

Guidance on right to be heard

Only individuals, groups of individuals, companies or organisations who are directly and specially affected by the bill have the 'right to be heard' by means of petition.

This means that the objections you have to the bill must adversely affect you or your interests in a specific way that is different from the effect on people and bodies generally.

So general concerns about the effect of the scheme such as traffic congestion or air pollution would not normally give a right to be heard. These kinds of issues may be represented better by a parish council or local authority, who can call individuals as witnesses if they wish.

Your objections must also relate to this phase of HS2 as contained in the bill, not the HS2 project as a whole.

If you submit a petition, the promoter (the Department for Transport) may decide to challenge your right to be heard if it believes you are not directly and specially affected. If this happens you'll be invited to speak to the select committee to explain why you think you have the right to be heard, and the promoter will set out their case. At that point you shouldn't make the arguments within your petition but only the argument for why your petition should be considered.

Having heard the arguments from both sides, the select committee will decide whether you have the right to be heard. It might decide to set limits on the right of a petitioner to have their petition considered; for example, if they decide that one aspect of the petition is appropriate to be heard but another aspect is out of scope.

If you would like advice about whether you are likely to have the right to be heard, you can contact the House of Commons Private Bill Office. However please remember that the ultimate decision will be for the select committee.

Further information and resources

- The Promoter has produced their own [guidance stating their approach to right to be heard challenges](#).
- [Court of Referees locus standi reports](#) – while the Court of Referees is not responsible for hybrid bills, decisions taken by the Court of Referees are binding on any select committee for a hybrid bill
- Erskine May – [para 30.67 proceedings in committee](#) and [para 44.4 Court of Referees](#)
- [MPs' Guide to Procedure](#)
- [House of Commons Standing Orders relating to Private Business](#) (many of these are analogous for hybrid bills) – SO 91 is particularly relevant but please note right to be heard challenges are heard by the select committee for a hybrid bill, unlike for private bills where the challenges are heard by the Court of Referees.