>(2) In the consideration of the Bill the Select Committee shall proceed in accordance with the provisions of paragraphs (4) and (5) of Standing Order No. 87 [<i>Private Bills</i>].</p>
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## 6 Conclusion

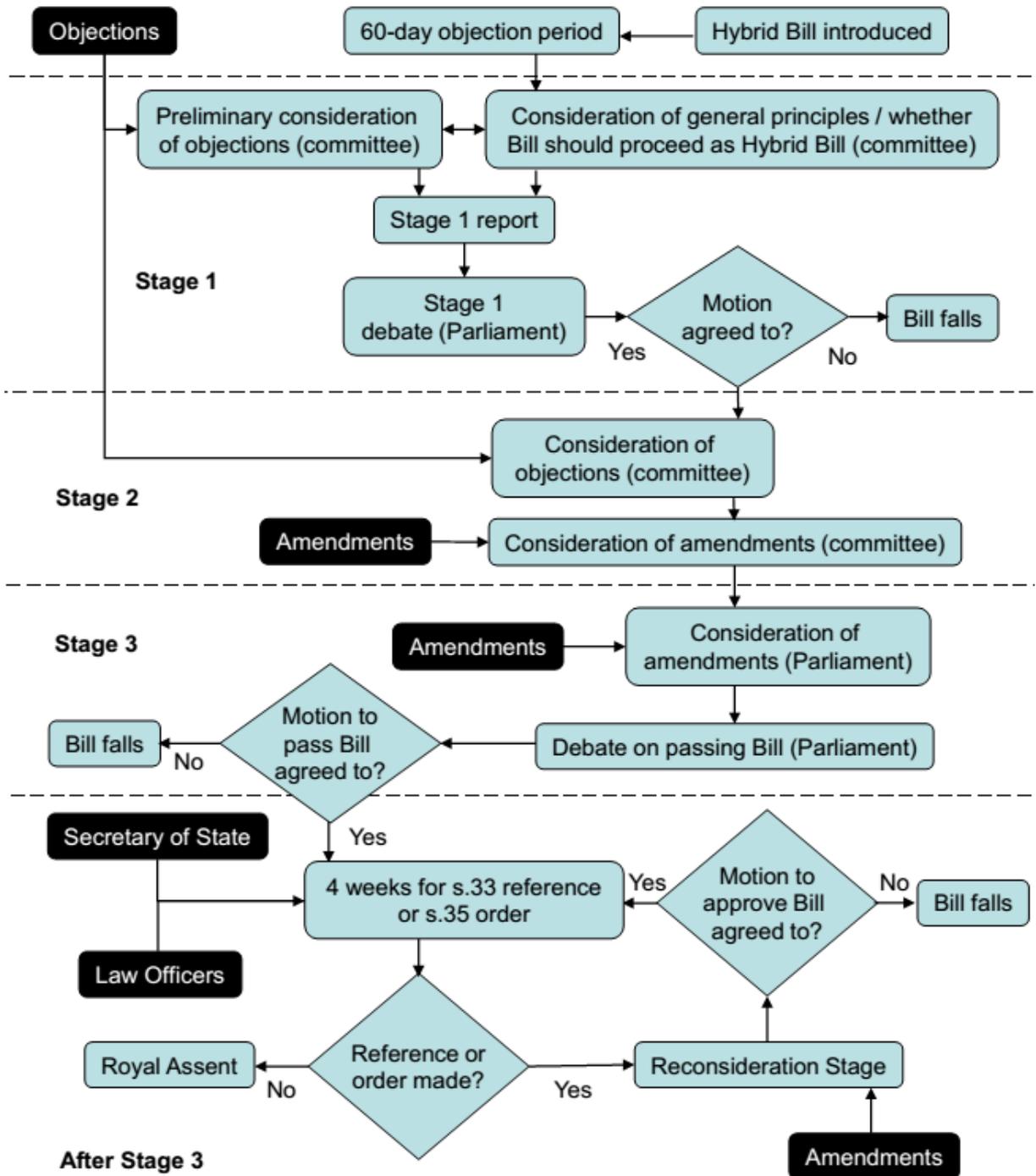
The research found only limited examples of hybrid bills. They are rare in the House of Commons, only one has been introduced and passed in the Scottish Parliament, Dáil Éireann has provision for them but has never dealt with a hybrid bill and the National Assembly for Wales makes no provision for them.

Of the other Westminster-style legislatures that usually have significant read-across in rules and procedures from the UK Parliament, the Parliaments of Australia, Canada and New Zealand prohibit the introduction of hybrid bills.

Both the House of Commons and Scottish Parliament have detailed guidance beyond Standing Orders to assist stakeholders in navigating the hybrid bill procedure. Hybrid Bills usually address large construction works and hence there is scope for objecting to their passage.

The research did not have sight of the Bill submitted to the Speaker of the Northern Ireland Assembly, but it assumes that it is not on the scale of hybrid bills considered by the UK Parliament, which have dealt with the Channel Tunnel Rail Link, Crossrail and High Speed Rail (sometimes referred to as HS2). These Bills, along with the one passed by the Scottish Parliament, require compliance with environmental statements. These in turn must comply with the objectives of the EU Directive on Environmental Impact Assessments, which include a requirement that the public are consulted on the formal environmental statement. This requirement would need to be considered in the context of the Assembly drafting Standing Orders to deal with hybrid bills.

Appendix 1: Diagram showing passage of Hybrid Bill in the Scottish Parliament



## Appendix 2: Classes of works – Scottish parliament hybrid bills

Aqueduct

Archway

Bridge

Canal

Cut

Dock

Drainage (where it is not provided in the Bill that the cut shall not be more than 3.4 metres wide at the bottom)

Embankment for reclaiming land from the sea or any tidal river

Ferry

Harbour

Light railway

Navigation

Pier

Port

Reservoir

Road

Sewer

Subway

Tramroad

Tramway

Trolley vehicle system

Tunnel

Waterwork